**ADDENDUM # 1**

**From:** Lena Butler, Purchasing Supervisor  
**To:** All Service Providers  
**Project:** Non-Emergency Transportation Services  
**Date:** May 10, 2019  

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**This addendum is related to the County’s Request for Proposals “RFP– Non-Emergency Transportation Services” and is hereby made a part of said RFP to the same extent as though it were originally therein.**

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**Questions Received:**

1. Per the RFP notification for the above referenced services I am providing notice of a discrepancy in the RFP. The RFP references “MAP-21” as the Federal Guidelines to be followed. This federal provision was superseded by the FAST-Act in December 2015. “The Fixing America’s Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015” This information will need to update/amended in the RFP in order for the Authority to legal respond to the RFP. Please note that any reference to MAP-21 is amended and replaced by “The Fixing America’s Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015.” For complete information, you may access the entire publication by clicking the link. [https://www.congress.gov/114/plaws/publ94/PLAW-114publ94.pdf](https://www.congress.gov/114/plaws/publ94/PLAW-114publ94.pdf)

2. Section 5 Service Provider Responsibilities/Requirements  
   C. Employees - Drivers/Subcontractors  
   All drivers will be randomly tested for both drugs (10 panel test) and alcohol a minimum of one (1) time per year (a twelve-month period). – That is not in compliance with the law regarding random testing. I cannot guarantee that all drivers will be tested if the program is random.

   The Medicaid policy states that vendors, public and private, must participate in a random drug and alcohol testing program which meets the requirements of FTA.

3. Section 8 FEDERAL AND STATE REQUIREMENTS AND SPECIAL CONDITIONS FOR OPERATIONS AND MANAGEMENT CONTRACTS  
   Master Agreement FTA MA (21), dated October 1, 2014 – current version dated 10-1-2017  

   **Section 8 - The entire section “FEDERAL AND STATE REQUIREMENTS AND SPECIAL CONDITIONS FOR OPERATIONS AND MANAGEMENT CONTRACTS” is being replace by the attached document Revised 3/19.**

4. **Page 6 states:** DSS and Senior Resource Center coordinates all non-emergency transportation services for eligible passengers. Services are provided 24 hours per day/7 days per week, 364 days per year. How will the Awarded
contractor receive the requested trips from DSS and SRC? Would it be the day before or a Daily/Weekly file and what format? Excel format?

DSS will send in an CSV/Excel format, a schedule 3 days prior to the date of the client’s appointment for Medicaid Transportation. For the Work First and Family Support Programs at DSS, vendors will be provided an authorization at a minimum of one day prior to the date of transportation via email/fax. The Social Worker will follow up to make sure the authorization was received. On rare occasions, a same day request for transportation maybe requested.

The SRC will send a demand trip schedule or changes to fixed route schedule in an excel format 1 business day in advance. On rare occasion, a same day request for transportation maybe requested.

5. **Page 6 states:** On occasion, trips for DSS eligible passengers are provided for appointments outside New Hanover County. Do you have the Average monthly occurrence and trip length for these trips (DSS and SRC)?

For DSS, the average out-of-county trips is normal 10% of our monthly volume. Trip length varies to location (i.e. Raleigh, Charlotte, Jacksonville, etc.).

SRC does not schedule trips outside of NHC.

6. Will the awarded contractor be allowed to contact the member to confirm next-day appointments or will this go through DSS and SRC?

For DSS and SRC, yes, you are able to contact the client to confirm the trip. Also, state and county Non-Emergency Medicaid Transportation policy requires clients to cancel trips 24 hours in advance or they will receive a “No-Show.”

7. Will member appointment changes or cancellations go through DSS and SRC? If through awarded contractor what would be the recommended days/hours of operation?

For DSS, **all** changes to a scheduled trip must be authorized by DSS for the Medicaid program. Cancellation of a trip must be made to DSS and the transportation vendor depending on when the client calls regarding the cancellation. (Note: Clients are advised to contact both entities to ensure compliance). For the Family Support and Work First programs, the client is responsible for the scheduling and cancellation of trips once the Social Worker has provided the initial authorization period to the vendor. The client is responsible for notifying the vendor and the Social Workers in the Family and Work First programs of any transportation changes pertaining to the authorization.

For SRC, **all** changes to a scheduled trip must be authorized by SRC. Cancellation of a trip must be made to SRC and the transportation vendor depending on when the client calls regarding the cancellation. (Note: Clients are advised to contact both entities to ensure compliance). “Will Call” trips are pre-approved by the SRC to allow a client to call the vendor for their return trip home. This allows the client to contact the vendor when their medical appointment is complete for their return trip home. Will Call trips are pre-identified on the schedule submitted to the vendor.

8. Are members allowed to book same day trips with both DSS and SRC or is there a 2-day minimum requirement, for example?

For DSS, NEMT is non-emergency Medicaid transportation, and requires a 3- day notice for in county trips and a 5-day advance notice for out-of-county trips. However, if a client’s medical doctor determines a client’s medical
needs are urgent, then a same day trip can be authorized and sent to a transportation vendor. For the Family Support and Work First same day trips may occur occasionally, but a majority of the trips should be schedule at a minimum of 1 days’ notice.

The SRC requests that clients give a 2 business day minimum when scheduling a trip. The SRC will provide the vendor with an approved schedule 1-day business day in advance. However, on rare occasions if a client’s medical doctor determines a client’s medical needs are urgent, then a same day trip can be authorized and sent to a transportation vendor.

9. Can you tell us who the current NEMT Transportation Contractor(s) are? For DSS, there are presently 4 vendors providing Medicaid, Family Support, and Work First transportation.

- Cape Fear Public Transportation
- Port City Taxi
- Med Trans of NC, LLC
- Ivory’s Accessible Transport Services, Inc.

For SRC, there are presently 4 vendors providing NEMT and general/nutrition transportation.

- Cape Fear Public Transportation (dba WAVE)
- Port City Taxi
- Taxi USA
- Freedom Transport Club

10. Can you please provide the awarded proposal response for the current contract, including price data and any addendum/attachments?

Copies of all proposals are attached.

11. What is the Trip Volume per Month for 2019 for both DSS and SRC?

For DSS, the average trip volume varies from 6,000 to 8,000+ trips per month.

For SRC, the average trip volume is 2100-2200 trips per month (this is depending on grant funding).

12. What’s the approximate average percentage breakdown of transportation mode of trips for both DSS and SRC? Example: 75% of trips were Ambulatory and 25% Wheelchair?

For DSS, the monthly average for ambulatory vs. non-ambulatory trips fluctuates drastically depending on scheduled Medicaid appointments, client’s ambulatory status (changes), and new clients coming onboard to DSS transportation. We estimate that wheelchair is approximately 8% of our trips and ambulatory

For the SRC approximately 25% of trips require a wheelchair or lift to accommodate rollators.

13. What’s the past member "No Shows" for NEMT services for both DSS and SRC?

For DSS and SRC, this figure varies considerably from vendor to vendor, but is estimated at approximately 5%.
14. What's the average trip length for NEMT services for both DSS and SRC?

For DSS, this varies considerably from the in county to out-of-county trips. The out of county trips average approximately 300 miles round trip. In county trips average between approximately 12 to 18 miles round trip.

For SRC this varies, but in county trips average between approximately 10 to 18 miles round trip.

15. Do you have the Average Percentage of "Will Call Trips" for return rides back home for both DSS and SRC?

For DSS, we set most return pick-up times at the time the client advises of their trip information, however, we do have a large population of clients (40%) who prefer to have a will call preferably over an established pick up time.

For SRC the average will call is 50% for NEMT.

16. Will New Hanover County accept electronic signatures from members or do they need to sign trip logs?

For DSS, confirmation of the clients travel to an approved Medicaid medical appointment is completed by a DMA Form 5118. An electronic signature is an acceptable form of a signed ride slip for fiscal purposes only to verify the client was provided transportation as documentation for charges invoiced.

For SRC, an electronic signature is an acceptable form of a signed ride slip for fiscal purposes only to verify the client was provided transportation as documentation for charges invoiced. Invoice must include the client’s correct name, date and time of service, and correct origin/destination address. For pick up trips from the SRC, drivers are to come into the SRC lobby and sign the transportation log including taxi number and time of arrival before taking passengers from the SRC.

17. The Service Provider shall comply with the County’s purchasing policy. New Hanover reserves the right to reject any and/or all proposals in connection with this project, and to waive formalities in a proposal.

It is my understanding the New Hanover County has a purchasing policy that requires at a minimum of $1,000,000 or $1,500,000 auto liability insurance as a standard minimum. Will these standards be administered/required for this RFP?

Yes. For a non-taxi cab vendor seeking to provide Non-Emergency Medicaid Transportation services, it is required by Medicaid Policy that you carry a minimum $1.5 million in auto liability. Taxi Cab liability insurance are set by local ordinances and can vary from county to county. New Hanover County requires, at a minimum, a combined single limit of $100,000.00 for bodily injury (per person), $300,000.00 Bodily Injury (per accident) and $50,000 Property Damage (per accident); and a limit of $2,000.00 for medical payment coverage. Taxi Cab companies may carry a high coverage if they so choose.
18. Considering Public Safety is Priority Number One, what will the required insurance minimums be for providing services under this proposed agreement with the Senior Resource Center and DSS?

**Insurance Requirements for Taxi Transportation Services**

The requirements listed below are the **GENERALLY ACCEPTED** insurance requirements for this class of business.

<table>
<thead>
<tr>
<th>Insurance Description</th>
<th>Minimum Limits of Insurance Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial General Liability</strong></td>
<td>$1mil Ea. Occurrence; $1mil Products/Completed Operations; General Aggregate Limit shall apply separately to this project/location or the general aggregate limit shall be twice the required limit.</td>
</tr>
<tr>
<td><strong>Business Auto Liability</strong></td>
<td>$100,000 Bodily Injury (Per Person); $300,000 Bodily Injury (Per Accident); $50,000 Property Damage (Per Accident; Any Auto including Hired &amp; Non-owned Liability; $2K Medical Payments Coverage</td>
</tr>
<tr>
<td><strong>Worker’s Compensation</strong></td>
<td><strong>Statutory Limits</strong> $100,000/$100,000/$500,000 This policy must include a Waiver of Subrogation.</td>
</tr>
<tr>
<td><strong>Employer’s Liability</strong></td>
<td><strong>Statutory Limits</strong> $100,000/$100,000/$500,000 This policy must include a Waiver of Subrogation.</td>
</tr>
<tr>
<td><strong>Additional Insured CG 20 26</strong></td>
<td><strong>New Hanover County (not the department), its officers, officials, agents and employees</strong></td>
</tr>
</tbody>
</table>

**Insurance Requirements for Medical, General and Work First Transportation Services (Seating Capacity less than 15 Passenger)**

The requirements listed below are the **GENERALLY ACCEPTED** insurance requirements for this class of business.

<table>
<thead>
<tr>
<th>Insurance Description</th>
<th>Minimum Limits of Insurance Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial General Liability</strong></td>
<td><strong>Subject to change depending on size/location/description of work</strong> $1mil Ea. Occurrence; $1mil Products/Completed Operations; General Aggregate Limit shall apply separate to this project/location or the general aggregate limit shall be twice the required limit.</td>
</tr>
<tr>
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Business Auto Liability
$1,500,000 Bodily Injury (Per Person); $1,500,000 Bodily Injury (Per Accident); $1,500,000 Property Damage (Per Accident; Any Auto including Hired & Non-owned Liability; $2K Medical Payments Coverage

Worker’s Compensation Statutory Limits $1,000,000/$1,000,000/$1,000,000 This policy must include a Waiver of Subrogation.

Employer’s Liability

Additional Insured CG 20 26 ** New Hanover County (not the department), its officers, officials, agents and employees

19. Audited Financial Statements:

I. Audited Financial Statement is required for the last period audited. Service Providers with total revenue, from all sources, of more than one hundred thousand dollars ($100,000) in annual funding are REQUIRED to submit an annual Audited Financial Statement (AFS) prepared by a Certified Public Accountant.

As discussed in the Pre-Bid Conference, being that there is no guarantee as to the amount of work any one vendor may be awarded, the $100,000 threshold will not be met as a guarantee. I want to be sure to ask again. Audited Financial Statements are not a requirement of this RFP, correct?

Audited financial statements are preferred; however, if they are not available, attach latest balance sheet and income statement. If balance sheet and income statement are not available, attach a copy of most recently filed federal tax return. (Firms may clearly indicate a request for confidentiality to avoid this item becoming part of a public record.)

20. C. Employees - Drivers/Subcontractors

1. Employed or subcontracted must be at least 18 years of and have a valid appropriate North Carolina driver’s license and a safe driving record with no DUI/DWI’s in the past ten years...

2. Clean in appearance, clothing has visible driver and company name/logo identification. Polite and courteous to passengers. Smoking is not allowed inside the vehicles at any time.

What are the acceptable forms of visible driver and company name/logo identification? DSS and SRC will accept an official company badge and valid taxi permit, if applicable, as an acceptable form of driver identification.

D. Non-Emergency Transportation Service

8. Invoices and signed ride slips must be received by the 5th of the month.
Are Digital Signature Acceptable forms of signed ride slips? For DSS, an electronic signature is an acceptable form of signed ride slips for fiscal purposes only to verify the client was provided transportation. Proof of electronic signature must be provided with your invoice due by the 5th of each month. In addition, a completed DMA 5118 is requested to confirm clients traveled to a Medicaid medical appointment by the Medicaid Transportation Coordinators.

For SRC, an electronic signature is an acceptable form of signed ride slips for fiscal purposes only to verify the client was provided transportation. Proof of electronic signature must be provided with your invoice due by the 5th of each month.

21. Current Pricing for All Vendors Providing Services Under the existing DSS and Senior Resource Center Agreements? Can we have the current costing?

New Hanover County Department of Social Services and Senior Resource Center will not pay for no-shows, not ready or wait time.

<table>
<thead>
<tr>
<th>Ambulatory</th>
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<tbody>
<tr>
<td><strong>Out of County</strong></td>
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<table>
<thead>
<tr>
<th></th>
<th>Flat Rate</th>
<th>Per Mile</th>
<th>Additional Clarification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Flat Rate $10.00 plus mile</td>
<td>$1.75 per</td>
<td>**Shared miles are defined as the total number of passenger miles during a van’s daily trip, divided by the number of passengers transported during the daily trip.</td>
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<tr>
<td></td>
<td>mileage; $5.00 for</td>
<td>shared mile</td>
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<td></td>
<td>County-approved guest.</td>
<td>rode</td>
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<td></td>
<td>Escorts are free.</td>
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<tr>
<td>Out of County – less than 8 hours</td>
<td>$10.00 plus</td>
<td>$1.90 per</td>
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<td></td>
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<td></td>
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<tr>
<td>Out of County</td>
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<tr>
<td>Out of County</td>
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### Ambulatory

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</tr>
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<tbody>
<tr>
<td>Inside city limits</td>
<td>$</td>
<td>8.25</td>
<td>N/A</td>
</tr>
<tr>
<td>Inside city limits</td>
<td>$</td>
<td>1.49</td>
<td>N/A</td>
</tr>
<tr>
<td>Inside city limits</td>
<td>$15 (one leg of trip)</td>
<td>$30.00 (round trip)</td>
<td>N/A</td>
</tr>
<tr>
<td>Outside city limits within New Hanover County</td>
<td>$</td>
<td>17.00</td>
<td>N/A</td>
</tr>
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<tr>
<td>In County – not south of Snow’s Cut</td>
<td>$5.00 for County-approved guest. Escorts are free.</td>
<td>$2.65 per passenger mile; 2-mile minimum</td>
<td>*Passenger miles are defined as the total number of miles that a passenger rides in a van regardless of direct mileage.</td>
</tr>
<tr>
<td>To Carolina Beach</td>
<td>$</td>
<td>19.00</td>
<td>N/A</td>
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<td>1.49</td>
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</tr>
<tr>
<td>Out of County</td>
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<td>1.75</td>
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</tbody>
</table>

#### SRC current rates

<table>
<thead>
<tr>
<th>Non-Wheel chair (inside city limits)</th>
<th>Wheel chair Bound (Inside City Limits)</th>
<th>Non-Wheel chair (Outside City within county)</th>
<th>Wheel chair Bound (outside city-within county)</th>
<th>Non-Wheel chair to Carolina Beach</th>
<th>Wheel chair Bound to Carolina Beach</th>
<th>Non-Wheel chair (Outside County)</th>
<th>Wheel chair Bound (Outside County)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat Rate</td>
<td>Round Trip</td>
<td>Price Per Mile</td>
<td>Flat Rate</td>
<td>Round Trip</td>
<td>Price Per Mile</td>
<td>Flat Rate</td>
<td>Round Trip</td>
</tr>
<tr>
<td>Taxi USA</td>
<td>$8.25</td>
<td>$16.50</td>
<td>$15.00</td>
<td>$30.00</td>
<td>$17.00</td>
<td>$34.00</td>
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</tr>
<tr>
<td>Freedom Trans</td>
<td>$10.00</td>
<td>$20.00</td>
<td>$25.00</td>
<td>$50.00</td>
<td>$25.00</td>
<td>$50.00</td>
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</tr>
<tr>
<td>Port City Taxi</td>
<td>$8.25</td>
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<td>$17.00</td>
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<td>$19.00</td>
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<tr>
<td>WAVE</td>
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<td>$2.65</td>
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<td>$2.65</td>
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<td>$2.90</td>
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</tbody>
</table>

* Passenger miles are defined as the total number of miles a passenger rides on a van, regardless of direct mileage.
**WAVE has a 2 mile minimum.
***WAVE charges $5.00 for an approved guest. Escorts or caregivers have no charge.
22. Current Vendor Insurance Certificates. Can we have a copy of the current vendor certificates of insurance including the driver and vehicle schedule, as required for all scheduled auto policies?
You would need to submit a public records request to New Hanover County in order to obtain this information.

23. Current Vendor Fleet Schedule. Can we have a list of the current vehicles being provided to DSS and Senior Resource Center Passengers?
   For DSS and SRC, transportation is provided via taxi cabs, wheelchair (para-transit) vans, and regular transport vans.

24. Although the RFP Stated that there were no guarantee of trips, can you please share how many trips were provided by each vendor, for the last annually reported period, and how many of them were wheelchair and non-wheelchair trips?
   The number of trips provided by each vendor is not available; however, in FY 2018 a total of 81,162 trips were provided for DSS of which 8% (7,132) were for wheelchair clients. For the SRC, in FY 2018 a total of 21,222 trips were provided of which approximately 25% of trips were for wheelchair or required a lift.

25. What % of trips for DSS and Senior Resource Center require wheelchair accessible vehicles?
   For DSS, this requirement changes every week dependent upon which client is requesting transportation, and the ambulatory changes that are present. Based on current figures, we estimate around 10% of trips being wheelchair required.

26. What % of trips are standing orders compared to Demand Responsive?
   For DSS, we schedule trips up to 30 days in advance. There is a large population of riders who have a daily requirement (i.e. Dialysis, Elderhaus, etc.) which is estimated at about 35%.
   For the SRC, approximately 78% of trips are standing orders/fixed and 22%.

27. For trips that are pre-arranged, and the driver arrives at the pick-up location, waits for the passenger and the trip becomes a “No-Show” what amount of money is paid for this pre-arranged trip that has no become a no-show?
   DSS and the SRC does not pay for no shows or wait time.

28. Current pricing submission format only allows for pricing for the first year for what could be a possible 5-year agreement. Are the prices being requested, being requested for all 5 years possible under this RFP? Or would you like responders to provide pricing for each year with their submission?
   Responders should provide pricing for only one year.

   To adjust for any inflationary factors, Providers must request a price increase no later than January 15th of each contract year.
Any rate adjustments approved will be effective July 1 of that year. The percentage increase in contractual costs to the County shall not exceed the percentage rate computed based on the Annual Average Consumer Price Index for All Urban Consumers (CPI-U): US City Average, by expenditure category, All Items. This report is listed by the US Department of Labor’s Bureau of Labor Statistics on its website www.bls.gov. The maximum potential percentage increase for renewal will be calculated using the annual amounts from the previous two calendar years. See example of calculation below:

<table>
<thead>
<tr>
<th>For Illustration Purposes Only</th>
<th>For a Contract Ending June 30, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.   CPI for 2013 (from table)</td>
<td>232.957</td>
</tr>
<tr>
<td>2.   CPI for 2012 (from table)</td>
<td>229.594</td>
</tr>
<tr>
<td>3.   Index Point Change (Subtract Line 2 from Line 1)</td>
<td>3.003</td>
</tr>
<tr>
<td>4.   Divide Line 3 by Line 2</td>
<td>.01308</td>
</tr>
<tr>
<td>5.   Percent Change (Multiply Line 4 by 100)</td>
<td>1.308%</td>
</tr>
</tbody>
</table>

29. How will the trips be provided to the providers awarded a contract under this RFP, and how far in advance will the trips be provided? For DSS, NEMT is non-emergency Medicaid transportation, and requires a 3-day notice for in county trips and a 5-day advance notice for out-of-county trips. However, if a client’s medical doctor determines a client’s medical needs are urgent, then a same day trip can be authorized and sent to a transportation vendor. DSS will continue to review client needs, medical necessity and medical provider location, and vendor costs prior to scheduling a client to a vendor for Medicaid Transportation. For the Family Support and Work First same day trips may occur occasionally, but a majority of the trips should be scheduled at a minimum of 1 day’s notice.

The SRC requests that clients give a 2 business day minimum when scheduling a trip. The SRC will provide the vendor with an approved schedule 1-day business day in advance. However, on rare occasions if a client’s medical doctor determines a client’s medical needs are urgent, then a same day trip can be authorized and sent to a transportation vendor. SRC will continue to review client needs, medical necessity and medical provider location, and vendor costs prior to scheduling a client to a vendor for all transportation. Vendor and trips will be selected by the most cost effective means.
PUBLIC LAW 114–94—DEC. 4, 2015

FIXING AMERICA’S SURFACE TRANSPORTATION ACT
Public Law 114–94
114th Congress

An Act

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Fixing America’s Surface Transportation Act” or the “FAST Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—SURFACE TRANSPORTATION

Sec. 1001. Definitions.
Sec. 1002. Reconciliation of funds.
Sec. 1003. Effective date.
Sec. 1004. References.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1101. Authorization of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Definitions.
Sec. 1104. Apportionment.
Sec. 1105. Nationally significant freight and highway projects.
Sec. 1106. National highway performance program.
Sec. 1107. Emergency relief for federally owned roads.
Sec. 1108. Railway-highway grade crossings.
Sec. 1109. Surface transportation block grant program.
Sec. 1110. Highway use tax evasion projects.
Sec. 1111. Bundling of bridge projects.
Sec. 1112. Construction of ferry boats and ferry terminal facilities.
Sec. 1113. Highway safety improvement program.
Sec. 1114. Congestion mitigation and air quality improvement program.
Sec. 1115. Territorial and Puerto Rico highway program.
Sec. 1116. National highway freight program.
Sec. 1117. Federal lands and tribal transportation programs.
Sec. 1118. Tribal transportation program amendment.
Sec. 1119. Federal lands transportation program.
Sec. 1120. Federal lands programmatic activities.
Sec. 1121. Tribal transportation self-governance program.
Sec. 1122. State flexibility for National Highway System modifications.
Sec. 1123. Nationally significant Federal lands and tribal projects program.

Subtitle B—Planning and Performance Management

Sec. 1201. Metropolitan transportation planning.
Sec. 1202. Statewide and nonmetropolitan transportation planning.

Subtitle C—Acceleration of Project Delivery

Sec. 1301. Satisfaction of requirements for certain historic sites.
Sec. 1302. Clarification of transportation environmental authorities.
Sec. 1303. Treatment of certain bridges under preservation requirements.
Sec. 1304. Efficient environmental reviews for project decisionmaking.
Sec. 1305. Integration of planning and environmental review.
Sec. 1306. Development of programmatic mitigation plans.
Sec. 1307. Technical assistance for States.
Sec. 1308. Surface transportation project delivery program.
Sec. 1309. Program for eliminating duplication of environmental reviews.
Sec. 1310. Application of categorical exclusions for multimodal projects.
Sec. 1311. Accelerated decisionmaking in environmental reviews.
Sec. 1312. Improving State and Federal agency engagement in environmental reviews.
Sec. 1313. Aligning Federal environmental reviews.
Sec. 1314. Categorical exclusion for projects of limited Federal assistance.
Sec. 1315. Programmatic agreement template.
Sec. 1316. Assumption of authorities.
Sec. 1317. Modernization of the environmental review process.
Sec. 1318. Assessment of progress on accelerating project delivery.

Subtitle D—Miscellaneous
Sec. 1401. Prohibition on the use of funds for automated traffic enforcement.
Sec. 1402. Highway Trust Fund transparency and accountability.
Sec. 1403. Additional deposits into Highway Trust Fund.
Sec. 1404. Design standards.
Sec. 1405. Justification reports for access points on the Interstate System.
Sec. 1406. Performance period adjustment.
Sec. 1407. Vehicle-to-infrastructure equipment.
Sec. 1408. Federal share payable.
Sec. 1409. Milk products.
Sec. 1410. Interstate weight limits.
Sec. 1411. Tolling; HOV facilities; Interstate reconstruction and rehabilitation.
Sec. 1412. Projects for public safety relating to idling trains.
Sec. 1413. National electric vehicle charging and hydrogen, propane, and natural gas fueling corridors.
Sec. 1414. Repeat offender criteria.
Sec. 1415. Administrative provisions to encourage pollinator habitat and forage on transportation rights-of-way.
Sec. 1416. High priority corridors on National Highway System.
Sec. 1417. Work zone and guard rail safety training.
Sec. 1418. Consolidation of programs.
Sec. 1419. Elimination or modification of certain reporting requirements.
Sec. 1420. Flexibility for projects.
Sec. 1421. Productive and timely expenditure of funds.
Sec. 1422. Study on performance of bridges.
Sec. 1423. Relinquishment of park-and-ride lot facilities.
Sec. 1424. Pilot program.
Sec. 1425. Service club, charitable association, or religious service signs.
Sec. 1426. Motorcyclist advisory council.
Sec. 1427. Highway work zones.
Sec. 1428. Use of durable, resilient, and sustainable materials and practices.
Sec. 1429. Identification of roadside highway safety hardware devices.
Sec. 1430. Use of modeling and simulation technology.
Sec. 1431. National Advisory Committee on Travel and Tourism Infrastructure.
Sec. 1432. Emergency exemptions.
Sec. 1434. Availability of reports.
Sec. 1435. Appalachian development highway system.
Sec. 1436. Appalachian regional development program.
Sec. 1437. Border State infrastructure.
Sec. 1438. Adjustments.
Sec. 1439. Elimination of barriers to improve at-risk bridges.
Sec. 1440. At-risk project preagreement authority.
Sec. 1441. Regional infrastructure accelerator demonstration program.
Sec. 1442. Safety for users.
Sec. 1443. Sense of Congress.
Sec. 1444. Every Day Counts initiative.
Sec. 1445. Water infrastructure finance and innovation.
Sec. 1446. Technical corrections.

TITLE II—INNOVATIVE PROJECT FINANCE
Sec. 2002. Availability payment concession model.

TITLE III—PUBLIC TRANSPORTATION

Sec. 3001. Short title.
Sec. 3002. Definitions.
Sec. 3003. Metropolitan and statewide transportation planning.
Sec. 3004. Urbanized area formula grants.
Sec. 3005. Fixed guideway capital investment grants.
Sec. 3006. Enhanced mobility of seniors and individuals with disabilities.
Sec. 3007. Formula grants for rural areas.
Sec. 3008. Public transportation innovation.
Sec. 3009. Technical assistance and workforce development.
Sec. 3010. Private sector participation.
Sec. 3011. General provisions.
Sec. 3012. Project management oversight.
Sec. 3013. Public transportation safety program.
Sec. 3014. Apportionments.
Sec. 3015. State of good repair grants.
Sec. 3016. Authorizations.
Sec. 3017. Grants for buses and bus facilities.
Sec. 3018. Obligation ceiling.
Sec. 3019. Innovative procurement.
Sec. 3020. Review of public transportation safety standards.
Sec. 3021. Study on evidentiary protection for public transportation safety program information.
Sec. 3022. Improved public transportation safety measures.
Sec. 3023. Paratransit system under FTA approved coordinated plan.
Sec. 3024. Report on potential of Internet of Things.
Sec. 3025. Report on parking safety.
Sec. 3026. Appointment of directors of Washington Metropolitan Area Transit Authority.
Sec. 3027. Effectiveness of public transportation changes and funding.
Sec. 3028. Authorization of grants for positive train control.
Sec. 3029. Amendment to title 5.
Sec. 3030. Technical and conforming changes.

TITLE IV—HIGHWAY TRAFFIC SAFETY

Sec. 4001. Authorization of appropriations.
Sec. 4002. Highway safety programs.
Sec. 4003. Highway safety research and development.
Sec. 4004. High-visibility enforcement program.
Sec. 4005. National priority safety programs.
Sec. 4006. Tracking process.
Sec. 4007. Stop motorcycle checkpoint funding.
Sec. 4008. Marijuana-impaired driving.
Sec. 4009. Increasing public awareness of the dangers of drug-impaired driving.
Sec. 4010. National priority safety program grant eligibility.
Sec. 4011. Data collection.
Sec. 4012. Study on the national roadside survey of alcohol and drug use by drivers.
Sec. 4013. Barriers to data collection report.
Sec. 4014. Technical corrections.
Sec. 4015. Effective date for certain programs.

TITLE V—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grant Consolidation
Sec. 5101. Grants to States.
Sec. 5102. Performance and registration information systems management.
Sec. 5103. Authorization of appropriations.
Sec. 5104. Commercial driver’s license program implementation.
Sec. 5106. Motor carrier safety assistance program allocation.
Sec. 5107. Maintenance of effort calculation.

Subtitle B—Federal Motor Carrier Safety Administration Reform

PART I—REGULATORY REFORM

Sec. 5201. Notice of cancellation of insurance.
Sec. 5202. Regulations.
Sec. 5203. Guidance.
Sec. 6014. Hazardous materials research and development.
Sec. 6015. Office of Intermodalism.
Sec. 6016. University transportation centers.
Sec. 6017. Bureau of Transportation Statistics.
Sec. 6018. Port performance freight statistics program.
Sec. 6019. Research planning.
Sec. 6020. Surface transportation system funding alternatives.
Sec. 6021. Future interstate study.
Sec. 6022. Highway efficiency.
Sec. 6023. Transportation technology policy working group.
Sec. 6024. Collaboration and support.
Sec. 6025. GAO report.
Sec. 6026. Traffic congestion.
Sec. 6027. Smart cities transportation planning study.
Sec. 6028. Performance management data support program.

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

Sec. 7001. Short title.
Subtitle A—Authorizations
Sec. 7101. Authorization of appropriations.
Subtitle B—Hazardous Material Safety and Improvement
Sec. 7201. National emergency and disaster response.
Sec. 7202. Motor carrier safety permits.
Sec. 7203. Improving the effectiveness of planning and training grants.
Sec. 7204. Improving publication of special permits and approvals.
Sec. 7205. Enhanced reporting.
Sec. 7206. Wetlines.
Sec. 7207. GAO study on acceptance of classification examinations.
Sec. 7208. Hazardous materials endorsement exemption.
Subtitle C—Safe Transportation of Flammable Liquids by Rail
Sec. 7301. Community safety grants.
Sec. 7302. Real-time emergency response information.
Sec. 7303. Emergency response.
Sec. 7304. Phase-out of all tank cars used to transport Class 3 flammable liquids.
Sec. 7305. Thermal blankets.
Sec. 7306. Minimum requirements for top fittings protection for class DOT–117R tank cars.
Sec. 7307. Rulemaking on oil spill response plans.
Sec. 7308. Modification reporting.
Sec. 7309. Report on crude oil characteristics research study.
Sec. 7310. Hazardous materials by rail liability study.
Sec. 7311. Study and testing of electronically controlled pneumatic brakes.

TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION

Sec. 8001. Multimodal freight transportation.

TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

Sec. 9001. National Surface Transportation and Innovative Finance Bureau.
Sec. 9002. Council on Credit and Finance.

TITLE X—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

Sec. 10001. Allocations.
Sec. 10002. Recreational boating safety.

TITLE XI—RAIL

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Sec. 11101. Authorization of grants to Amtrak.
Sec. 11102. Consolidated rail infrastructure and safety improvements.
Sec. 11103. Federal-State partnership for state of good repair.
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Sec. 11106. Definitions.
Subtitle B—Amtrak Reforms

Sec. 11201. Accounts.
Sec. 11202. Amtrak grant process.
Sec. 11203. 5-year business line and asset plans.
Sec. 11204. State-supported route committee.
Sec. 11205. Composition of Amtrak’s Board of Directors.
Sec. 11206. Route and service planning decisions.
Sec. 11207. Food and beverage reform.
Sec. 11208. Rolling stock purchases.
Sec. 11209. Local products and promotional events.
Sec. 11210. Amtrak pilot program for passengers transporting domesticated cats and dogs.
Sec. 11211. Right-of-way leveraging.
Sec. 11212. Station development.
Sec. 11213. Amtrak boarding procedures.
Sec. 11214. Amtrak debt.
Sec. 11215. Elimination of duplicative reporting.

Subtitle C—Intercity Passenger Rail Policy

Sec. 11301. Consolidated rail infrastructure and safety improvements.
Sec. 11302. Federal-State partnership for state of good repair.
Sec. 11303. Restoration and enhancement grants.
Sec. 11304. Gulf Coast rail service working group.
Sec. 11305. Northeast Corridor Commission.
Sec. 11306. Northeast corridor planning.
Sec. 11307. Competition.
Sec. 11308. Performance-based proposals.
Sec. 11309. Large capital project requirements.
Sec. 11310. Small business participation study.
Sec. 11311. Shared-use study.
Sec. 11312. Northeast Corridor through-ticketing and procurement efficiencies.
Sec. 11313. Data and analysis.
Sec. 11314. Amtrak Inspector General.
Sec. 11315. Miscellaneous provisions.
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Sec. 11412. Railroad police officers.
Sec. 11413. Repair and replacement of damaged track inspection equipment.
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Sec. 11415. Rail passenger liability.

Subtitle E—Project Delivery

Sec. 11501. Short title.
Sec. 11502. Treatment of improvements to rail and transit under preservation requirements.
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Subtitle F—Financing

Sec. 11601. Short title; references.
Sec. 11602. Definitions.
Sec. 11603. Eligible applicants.
Sec. 11604. Eligible purposes.
Sec. 11605. Program administration.
Sec. 11606. Loan terms and repayment.
Sec. 11607. Credit risk premiums.
Sec. 11608. Master credit agreements.
Sec. 11609. Priorities and conditions.
DIVISION B—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

TITLE XXIV—MOTOR VEHICLE SAFETY

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Sec. 24101. Authorization of appropriations.
Sec. 24102. Inspector general recommendations.
Sec. 24103. Improvements in availability of recall information.
Sec. 24104. Recall process.
Sec. 24105. Pilot grant program for state notification to consumers of motor vehicle recall status.
Sec. 24106. Recall obligations under bankruptcy.
Sec. 24107. Dealer requirement to check for open recall.
Sec. 24108. Extension of time period for remedy of tire defects.
Sec. 24109. Rental car safety.
Sec. 24110. Increase in civil penalties for violations of motor vehicle safety.
Sec. 24111. Electronic odometer disclosures.
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Sec. 24301. Short title.
Sec. 24302. Limitations on data retrieval from vehicle event data recorders.
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PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

Sec. 24321. Short title.
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PART III—TIRE EFFICIENCY, SAFETY, AND REGISTRATION ACT OF 2015

Sec. 24331. Short title.
Sec. 24332. Tire fuel efficiency minimum performance standards.
Sec. 24333. Tire registration by independent sellers.
Sec. 24334. Tire identification study and report.
Sec. 24335. Tire recall database.

PART IV—ALTERNATIVE FUEL VEHICLES

Sec. 24341. Regulatory parity for natural gas vehicles.

PART V—MOTOR VEHICLE SAFETY WHISTLEBLOWER ACT

Sec. 24351. Short title.
Sec. 24352. Motor vehicle safety whistleblower incentives and protections.


Sec. 24401. Required reporting of NHTSA agenda.
Sec. 24402. Application of remedies for defects and noncompliance.
Sec. 24403. Retention of safety records by manufacturers.
Sec. 24404. Nonapplication of prohibitions relating to noncomplying motor vehicles to vehicles used for testing or evaluation.
Sec. 24405. Treatment of low-volume manufacturers.
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DIVISION C—FINANCE

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Sec. 31101. Extension of Highway Trust Fund expenditure authority.
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Sec. 31201. Further additional transfers to trust fund.
Sec. 31202. Transfer to Highway Trust Fund of certain motor vehicle safety penalties.
Sec. 31203. Appropriation from Leaking Underground Storage Tank Trust Fund.

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Sec. 32101. Revocation or denial of passport in case of certain unpaid taxes.
Sec. 32102. Reform of rules relating to qualified tax collection contracts.
Sec. 32103. Special compliance personnel program.
Sec. 32104. Repeal of modification of automatic extension of return due date for certain employee benefit plans.

Subtitle B—Fees and Receipts

Sec. 32201. Adjustment for inflation of fees for certain customs services.
Sec. 32202. Limitation on surplus funds of Federal reserve banks.
Sec. 32203. Dividends of Federal reserve banks.
Sec. 32204. Strategic Petroleum Reserve drawdown and sale.
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Subtitle C—Outlays

Sec. 32301. Interest on overpayment.

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DIVISION D—MISCELLANEOUS

TITLE XLII—FEDERAL PERMITTING IMPROVEMENT

Sec. 41001. Definitions.
Sec. 41003. Permitting process improvement.
Sec. 41004. Interstate compacts.
Sec. 41005. Coordination of required reviews.
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Sec. 41007. Litigation, judicial review, and savings provision.
Sec. 41008. Reports.
Sec. 41009. Funding for governance, oversight, and processing of environmental reviews and permits.
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TITLE XLIII—PAYMENTS TO CERTIFIED STATES AND INDIAN TRIBES

Sec. 43001. Payments from Abandoned Mine Reclamation Fund.

DIVISION E—EXPORT-IMPORT BANK OF THE UNITED STATES

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TITLE LI—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

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TITLE LII—PROMOTION OF SMALL BUSINESS EXPORTS
Sec. 52001. Increase in small business lending requirements.

TITLE LIII—MODERNIZATION OF OPERATIONS
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TITLE LV—OTHER MATTERS
Sec. 55001. Prohibition on discrimination based on industry.
Sec. 55002. Negotiations to end export credit financing.
Sec. 55003. Study of financing for information and communications technology systems.

DIVISION F—ENERGY SECURITY
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Sec. 61003. Critical electric infrastructure security.
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TITLE LXXIII—BULLION AND COLLECTIBLE COIN PRODUCTION EFFICIENCY AND COST SAVINGS
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TITLE LXXIV—SBIC ADVISERS RELIEF
Sec. 74001. Advisers of SBICs and venture capital funds.
Sec. 74002. Advisers of SBICs and private funds.
Sec. 74003. Relationship to State law.

TITLE LXXV—ELIMINATE PRIVACY NOTICE CONFUSION
Sec. 75001. Exception to annual privacy notice requirement under the Gramm-Leach-Bliley Act.

TITLE LXXVI—REFORMING ACCESS FOR INVESTMENTS IN STARTUP ENTERPRISES
Sec. 76001. Exempted transactions.

TITLE LXXVII—PRESERVATION ENHANCEMENT AND SAVINGS OPPORTUNITY
Sec. 77001. Distributions and residual receipts.
Sec. 77002. Future refinancings.
Sec. 77003. Implementation.

TITLE LXXVIII—TENANT INCOME VERIFICATION RELIEF
Sec. 78001. Reviews of family incomes.

TITLE LXXIX—HOUSING ASSISTANCE EFFICIENCY
Sec. 79001. Authority to administer rental assistance.
Sec. 79002. Reallocation of funds.

TITLE LXXX—CHILD SUPPORT ASSISTANCE

Sec. 80001. Requests for consumer reports by State or local child support enforcement agencies.

TITLE LXXXI—PRIVATE INVESTMENT IN HOUSING

Sec. 81001. Budget-neutral demonstration program for energy and water conservation improvements at multifamily residential units.

TITLE LXXXII—CAPITAL ACCESS FOR SMALL COMMUNITY FINANCIAL INSTITUTIONS

Sec. 82001. Privately insured credit unions authorized to become members of a Federal home loan bank.

Sec. 82002. GAO Report.

TITLE LXXXIII—SMALL BANK EXAM CYCLE REFORM

Sec. 83001. Smaller institutions qualifying for 18-month examination cycle.

TITLE LXXXIV—SMALL COMPANY SIMPLE REGISTRATION

Sec. 84001. Forward incorporation by reference for Form S–1.

TITLE LXXXV—HOLDING COMPANY REGISTRATION THRESHOLD EQUALIZATION

Sec. 85001. Registration threshold for savings and loan holding companies.

TITLE LXXXVI—REPEAL OF INDEMNIFICATION REQUIREMENTS

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Sec. 87001. Date for determining consolidated assets.

TITLE LXXXVIII—STATE LICENSING EFFICIENCY

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Sec. 89001. Short title.

Sec. 89002. Designation of rural area.

Sec. 89003. Operations in rural areas.

DIVISION A—SURFACE TRANSPORTATION

SEC. 1001. DEFINITIONS.

In this division, the following definitions apply:

(1) DEPARTMENT.—The term “Department” means the Department of Transportation.

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

SEC. 1002. RECONCILIATION OF FUNDS.

The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity under titles I and VI of this Act in fiscal year 2016 by amounts apportioned or allocated pursuant to any extension Act of MAP–21, including the amendments made by that extension Act, during the period beginning on October 1, 2015, and ending on the date of enactment of this Act. For purposes of making such reductions, funds set aside pursuant to section 133(h) of title 23, United States Code, as amended by
this Act, shall be reduced by the amount set aside pursuant to section 213 of such title, as in effect on the day before the date of enactment of this Act.

SEC. 1003. EFFECTIVE DATE.

Except as otherwise provided, this division, including the amendments made by this division, takes effect on October 1, 2015.

SEC. 1004. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in this division shall be treated as referring only to the provisions of this division.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

1. FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation block grant program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, the national highway freight program under section 167 of that title, and to carry out section 134 of that title—
   (A) $39,727,500,000 for fiscal year 2016;
   (B) $40,547,805,000 for fiscal year 2017;
   (C) $41,424,020,075 for fiscal year 2018;
   (D) $42,358,903,696 for fiscal year 2019; and
   (E) $43,373,294,311 for fiscal year 2020.

2. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code—
   (A) $275,000,000 for fiscal year 2016;
   (B) $275,000,000 for fiscal year 2017;
   (C) $285,000,000 for fiscal year 2018;
   (D) $300,000,000 for fiscal year 2019; and
   (E) $300,000,000 for fiscal year 2020.

3. FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—
   (A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code—
      (i) $465,000,000 for fiscal year 2016;
      (ii) $475,000,000 for fiscal year 2017;
      (iii) $485,000,000 for fiscal year 2018;
      (iv) $495,000,000 for fiscal year 2019; and
      (v) $505,000,000 for fiscal year 2020.
   (B) FEDERAL LANDS TRANSPORTATION PROGRAM.—
(i) IN GENERAL.—For the Federal lands transportation program under section 203 of title 23, United States Code—
   (I) $335,000,000 for fiscal year 2016;
   (II) $345,000,000 for fiscal year 2017;
   (III) $355,000,000 for fiscal year 2018;
   (IV) $365,000,000 for fiscal year 2019; and
   (V) $375,000,000 for fiscal year 2020.

(ii) ALLOCATION.—Of the amount made available for a fiscal year under clause (i)—
   (I) the amount for the National Park Service is—
      (aa) $268,000,000 for fiscal year 2016;
      (bb) $276,000,000 for fiscal year 2017;
      (cc) $284,000,000 for fiscal year 2018;
      (dd) $292,000,000 for fiscal year 2019; and
      (ee) $300,000,000 for fiscal year 2020.
   (II) the amount for the United States Fish and Wildlife Service is $30,000,000 for each of fiscal years 2016 through 2020; and
   (III) the amount for the United States Forest Service is—
      (aa) $15,000,000 for fiscal year 2016;
      (bb) $16,000,000 for fiscal year 2017;
      (cc) $17,000,000 for fiscal year 2018;
      (dd) $18,000,000 for fiscal year 2019; and
      (ee) $19,000,000 for fiscal year 2020.

(C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code—
   (i) $250,000,000 for fiscal year 2016;
   (ii) $255,000,000 for fiscal year 2017;
   (iii) $260,000,000 for fiscal year 2018;
   (iv) $265,000,000 for fiscal year 2019; and
   (v) $270,000,000 for fiscal year 2020.

(4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code, $200,000,000 for each of fiscal years 2016 through 2020.

(5) NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.—For nationally significant freight and highway projects under section 117 of title 23, United States Code—
   (A) $800,000,000 for fiscal year 2016;
   (B) $850,000,000 for fiscal year 2017;
   (C) $900,000,000 for fiscal year 2018;
   (D) $950,000,000 for fiscal year 2019; and
   (E) $1,000,000,000 for fiscal year 2020.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—
   (1) FINDINGS.—Congress finds that—
      (A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in federally assisted surface transportation markets across the United States;
(B) the continuing barriers described in subparagraph
(A) merit the continuation of the disadvantaged business
enterprise program;

(C) Congress has received and reviewed testimony and
documentation of race and gender discrimination from
numerous sources, including congressional hearings and
roundtables, scientific reports, reports issued by public and
private agencies, news stories, reports of discrimination
by organizations and individuals, and discrimination law-
suits, which show that race- and gender-neutral efforts
alone are insufficient to address the problem;

(D) the testimony and documentation described in
subparagraph (C) demonstrate that discrimination across
the United States poses a barrier to full and fair participa-
tion in surface transportation-related businesses of women
business owners and minority business owners and has
impacted firm development and many aspects of surface
transportation-related business in the public and private
markets; and

(E) the testimony and documentation described in
subparagraph (C) provide a strong basis that there is a
compelling need for the continuation of the disadvantaged
business enterprise program to address race and gender
discrimination in surface transportation-related business.

(2) DEFINITIONS.—In this subsection, the following defini-
tions apply:

(A) SMALL BUSINESS CONCERN.—
(i) IN GENERAL.—The term “small business con-
cern” means a small business concern (as the term
is used in section 3 of the Small Business Act (15
U.S.C. 632)).

(ii) EXCLUSIONS.—The term “small business con-
cern” does not include any concern or group of concerns
controlled by the same socially and economically dis-
advantaged individual or individuals that have average
annual gross receipts during the preceding 3 fiscal
years in excess of $23,980,000, as adjusted annually
by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED
INDIVIDUALS.—The term “socially and economically dis-
advantaged individuals” has the meaning given the term
in section 8(d) of the Small Business Act (15 U.S.C. 637(d))
and relevant subcontracting regulations issued pursuant
to that Act, except that women shall be presumed to be
socially and economically disadvantaged individuals for
purposes of this subsection.

(3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to
the extent that the Secretary determines otherwise, not less
than 10 percent of the amounts made available for any program
under titles I, II, III, and VI of this Act and section 403
of title 23, United States Code, shall be expended through
small business concerns owned and controlled by socially and
economically disadvantaged individuals.

(4) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTER-
PRISES.—Each State shall annually—

(A) survey and compile a list of the small business
concerns referred to in paragraph (3) in the State, including
the location of the small business concerns in the State; and

(B) notify the Secretary, in writing, of the percentage of the small business concerns that are controlled by—

(i) women;

(ii) socially and economically disadvantaged individuals (other than women); and

(iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) UNIFORM CERTIFICATION.—

(A) IN GENERAL.—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.

(B) INCLUSIONS.—The minimum uniform criteria established under subparagraph (A) shall include, with respect to a potential small business concern—

(i) on-site visits;

(ii) personal interviews with personnel;

(iii) issuance or inspection of licenses;

(iv) analyses of stock ownership;

(v) listings of equipment;

(vi) analyses of bonding capacity;

(vii) listings of work completed;

(viii) examination of the resumes of principal owners;

(ix) analyses of financial capacity; and

(x) analyses of the type of work preferred.

(6) REPORTING.—The Secretary shall establish minimum requirements for use by State governments in reporting to the Secretary—

(A) information concerning disadvantaged business enterprise awards, commitments, and achievements; and

(B) such other information as the Secretary determines to be appropriate for the proper monitoring of the disadvantaged business enterprise program.

(7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under titles I, II, III, and VI of this Act and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (3) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (3) is unconstitutional.

(8) SENSE OF CONGRESS ON PROMPT PAYMENT OF DBE SUBCONTRACTORS.—It is the sense of Congress that—

(A) the Secretary should take additional steps to ensure that recipients comply with section 26.29 of title 49, Code of Federal Regulations (the disadvantaged business enterprises prompt payment rule), or any corresponding regulation, in awarding federally funded transportation contracts under laws and regulations administered by the Secretary; and

(B) such additional steps should include increasing the Department’s ability to track and keep records of complaints and to make that information publicly available.
SEC. 1102. OBLIGATION CEILING.

(a) General Limitation.—Subject to subsection (e), and notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

(1) $42,361,000,000 for fiscal year 2016;
(2) $43,266,100,000 for fiscal year 2017;
(3) $44,234,212,000 for fiscal year 2018;
(4) $45,268,596,000 for fiscal year 2019; and
(5) $46,365,092,000 for fiscal year 2020.

(b) Exceptions.—The limitations under subsection (a) shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;
(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);
(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);
(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);
(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);
(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);
(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);
(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years);
(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;
(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to $639,000,000 for each of those fiscal years);
(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation;
(12) section 119 of title 23, United States Code (as in effect for fiscal years 2013 through 2015, but only in an amount equal to $639,000,000 for each of those fiscal years); and
(13) section 119 of title 23, United States Code (but, for fiscal years 2016 through 2020, only in an amount equal to $639,000,000 for each of those fiscal years).

(c) Distribution of Obligation Authority.—For each of fiscal years 2016 through 2020, the Secretary—

(1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and
(B) amounts authorized for the Bureau of Transportation Statistics;
(2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts—
(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under section 202 or 204 of title 23, United States Code); and
(B) for which obligation authority was provided in a previous fiscal year;
(3) shall determine the proportion that—
(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to
(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (12) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(13) for the fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;
(4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—
(A) the proportion determined under paragraph (3); by
(B) the amounts authorized to be appropriated for each such program for the fiscal year; and
(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the national highway performance program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(13) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—
(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to
(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.
(d) Redistribution of Unused Obligation Authority.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2016 through 2020—

(1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141)) and 104 of title 23, United States Code.

(e) applicability of Obligation Limitations to Transportation Research Programs.—

(1) In general.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code; and

(B) title VI of this Act.

(2) exception.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(f) Redistribution of Certain Authorized Funds.—

(1) In general.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2016 through 2020, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year.

(2) Ratio.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).

(3) Availability.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 1103. Definitions.

Section 101(a) of title 23, United States Code, is amended—

(1) by striking paragraph (29);

(2) by redesignating paragraphs (15) through (28) as paragraphs (16) through (29), respectively; and

(3) by inserting after paragraph (14) the following:
“(15) NATIONAL HIGHWAY FREIGHT NETWORK.—The term ‘National Highway Freight Network’ means the National Highway Freight Network established under section 167.”.

SEC. 1104. APPORTIONMENT.

(a) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended to read as follows:

“(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration—

“(A) $453,000,000 for fiscal year 2016;
“(B) $459,795,000 for fiscal year 2017;
“(C) $466,691,925 for fiscal year 2018;
“(D) $473,692,304 for fiscal year 2019; and
“(E) $480,797,689 for fiscal year 2020.”.

(b) DIVISION AMONG PROGRAMS OF STATE’S SHARE OF BASE APPORTIONMENT.—Section 104(b) of title 23, United States Code, is amended—

(1) by striking “(b) DIVISION OF” and all that follows before paragraph (1) and inserting the following:

“(b) DIVISION AMONG PROGRAMS OF STATE’S SHARE OF BASE APPORTIONMENT.—The Secretary shall distribute the amount of the base apportionment apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the surface transportation block grant program, the highway safety improvement program, the congestion mitigation and air quality improvement program, the national highway freight program, and to carry out section 134 as follows;”;

(2) in paragraphs (1), (2), and (3) by striking “paragraphs (4) and (5)” each place it appears and inserting “paragraphs (4), (5), and (6)”;

(3) in paragraph (2)—

(A) in the paragraph heading by striking “SURFACE TRANSPORTATION PROGRAM” and inserting “SURFACE TRANSPORTATION BLOCK GRANT PROGRAM”;

(B) by striking “surface transportation program” and inserting “surface transportation block grant program”;

(4) in paragraph (4), in the matter preceding subparagraph (A), by striking “the amount determined for the State under subsection (c)” and inserting “the amount of the base apportionment remaining for the State under subsection (c) after making the set aside in accordance with paragraph (5)”;

(5) by redesignating paragraph (5) as paragraph (6);

(6) by inserting after paragraph (4) the following:

“(5) NATIONAL HIGHWAY FREIGHT PROGRAM.—

“(A) IN GENERAL.—For the national highway freight program under section 167, the Secretary shall set aside from the base apportionment determined for a State under subsection (c) an amount determined for the State under subparagraphs (B) and (C).

“(B) TOTAL AMOUNT.—The total amount set aside for the national highway freight program for all States shall be—

“(i) $1,150,000,000 for fiscal year 2016;
“(ii) $1,100,000,000 for fiscal year 2017;
“(iii) $1,200,000,000 for fiscal year 2018;
“(iv) $1,350,000,000 for fiscal year 2019; and
“(v) $1,500,000,000 for fiscal year 2020.
“(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the total set-aside amount for the national highway freight program under subparagraph (B) so that each State receives the amount equal to the proportion that—
“(i) the total base apportionment determined for the State under subsection (c); bears to
“(ii) the total base apportionments for all States under subsection (c).
“(D) METROPOLITAN PLANNING.—Of the amount set aside under this paragraph for a State, the Secretary shall use to carry out section 134 an amount determined by multiplying the set-aside amount by the proportion that—
“(i) the amount apportioned to the State to carry out section 134 for fiscal year 2009; bears to
“(ii) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141; 126 Stat. 405).”;

(7) in paragraph (6) (as so redesignated), in the matter preceding subparagraph (A), by striking “the amount determined for the State under subsection (c)” and inserting “the amount of the base apportionment remaining for a State under subsection (c) after making the set aside in accordance with paragraph (5)”.

(c) CALCULATION OF STATE AMOUNTS.—Section 104(c) of title 23, United States Code, is amended to read as follows:
“(c) CALCULATION OF AMOUNTS.—
“(1) STATE SHARE.—For each of fiscal years 2016 through 2020, the amount for each State shall be determined as follows:
“(A) INITIAL AMOUNTS.—The initial amounts for each State shall be determined by multiplying—
“(i) each of—
“(I) the base apportionment;
“(II) supplemental funds reserved under subsection (h)(1) for the national highway performance program; and
“(III) supplemental funds reserved under subsection (h)(2) for the surface transportation block grant program; by
“(ii) the share for each State, which shall be equal to the proportion that—
“(I) the amount of apportionments that the State received for fiscal year 2015; bears to
“(II) the amount of those apportionments received by all States for that fiscal year.
“(B) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that each State receives an aggregate apportionment equal to at least 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass
Transit Account) in the most recent fiscal year for which data are available.

“(2) STATE APPORTIONMENT.—On October 1 of fiscal years 2016 through 2020, the Secretary shall apportion the sums authorized to be appropriated for expenditure on the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, the national highway freight program under section 167, and to carry out section 134 in accordance with paragraph (1).”.

(d) SUPPLEMENTAL FUNDS.—Section 104 of title 23, United States Code, is amended by adding at the end the following:

“(h) SUPPLEMENTAL FUNDS.—

“(1) SUPPLEMENTAL FUNDS FOR NATIONAL HIGHWAY PERFORMANCE PROGRAM.—

“(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the national highway performance program under section 119 for that fiscal year an amount equal to—

“(i) $53,596,122 for fiscal year 2019; and

“(ii) $66,717,816 for fiscal year 2020.

“(B) TREATMENT OF FUNDS.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(1), and shall be in addition to amounts apportioned under that subsection.

“(2) SUPPLEMENTAL FUNDS FOR SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—

“(A) AMOUNT.—Before making an apportionment for a fiscal year under subsection (c), the Secretary shall reserve for the surface transportation block grant program under section 133 for that fiscal year an amount equal to—

“(i) $835,000,000 for each of fiscal years 2016 and 2017 pursuant to section 133(h), plus—

“(I) $55,426,310 for fiscal year 2016; and

“(II) $89,289,904 for fiscal year 2017; and

“(ii) $850,000,000 for each of fiscal years 2018 through 2020 pursuant to section 133(h), plus—

“(I) $118,013,536 for fiscal year 2018;

“(II) $130,688,367 for fiscal year 2019; and

“(III) $170,053,448 for fiscal year 2020.

“(B) TREATMENT OF FUNDS.—Funds reserved under subparagraph (A) and apportioned to a State under subsection (c) shall be treated as if apportioned under subsection (b)(2), and shall be in addition to amounts apportioned under that subsection.

“(i) BASE APPORTIONMENT DEFINED.—In this section, the term ‘base apportionment’ means—

“(1) the combined amount authorized for appropriation for the national highway performance program under section 119, the surface transportation block grant program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement
program under section 149, the national highway freight program under section 167, and to carry out section 134; minus “(2) supplemental funds reserved under subsection (h) for the national highway performance program and the surface transportation block grant program.”.

(e) CONFORMING AMENDMENTS.—

(1) Section 104(d)(1)(A) of title 23, United States Code, is amended by striking “subsection (b)(5)” each place it appears and inserting “paragraphs (5)(D) and (6) of subsection (b)”.

(2) Section 120(c)(3) of title 23, United States Code, is amended—

(A) in subparagraph (A) in the matter preceding clause (i), by striking “or (5)” and inserting “(5)(D), or (6)”;

(B) in subparagraph (C)(i) by striking “and (5)” and inserting “(5)(D), and (6)”.

(3) Section 135(i) of title 23, United States Code, is amended by striking “section 104(b)(5)” and inserting “paragraphs (5)(D) and (6) of section 104(b)”.

(4) Section 136(b) of title 23, United States Code, is amended in the first sentence by striking “paragraphs (1) through (5) of section 104(b)” and inserting “paragraphs (1) through (6) of section 104(b)”.

(5) Section 141(b)(2) of title 23, United States Code, is amended by striking “paragraphs (1) through (5) of section 104(b)” and inserting “paragraphs (1) through (6) of section 104(b)”.

(6) Section 505(a) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking “through (4)” and inserting “through (5)”.

SEC. 1105. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 116 the following:

23 USC 117.

“§ 117. Nationally significant freight and highway projects

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a nationally significant freight and highway projects program to provide financial assistance for projects of national or regional significance.

“(2) GOALS.—The goals of the program shall be to—

“(A) improve the safety, efficiency, and reliability of the movement of freight and people;

“(B) generate national or regional economic benefits and an increase in the global economic competitiveness of the United States;

“(C) reduce highway congestion and bottlenecks;

“(D) improve connectivity between modes of freight transportation;

“(E) enhance the resiliency of critical highway infrastructure and help protect the environment;

“(F) improve roadways vital to national energy security; and

“(G) address the impact of population growth on the movement of people and freight.

“(b) GRANT AUTHORITY.—
“(1) IN GENERAL.—In carrying out the program established in subsection (a), the Secretary may make grants, on a competitive basis, in accordance with this section.

“(2) GRANT AMOUNT.—Except as otherwise provided, each grant made under this section shall be in an amount that is at least $25,000,000.

“(c) ELIGIBLE APPLICANTS.—

“(1) IN GENERAL.—The Secretary may make a grant under this section to the following:

“(A) A State or a group of States.

“(B) A metropolitan planning organization that serves an urbanized area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals.

“(C) A unit of local government or a group of local governments.

“(D) A political subdivision of a State or local government.

“(E) A special purpose district or public authority with a transportation function, including a port authority.

“(F) A Federal land management agency that applies jointly with a State or group of States.

“(G) A tribal government or a consortium of tribal governments.

“(H) A multistate or multijurisdictional group of entities described in this paragraph.

“(2) APPLICATIONS.—To be eligible for a grant under this section, an entity specified in paragraph (1) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines is appropriate.

“(d) ELIGIBLE PROJECTS.—

“(1) IN GENERAL.—Except as provided in subsection (e), the Secretary may make a grant under this section only for a project that—

“(A) is—

“(i) a highway freight project carried out on the National Highway Freight Network established under section 167;

“(ii) a highway or bridge project carried out on the National Highway System, including—

“(I) a project to add capacity to the Interstate System to improve mobility; or

“(II) a project in a national scenic area;

“(iii) a freight project that is—

“(I) a freight intermodal or freight rail project;

“(B) has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

“(i) $100,000,000; or
“(ii) in the case of a project—

“(I) located in 1 State, 30 percent of the amount apportioned under this chapter to the State in the most recently completed fiscal year; or

“(II) located in more than 1 State, 50 percent of the amount apportioned under this chapter to the participating State with the largest apportionment under this chapter in the most recently completed fiscal year.

“(2) LIMITATION.—

“(A) IN GENERAL.—Not more than $500,000,000 of the amounts made available for grants under this section for fiscal years 2016 through 2020, in the aggregate, may be used to make grants for projects described in paragraph (1)(A)(iii) and such a project may only receive a grant under this section if—

“(i) the project will make a significant improvement to freight movements on the National Highway Freight Network; and

“(ii) the Federal share of the project funds only elements of the project that provide public benefits.

“(B) EXCLUSIONS.—The limitation under subparagraph (A)—

“(i) shall not apply to a railway-highway grade crossing or grade separation project; and

“(ii) with respect to a multimodal project, shall apply only to the non-highway portion or portions of the project.

“(e) SMALL PROJECTS.—

“(1) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for grants under this section each fiscal year to make grants for projects described in subsection (d)(1)(A) that do not satisfy the minimum threshold under subsection (d)(1)(B).

“(2) GRANT AMOUNT.—Each grant made under this subsection shall be in an amount that is at least $5,000,000.

“(3) PROJECT SELECTION CONSIDERATIONS.—In addition to other applicable requirements, in making grants under this subsection the Secretary shall consider—

“(A) the cost effectiveness of the proposed project; and

“(B) the effect of the proposed project on mobility in the State and region in which the project is carried out.

“(f) ELIGIBLE PROJECT COSTS.—Grant amounts received for a project under this section may be used for—

“(1) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

“(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance.

“(g) PROJECT REQUIREMENTS.—The Secretary may select a project described under this section (other than subsection (e))
for funding under this section only if the Secretary determines that—

“(1) the project will generate national or regional economic, mobility, or safety benefits;
“(2) the project will be cost effective;
“(3) the project will contribute to the accomplishment of 1 or more of the national goals described under section 150 of this title;
“(4) the project is based on the results of preliminary engineering;
“(5) with respect to related non-Federal financial commitments—

“(A) 1 or more stable and dependable sources of funding and financing are available to construct, maintain, and operate the project; and
“(B) contingency amounts are available to cover unanticipated cost increases;
“(6) the project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor; and
“(7) the project is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

“(h) ADDITIONAL CONSIDERATIONS.—In making a grant under this section, the Secretary shall consider—

“(1) utilization of nontraditional financing, innovative design and construction techniques, or innovative technologies; and
“(2) utilization of non-Federal contributions; and
“(3) contributions to geographic diversity among grant recipients, including the need for a balance between the needs of rural and urban communities.

“(i) RURAL AREAS.—

“(1) IN GENERAL.—The Secretary shall reserve not less than 25 percent of the amounts made available for grants under this section, including the amounts made available under subsection (e), each fiscal year to make grants for projects located in rural areas.

“(2) EXCESS FUNDING.—In any fiscal year in which qualified applications for grants under this subsection will not allow for the amount reserved under paragraph (1) to be fully utilized, the Secretary shall use the unutilized amounts to make other grants under this section.

“(3) RURAL AREA DEFINED.—In this subsection, the term ‘rural area’ means an area that is outside an urbanized area with a population of over 200,000.

“(j) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost of a project assisted with a grant under this section may not exceed 60 percent.

“(2) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a grant under this section may be used to satisfy the non-Federal share of the cost of a project for which such a grant is made, except that the total Federal assistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

“(3) FEDERAL LAND MANAGEMENT AGENCIES.—Notwithstanding any other provision of law, any Federal funds other
than those made available under this title or title 49 may be used to pay the non-Federal share of the cost of a project carried out under this section by a Federal land management agency, as described under subsection (c)(1)(F).

“(k) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project is located on a Federal-aid highway.

“(l) TIFIA PROGRAM.—At the request of an eligible applicant under this section, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

“(m) CONGRESSIONAL NOTIFICATION.—

“(1) NOTIFICATION.—

“(A) IN GENERAL.—At least 60 days before making a grant for a project under this section, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the proposed grant. The notification shall include an evaluation and justification for the project and the amount of the proposed grant award.

“(B) MULTIMODAL PROJECTS.—In addition to the notice required under subparagraph (A), the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate before making a grant for a project described in subsection (d)(1)(A)(iii).

“(2) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under this section if a joint resolution is enacted disapproving funding for the project before the last day of the 60-day period described in paragraph (1).

“(n) REPORTS.—

“(1) ANNUAL REPORT.—The Secretary shall make available on the Web site of the Department of Transportation at the end of each fiscal year an annual report that lists each project for which a grant has been provided under this section during that fiscal year.

“(2) COMPTROLLER GENERAL.—

“(A) ASSESSMENT.—The Comptroller General of the United States shall conduct an assessment of the administrative establishment, solicitation, selection, and justification process with respect to the funding of grants under this section.

“(B) REPORT.—Not later than 1 year after the initial awarding of grants under this section, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

“(i) the adequacy and fairness of the process by which each project was selected, if applicable; and

“(ii) the justification and criteria used for the selection of each project, if applicable.”.
(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 116 the following:

“117. Nationally significant freight and highway projects.”.

(c) REPEAL.—Section 1301 of SAFETEA–LU (23 U.S.C. 101 note), and the item relating to that section in the table of contents in section 1(b) of such Act, are repealed.

SEC. 1106. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

Section 119 of title 23, United States Code, is amended by adding at the end the following:

“(h) TIFIA PROGRAM.—Upon Secretarial approval of credit assistance under chapter 6, the Secretary, at the request of a State, may allow the State to use funds apportioned under section 104(b)(1) to pay subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

“(i) ADDITIONAL FUNDING ELIGIBILITY FOR CERTAIN BRIDGES.—

“(1) IN GENERAL.—Funds apportioned to a State to carry out the national highway performance program may be obligated for a project for the reconstruction, resurfacing, restoration, rehabilitation, or preservation of a bridge not on the National Highway System, if the bridge is on a Federal-aid highway.

“(2) LIMITATION.—A State required to make obligations under subsection (f) shall ensure such requirements are satisfied in order to use the flexibility under paragraph (1).

“(j) CRITICAL INFRASTRUCTURE.—

“(1) CRITICAL INFRASTRUCTURE DEFINED.—In this subsection, the term ‘critical infrastructure’ means those facilities the incapacity or failure of which would have a debilitating impact on national or regional economic security, national or regional energy security, national or regional public health or safety, or any combination of those matters.

“(2) CONSIDERATION.—The asset management plan of a State may include consideration of critical infrastructure from among those facilities in the State that are eligible under subsection (c).

“(3) RISK REDUCTION.—A State may use funds apportioned under this section for projects intended to reduce the risk of failure of critical infrastructure in the State.”.

SEC. 1107. EMERGENCY RELIEF FOR FEDERALLY OWNED ROADS.

(a) ELIGIBILITY.—Section 125(d)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A) by striking “or” at the end;

(2) in subparagraph (B) by striking the period at the end and inserting “; or”;

and

(3) by adding at the end the following:

“(C) projects eligible for assistance under this section located on tribal transportation facilities, Federal lands transportation facilities, or other federally owned roads that are open to public travel (as defined in subsection (e)(1)).”.

(b) DEFINITIONS.—Section 125(e) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:
“(1) DEFINITIONS.—In this subsection, the following definitions apply:
“(A) OPEN TO PUBLIC TRAVEL.—The term ‘open to public travel’ means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—
“(i) is maintained;
“(ii) is open to the general public; and
“(iii) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.
“(B) STANDARD PASSENGER VEHICLE.—The term ‘standard passenger vehicle’ means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.”.

SEC. 1108. RAILWAY-HIGHWAY GRADE CROSSINGS.

Section 130(e)(1) of title 23, United States Code, is amended to read as follows:
“(1) IN GENERAL.—
“(A) SET ASIDE.—Before making an apportionment under section 104(b)(3) for a fiscal year, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 for such fiscal year, for the elimination of hazards and the installation of protective devices at railway-highway crossings at least—
“(i) $225,000,000 for fiscal year 2016;
“(ii) $230,000,000 for fiscal year 2017;
“(iii) $235,000,000 for fiscal year 2018;
“(iv) $240,000,000 for fiscal year 2019; and
“(v) $245,000,000 for fiscal year 2020.
“(B) INSTALLATION OF PROTECTIVE DEVICES.—At least ½ of the funds set aside each fiscal year under subparagraph (A) shall be available for the installation of protective devices at railway-highway crossings.
“(C) OBLIGATION AVAILABILITY.—Sums set aside each fiscal year under subparagraph (A) shall be available for obligation in the same manner as funds apportioned under section 104(b)(1).”

SEC. 1109. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.

(a) FINDINGS.—Congress finds that—
(1) the benefits of the surface transportation block grant program accrue principally to the residents of each State and municipality where the funds are obligated;
(2) decisions about how funds should be obligated are best determined by the States and municipalities to respond to unique local circumstances and implement the most efficient solutions; and
(3) reforms of the program to promote flexibility will enhance State and local control over transportation decisions.

(b) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—Section 133 of title 23, United States Code, is amended—
(1) by striking subsections (a), (b), (c), and (d) and inserting the following:
“(a) Establishment.—The Secretary shall establish a surface transportation block grant program in accordance with this section to provide flexible funding to address State and local transportation needs.

“(b) Eligible Projects.—Funds apportioned to a State under section 104(b)(2) for the surface transportation block grant program may be obligated for the following:

“(1) Construction of—

“(A) highways, bridges, tunnels, including designated routes of the Appalachian development highway system and local access roads under section 14501 of title 40;

“(B) ferry boats and terminal facilities eligible for funding under section 129(c);

“(C) transit capital projects eligible for assistance under chapter 53 of title 49;

“(D) infrastructure-based intelligent transportation systems capital improvements;

“(E) truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note); and

“(F) border infrastructure projects eligible for funding under section 1303 of SAFETEA–LU (23 U.S.C. 101 note).

“(2) Operational improvements and capital and operating costs for traffic monitoring, management, and control facilities and programs.

“(3) Environmental measures eligible under sections 119(g), 328, and 329 and transportation control measures listed in section 108(f)(1)(A) (other than clause (xvi) of that section) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A)).

“(4) Highway and transit safety infrastructure improvements and programs, including railway-highway grade crossings.

“(5) Fringe and corridor parking facilities and programs in accordance with section 137 and carpool projects in accordance with section 146.

“(6) Recreational trails projects eligible for funding under section 206, pedestrian and bicycle projects in accordance with section 217 (including modifications to comply with accessibility requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and the safe routes to school program under section 1404 of SAFETEA–LU (23 U.S.C. 402 note).

“(7) Planning, design, or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

“(8) Development and implementation of a State asset management plan for the National Highway System and a performance-based management program for other public roads.

“(9) Protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) for bridges (including approaches to bridges and other elevated structures) and tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets.

“(10) Surface transportation planning programs, highway and transit research and development and technology transfer programs, and workforce development, training, and education under chapter 5 of this title.
“(11) Surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer, and access into and out of a port terminal.

“(12) Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.

“(13) At the request of a State, and upon Secretarial approval of credit assistance under chapter 6, subsidy and administrative costs necessary to provide an eligible entity Federal credit assistance under chapter 6 with respect to a project eligible for assistance under this section.

“(14) The creation and operation by a State of an office to assist in the design, implementation, and oversight of public-private partnerships eligible to receive funding under this title and chapter 53 of title 49, and the payment of a stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.

“(15) Any type of project eligible under this section as in effect on the day before the date of enactment of the FAST Act, including projects described under section 101(a)(29) as in effect on such day.

“(c) LOCATION OF PROJECTS.—A surface transportation block grant project may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid highway system on January 1, 1991, except—

“(1) for a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location);

“(2) for a project described in paragraphs (4) through (11) of subsection (b);

“(3) for a project described in section 101(a)(29), as in effect on the day before the date of enactment of the FAST Act; and

“(4) as approved by the Secretary.

“(d) ALLOCATIONS OF APPORTIONED FUNDS TO AREAS BASED ON POPULATION.—

“(1) CALCULATION.—Of the funds apportioned to a State under section 104(b)(2) (after the reservation of funds under subsection (h))—

“(A) the percentage specified in paragraph (6) for a fiscal year shall be obligated under this section, in proportion to their relative shares of the population of the State—

“(i) in urbanized areas of the State with an urbanized area population of over 200,000;

“(ii) in areas of the State other than urban areas with a population greater than 5,000; and

“(iii) in other areas of the State; and

“(B) the remainder may be obligated in any area of the State;

“(2) METROPOLITAN AREAS.—Funds attributed to an urbanized area under paragraph (1)(A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.

“(3) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of paragraph (1)(A)(iii), before obligating funding attributed to an area with a population greater than 5,000 and less than 200,000, a State shall
consult with the regional transportation planning organizations that represent the area, if any.

“(4) DISTRIBUTION AMONG URBANIZED AREAS OF OVER 200,000 POPULATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of funds that a State is required to obligate under paragraph (1)(A)(i) shall be obligated in urbanized areas described in paragraph (1)(A)(i) based on the relative population of the areas.

“(B) OTHER FACTORS.—The State may obligate the funds described in subparagraph (A) based on other factors if the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors and the Secretary grants the request.

“(5) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with sections 134 and 135.

“(6) PERCENTAGE.—The percentage referred to in paragraph (1)(A) is—

“(A) for fiscal year 2016, 51 percent;
“(B) for fiscal year 2017, 52 percent;
“(C) for fiscal year 2018, 53 percent;
“(D) for fiscal year 2019, 54 percent; and
“(E) for fiscal year 2020, 55 percent.”;

(2) by striking the section heading and inserting “Surface transportation block grant program”;

(3) by striking subsection (e);

(4) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively;

(5) in subsection (e)(1), as redesignated by this subsection—

(A) by striking “104(b)(3)” and inserting “104(b)(2)”;

and

(B) by striking “fiscal years 2011 through 2014” and inserting “fiscal years 2016 through 2020”;

(6) in subsection (g)(1), as redesignated by this subsection, by striking “under subsection (d)(1)(A)(iii) for each of fiscal years 2013 through 2014” and inserting “under subsection (d)(1)(A)(ii) for each of fiscal years 2016 through 2020”; and

(7) by adding at the end the following:

“(h) STP SET-ASIDE.—

“(1) RESERVATION OF FUNDS.—Of the funds apportioned to a State under section 104(b)(2) for each fiscal year, the Secretary shall reserve an amount such that—

“(A) the Secretary reserves a total under this subsection of—

“(i) $835,000,000 for each of fiscal years 2016 and 2017; and
“(ii) $850,000,000 for each of fiscal years 2018 through 2020; and

“(B) the State’s share of that total is determined by multiplying the amount under subparagraph (A) by the ratio that—

“(i) the amount apportioned to the State for the transportation enhancements program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of MAP–21; bears to
“(ii) the total amount of funds apportioned to all States for the transportation enhancements program for fiscal year 2009.

“(2) ALLOCATION WITHIN A STATE.—Funds reserved for a State under paragraph (1) shall be obligated within that State in the manner described in subsection (d), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

“(A) for each fiscal year, the percentage referred to in paragraph (1)(A) of that subsection shall be deemed to be 50 percent; and

“(B) the following provisions shall not apply:

“(i) Paragraph (3) of subsection (d).

“(ii) Subsection (e).

“(3) ELIGIBLE PROJECTS.—Funds reserved under this subsection may be obligated for projects or activities described in section 101(a)(29) or 213, as such provisions were in effect on the day before the date of enactment of the FAST Act.

“(4) ACCESS TO FUNDS.—

“(A) IN GENERAL.—A State or metropolitan planning organization required to obligate funds in accordance with paragraph (2) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection. A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under such process in consultation with the relevant State.

“(B) ELIGIBLE ENTITY DEFINED.—In this paragraph, the term ‘eligible entity’ means—

“(i) a local government;

“(ii) a regional transportation authority;

“(iii) a transit agency;

“(iv) a natural resource or public land agency;

“(v) a school district, local education agency, or school;

“(vi) a tribal government;

“(vii) a nonprofit entity responsible for the administration of local transportation safety programs; and

“(viii) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of this subsection.

“(5) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—For each fiscal year, a State shall—

“(A) obligate an amount of funds reserved under this section equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect on the day before the date of enactment of MAP–21, for projects relating to recreational trails under section 206;

“(B) return 1 percent of those funds to the Secretary for the administration of that program; and

“(C) comply with the provisions of the administration of the recreational trails program under section 206,
including the use of apportioned funds described in subsection (d)(3)(A) of that section.

(6) State Flexibility.—

(A) Recreational Trails.—A State may opt out of the recreational trails program under paragraph (5) if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year.

(B) Large Urbanized Areas.—A metropolitan planning area may use not to exceed 50 percent of the funds reserved under this subsection for an urbanized area described in subsection (d)(1)(A)(i) for any purpose eligible under subsection (b).

(7) Annual Reports.—

(A) In General.—Each State or metropolitan planning organization responsible for carrying out the requirements of this subsection shall submit to the Secretary an annual report that describes—

(i) the number of project applications received for each fiscal year, including—

(I) the aggregate cost of the projects for which applications are received; and

(II) the types of projects to be carried out, expressed as percentages of the total apportionment of the State under this subsection; and

(ii) the number of projects selected for funding for each fiscal year, including the aggregate cost and location of projects selected.

(B) Public Availability.—The Secretary shall make available to the public, in a user-friendly format on the Web site of the Department of Transportation, a copy of each annual report submitted under subparagraph (A).

(i) Treatment of Projects.—Notwithstanding any other provision of law, projects funded under this section (excluding those carried out under subsection (b)(5)) shall be treated as projects on a Federal-aid highway under this chapter.”.

(c) Technical and Conforming Amendments.—

(1) Section 126.—Section 126(b)(2) of title 23, United States Code, is amended—

(A) by striking “section 213” and inserting “section 133(h)”; and

(B) by striking “section 213(c)(1)(B)” and inserting “section 133(h)”.

(2) Section 213.—Section 213 of title 23, United States Code, is repealed.

(3) Section 322.—Section 322(h)(3) of title 23, United States Code, is amended by striking “surface transportation program” and inserting “surface transportation block grant program”.

(4) Section 504.—Section 504(a)(4) of title 23, United States Code, is amended—

(A) by striking “104(b)(3)” and inserting “104(b)(2)”; and

(B) by striking “surface transportation program” and inserting “surface transportation block grant program”.

(5) Chapter 1.—Chapter 1 of title 23, United States Code, is amended by striking “surface transportation program” each

23 USC 108,140, 142,149,165.
place it appears and inserting “surface transportation block grant program”.

(6) CHAPTER ANALYSES.—

(A) CHAPTER 1.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 133 and inserting the following:

“133. Surface transportation block grant program.”.

(B) CHAPTER 2.—The item relating to section 213 in the analysis for chapter 2 of title 23, United States Code, is repealed.

(7) OTHER REFERENCES.—Any reference in any other law, regulation, document, paper, or other record of the United States to the surface transportation program under section 133 of title 23, United States Code, shall be deemed to be a reference to the surface transportation block grant program under such section.

SEC. 1110. HIGHWAY USE TAX EVASION PROJECTS.
Section 143(b) of title 23, United States Code, is amended—
(1) by striking paragraph (2)(A) and inserting the following:

“(A) IN GENERAL.—From administrative funds made available under section 104(a), the Secretary may deduct such sums as are necessary, not to exceed $4,000,000 for each of fiscal years 2016 through 2020, to carry out this section.”;

(2) in the heading for paragraph (8) by inserting “BLOCK GRANT” after “SURFACE TRANSPORTATION”; and

(3) in paragraph (9) by inserting “, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate” after “the Secretary”.

SEC. 1111. BUNDLING OF BRIDGE PROJECTS.
Section 144 of title 23, United States Code, is amended—
(1) in subsection (c)(2)(A) by striking “the natural condition of the bridge” and inserting “the natural condition of the water”;

(2) by redesignating subsection (j) as subsection (k);

(3) by inserting after subsection (i) the following:

“(j) BUNDLING OF BRIDGE PROJECTS.—

“(1) PURPOSE.—The purpose of this subsection is to save costs and time by encouraging States to bundle multiple bridge projects as 1 project.

“(2) ELIGIBLE ENTITY DEFINED.—In this subsection, the term ‘eligible entity’ means an entity eligible to carry out a bridge project under section 119 or 133.

“(3) BUNDLING OF BRIDGE PROJECTS.—An eligible entity may bundle 2 or more similar bridge projects that are—

“(A) eligible projects under section 119 or 133;

“(B) included as a bundled project in a transportation improvement program under section 134(j) or a statewide transportation improvement program under section 135, as applicable; and

“(C) awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and an eligible entity.
“(4) Itemization.—Notwithstanding any other provision of law (including regulations), a bundling of bridge projects under this subsection may be listed as—

“(A) 1 project for purposes of sections 134 and 135; and

“(B) a single project.

“(5) Financial Characteristics.—Projects bundled under this subsection shall have the same financial characteristics, including—

“(A) the same funding category or subcategory; and

“(B) the same Federal share.

“(6) Engineering Cost Reimbursement.—The provisions of section 102(b) do not apply to projects carried out under this subsection; and

“(4) in subsection (k)(2), as redesignated by paragraph (2) of this section, by striking “104(b)(3)” and inserting “104(b)(2)”.

SEC. 1112. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) Construction of Ferry Boats and Ferry Terminal Facilities.—Section 147 of title 23, United States Code, is amended—

(1) in subsection (a), in the subsection heading, by striking “IN GENERAL.—” and inserting “PROGRAM.—”; and

(2) by striking subsections (d) through (g) and inserting the following:

“(d) Formula.—Of the amounts allocated under subsection (c)—

“(1) 35 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of ferry passengers, including passengers in vehicles, carried by each ferry system in the most recent calendar year for which data is available; bears to

“(B) the number of ferry passengers, including passengers in vehicles, carried by all ferry systems in the most recent calendar year for which data is available; “

“(2) 35 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of vehicles carried by each ferry system in the most recent calendar year for which data is available; bears to

“(B) the number of vehicles carried by all ferry systems in the most recent calendar year for which data is available; and

“(3) 30 percent shall be allocated among eligible entities in the proportion that—

“(A) the total route nautical miles serviced by each ferry system in the most recent calendar year for which data is available; bears to

“(B) the total route nautical miles serviced by all ferry systems in the most recent calendar year for which data is available.

“(e) Redistribution of Unobligated Amounts.—The Secretary shall—

“(1) withdraw amounts allocated to an eligible entity under subsection (c) that remain unobligated by the end of the third
fiscal year following the fiscal year for which the amounts were allocated; and

“(2) in the subsequent fiscal year, redistribute the amounts referred to in paragraph (1) in accordance with the formula under subsection (d) among eligible entities for which no amounts were withdrawn under paragraph (1).

“(f) MINIMUM AMOUNT.—Notwithstanding subsection (c), a State with an eligible entity that meets the requirements of this section shall receive not less than $100,000 under this section for a fiscal year.

“(g) IMPLEMENTATION.—

“(1) DATA COLLECTION.—

“(A) NATIONAL FERRY DATABASE.—Amounts made available for a fiscal year under this section shall be allocated using the most recent data available, as collected and imputed in accordance with the national ferry database established under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note).

“(B) ELIGIBILITY FOR FUNDING.—To be eligible to receive funds under subsection (c), data shall have been submitted in the most recent collection of data for the national ferry database under section 1801(e) of SAFETEA–LU (23 U.S.C. 129 note) for at least 1 ferry service within the State.

“(2) ADJUSTMENTS.—On review of the data submitted under paragraph (1)(B), the Secretary may make adjustments to the data as the Secretary determines necessary to correct misreported or inconsistent data.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $80,000,000 for each of fiscal years 2016 through 2020.

“(i) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b), funds made available to carry out this section shall remain available until expended.

“(j) APPLICABILITY.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to apportionment formula and Federal share, shall apply to funds made available to carry out this section, except as determined by the Secretary to be inconsistent with this section.”.

(b) NATIONAL FERRY DATABASE.—Section 1801(e)4 of SAFETEA–LU (23 U.S.C. 129 note) is amended by striking subparagraph (D) and inserting the following:

“(D) make available, from the amounts made available for each fiscal year to carry out chapter 63 of title 49, not more than $500,000 to maintain the database.”.

(c) CONFORMING AMENDMENTS.—Section 129(c) of title 23, United States Code, is amended—

(1) in paragraph (2), in the first sentence, by inserting “or on a public transit ferry eligible under chapter 53 of title 49” after “Interstate System”;

(2) in paragraph (3)—

(A) by striking “(3) Such ferry” and inserting “(3)(A) The ferry”, and

(B) by adding at the end the following:

“(B) Any Federal participation shall not involve the construction or purchase, for private ownership, of a ferry boat,
ferry terminal facility, or other eligible project under this section.

(3) in paragraph (4) by striking “and repair,” and inserting “repair,”; and

(4) by striking paragraph (6) and inserting the following: “(6) The ferry service shall be maintained in accordance with section 116.

“(7)(A) No ferry boat or ferry terminal with Federal participation under this title may be sold, leased, or otherwise disposed of, except in accordance with part 200 of title 2, Code of Federal Regulations.

“(B) The Federal share of any proceeds from a disposition referred to in subparagraph (A) shall be used for eligible purposes under this title.”.

SEC. 1113. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) In General.—Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking “includes, but is not limited to,” and inserting “only includes”; and

(ii) by adding at the end the following:

“(xxv) Installation of vehicle-to-infrastructure communication equipment.

“(xxvi) Pedestrian hybrid beacons.

“(xxvii) Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands.

“(xxviii) A physical infrastructure safety project not described in clauses (i) through (xxvii).”;

(B) by striking paragraph (10); and

(C) by redesignating paragraphs (11) through (13) as paragraphs (10) through (12), respectively;

(2) in subsection (c)(1)(A) by striking “subsections (a)(12)” and inserting “subsections (a)(11)”;

(3) in subsection (d)(2)(B)(i) by striking “subsection (a)(12)” and inserting “subsection (a)(11)”;

(4) by adding at the end the following:

“(k) DATA COLLECTION ON UNPAVED PUBLIC ROADS.—

“(1) In General.—A State may elect not to collect fundamental data elements for the model inventory of roadway elements on public roads that are gravel roads or otherwise unpaved if—

“(A) the State does not use funds provided to carry out this section for a project on any such roads until the State completes a collection of the required model inventory of roadway elements for the applicable road segment; and

“(B) the State demonstrates that the State consulted with affected Indian tribes before ceasing to collect data with respect to such roads that are included in the National Tribal Transportation Facility Inventory under section 202(b)(1) of this title.

“(2) Rule of Construction.—Nothing in this subsection may be construed to allow a State to cease data collection related to serious injuries or fatalities.”.
(b) Commercial Motor Vehicle Safety Best Practices.—

(1) Review.—The Secretary shall conduct a review of best practices with respect to the implementation of roadway safety infrastructure improvements that—

(A) are cost effective; and

(B) reduce the number or severity of accidents involving commercial motor vehicles.

(2) Consultation.—In conducting the review under paragraph (1), the Secretary shall consult with State transportation departments and units of local government.

(3) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the review conducted under paragraph (1).

SEC. 1114. Congestion Mitigation and Air Quality Improvement Program.

Section 149 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)(I) by inserting “in the designated nonattainment area” after “air quality standard”;

(B) in paragraph (3) by inserting “or maintenance” after “likely to contribute to the attainment”;

(C) in paragraph (4) by striking “attainment of” and inserting “attainment or maintenance in the area of”;

(D) in paragraph (7) by striking “or” at the end;

(E) in paragraph (8)—

(i) in subparagraph (A)(ii)—

(I) in the matter preceding subclause (I) by inserting “or port-related freight operations” after “construction projects”; and

(II) in subclause (II) by inserting “or chapter 53 of title 49” after “this title”; and

(ii) in subparagraph (B) by striking the period at the end and inserting “; or”; and

(F) by adding at the end the following:

“(9) if the project or program is for the installation of vehicle-to-infrastructure communication equipment.”;

(2) in subsection (c)(2) by inserting “(giving priority to corridors designated under section 151)” after “at any location in the State”;

(3) in subsection (d)—

(A) by striking paragraph (1)(B) and inserting the following:

“(B) is eligible under the surface transportation block grant program under section 133.”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i) by inserting “would otherwise be eligible under subsection (b) if the project were carried out in a nonattainment or maintenance area or” after “may use for any project that”; and

(II) in clause (i) by striking “paragraph (1)” and inserting “subsection (k)(1)”;

and
(ii) in subparagraph (B)(i) by striking “MAP–21t” and inserting “MAP–21”;
and
(C) in paragraph (3) by inserting “, in a manner consistent with the approach that was in effect on the day before the date of enactment of MAP–21,” after “the Secretary shall modify”;
(4) in subsection (g)(2)(B) by striking “not later that” and inserting “not later than”;
(5) in subsection (k) by adding at the end the following:
“(3) PM2.5 NONATTAINMENT AND MAINTENANCE IN LOW POPULATION DENSITY STATES.—
“A) EXCEPTION.—In any State with a population density of 80 or fewer persons per square mile of land area, based on the most recent decennial census, the requirements under subsection (g)(3) and paragraphs (1) and (2) of this subsection shall not apply to a nonattainment or maintenance area in the State if—
“i) the nonattainment or maintenance area does not have projects that are part of the emissions analysis of a metropolitan transportation plan or transportation improvement program; and
“ii) regional motor vehicle emissions are an insignificant contributor to the air quality problem for PM2.5 in the nonattainment or maintenance area.
“B) CALCULATION.—If subparagraph (A) applies to a nonattainment or maintenance area in a State, the percentage of the PM2.5 set-aside under paragraph (1) shall be reduced for that State proportionately based on the weighted population of the area in fine particulate matter nonattainment.
“(4) PORT-RELATED EQUIPMENT AND VEHICLES.—To meet the requirements under paragraph (1), a State or metropolitan planning organization may elect to obligate funds to the most cost-effective projects to reduce emissions from port-related landside nonroad or on-road equipment that is operated within the boundaries of a PM2.5 nonattainment or maintenance area.”;
(6) in subsection (l)(1)(B) by inserting “air quality and traffic congestion” before “performance targets”; and
(7) in subsection (m) by striking “section 104(b)(2)” and inserting “section 104(b)(4)”.
SEC. 1115. TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.
Section 165(a) of title 23, United States Code, is amended—
(1) in paragraph (1) by striking “$150,000,000” and inserting “$158,000,000”; and
(2) in paragraph (2) by striking “$40,000,000” and inserting “$42,000,000”.
SEC. 1116. NATIONAL HIGHWAY FREIGHT PROGRAM.
(a) IN GENERAL.—Section 167 of title 23, United States Code, is amended to read as follows:
“§ 167. National highway freight program
“(a) IN GENERAL.—
“(1) POLICY.—It is the policy of the United States to improve the condition and performance of the National Highway Freight Network established under this section to ensure that
the Network provides the foundation for the United States to compete in the global economy and achieve the goals described in subsection (b).

“(2) ESTABLISHMENT.—In support of the goals described in subsection (b), the Administrator of the Federal Highway Administration shall establish a national highway freight program in accordance with this section to improve the efficient movement of freight on the National Highway Freight Network.

“(b) GOALS.—The goals of the national highway freight program are—

“(1) to invest in infrastructure improvements and to implement operational improvements on the highways of the United States that—

“(A) strengthen the contribution of the National Highway Freight Network to the economic competitiveness of the United States;
“(B) reduce congestion and bottlenecks on the National Highway Freight Network;
“(C) reduce the cost of freight transportation;
“(D) improve the year-round reliability of freight transportation; and
“(E) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

“(2) to improve the safety, security, efficiency, and resiliency of freight transportation in rural and urban areas;

“(3) to improve the state of good repair of the National Highway Freight Network;

“(4) to use innovation and advanced technology to improve the safety, efficiency, and reliability of the National Highway Freight Network;

“(5) to improve the efficiency and productivity of the National Highway Freight Network;

“(6) to improve the flexibility of States to support multi-State corridor planning and the creation of multi-State organizations to increase the ability of States to address highway freight connectivity; and

“(7) to reduce the environmental impacts of freight movement on the National Highway Freight Network.

“(c) ESTABLISHMENT OF NATIONAL HIGHWAY FREIGHT NETWORK.—

“(1) IN GENERAL.—The Administrator shall establish a National Highway Freight Network in accordance with this section to strategically direct Federal resources and policies toward improved performance of the Network.

“(2) NETWORK COMPONENTS.—The National Highway Freight Network shall consist of—

“(A) the primary highway freight system, as designated under subsection (d);
“(B) critical rural freight corridors established under subsection (e);
“(C) critical urban freight corridors established under subsection (f); and
“(D) the portions of the Interstate System not designated as part of the primary highway freight system.

“(d) DESIGNATION AND REDESIGNATION OF THE PRIMARY HIGHWAY FREIGHT SYSTEM.—
“(1) Initial designation of primary highway freight system.—The initial designation of the primary highway freight system shall be the 41,518-mile network identified during the designation process for the primary freight network under section 167(d) of this title, as in effect on the day before the date of enactment of the FAST Act.

“(2) Redesignation of primary highway freight system.—

“(A) In general.—Beginning 5 years after the date of enactment of the FAST Act, and every 5 years thereafter, using the designation factors described in subparagraph (E), the Administrator shall redesignate the primary highway freight system.

“(B) Redesignation mileage.—Each redesignation may increase the mileage on the primary highway freight system by not more than 3 percent of the total mileage of the system.

“(C) Use of measurable data.—In redesignating the primary highway freight system, to the maximum extent practicable, the Administrator shall use measurable data to assess the significance of goods movement, including consideration of points of origin, destinations, and linking components of the United States global and domestic supply chains.

“(D) Input.—In redesignating the primary highway freight system, the Administrator shall provide an opportunity for State freight advisory committees, as applicable, to submit additional miles for consideration.

“(E) Factors for redesignation.—In redesignating the primary highway freight system, the Administrator shall consider—

“(i) changes in the origins and destinations of freight movement in, to, and from the United States;

“(ii) changes in the percentage of annual daily truck traffic in the annual average daily traffic on principal arterials;

“(iii) changes in the location of key facilities;

“(iv) land and water ports of entry;

“(v) access to energy exploration, development, installation, or production areas;

“(vi) access to other freight intermodal facilities, including rail, air, water, and pipelines facilities;

“(vii) the total freight tonnage and value moved via highways;

“(viii) significant freight bottlenecks, as identified by the Administrator;

“(ix) the significance of goods movement on principal arterials, including consideration of global and domestic supply chains;

“(x) critical emerging freight corridors and critical commerce corridors; and

“(xi) network connectivity.

“(e) Critical rural freight corridors.—

“(1) In general.—A State may designate a public road within the borders of the State as a critical rural freight corridor if the public road is not in an urbanized area and—
(2) LIMITATION.—A State may designate as critical rural freight corridors a maximum of 150 miles of highway or 20 percent of the primary highway freight system mileage in the State, whichever is greater.

(f) CRITICAL URBAN FREIGHT CORRIDORS.—

(1) URBANIZED AREA WITH POPULATION OF 500,000 OR MORE.—In an urbanized area with a population of 500,000 or more individuals, the representative metropolitan planning organization, in consultation with the State, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

(2) URBANIZED AREA WITH A POPULATION LESS THAN 500,000.—In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a public road within the borders of that area of the State as a critical urban freight corridor.

(3) REQUIREMENTS FOR DESIGNATION.—A designation may be made under paragraph (1) or (2) if the public road—

(A) is in an urbanized area, regardless of population; and

(B)(i) connects an intermodal facility to—

(I) the primary highway freight system;

(II) the Interstate System; or

(III) an intermodal freight facility;

(ii) is located within a corridor of a route on the primary highway freight system and provides an alternative highway option important to goods movement;

(iii) serves a major freight generator, logistic center, or manufacturing and warehouse industrial land; or

(iv) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.
“(4) LIMITATION.—For each State, a maximum of 75 miles of highway or 10 percent of the primary highway freight system mileage in the State, whichever is greater, may be designated as a critical urban freight corridor under paragraphs (1) and (2).

“(g) DESIGNATION AND CERTIFICATION.—

“(1) DESIGNATION.—States and metropolitan planning organizations may designate corridors under subsections (e) and (f) and submit the designated corridors to the Administrator on a rolling basis.

“(2) CERTIFICATION.—Each State or metropolitan planning organization that designates a corridor under subsection (e) or (f) shall certify to the Administrator that the designated corridor meets the requirements of the applicable subsection.

“(h) HIGHWAY FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the FAST Act, and biennially thereafter, the Administrator shall prepare and submit to Congress a report that describes the conditions and performance of the National Highway Freight Network in the United States.

“(i) USE OF APPORTIONED FUNDS.—

“(1) IN GENERAL.—A State shall obligate funds apportioned to the State under section 104(b)(5) to improve the movement of freight on the National Highway Freight Network.

“(2) FORMULA.—The Administrator shall calculate for each State the proportion that—

“(A) the total mileage in the State designated as part of the primary highway freight system; bears to

“(B) the total mileage of the primary highway freight system in all States.

“(3) USE OF FUNDS.—

“(A) STATES WITH HIGH PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is greater than or equal to 2 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on—

“(i) the primary highway freight system;

“(ii) critical rural freight corridors; and

“(iii) critical urban freight corridors.

“(B) STATES WITH LOW PRIMARY HIGHWAY FREIGHT SYSTEM MILEAGE.—If the proportion of a State under paragraph (2) is less than 2 percent, the State may obligate funds apportioned to the State under section 104(b)(5) for projects on any component of the National Highway Freight Network.

“(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, effective beginning 2 years after the date of enactment of the FAST Act, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has developed a freight plan in accordance with section 70202 of title 49, except that the multimodal component of the plan may be incomplete before an obligation may be made under this section.

“(5) ELIGIBILITY.—

“(A) IN GENERAL.—Except as provided in this subsection, for a project to be eligible for funding under this section the project shall—
“(i) contribute to the efficient movement of freight on the National Highway Freight Network; and
“(ii) be identified in a freight investment plan included in a freight plan of the State that is in effect.
“(B) OTHER PROJECTS.—For each fiscal year, a State may obligate not more than 10 percent of the total apportionment of the State under section 104(b)(5) for freight intermodal or freight rail projects, including projects—
“(i) within the boundaries of public or private freight rail or water facilities (including ports); and
“(ii) that provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into or out of the facility.
“(C) ELIGIBLE PROJECTS.—Funds apportioned to the State under section 104(b)(5) for the national highway freight program may be obligated to carry out 1 or more of the following:
“(i) Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities.
“(ii) Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to land), construction contingencies, acquisition of equipment, and operational improvements directly relating to improving system performance.
“(iii) Intelligent transportation systems and other technology to improve the flow of freight, including intelligent freight transportation systems.
“(iv) Efforts to reduce the environmental impacts of freight movement.
“(v) Environmental and community mitigation for freight movement.
“(vi) Railway-highway grade separation.
“(vii) Geometric improvements to interchanges and ramps.
“(viii) Truck-only lanes.
“(ix) Climbing and runaway truck lanes.
“(x) Adding or widening of shoulders.
“(xi) Truck parking facilities eligible for funding under section 1401 of MAP–21 (23 U.S.C. 137 note).
“(xii) Real-time traffic, truck parking, roadway condition, and multimodal transportation information systems.
“(xiii) Electronic screening and credentialing systems for vehicles, including weigh-in-motion truck inspection technologies.
“(xiv) Traffic signal optimization, including synchronized and adaptive signals.
“(xv) Work zone management and information systems.
“(xvi) Highway ramp metering.
“(xvii) Electronic cargo and border security technologies that improve truck freight movement.
“(xviii) Intelligent transportation systems that would increase truck freight efficiencies inside the boundaries of intermodal facilities.

“(xix) Additional road capacity to address highway freight bottlenecks.

“(xx) Physical separation of passenger vehicles from commercial motor freight.

“(xxi) Enhancement of the resiliency of critical highway infrastructure, including highway infrastructure that supports national energy security, to improve the flow of freight.

“(xxii) A highway or bridge project, other than a project described in clauses (i) through (xxi), to improve the flow of freight on the National Highway Freight Network.

“(xxiii) Any other surface transportation project to improve the flow of freight into and out of a facility described in subparagraph (B).

“(6) OTHER ELIGIBLE COSTS.—In addition to the eligible projects identified in paragraph (5), a State may use funds apportioned under section 104(b)(5) for—

“(A) carrying out diesel retrofit or alternative fuel projects under section 149 for class 8 vehicles; and

“(B) the necessary costs of—

“(i) conducting analyses and data collection related to the national highway freight program;

“(ii) developing and updating performance targets to carry out this section; and

“(iii) reporting to the Administrator to comply with the freight performance target under section 150.

“(7) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

“(j) STATE PERFORMANCE TARGETS.—If the Administrator determines that a State has not met or made significant progress toward meeting the performance targets related to freight movement of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets, the State shall include in the next report submitted under section 150(e) a description of the actions the State will undertake to achieve the targets, including—

“(1) an identification of significant freight system trends, needs, and issues within the State;

“(2) a description of the freight policies and strategies that will guide the freight-related transportation investments of the State;

“(3) an inventory of freight bottlenecks within the State and a description of the ways in which the State is allocating national highway freight program funds to improve those bottlenecks; and

“(4) a description of the actions the State will undertake to meet the performance targets of the State.

“(k) INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—

“(1) DEFINITION OF INTELLIGENT FREIGHT TRANSPORTATION SYSTEM.—In this section, the term ‘intelligent freight transportation system’ means—
(A) innovative or intelligent technological transportation systems, infrastructure, or facilities, including elevated freight transportation facilities—

(i) in proximity to, or within, an existing right of way on a Federal-aid highway; or

(ii) that connect land ports of entry to existing Federal-aid highways; or

(B) communications or information processing systems that improve the efficiency, security, or safety of freight movements on the Federal-aid highway system, including to improve the conveyance of freight on dedicated intelligent freight lanes.

(2) OPERATING STANDARDS.—The Administrator shall determine whether there is a need for establishing operating standards for intelligent freight transportation systems.

(l) TREATMENT OF FREIGHT PROJECTS.—Notwithstanding any other provision of law, a freight project carried out under this section shall be treated as if the project were on a Federal-aid highway.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 167 and inserting the following:

“167. National highway freight program.”.

(c) REPEALS.—Sections 1116, 1117, and 1118 of MAP–21 (23 U.S.C. 167 note), and the items relating to such sections in the table of contents in section 1(c) of such Act, are repealed.

SEC. 1117. FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.

(a) TRIBAL DATA COLLECTION.—Section 201(c)(6) of title 23, United States Code, is amended by adding at the end the following:

“(C) TRIBAL DATA COLLECTION.—In addition to the data to be collected under subparagraph (A), not later than 90 days after the last day of each fiscal year, any entity carrying out a project under the tribal transportation program under section 202 shall submit to the Secretary and the Secretary of the Interior, based on obligations and expenditures under the tribal transportation program during the preceding fiscal year, the following data:

(i) The names of projects and activities carried out by the entity under the tribal transportation program during the preceding fiscal year.

(ii) A description of the projects and activities identified under clause (i).

(iii) The current status of the projects and activities identified under clause (i).

(iv) An estimate of the number of jobs created and the number of jobs retained by the projects and activities identified under clause (i).”.

(b) REPORT ON TRIBAL GOVERNMENT TRANSPORTATION SAFETY DATA.—

(1) FINDINGS.— Congress finds that—

(A) in many States, the Native American population is disproportionately represented in fatalities and crash statistics;
(B) improved crash reporting by tribal law enforcement agencies would facilitate safety planning and would enable Indian tribes to apply more successfully for State and Federal funds for safety improvements;

(C) the causes of underreporting of crashes on Indian reservations include—

(i) tribal law enforcement capacity, including—

(I) staffing shortages and turnover; and

(II) lack of equipment, software, and training; and

(ii) lack of standardization in crash reporting forms and protocols; and

(D) without more accurate reporting of crashes on Indian reservations, it is difficult or impossible to fully understand the nature of the problem and develop appropriate countermeasures, which may include effective transportation safety planning and programs aimed at—

(i) driving under the influence (DUI) prevention;

(ii) pedestrian safety;

(iii) roadway safety improvements;

(iv) seat belt usage; and

(v) proper use of child restraints.

(2) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, after consultation with the Secretary of Interior, the Secretary of Health and Human Services, the Attorney General, and Indian tribes, shall submit to the Committee on Environment and Public Works and the Committee on Indian Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report describing the quality of transportation safety data collected by States, counties, and Indian tribes for transportation safety systems and the relevance of that data to improving the collection and sharing of data on crashes on Indian reservations.

(B) PURPOSES.—The purposes of the report are—

(i) to improve the collection and sharing of data on crashes on Indian reservations; and

(ii) to develop data that Indian tribes can use to recover damages to tribal property caused by motorists.

(C) PAPERLESS DATA REPORTING.—In preparing the report, the Secretary shall provide States, counties, and Indian tribes with options and best practices for transition to a paperless transportation safety data reporting system that—

(i) improves the collection of crash reports;

(ii) stores, archives, queries, and shares crash records; and

(iii) uses data exclusively—

(I) to address traffic safety issues on Indian reservations; and

(II) to identify and improve problem areas on public roads on Indian reservations.
(D) ADDITIONAL BUDGETARY RESOURCES.—The Secretary shall include in the report the identification of Federal transportation funds provided to Indian tribes by agencies in addition to the Department and the Department of the Interior.

(c) STUDY ON BUREAU OF INDIAN AFFAIRS ROAD SAFETY.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Interior, the Attorney General, States, and Indian tribes shall—

(1) complete a study that identifies and evaluates options for improving safety on public roads on Indian reservations; and

(2) submit to the Committee on Environment and Public Works and the Committee on Indian Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives a report describing the results of the study.

SEC. 1118. TRIBAL TRANSPORTATION PROGRAM AMENDMENT.

Section 202 of title 23, United States Code, is amended—

(1) in subsection (a)(6) by striking “6 percent” and inserting “5 percent”; and

(2) in subsection (d)(2) in the matter preceding subparagraph (A) by striking “2 percent” and inserting “3 percent”.

SEC. 1119. FEDERAL LANDS TRANSPORTATION PROGRAM.

Section 203 of title 23, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B) by striking “operation” and inserting “capital, operations,”; and

(B) in subparagraph (D) by striking “subparagraph (A)(iv)” and inserting “subparagraph (A)(iv)(I)”;

(2) in subsection (b)—

(A) in paragraph (1)(B)—

(i) in clause (iv) by striking “and” at the end;

(ii) in clause (v) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(vi) the Bureau of Reclamation; and

“(vii) independent Federal agencies with natural resource and land management responsibilities.”; and

(B) in paragraph (2)(B)—

(i) in the matter preceding clause (i) by inserting “performance management, including” after “support”; and

(ii) in clause (i)(II) by striking “, and” and inserting “; and”; and

(3) in subsection (c)(2)(B) by adding at the end the following:

“(vi) The Bureau of Reclamation.”.

SEC. 1120. FEDERAL LANDS PROGRAMMATIC ACTIVITIES.

Section 201(c) of title 23, United States Code, is amended—

(1) in paragraph (6)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively (and by moving the subclauses 2 ems to the right);
(B) in the matter preceding subclause (I) (as so redesignated), by striking “The Secretaries” and inserting the following:

“(i) IN GENERAL.—The Secretaries”;

(C) by inserting a period after “tribal transportation program”; and

(D) by striking “in accordance with” and all that follows through “including—” and inserting the following:

“(ii) REQUIREMENT.—Data collected to implement the tribal transportation program shall be in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(iii) INCLUSIONS.—Data collected under this paragraph includes—”;

(2) by striking paragraph (7) and inserting the following—

“(7) COOPERATIVE RESEARCH AND TECHNOLOGY DEPLOYMENT.—The Secretary may conduct cooperative research and technology deployment in coordination with Federal land management agencies, as determined appropriate by the Secretary.

“(8) FUNDING.—

“(A) IN GENERAL.—To carry out the activities described in this subsection for Federal lands transportation facilities, Federal lands access transportation facilities, and other federally owned roads open to public travel (as that term is defined in section 125(e)), the Secretary shall for each fiscal year combine and use not greater than 5 percent of the funds authorized for programs under sections 203 and 204.

“(B) OTHER ACTIVITIES.—In addition to the activities described in subparagraph (A), funds described under that subparagraph may be used for—

“(i) bridge inspections on any federally owned bridge even if that bridge is not included on the inventory described under section 203; and

“(ii) transportation planning activities carried out by Federal land management agencies eligible for funding under this chapter.”.

SEC. 1121. TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 206 the following:

“§ 207. Tribal transportation self-governance program 23 USC 207.

“(a) ESTABLISHMENT.—Subject to the requirements of this section, the Secretary shall establish and carry out a program to be known as the tribal transportation self-governance program. The Secretary may delegate responsibilities for administration of the program as the Secretary determines appropriate.

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), an Indian tribe shall be eligible to participate in the program if the Indian tribe requests participation in the program by resolution or other official action by the governing body of the Indian tribe, and demonstrates, for the preceding 3 fiscal years, financial stability and financial management capability, and transportation program management capability.
“(2) Criteria for determining financial stability and financial management capacity.—For the purposes of paragraph (1), evidence that, during the preceding 3 fiscal years, an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe’s self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required financial stability and financial management capability.

“(3) Criteria for determining transportation program management capability.—The Secretary shall require an Indian tribe to demonstrate transportation program management capability, including the capability to manage and complete projects eligible under this title and projects eligible under chapter 53 of title 49, to gain eligibility for the program.

“(c) Compacts.—

“(1) Compact required.—Upon the request of an eligible Indian tribe, and subject to the requirements of this section, the Secretary shall negotiate and enter into a written compact with the Indian tribe for the purpose of providing for the participation of the Indian tribe in the program.

“(2) Contents.—A compact entered into under paragraph (1) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the United States under the program and other terms that will continue to apply in future fiscal years.

“(3) Amendments.—A compact entered into with an Indian tribe under paragraph (1) may be amended only by mutual agreement of the Indian tribe and the Secretary.

“(d) Annual funding agreements.—

“(1) Funding agreement required.—After entering into a compact with an Indian tribe under subsection (c), the Secretary shall negotiate and enter into a written annual funding agreement with the Indian tribe.

“(2) Contents.—

“(A) In general.—

“(i) Formula funding and discretionary grants.—A funding agreement entered into with an Indian tribe shall authorize the Indian tribe, as determined by the Indian tribe, to plan, conduct, consolidate, administer, and receive full tribal share funding, tribal transit formula funding, and funding to tribes from discretionary and competitive grants administered by the Department for all programs, services, functions, and activities (or portions thereof) that are made available to Indian tribes to carry out tribal transportation programs and programs, services, functions, and activities (or portions thereof) administered by the Secretary that are otherwise available to Indian tribes.

“(ii) Transfers of state funds.—

“(I) Inclusion of transferred funds in funding agreement.—A funding agreement entered into with an Indian tribe shall include Federal-aid funds apportioned to a State under chapter 1 if the State elects to provide a portion of such funds to the Indian tribe for a project eligible under section 202(a). The provisions of this
section shall be in addition to the methods for making funding contributions described in section 202(a)(9). Nothing in this section shall diminish the authority of the Secretary to provide funds to an Indian tribe under section 202(a)(9).

“(II) METHOD FOR TRANSFERS.—If a State elects to provide funds described in subclause (I) to an Indian tribe—

“(aa) the transfer may occur in accordance with section 202(a)(9); or

“(bb) the State shall transfer the funds back to the Secretary and the Secretary shall transfer the funds to the Indian tribe in accordance with this section.

“(III) RESPONSIBILITY FOR TRANSFERRED FUNDS.—Notwithstanding any other provision of law, if a State provides funds described in subclause (I) to an Indian tribe—

“(aa) the State shall not be responsible for constructing or maintaining a project carried out using the funds or for administering or supervising the project or funds during the applicable statute of limitations period related to the construction of the project; and

“(bb) the Indian tribe shall be responsible for constructing and maintaining a project carried out using the funds and for administering and supervising the project and funds in accordance with this section during the applicable statute of limitations period related to the construction of the project.

“(B) ADMINISTRATION OF TRIBAL SHARES.—The tribal shares referred to in subparagraph (A) shall be provided without regard to the agency or office of the Department within which the program, service, function, or activity (or portion thereof) is performed.

“(C) FLEXIBLE AND INNOVATIVE FINANCING.—

“(i) IN GENERAL.—A funding agreement entered into with an Indian tribe under paragraph (1) shall include provisions pertaining to flexible and innovative financing if agreed upon by the parties.

“(ii) TERMS AND CONDITIONS.—

“(I) AUTHORITY TO ISSUE REGULATIONS.—The Secretary may issue regulations to establish the terms and conditions relating to the flexible and innovative financing provisions referred to in clause (i).

“(II) TERMS AND CONDITIONS IN ABSENCE OF REGULATIONS.—If the Secretary does not issue regulations under subclause (I), the terms and conditions relating to the flexible and innovative financing provisions referred to in clause (i) shall be consistent with—

“(aa) agreements entered into by the Department under—

“(AA) section 202(b)(7); and
“(BB) section 202(d)(5), as in effect before the date of enactment of MAP–21 (Public Law 112–141); or
“(bb) regulations of the Department of the Interior relating to flexible financing contained in part 170 of title 25, Code of Federal Regulations, as in effect on the date of enactment of the FAST Act.

“(3) Terms.—A funding agreement shall set forth—
“(A) terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered by the Indian tribe; and
“(B) for items identified in subparagraph (A)—
“(i) the general budget category assigned;
“(ii) the funds to be provided, including those funds to be provided on a recurring basis;
“(iii) the time and method of transfer of the funds;
“(iv) the responsibilities of the Secretary and the Indian tribe; and
“(v) any other provision agreed to by the Indian tribe and the Secretary.

“(4) Subsequent Funding Agreements.—
“(A) Applicability of Existing Agreement.—Absent notification from an Indian tribe that the Indian tribe is withdrawing from or retroceding the operation of 1 or more programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed.
“(B) Effective Date of Subsequent Agreement.—

The terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

“(5) Consent of Indian Tribe Required.—The Secretary shall not revise, amend, or require additional terms in a new or subsequent funding agreement without the consent of the Indian tribe that is subject to the agreement unless such terms are required by Federal law.

“(e) General Provisions.—
“(1) Redesign and Consolidation.—
“(A) In general.—An Indian tribe, in any manner that the Indian tribe considers to be in the best interest of the Indian community being served, may—
“(i) redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement; and
“(ii) reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof), if the funds are—
“(I) expended on projects identified in a transportation improvement program approved by the Secretary; and
“(II) used in accordance with the requirements in—
“(aa) appropriations Acts;
“(bb) this title and chapter 53 of title 49; and
“(cc) any other applicable law.
“(B) EXCEPTION.—Notwithstanding subparagraph (A), if, pursuant to subsection (d), an Indian tribe receives a discretionary or competitive grant from the Secretary or receives State apportioned funds, the Indian tribe shall use the funds for the purpose for which the funds were originally authorized.
“(2) RETROCESSION.—
“(A) IN GENERAL.—
“(i) AUTHORITY OF INDIAN TRIBES.—An Indian tribe may retrocede (fully or partially) to the Secretary programs, services, functions, or activities (or portions thereof) included in a compact or funding agreement.
“(ii) REASSUMPTION OF REMAINING FUNDS.—Following a retrocession described in clause (i), the Secretary may—
“(I) reassume the remaining funding associated with the retroceded programs, functions, services, and activities (or portions thereof) included in the applicable compact or funding agreement;
“(II) out of such remaining funds, transfer funds associated with Department of Interior programs, services, functions, or activities (or portions thereof) to the Secretary of the Interior to carry out transportation services provided by the Secretary of the Interior; and
“(III) distribute funds not transferred under subclause (II) in accordance with applicable law.
“(iii) CORRECTION OF PROGRAMS.—If the Secretary makes a finding under subsection (f)(2)(B) and no funds are available under subsection (f)(2)(A)(ii), the Secretary shall not be required to provide additional funds to complete or correct any programs, functions, services, or activities (or portions thereof).
“(B) EFFECTIVE DATE.—Unless the Indian tribe rescinds a request for retrocession, the retrocession shall become effective within the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, the retrocession shall become effective on—
“(i) the earlier of—
“(I) 1 year after the date of submission of the request; or
“(II) the date on which the funding agreement expires; or
“(ii) such date as may be mutually agreed upon by the parties and, with respect to Department of the Interior programs, functions, services, and activities (or portions thereof), the Secretary of the Interior.
“(f) PROVISIONS RELATING TO SECRETARY.—
“(1) DECISIONMAKER.—A decision that relates to an appeal of the rejection of a final offer by the Department shall be made either—
“(A) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which
the decision that is the subject of the appeal was made; or

“(B) by an administrative judge.

“(2) TERMINATION OF COMPACT OR FUNDING AGREEMENT.—

“(A) AUTHORITY TO TERMINATE.—

“(i) Provision to be included in compact or funding agreement.—A compact or funding agreement shall include a provision authorizing the Secretary, if the Secretary makes a finding described in subparagraph (B), to—

“(I) terminate the compact or funding agreement (or a portion thereof); and

“(II) reassume the remaining funding associated with the reassumed programs, functions, services, and activities included in the compact or funding agreement.

“(ii) Transfers of funds.—Out of any funds reassumed under clause (i)(II), the Secretary may transfer the funds associated with Department of the Interior programs, functions, services, and activities (or portions thereof) to the Secretary of the Interior to provide continued transportation services in accordance with applicable law.

“(B) Findings resulting in termination.—The finding referred to in subparagraph (A) is a specific finding of—

“(i) imminent jeopardy to a trust asset, natural resources, or public health and safety that is caused by an act or omission of the Indian tribe and that arises out of a failure to carry out the compact or funding agreement, as determined by the Secretary; or

“(ii) gross mismanagement with respect to funds or programs transferred to the Indian tribe under the compact or funding agreement, as determined by the Secretary in consultation with the Inspector General of the Department, as appropriate.

“(C) Prohibition.—The Secretary shall not terminate a compact or funding agreement (or portion thereof) unless—

“(i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe that is subject to the compact or funding agreement; and

“(ii) the Indian tribe has not taken corrective action to remedy the mismanagement of funds or programs or the imminent jeopardy to a trust asset, natural resource, or public health and safety.

“(D) Exception.—

“(i) In general.—Notwithstanding subparagraph (C), the Secretary, upon written notification to an Indian tribe that is subject to a compact or funding agreement, may immediately terminate the compact or funding agreement (or portion thereof) if—

“(I) the Secretary makes a finding of imminent substantial and irreparable jeopardy to a trust asset, natural resource, or public health and safety; and
“(II) the jeopardy arises out of a failure to carry out the compact or funding agreement.

“(ii) HEARINGS.—If the Secretary terminates a compact or funding agreement (or portion thereof) under clause (i), the Secretary shall provide the Indian tribe subject to the compact or agreement with a hearing on the record not later than 10 days after the date of such termination.

“(E) BURDEN OF PROOF.—In any hearing or appeal involving a decision to terminate a compact or funding agreement (or portion thereof) under this paragraph, the Secretary shall have the burden of proof in demonstrating by clear and convincing evidence the validity of the grounds for the termination.

“(g) COST PRINCIPLES.—In administering funds received under this section, an Indian tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1), other provisions of law, or by any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit conducted pursuant to this subsection shall be subject to the provisions of section 106(f) of that Act (25 U.S.C. 450j–1(f)).

“(h) TRANSFER OF FUNDS.—The Secretary shall provide funds to an Indian tribe under a funding agreement in an amount equal to—

“(1) the sum of the funding that the Indian tribe would otherwise receive for the program, function, service, or activity in accordance with a funding formula or other allocation method established under this title or chapter 53 of title 49; and

“(2) such additional amounts as the Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the program or project.

“(i) CONSTRUCTION PROGRAMS.—

“(1) STANDARDS.—Construction projects carried out under programs administered by an Indian tribe with funds transferred to the Indian tribe pursuant to a funding agreement entered into under this section shall be constructed pursuant to the construction program standards set forth in applicable regulations or as specifically approved by the Secretary (or the Secretary’s designee).

“(2) MONITORING.—Construction programs shall be monitored by the Secretary in accordance with applicable regulations.

“(j) FACILITATION.—

“(1) SECRETARIAL INTERPRETATION.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws, Executive orders, and regulations in a manner that will facilitate—

“(A) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in compacts and funding agreements; and
“(B) the implementation of the compacts and funding agreements.

“(2) REGULATION WAIVER.—

“(A) IN GENERAL.—An Indian tribe may submit to the Secretary a written request to waive application of a regulation promulgated under this section with respect to a compact or funding agreement. The request shall identify the regulation sought to be waived and the basis for the request.

“(B) APPROVALS AND DENIALS.—

“(i) IN GENERAL.—Not later than 90 days after the date of receipt of a written request under subparagraph (A), the Secretary shall approve or deny the request in writing.

“(ii) REVIEW.—The Secretary shall review any application by an Indian tribe for a waiver bearing in mind increasing opportunities for using flexible policy approaches at the Indian tribal level.

“(iii) DEEMED APPROVAL.—If the Secretary does not approve or deny a request submitted under subparagraph (A) on or before the last day of the 90-day period referred to in clause (i), the request shall be deemed approved.

“(iv) DENIALS.—If the application for a waiver is not granted, the agency shall provide the applicant with the reasons for the denial as part of the written response required in clause (i).

“(v) FINALITY OF DECISIONS.—A decision by the Secretary under this subparagraph shall be final for the Department.

“(k) DISCLAIMERS.—

“(1) EXISTING AUTHORITY.—Notwithstanding any other provision of law, upon the election of an Indian tribe, the Secretary shall—

“(A) maintain current tribal transportation program funding agreements and program agreements; or

“(B) enter into new agreements under the authority of section 202(b)(7).

“(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to impair or diminish the authority of the Secretary under section 202(b)(7).

“(l) APPLICABILITY OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Except to the extent in conflict with this section (as determined by the Secretary), the following provisions of the Indian Self-Determination and Education Assistance Act shall apply to compact and funding agreements (except that any reference to the Secretary of the Interior or the Secretary of Health and Human Services in such provisions shall be treated as a reference to the Secretary of Transportation):

“(1) Subsections (a), (b), (d), (g), and (h) of section 506 of such Act (25 U.S.C. 458aaa–5), relating to general provisions.

“(2) Subsections (b) through (e) and (g) of section 507 of such Act (25 U.S.C. 458aaa–6), relating to provisions relating to the Secretary of Health and Human Services.

“(3) Subsections (a), (b), (d), (e), (g), (h), (i), and (k) of section 508 of such Act (25 U.S.C. 458aaa–7), relating to transfer of funds.
(4) Section 510 of such Act (25 U.S.C. 458aaa–9), relating to Federal procurement laws and regulations.

(5) Section 511 of such Act (25 U.S.C. 458aaa–10), relating to civil actions.

(6) Subsections (a)(1), (a)(2), and (c) through (f) of section 512 of such Act (25 U.S.C. 458aaa–11), relating to facilitation, except that subsection (c)(1) of that section shall be applied by substituting ‘transportation facilities and other facilities’ for ‘school buildings, hospitals, and other facilities’.

(7) Subsections (a) and (b) of section 515 of such Act (25 U.S.C. 458aaa–14), relating to disclaimers.

(8) Subsections (a) and (b) of section 516 of such Act (25 U.S.C. 458aaa–15), relating to application of title I provisions.

(9) Section 518 of such Act (25 U.S.C. 458aaa–17), relating to appeals.

(m) DEFINITIONS.—

(1) IN GENERAL.—In this section, the following definitions apply (except as otherwise expressly provided):

(A) COMPACT.—The term ‘compact’ means a compact between the Secretary and an Indian tribe entered into under subsection (c).

(B) DEPARTMENT.—The term ‘Department’ means the Department of Transportation.

(C) ELIGIBLE INDIAN TRIBE.—The term ‘eligible Indian tribe’ means an Indian tribe that is eligible to participate in the program, as determined under subsection (b).

(D) FUNDING AGREEMENT.—The term ‘funding agreement’ means a funding agreement between the Secretary and an Indian tribe entered into under subsection (d).

(E) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. In any case in which an Indian tribe has authorized another Indian tribe, an intertribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this section, the authorized Indian tribe, intertribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this title). In such event, the term ‘Indian tribe’ as used in this section shall include such other authorized Indian tribe, intertribal consortium, or tribal organization.

(F) PROGRAM.—The term ‘program’ means the tribal transportation self-governance program established under this section.

(G) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

(H) TRANSPORTATION PROGRAMS.—The term ‘transportation programs’ means all programs administered or financed by the Department under this title and chapter 53 of title 49.

(2) APPLICABILITY OF OTHER DEFINITIONS.—In this section, the definitions set forth in sections 4 and 505 of the Indian
Self-Determination and Education Assistance Act (25 U.S.C. 450b; 458aaa) apply, except as otherwise expressly provided in this section.

“(n) Regulations.—

“(1) In general.—

“(A) Promulgation.—Not later than 90 days after the date of enactment of the FAST Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to negotiate and promulgate such regulations as are necessary to carry out this section.

“(B) Publication of proposed regulations.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 21 months after such date of enactment.

“(C) Expiration of authority.—The authority to promulgate regulations under subparagraph (A) shall expire 30 months after such date of enactment.

“(D) Extension of deadlines.—A deadline set forth in subparagraph (B) or (C) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (2) concludes that the committee cannot meet the deadline and the Secretary so notifies the appropriate committees of Congress.

“(2) Committee.—

“(A) In general.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this subsection shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this title.

“(B) Requirements.—The committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.

“(C) Adaptation of procedures.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

“(3) Effect.—The lack of promulgated regulations shall not limit the effect of this section.

“(4) Effect of circulars, policies, manuals, guidance, and rules.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except regulations promulgated under this section.”.

(b) Clerical Amendment.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 206 the following:

“207. Tribal transportation self-governance program.”

SEC. 1122. STATE FLEXIBILITY FOR NATIONAL HIGHWAY SYSTEM MODIFICATIONS.

(a) National Highway System Flexibility.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue guidance relating to working with State departments
of transportation that request assistance from the division offices of the Federal Highway Administration—

(1) to review roads classified as principal arterials in the State that were added to the National Highway System as of October 1, 2012, so as to comply with section 103 of title 23, United States Code; and

(2) to identify any necessary functional classification changes to rural and urban principal arterials.

(b) ADMINISTRATIVE ACTIONS.—The Secretary shall direct the division offices of the Federal Highway Administration to work with the applicable State department of transportation that requests assistance under this section—

(1) to assist in the review of roads in accordance with guidance issued under subsection (a);

(2) to expeditiously review and facilitate requests from States to reclassify roads classified as principal arterials; and

(3) in the case of a State that requests the withdrawal of reclassified roads from the National Highway System under section 103(b)(3) of title 23, United States Code, to carry out that withdrawal if the inclusion of the reclassified road in the National Highway System is not consistent with the needs and priorities of the community or region in which the reclassified road is located.

(c) NATIONAL HIGHWAY SYSTEM MODIFICATION REGULATIONS.—The Secretary shall—

(1) review the National Highway System modification process described in appendix D of part 470 of title 23, Code of Federal Regulations (or successor regulations); and

(2) take any action necessary to ensure that a State may submit to the Secretary a request to modify the National Highway System by withdrawing a road from the National Highway System.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a description of—

(1) each request for reclassification of National Highway System roads;

(2) the status of each request; and

(3) if applicable, the justification for the denial by the Secretary of a request.

(e) MODIFICATIONS TO THE NATIONAL HIGHWAY SYSTEM.—Section 103(b)(3)(A) of title 23, United States Code, is amended—

(1) in the matter preceding clause (i)—

(A) by striking “, including any modification consisting of a connector to a major intermodal terminal,”; and

(B) by inserting “, including any modification consisting of a connector to a major intermodal terminal or the withdrawal of a road from that system,” after “the National Highway System”; and

(2) in clause (ii)—

(A) by striking “(ii) enhances” and inserting “(ii)(I) enhances”;

(B) by striking the period at the end and inserting “; or”; and
SEC. 1123. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.

(a) PURPOSE.—The Secretary shall establish a nationally significant Federal lands and tribal projects program (referred to in this section as the “program”) to provide funding to construct, reconstruct, or rehabilitate nationally significant Federal lands and tribal transportation projects.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), entities eligible to receive funds under sections 201, 202, 203, and 204 of title 23, United States Code, may apply for funding under the program.

(2) SPECIAL RULE.—A State, county, or unit of local government may only apply for funding under the program if sponsored by an eligible Federal land management agency or Indian tribe.

(c) ELIGIBLE PROJECTS.—An eligible project under the program shall be a single continuous project—

(1) on a Federal lands transportation facility, a Federal lands access transportation facility, or a tribal transportation facility (as those terms are defined in section 101 of title 23, United States Code), except that such facility is not required to be included in an inventory described in section 202 or 203 of such title;

(2) for which completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been demonstrated through—

(A) a record of decision with respect to the project;

(B) a finding that the project has no significant impact; or

(C) a determination that the project is categorically excluded; and

(3) having an estimated cost, based on the results of preliminary engineering, equal to or exceeding $25,000,000, with priority consideration given to projects with an estimated cost equal to or exceeding $50,000,000.

(d) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Subject to paragraph (2), an eligible applicant receiving funds under the program may only use the funds for construction, reconstruction, and rehabilitation activities.

(2) INELIGIBLE ACTIVITIES.—An eligible applicant may not use funds received under the program for activities relating to project design.

(e) APPLICATIONS.—Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(f) SELECTION CRITERIA.—In selecting a project to receive funds under the program, the Secretary shall consider the extent to which the project—

(1) furthers the goals of the Department, including state of good repair, economic competitiveness, quality of life, and safety;
(2) improves the condition of critical transportation facilities, including multimodal facilities;
(3) needs construction, reconstruction, or rehabilitation;
(4) has costs matched by funds that are not provided under this section, with projects with a greater percentage of other sources of matching funds ranked ahead of lesser matches;
(5) is included in or eligible for inclusion in the National Register of Historic Places;
(6) uses new technologies and innovations that enhance the efficiency of the project;
(7) is supported by funds, other than the funds received under the program, to construct, maintain, and operate the facility;
(8) spans 2 or more States; and
(9) serves land owned by multiple Federal agencies or Indian tribes.

(g) FEDERAL SHARE.—
(1) IN GENERAL.—The Federal share of the cost of a project shall be up to 90 percent.
(2) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, any Federal funds other than those made available under title 23 or title 49, United States Code, may be used to pay the non-Federal share of the cost of a project carried out under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2016 through 2020. Such sums shall remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.

Subtitle B—Planning and Performance Management

SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.

Section 134 of title 23, United States Code, is amended—
(1) in subsection (a)(1)—
(A) by striking “people and freight and” and inserting “people and freight,” and
(B) by inserting “and take into consideration resiliency needs” after “urbanized areas”;
(2) in subsection (c)(2) by striking “and bicycle transportation facilities” and inserting “, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers”;
(3) in subsection (d)—
(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;
(B) by inserting after paragraph (2) the following: “(3) REPRESENTATION.—
“(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.
“(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan
planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

"(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority commensurate with other officials described in paragraph (2)."; and

(C) in paragraph (5) as so redesignated by striking "paragraph (5)" and inserting "paragraph (6)";

(4) in subsection (e)(4)(B) by striking "subsection (d)(5)" and inserting "subsection (d)(6)";

(5) in subsection (g)(3)(A) by inserting "tourism, natural disaster risk reduction," after "economic development.");

(6) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (G) by striking "and" at the end;

(ii) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(I) improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and

"(J) enhance travel and tourism."; and

(B) in paragraph (2)(A) by striking "and in section 5301(c) of title 49" and inserting "and the general purposes described in section 5301 of title 49";

(7) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i) by striking "transit," and inserting "public transportation facilities, intercity bus facilities,";

(ii) in subparagraph (G)—

(I) by striking "and provide" and inserting ", provide"; and

(II) by inserting ", and reduce the vulnerability of the existing transportation infrastructure to natural disasters" before the period at the end; and

(iii) in subparagraph (H) by inserting "including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated" before the period at the end;

(B) in paragraph (6)(A)—

(i) by inserting "public ports," before "freight shippers,"; and

(ii) by inserting "(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)" after "private providers of transportation"; and

(C) in paragraph (8) by striking "paragraph (2)(C)" and inserting "paragraph (2)(E)" each place it appears;
(8) in subsection (k)(3)—
(A) in subparagraph (A) by inserting “(including inter-city bus operators, employer-based commuting programs such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects,” after “reduction”; and
(B) by adding at the end the following:
“(C) CONGESTION MANAGEMENT PLAN.—A metropolitan planning organization serving a transportation management area may develop a plan that includes projects and strategies that will be considered in the TIP of such metropolitan planning organization. Such plan shall—
“(i) develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;
“(ii) identify existing public transportation services, employer-based commuter programs, and other existing transportation services that support access to jobs in the region; and
“(iii) identify proposed projects and programs to reduce congestion and increase job access opportunities.
“(D) PARTICIPATION.—In developing the plan under subparagraph (C), a metropolitan planning organization shall consult with employers, private and nonprofit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.”;
(9) in subsection (l)—
(A) by adding a period at the end of paragraph (1); and
(B) in paragraph (2)(D) by striking “of less than 200,000” and inserting “with a population of 200,000 or less”;
(10) in subsection (n)(1) by inserting “49” after “chapter 53 of title”;
(11) in subsection (p) by striking “Funds set aside under section 104(f)” and inserting “Funds apportioned under paragraphs (5)(D) and (6) of section 104(b)”;
(12) by adding at the end the following:
“(r) BI-STATE METROPOLITAN PLANNING ORGANIZATION.—
“(1) DEFINITION OF BI-STATE MPO REGION.—In this subsection, the term ‘Bi-State MPO Region’ has the meaning given the term ‘region’ in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3234).
“(2) TREATMENT.—For the purpose of this title, the Bi-State MPO Region shall be treated as—
“(A) a metropolitan planning organization;
“(B) a transportation management area under subsection (k); and
“(C) an urbanized area, which is comprised of a population of 145,000 in the State of California and a population of 65,000 in the State of Nevada.

“(3) Suballocated funding.—

“(A) Planning.—In determining the amounts under subparagraph (A) of section 133(d)(1) that shall be obligated for a fiscal year in the States of California and Nevada under clauses (i), (ii), and (iii) of that subparagraph, the Secretary shall, for each of those States—

“(i) calculate the population under each of those clauses;

“(ii) decrease the amount under section 133(d)(1)(A)(iii) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State; and

“(iii) increase the amount under section 133(d)(1)(A)(i) by the population specified in paragraph (2) of this subsection for the Bi-State MPO Region in that State.

“(B) STBGP Set Aside.—In determining the amounts under paragraph (2) of section 133(h) that shall be obligated for a fiscal year in the States of California and Nevada, the Secretary shall, for the purpose of that subsection, calculate the populations for each of those States in a manner consistent with subparagraph (A).”.

SEC. 1202. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 135 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking “and bicycle transportation facilities” and inserting, “, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter van pool providers”; (2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G) by striking “and” at the end;

(ii) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(I) improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and

“(J) enhance travel and tourism.”; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking “and in section 5301(c) of title 49” and inserting “and the general purposes described in section 5301 of title 49”; (ii) in subparagraph (B)(ii) by striking “urbanized”; and

(iii) in subparagraph (C) by striking “urbanized”; (3) in subsection (f)—

(A) in paragraph (3)(A)(ii)—

(i) by inserting “public ports,” before “freight shippers,”; and
(ii) by inserting “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)” after “private providers of transportation”; and

(B) in paragraph (7), in the matter preceding subparagraph (A), by striking “should” and inserting “shall”; and

(C) in paragraph (8), by inserting “, including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated” before the period at the end; and

(4) in subsection (g)(3)—

(A) by inserting “public ports,” before “freight shippers”; and

(B) by inserting “(including intercity bus operators),” after “private providers of transportation”.

Subtitle C—Acceleration of Project Delivery

SEC. 1301. SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.

(a) HIGHWAYS.—Section 138 of title 23, United States Code, is amended by adding at the end the following:

“(c) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—

“(1) IN GENERAL.—The Secretary shall—

“(A) align, to the maximum extent practicable, with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 306108 of title 54, including implementing regulations; and

“(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the ‘Council’) to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).

“(2) AVOIDANCE ALTERNATIVE ANALYSIS.—

“(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of a historic site, the Secretary may—

“(i) include the determination of the Secretary in the analysis required under that Act;

“(ii) provide a notice of the determination to—

“(I) each applicable State historic preservation officer and tribal historic preservation officer;

“(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and
"(III) the Secretary of the Interior; and
"(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence that the determination is sufficient to satisfy subsection (a)(1).
"(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (a)(1) shall be required.
"(C) PUBLICATION.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall—
"(i) be included in the record of decision or finding of no significant impact of the Secretary; and
"(ii) be posted on an appropriate Federal website by not later than 3 days after the date of receipt by the Secretary of all concurrences requested under subparagraph (A)(iii).
"(3) ALIGNING HISTORICAL REVIEWS.—
"(A) IN GENERAL.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy subsection (a)(2) through the consultation requirements of section 306108 of title 54.
"(B) SATISFACTION OF CONDITIONS.—To satisfy subsection (a)(2), each individual described in paragraph (2)(A)(ii) shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.”.

(b) PUBLIC TRANSPORTATION.—Section 303 of title 49, United States Code, is amended by adding at the end the following:
"(e) SATISFACTION OF REQUIREMENTS FOR CERTAIN HISTORIC SITES.—
"(1) IN GENERAL.—The Secretary shall—
"(A) align, to the maximum extent practicable, the requirements of this section with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 306108 of title 54, including implementing regulations; and
"(B) not later than 90 days after the date of enactment of this subsection, coordinate with the Secretary of the Interior and the Executive Director of the Advisory Council on Historic Preservation (referred to in this subsection as the 'Council') to establish procedures to satisfy the requirements described in subparagraph (A) (including regulations).
"(2) AVOIDANCE ALTERNATIVE ANALYSIS.—
"(A) IN GENERAL.—If, in an analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary determines that there is no feasible or prudent alternative to avoid use of a historic site, the Secretary may—
“(i) include the determination of the Secretary in the analysis required under that Act;
“(ii) provide a notice of the determination to—
“(I) each applicable State historic preservation officer and tribal historic preservation officer;
“(II) the Council, if the Council is participating in the consultation process under section 306108 of title 54; and
“(III) the Secretary of the Interior; and
“(iii) request from the applicable preservation officer, the Council, and the Secretary of the Interior a concurrence that the determination is sufficient to satisfy subsection (c)(1).
“(B) CONCURRENCE.—If the applicable preservation officer, the Council, and the Secretary of the Interior each provide a concurrence requested under subparagraph (A)(iii), no further analysis under subsection (c)(1) shall be required.
“(C) PUBLICATION.—A notice of a determination, together with each relevant concurrence to that determination, under subparagraph (A) shall—
“(i) be included in the record of decision or finding of no significant impact of the Secretary; and
“(ii) be posted on an appropriate Federal website by not later than 3 days after the date of receipt by the Secretary of all concurrences requested under subparagraph (A)(iii).
“(3) ALIGNING HISTORICAL REVIEWS.—
“(A) IN GENERAL.—If the Secretary, the applicable preservation officer, the Council, and the Secretary of the Interior concur that no feasible and prudent alternative exists as described in paragraph (2), the Secretary may provide to the applicable preservation officer, the Council, and the Secretary of the Interior notice of the intent of the Secretary to satisfy subsection (c)(2) through the consultation requirements of section 306108 of title 54.
“(B) SATISFACTION OF CONDITIONS.—To satisfy subsection (c)(2), the applicable preservation officer, the Council, and the Secretary of the Interior shall concur in the treatment of the applicable historic site described in the memorandum of agreement or programmatic agreement developed under section 306108 of title 54.”.

SEC. 1302. CLARIFICATION OF TRANSPORTATION ENVIRONMENTAL AUTHORITIES.

(a) TITLE 23 AMENDMENT.—Section 138 of title 23, United States Code, as amended by section 1301, is amended by adding at the end the following:
“(d) REFERENCES TO PAST TRANSPORTATION ENVIRONMENTAL AUTHORITIES.—
“(1) SECTION 4(F) REQUIREMENTS.—The requirements of this section are commonly referred to as section 4(f) requirements (see section 4(f) of the Department of Transportation Act (Public Law 89–670; 80 Stat. 934) as in effect before the repeal of that section).
“(2) SECTION 106 REQUIREMENTS.—The requirements of section 306108 of title 54 are commonly referred to as section
106 requirements (see section 106 of the National Historic Preservation Act of 1966 (Public Law 89–665; 80 Stat. 917) as in effect before the repeal of that section).

(b) TITLE 49 AMENDMENT.—Section 303 of title 49, United States Code, as amended by section 1301, is amended by adding at the end the following:

“(f) REFERENCES TO PAST TRANSPORTATION ENVIRONMENTAL AUTHORITIES.—

“(1) SECTION 4(F) REQUIREMENTS.—The requirements of this section are commonly referred to as section 4(f) requirements (see section 4(f) of the Department of Transportation Act (Public Law 89–670; 80 Stat. 934) as in effect before the repeal of that section).

“(2) SECTION 106 REQUIREMENTS.—The requirements of section 306108 of title 54 are commonly referred to as section 106 requirements (see section 106 of the National Historic Preservation Act of 1966 (Public Law 89–665; 80 Stat. 917) as in effect before the repeal of that section).”.

SEC. 1303. TREATMENT OF CERTAIN BRIDGES UNDER PRESERVATION REQUIREMENTS.

(a) PRESERVATION OF PARKLANDS.—Section 138 of title 23, United States Code, as amended by section 1302, is amended by adding at the end the following:

“(e) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54 shall be exempt from consideration under this section.”.

(b) POLICY ON LANDS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.—Section 303 of title 49, United States Code, as amended by section 1302, is amended by adding at the end the following:

“(g) BRIDGE EXEMPTION FROM CONSIDERATION.—A common post-1945 concrete or steel bridge or culvert (as described in 77 Fed. Reg. 68790) that is exempt from individual review under section 306108 of title 54 shall be exempt from consideration under this section.”.

SEC. 1304. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) DEFINITIONS.—Section 139(a) of title 23, United States Code, is amended—

(1) by striking paragraph (5) and inserting the following:

“(5) MULTIMODAL PROJECT.—The term ‘multimodal project’ means a project that requires the approval of more than 1 Department of Transportation operating administration or secretarial office.”; and

(2) by striking paragraph (6) and inserting the following:

“(6) PROJECT.—

“(A) IN GENERAL.—The term ‘project’ means any highway project, public transportation capital project, or multimodal project that, if implemented as proposed by the project sponsor, would require approval by any operating administration or secretarial office within the Department of Transportation.

“(B) CONSIDERATIONS.—In determining whether a project is a project under subparagraph (A), the Secretary
shall take into account, if known, any sources of Federal funding or financing identified by the project sponsor, including any discretionary grant, loan, and loan guarantee programs administered by the Department of Transportation.”

(b) Applicability.—Section 139(b)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A) in the matter preceding clause (i) by striking “initiate a rulemaking to”; and

(2) by striking subparagraph (B) and inserting the following:

“(B) Requirements.—In carrying out subparagraph (A), the Secretary shall ensure that programmatic reviews—

“(i) promote transparency, including the transparency of—

“(I) the analyses and data used in the environmental reviews;

“(II) the treatment of any deferred issues raised by agencies or the public; and

“(III) the temporal and spatial scales to be used to analyze issues under subclauses (I) and (II);

“(ii) use accurate and timely information, including through establishment of—

“(I) criteria for determining the general duration of the usefulness of the review; and

“(II) a timeline for updating an out-of-date review;

“(iii) describe—

“(I) the relationship between any programmatic analysis and future tiered analysis; and

“(II) the role of the public in the creation of future tiered analysis;

“(iv) are available to other relevant Federal and State agencies, Indian tribes, and the public; and

“(v) provide notice and public comment opportunities consistent with applicable requirements.”.

(c) Federal Lead Agency.—Section 139(c) of title 23, United States Code, is amended—

(1) in paragraph (1)(A) by inserting “, or an operating administration thereof designated by the Secretary,” after “Department of Transportation”; and

(2) in paragraph (6)—

(A) in subparagraph (A) by striking “and” at the end;

(B) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) to consider and respond to comments received from participating agencies on matters within the special expertise or jurisdiction of those agencies.”.

(d) Participating Agencies.—

(1) Invitation.—Section 139(d)(2) of title 23, United States Code, is amended by striking “The lead agency shall identify, as early as practicable in the environmental review process for a project,” and inserting “Not later than 45 days after the date of publication of a notice of intent to prepare an
environmental impact statement or the initiation of an environmental assessment, the lead agency shall identify”.

(2) SINGLE NEPA DOCUMENT.—Section 139(d) of title 23, United States Code, is amended by adding at the end the following:

“(8) SINGLE NEPA DOCUMENT.—

“(A) IN GENERAL.—Except as inconsistent with paragraph (7), to the maximum extent practicable and consistent with Federal law, all Federal permits and reviews for a project shall rely on a single environment document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the leadership of the lead agency.

“(B) USE OF DOCUMENT.—

“(i) IN GENERAL.—To the maximum extent practicable, the lead agency shall develop an environmental document sufficient to satisfy the requirements for any Federal approval or other Federal action required for the project, including permits issued by other Federal agencies.

“(ii) COOPERATION OF PARTICIPATING AGENCIES.—Other participating agencies shall cooperate with the lead agency and provide timely information to help the lead agency carry out this subparagraph.

“(C) TREATMENT AS PARTICIPATING AND COOPERATING AGENCIES.—A Federal agency required to make an approval or take an action for a project, as described in subparagraph (B), shall work with the lead agency for the project to ensure that the agency making the approval or taking the action is treated as being both a participating and cooperating agency for the project.

“(9) PARTICIPATING AGENCY RESPONSIBILITIES.—An agency participating in the environmental review process under this section shall—

“(A) provide comments, responses, studies, or methodologies on those areas within the special expertise or jurisdiction of the agency; and

“(B) use the process to address any environmental issues of concern to the agency.”

(e) PROJECT INITIATION.—Section 139(e) of title 23, United States Code, is amended—

(1) in paragraph (1) by inserting “(including any additional information that the project sponsor considers to be important to initiate the process for the proposed project)” after “general location of the proposed project”; and

(2) by adding at the end the following:

“(3) REVIEW OF APPLICATION.—Not later than 45 days after the date on which the Secretary receives notification under paragraph (1), the Secretary shall provide to the project sponsor a written response that, as applicable—

“(A) describes the determination of the Secretary—

“(i) to initiate the environmental review process, including a timeline and an expected date for the publication in the Federal Register of the relevant notice of intent; or

“(ii) to decline the application, including an explanation of the reasons for that decision; or
“(B) requests additional information, and provides to
the project sponsor an accounting regarding what docu-
mentation is necessary to initiate the environmental review
process.

(4) REQUEST TO DESIGNATE A LEAD AGENCY.—

(A) IN GENERAL.—Any project sponsor may submit
to the Secretary a request to designate the operating
administration or secretarial office within the Department
of Transportation with the expertise on the proposed project
to serve as the Federal lead agency for the project.

(B) SECRETARIAL ACTION.—

“(i) IN GENERAL.—If the Secretary receives a
request under subparagraph (A), the Secretary shall
respond to the request not later than 45 days after
the date of receipt.

“(ii) REQUIREMENTS.—The response under clause
(i) shall—

“(I) approve the request;

“(II) deny the request, with an explanation
of the reasons for the denial; or

“(III) require the submission of additional
information.

“(iii) ADDITIONAL INFORMATION.—If additional
information is submitted in accordance with clause
(ii)(III), the Secretary shall respond to the submission
not later than 45 days after the date of receipt.

(5) ENVIRONMENTAL CHECKLIST.—

(A) DEVELOPMENT.—The lead agency for a project,
in consultation with participating agencies, shall develop,
as appropriate, a checklist to help project sponsors identify
potential natural, cultural, and historic resources in the
area of the project.

(B) PURPOSE.—The purposes of the checklist are—

“(i) to identify agencies and organizations that can
provide information about natural, cultural, and his-
toric resources;

“(ii) to develop the information needed to deter-
mine the range of alternatives; and

“(iii) to improve interagency collaboration to help
expedite the permitting process for the lead agency
and participating agencies.”.

(f) PURPOSE AND NEED.—Section 139(f) of title 23, United States
Code, is amended—

(1) in the subsection heading by inserting “; ALTERNATIVES
ANALYSIS” after “NEED”; and

(2) in paragraph (4)—

(A) by striking subparagraph (A) and inserting the
following:

“(A) PARTICIPATION.—

“(i) IN GENERAL.—As early as practicable during
the environmental review process, the lead agency
shall provide an opportunity for involvement by partici-
paring agencies and the public in determining the
range of alternatives to be considered for a project.

“(ii) COMMENTS OF PARTICIPATING AGENCIES.—To
the maximum extent practicable and consistent with
applicable law, each participating agency receiving an
opportunity for involvement under clause (i) shall limit the comments of the agency to subject matter areas within the special expertise or jurisdiction of the agency.

“(iii) Effect of nonparticipation.—A participating agency that declines to participate in the development of the purpose and need and range of alternatives for a project shall be required to comply with the schedule developed under subsection (g)(1)(B).”;

(B) in subparagraph (B)—

(i) by striking “Following participation under paragraph (1)” and inserting the following:

“(i) Determination.—Following participation under subparagraph (A); and

(ii) by adding at the end the following:

“(ii) Use.—To the maximum extent practicable and consistent with Federal law, the range of alternatives determined for a project under clause (i) shall be used for all Federal environmental reviews and permit processes required for the project unless the alternatives must be modified—

“(I) to address significant new information or circumstances, and the lead agency and participating agencies agree that the alternatives must be modified to address the new information or circumstances; or

“(II) for the lead agency or a participating agency to fulfill the responsibilities of the agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in a timely manner.”;

and

(C) by adding at the end the following:

“(E) Reduction of duplication.—

“(i) In general.—In carrying out this paragraph, the lead agency shall reduce duplication, to the maximum extent practicable, between—

“(I) the evaluation of alternatives under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(II) the evaluation of alternatives in the metropolitan transportation planning process under section 134 or an environmental review process carried out under State law (referred to in this subparagraph as a ‘State environmental review process’).

“(ii) Consideration of alternatives.—The lead agency may eliminate from detailed consideration an alternative proposed in an environmental impact statement regarding a project if, as determined by the lead agency—

“(I) the alternative was considered in a metropolitan planning process or a State environmental review process by a metropolitan planning organization or a State or local transportation agency, as applicable;
“(II) the lead agency provided guidance to the metropolitan planning organization or State or local transportation agency, as applicable, regarding analysis of alternatives in the metropolitan planning process or State environmental review process, including guidance on the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal law necessary for approval of the project;

“(III) the applicable metropolitan planning process or State environmental review process included an opportunity for public review and comment;

“(IV) the applicable metropolitan planning organization or State or local transportation agency rejected the alternative after considering public comments;

“(V) the Federal lead agency independently reviewed the alternative evaluation approved by the applicable metropolitan planning organization or State or local transportation agency; and

“(VI) the Federal lead agency determined—

“(aa) in consultation with Federal participating or cooperating agencies, that the alternative to be eliminated from consideration is not necessary for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

“(bb) with the concurrence of Federal agencies with jurisdiction over a permit or approval required for a project, that the alternative to be eliminated from consideration is not necessary for any permit or approval under any other Federal law.”.

(g) Coordination and Scheduling.—

(1) Coordination Plan.—Section 139(g)(1) of title 23, United States Code, is amended—

(A) in subparagraph (A) by striking “The lead agency” and inserting “Not later than 90 days after the date of publication of a notice of intent to prepare an environmental impact statement or the initiation of an environmental assessment, the lead agency”; and

(B) in subparagraph (B)(i) by striking “may establish as part of the coordination plan” and inserting “shall establish as part of such coordination plan”.

(2) Deadlines for Decisions Under Other Laws.—Section 139(g)(3) of title 23, United States Code, is amended in the matter preceding subparagraph (A) by inserting “and publish on the Internet” after “House of Representatives”.

(h) Issue Identification and Resolution.—

(1) Issue Resolution.—Section 139(h) of title 23, United States Code, is amended—

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) Issue Resolution.—Any issue resolved by the lead agency with the concurrence of participating agencies may not
be reconsidered unless significant new information or circumstances arise.”.

(2) Failure to assure.—Section 139(h)(5)(C) of title 23, United States Code (as redesignated by paragraph (1)(A)), is amended by striking “paragraph (5) and” and inserting “paragraph (6)”.

(3) Financial penalty provisions.—Section 139(h)(7)(B) of title 23, United States Code (as redesignated by paragraph (1)(A)), is amended—

(A) in clause (i)(I) by striking “under section 106(i) is required” and inserting “is required under subsection (h) or (i) of section 106”; and

(B) by striking clause (ii) and inserting the following:

“(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is—

“(I) the date that is 30 days after the date for rendering a decision as described in the project schedule established pursuant to subsection (g)(1)(B);

“(II) if no schedule exists, the later of—

“(aa) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

“(bb) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

“(III) a modified date in accordance with subsection (g)(1)(D).”.

(i) Assistance to Affected State and Federal Agencies.—

(1) In general.—Section 139(j) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) AUTHORITY TO PROVIDE FUNDS.—The Secretary may allow a public entity receiving financial assistance from the Department of Transportation under this title or chapter 53 of title 49 to provide funds to Federal agencies (including the Department), State agencies, and Indian tribes participating in the environmental review process for the project or program.

“(B) USE OF FUNDS.—Funds referred to in subparagraph (A) may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project or program.”.

(2) Activities eligible for funding.—Section 139(j)(2) of title 23, United States Code, is amended by inserting “activities directly related to the environmental review process,” before “dedicated staffing.”.

(3) Agreement.—Section 139(j) of title 23, United States Code, is amended by striking paragraph (6) and inserting the following:

“(6) AGREEMENT.—Prior to providing funds approved by the Secretary for dedicated staffing at an affected agency under
paragraphs (1) and (2), the affected agency and the requesting public entity shall enter into an agreement that establishes the projects and priorities to be addressed by the use of the funds.”.

(j) ACCELERATED DECISIONMAKING; IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.—

(1) IN GENERAL.—Section 139 of title 23, United States Code, is amended by adding at the end the following:

“(n) ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.—

“(1) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets—

“(A) cite the sources, authorities, and reasons that support the position of the agency; and

“(B) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

“(2) SINGLE DOCUMENT.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

“(A) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

“(B) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

“(o) IMPROVING TRANSPARENCY IN ENVIRONMENTAL REVIEWS.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall—

“(A) use the searchable Internet website maintained under section 41003(b) of the FAST Act—

“(i) to make publicly available the status and progress of projects requiring an environmental assessment or an environmental impact statement with respect to compliance with applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other Federal, State, or local approval required for those projects; and

“(ii) to make publicly available the names of participating agencies not participating in the development of a project purpose and need and range of alternatives under subsection (f); and

“(B) issue reporting standards to meet the requirements of subparagraph (A).

“(2) FEDERAL, STATE, AND LOCAL AGENCY PARTICIPATION.—

“(A) FEDERAL AGENCIES.—A Federal agency participating in the environmental review or permitting process for a project shall provide to the Secretary information regarding the status and progress of the approval of the project for publication on the Internet website referred
to in paragraph (1)(A), consistent with the standards established under paragraph (1)(B).

"(B) STATE AND LOCAL AGENCIES.—The Secretary shall encourage State and local agencies participating in the environmental review permitting process for a project to provide information regarding the status and progress of the approval of the project for publication on the Internet website referred to in paragraph (1)(A).

"(3) STATES WITH DELEGATED AUTHORITY.—A State with delegated authority for responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) pursuant to section 327 shall be responsible for supplying to the Secretary project development and compliance status for all applicable projects.”.

(2) CONFORMING AMENDMENT.—Section 1319 of MAP–21 (42 U.S.C. 4332a), and the item relating to that section in the table of contents contained in section 1(c) of that Act, are repealed.

(k) IMPLEMENTATION OF PROGRAMMATIC COMPLIANCE.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a rulemaking to implement the provisions of section 139(b)(3) of title 23, United States Code, as amended by this section.

(2) CONSULTATION.—Before initiating the rulemaking under paragraph (1), the Secretary shall consult with relevant Federal agencies, relevant State resource agencies, State departments of transportation, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches.

(3) REQUIREMENTS.—In carrying out this subsection, the Secretary shall ensure that the rulemaking meets the requirements of section 139(b)(3)(B) of title 23, United States Code, as amended by this section.

(4) COMMENT PERIOD.—The Secretary shall—

(A) allow not fewer than 60 days for public notice and comment on the proposed rule; and

(B) address any comments received under this subsection.

SEC. 1305. INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.

Section 168 of title 23, United States Code, is amended to read as follows:

“§ 168. Integration of planning and environmental review

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) ENVIRONMENTAL REVIEW PROCESS.—The term ‘environmental review process’ has the meaning given the term in section 139(a).

“(2) LEAD AGENCY.—The term ‘lead agency’ has the meaning given the term in section 139(a).

“(3) PLANNING PRODUCT.—The term ‘planning product’ means a decision, analysis, study, or other documented information that is the result of an evaluation or decisionmaking process carried out by a metropolitan planning organization or a State, as appropriate, during metropolitan or statewide transportation planning under section 134 or 135, respectively.
“(4) PROJECT.—The term ‘project’ has the meaning given the term in section 139(a).

“(5) PROJECT SPONSOR.—The term ‘project sponsor’ has the meaning given the term in section 139(a).

“(6) RELEVANT AGENCY.—The term ‘relevant agency’ means the agency with authority under subparagraph (A) or (B) of subsection (b)(1).

“(b) ADOPTION OR INCORPORATION BY REFERENCE OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—

“(1) IN GENERAL.—Subject to subsection (d) and to the maximum extent practicable and appropriate, the following agencies may adopt or incorporate by reference and use a planning product in proceedings relating to any class of action in the environmental review process of the project:

“A) The lead agency for a project, with respect to an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“B) The cooperating agency with responsibility under Federal law, with respect to the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if consistent with that law.

“(2) IDENTIFICATION.—If the relevant agency makes a determination to adopt or incorporate by reference and use a planning product, the relevant agency shall identify the agencies that participated in the development of the planning products.

“(3) ADOPTION OR INCORPORATION BY REFERENCE OF PLANNING PRODUCTS.—The relevant agency may—

“A) adopt or incorporate by reference an entire planning product under paragraph (1); or

“B) select portions of a planning project under paragraph (1) for adoption or incorporation by reference.

“(4) TIMING.—A determination under paragraph (1) with respect to the adoption or incorporation by reference of a planning product may—

“A) be made at the time the relevant agencies decide the appropriate scope of environmental review for the project; or

“B) occur later in the environmental review process, as appropriate.

“(c) APPLICABILITY.—

“(1) PLANNING DECISIONS.—The relevant agency in the environmental review process may adopt or incorporate by reference decisions from a planning product, including—

“A) whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

“(B) a decision with respect to general travel corridor or modal choice, including a decision to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

“(C) the purpose and the need for the proposed action;
“(D) preliminary screening of alternatives and elimination of unreasonable alternatives;
“(E) a basic description of the environmental setting;
“(F) a decision with respect to methodologies for analysis; and
“(G) an identification of programmatic level mitigation for potential impacts of a project, including a programmatic mitigation plan developed in accordance with section 169, that the relevant agency determines are more effectively addressed on a national or regional scale, including—
“(i) measures to avoid, minimize, and mitigate impacts at a national or regional scale of proposed transportation investments on environmental resources, including regional ecosystem and water resources; and
“(ii) potential mitigation activities, locations, and investments.
“(2) PLANNING ANALYSES.—The relevant agency in the environmental review process may adopt or incorporate by reference analyses from a planning product, including—
“(A) travel demands;
“(B) regional development and growth;
“(C) local land use, growth management, and development;
“(D) population and employment;
“(E) natural and built environmental conditions;
“(F) environmental resources and environmentally sensitive areas;
“(G) potential environmental effects, including the identification of resources of concern and potential direct, indirect, and cumulative effects on those resources; and
“(H) mitigation needs for a proposed project, or for programmatic level mitigation, for potential effects that the lead agency determines are most effectively addressed at a regional or national program level.
“(d) CONDITIONS.—The relevant agency in the environmental review process may adopt or incorporate by reference a planning product under this section if the relevant agency determines, with the concurrence of the lead agency and, if the planning product is necessary for a cooperating agency to issue a permit, review, or approval for the project, with the concurrence of the cooperating agency, that the following conditions have been met:
“(1) The planning product was developed through a planning process conducted pursuant to applicable Federal law.
“(2) The planning product was developed in consultation with appropriate Federal and State resource agencies and Indian tribes.
“(3) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects, including effects on the human and natural environment.
“(4) The planning process included public notice that the planning products produced in the planning process may be adopted during a subsequent environmental review process in accordance with this section.
“(5) During the environmental review process, the relevant agency has—
“(A) made the planning documents available for public review and comment by members of the general public and Federal, State, local, and tribal governments that may have an interest in the proposed project;
“(B) provided notice of the intention of the relevant agency to adopt or incorporate by reference the planning product; and
“(C) considered any resulting comments.
“(6) There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.
“(7) The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.
“(8) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.
“(9) The planning product is appropriate for adoption or incorporation by reference and use in the environmental review process for the project and is incorporated in accordance with, and is sufficient to meet the requirements of, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 1502.21 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the FAST Act).
“(10) The planning product was approved within the 5-year period ending on the date on which the information is adopted or incorporated by reference.
“(e) Effect of Adoption or Incorporation by Reference.—Any planning product adopted or incorporated by reference by the relevant agency in accordance with this section may be—
“(1) incorporated directly into an environmental review process document or other environmental document; and
“(2) relied on and used by other Federal agencies in carrying out reviews of the project.
“(f) Rules of Construction.—
“(1) IN GENERAL.—This section does not make the environmental review process applicable to the transportation planning process conducted under this title and chapter 53 of title 49.
“(2) TRANSPORTATION PLANNING ACTIVITIES.—Initiation of the environmental review process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to the environmental review process.
“(3) PLANNING PRODUCTS.—This section does not affect the use of planning products in the environmental review process pursuant to other authorities under any other provision of law or restrict the initiation of the environmental review process during planning.”.

SEC. 1306. DEVELOPMENT OF PROGRAMMATIC MITIGATION PLANS.
Section 169(f) of title 23, United States Code, is amended—
(1) by striking “may use” and inserting “shall give substantial weight to”; and
(2) by inserting “or other Federal environmental law” before the period at the end.
SEC. 1307. TECHNICAL ASSISTANCE FOR STATES.

Section 326 of title 23, United States Code, is amended—
(1) in subsection (c)—
(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and
(B) by inserting after paragraph (1) the following:
“(2) ASSISTANCE TO STATES.—On request of a Governor of a State, the Secretary shall provide to the State technical assistance, training, or other support relating to—
“(A) assuming responsibility under subsection (a);
“(B) developing a memorandum of understanding under this subsection; or
“(C) addressing a responsibility in need of corrective action under subsection (d)(1)(B).”;
and
(2) in subsection (d), by striking paragraph (1) and inserting the following:
“(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—
“(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;
“(B) the Secretary provides to the State—
“(i) a notification of the determination of non-compliance;
“(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and
“(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and
“(C) the State, after the notification and period described in clauses (i) and (ii) of subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.”.

SEC. 1308. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

Section 327 of title 23, United States Code, is amended—
(2) in subsection (c)(4) by inserting “reasonably” before “considers necessary”;
(3) in subsection (e) by inserting “and without further approval of” after “in lieu of”;
(4) in subsection (g)—
(A) by striking paragraph (1) and inserting the following:
“(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (c) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program under this section, the Secretary shall—
“(A) not later than 180 days after the date of execution of the agreement, meet with the State to review
implementation of the agreement and discuss plans for
the first annual audit;
“(B) conduct annual audits during each of the first
4 years of State participation; and
“(C) ensure that the time period for completing an
annual audit, from initiation to completion (including public
comment and responses to those comments), does not
exceed 180 days.”; and
(B) by adding at the end the following:
“(3) AUDIT TEAM.—
“(A) IN GENERAL.—An audit conducted under para-
graph (1) shall be carried out by an audit team determined
by the Secretary, in consultation with the State, in accord-
ance with subparagraph (B).
“(B) CONSULTATION.—Consultation with the State
under subparagraph (A) shall include a reasonable oppor-
tunity for the State to review and provide comments on
the proposed members of the audit team.”;
(5) in subsection (j) by striking paragraph (1) and inserting
the following:
“(1) TERMINATION BY SECRETARY.—The Secretary may
terminate the participation of any State in the program if—
“(A) the Secretary determines that the State is not
adequately carrying out the responsibilities assigned to
the State;
“(B) the Secretary provides to the State—
“(i) a notification of the determination of non-
compliance;
“(ii) a period of not less than 120 days to take
such corrective action as the Secretary determines to
be necessary to comply with the applicable agreement; and
“(iii) on request of the Governor of the State, a
detailed description of each responsibility in need of
corrective action regarding an inadequacy identified
under subparagraph (A); and
“(C) the State, after the notification and period pro-
vided under subparagraph (B), fails to take satisfactory
corrective action, as determined by the Secretary.”; and
(6) by adding at the end the following:
“(k) CAPACITY BUILDING.—The Secretary, in cooperation with
representatives of State officials, may carry out education, training,
peer-exchange, and other initiatives as appropriate—
“(1) to assist States in developing the capacity to participate
in the assignment program under this section; and
“(2) to promote information sharing and collaboration
among States that are participating in the assignment program
under this section.
“(l) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A
State granted authority under this section may, as appropriate
and at the request of a local government—
“(1) exercise such authority on behalf of the local govern-
ment for a locally administered project; or
“(2) provide guidance and training on consolidating and
minimizing the documentation and environmental analyses nec-
essary for sponsors of a locally administered project to comply
with the National Environmental Policy Act of 1969 (42 U.S.C.
SEC. 1309. PROGRAM FOR ELIMINATING DUPLICATION OF ENVIRONMENTAL REVIEWS.

(a) PURPOSE.—The purpose of this section is to eliminate duplication of environmental reviews and approvals under State laws and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

“§ 330. Program for eliminating duplication of environmental reviews

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish a pilot program to authorize States that have assumed responsibilities of the Secretary under section 327 and are approved to participate in the program under this section to conduct environmental reviews and make approvals for projects under State environmental laws and regulations instead of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), consistent with the requirements of this section.

“(2) PARTICIPATING STATES.—The Secretary may select not more than 5 States to participate in the program.

“(3) ALTERNATIVE ENVIRONMENTAL REVIEW AND APPROVAL PROCEDURES DEFINED.—In this section, the term ‘alternative environmental review and approval procedures’ means—

“(A) substitution of 1 or more State environmental laws for—

“(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) any provisions of section 139 establishing procedures for the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are under the authority of the Secretary, as the Secretary, in consultation with the State, considers appropriate; and

“(iii) related regulations and Executive orders; and

“(B) substitution of 1 or more State environmental regulations for—

“(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) any provisions of section 139 establishing procedures for the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are under the authority of the Secretary, as the Secretary, in consultation with the State, considers appropriate; and

“(iii) related regulations and Executive orders.

“(b) APPLICATION.—To be eligible to participate in the program, a State shall submit to the Secretary an application containing such information as the Secretary may require, including—

“(1) a full and complete description of the proposed alternative environmental review and approval procedures of the State, including—
“(A) the procedures the State uses to engage the public and consider alternatives to the proposed action; and

“(B) the extent to which the State considers environmental consequences or impacts on resources potentially impacted by the proposed action (such as air, water, or species);

“(2) each Federal requirement described in subsection (a)(3) that the State is seeking to substitute;

“(3) each State law or regulation that the State intends to substitute for such Federal requirement;

“(4) an explanation of the basis for concluding that the State law or regulation is at least as stringent as the Federal requirement described in subsection (a)(3);

“(5) a description of the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

“(6) verification that the State has the financial resources necessary to carry out the authority that may be granted under the program;

“(7) evidence of having sought, received, and addressed comments on the proposed application from the public; and

“(8) any such additional information as the Secretary, or, with respect to section (d)(1)(A), the Secretary in consultation with the Chair, may require.

“(c) REVIEW OF APPLICATION.—In accordance with subsection (d), the Secretary shall—

“(1) review and accept public comments on an application submitted under subsection (b);

“(2) approve or disapprove the application not later than 120 days after the date of receipt of an application that the Secretary determines is complete; and

“(3) transmit to the State notice of the approval or disapproval, together with a statement of the reasons for the approval or disapproval.

“(d) APPROVAL OF APPLICATION.—

“(1) IN GENERAL.—The Secretary shall approve an application submitted under subsection (b) only if—

“(A) the Secretary, with the concurrence of the Chair and after considering any public comments received pursuant to subsection (c), determines that the laws and regulations of the State described in the application are at least as stringent as the Federal requirements described in subsection (a)(3);

“(B) the Secretary, after considering any public comments received pursuant to subsection (c), determines that the State has the capacity, including financial and personnel, to assume the responsibility;

“(C) the State has executed an agreement with the Secretary in accordance with section 327; and

“(D) the State has executed an agreement with the Secretary under this section that—

“(i) has been executed by the Governor or the top-ranking transportation official in the State who is charged with responsibility for highway construction;

“(ii) is in such form as the Secretary may prescribe;

“(iii) provides that the State—
“(I) agrees to assume the responsibilities, as identified by the Secretary, under this section;

“(II) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts under subsection (e)(1) for the compliance, discharge, and enforcement of any responsibility under this section;

“(III) certifies that State laws (including regulations) are in effect that—

“(aa) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

“(bb) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

“(IV) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

“(iv) requires the State to provide to the Secretary any information the Secretary reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

“(v) has a term of not more than 5 years; and

“(vi) is renewable.

“(2) EXCLUSION.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to a decision by the Secretary to approve or disapprove an application submitted under this section.

“(e) JUDICIAL REVIEW.—

“(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State relating to the failure of the State—

“(A) to meet the requirements of this section; or

“(B) to follow the alternative environmental review and approval procedures approved pursuant to this section.

“(2) LIMITATION ON REVIEW.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, a claim seeking judicial review of a permit, license, or approval issued by a State under this section shall be barred unless the claim is filed not later than 2 years after the date of publication in the Federal Register by the Secretary of a notice that the permit, license, or approval is final pursuant to the law under which the action is taken.

“(B) DEADLINES.—

“(i) NOTIFICATION.—The State shall notify the Secretary of the final action of the State not later than 10 days after the final action is taken.

“(ii) PUBLICATION.—The Secretary shall publish the notice of final action in the Federal Register not later than 30 days after the date of receipt of the notice under clause (i).

“(C) SAVINGS PROVISION.—Nothing in this subsection creates a right to judicial review or places any limit on
filing a claim that a person has violated the terms of a permit, license, or approval.

“(3) NEW INFORMATION.—

“(A) IN GENERAL.—A State shall consider new information received after the close of a comment period if the information satisfies the requirements for a supplemental environmental impact statement under section 771.130 of title 23, Code of Federal Regulations (or successor regulations).

“(B) TREATMENT OF FINAL AGENCY ACTION.—

“(i) IN GENERAL.—The final agency action that follows preparation of a supplemental environmental impact statement, if required, shall be considered a separate final agency action, and the deadline for filing a claim for judicial review of the action shall be 2 years after the date of publication in the Federal Register by the Secretary of a notice announcing such action.

“(ii) DEADLINES.—

“(I) NOTIFICATION.—The State shall notify the Secretary of the final action of the State not later than 10 days after the final action is taken.

“(II) PUBLICATION.—The Secretary shall publish the notice of final action in the Federal Register not later than 30 days after the date of receipt of the notice under subclause (I).

“(f) ELECTION.—A State participating in the programs under this section and section 327, at the discretion of the State, may elect to apply the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) instead of the alternative environmental review and approval procedures of the State.

“(g) ADOPTION OR INCORPORATION BY REFERENCE OF DOCUMENTS.—To the maximum extent practicable and consistent with Federal law, other Federal agencies with authority over a project subject to this section shall adopt or incorporate by reference documents produced by a participating State under this section to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(h) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—

“(1) IN GENERAL.—A State with an approved program under this section, at the request of a local government, may exercise authority under that program on behalf of up to 25 local governments for locally administered projects.

“(2) SCOPE.—For up to 25 local governments selected by a State with an approved program under this section, the State shall be responsible for ensuring that any environmental review, consultation, or other action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the State program, or both, meets the requirements of such Act or program.

“(i) REVIEW AND TERMINATION.—

“(1) IN GENERAL.—A State program approved under this section shall at all times be in accordance with the requirements of this section.

“(2) REVIEW.—The Secretary shall review each State program approved under this section not less than once every 5 years.
(3) **PUBLIC NOTICE AND COMMENT.**—In conducting the review process under paragraph (2), the Secretary shall provide notice and an opportunity for public comment.

(4) **WITHDRAWAL OF APPROVAL.**—If the Secretary, in consultation with the Chair, determines at any time that a State is not administering a State program approved under this section in accordance with the requirements of this section, the Secretary shall so notify the State, and if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Secretary shall withdraw approval of the State program.

(5) **EXTENSIONS AND TERMINATIONS.**—At the conclusion of the review process under paragraph (2), the Secretary may extend for an additional 5-year period or terminate the authority of a State under this section to substitute the laws and regulations of the State for the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(j) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the administration of the program, including—

(1) the number of States participating in the program;
(2) the number and types of projects for which each State participating in the program has used alternative environmental review and approval procedures;
(3) a description and assessment of whether implementation of the program has resulted in more efficient review of projects; and
(4) any recommendations for modifications to the program.

(k) **SUNSET.**—The program shall terminate 12 years after the date of enactment of this section.

(l) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **CHAIR.**—The term ‘Chair’ means the Chair of the Council on Environmental Quality.

(2) **MULTIMODAL PROJECT.**—The term ‘multimodal project’ has the meaning given that term in section 139(a).

(3) **PROGRAM.**—The term ‘program’ means the pilot program established under this section.

(4) **PROJECT.**—The term ‘project’ means—

(A) a project requiring approval under this title, chapter 53 of subtitle III of title 49, or subtitle V of title 49; and

(B) a multimodal project.”.

(c) **RULEMAKING.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of enactment of this Act, the Secretary, in consultation with the Chair of the Council on Environmental Quality, shall promulgate regulations to implement the requirements of section 330 of title 23, United States Code, as added by this section.

(2) **DETERMINATION OF STRINGENCY.**—As part of the rulemaking required under this subsection, the Chair shall—

(A) establish the criteria necessary to determine that a State law or regulation is at least as stringent as a
Federal requirement described in section 330(a)(3) of title 23, United States Code; and
(B) ensure that the criteria, at a minimum—
   (i) provide for protection of the environment;
   (ii) provide opportunity for public participation and comment, including access to the documentation necessary to review the potential impact of a project; and
   (iii) ensure a consistent review of projects that would otherwise have been covered under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:

“330. Program for eliminating duplication of environmental reviews.”.

SEC. 1310. APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.

Section 304 of title 49, United States Code, is amended—
(1) in subsection (a)—
   (A) in paragraph (1)—
      (i) by striking “operating authority that” and inserting “operating administration or secretarial office that has expertise but”;
      (ii) by inserting “proposed multimodal” after “with respect to a”; and
   (B) by striking paragraph (2) and inserting the following:
      “(2) LEAD AUTHORITY.—The term ‘lead authority’ means a Department of Transportation operating administration or secretarial office that has the lead responsibility for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a proposed multimodal project.”;
   (2) in subsection (b) by inserting “or title 23” after “under this title”;
   (3) by striking subsection (c) and inserting the following:
      “(c) APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.—In considering the environmental impacts of a proposed multimodal project, a lead authority may apply categorical exclusions designated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in implementing regulations or procedures of a cooperating authority for a proposed multimodal project, subject to the conditions that—
      “(1) the lead authority makes a determination, with the concurrence of the cooperating authority—
         “(A) on the applicability of a categorical exclusion to a proposed multimodal project; and
         “(B) that the project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and this section;
      “(2) the lead authority follows the implementing regulations of the cooperating authority or procedures under that Act; and
      “(3) the lead authority determines that—
“(A) the proposed multimodal project does not individually or cumulatively have a significant impact on the environment; and

“(B) extraordinary circumstances do not exist that merit additional analysis and documentation in an environmental impact statement or environmental assessment required under that Act.”; and

(4) by striking subsection (d) and inserting the following:

“(d) COOPERATING AUTHORITY EXPERTISE.—A cooperating authority shall provide expertise to the lead authority on aspects of the multimodal project in which the cooperating authority has expertise.”.

SEC. 1311. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 304 the following:

49 USC 304a.

§ 304a. Accelerated decisionmaking in environmental reviews

“(a) IN GENERAL.—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement, instead of rewriting the draft statement, subject to the condition that the errata sheets—

“(1) cite the sources, authorities, and reasons that support the position of the agency; and

“(2) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

“(b) SINGLE DOCUMENT.—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

“(1) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

“(2) there is a significant new circumstance or information relevant to environmental concerns that bears on the proposed action or the impacts of the proposed action.

“(c) ADOPTION AND INCORPORATION BY REFERENCE OF DOCUMENTS.—

“(1) AVOIDING DUPLICATION.—To prevent duplication of analyses and support expeditious and efficient decisions, the operating administrations of the Department of Transportation shall use adoption and incorporation by reference in accordance with this subsection.

“(2) ADOPTION OF DOCUMENTS OF OTHER OPERATING ADMINISTRATIONS.—An operating administration or a secretarial office within the Department of Transportation may adopt a draft environmental impact statement, an environmental assessment, or a final environmental impact statement of another operating administration for the use of the adopting operating administration when preparing an environmental assessment or final environmental impact statement for a
project without recirculating the document for public review, if—

“(A) the adopting operating administration certifies that the proposed action is substantially the same as the project considered in the document to be adopted;

“(B) the other operating administration concurs with such decision; and

“(C) such actions are consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(3) INCORPORATION BY REFERENCE.—An operating administration or secretarial office within the Department of Transportation may incorporate by reference all or portions of a draft environmental impact statement, an environmental assessment, or a final environmental impact statement for the use of the adopting operating administration when preparing an environmental assessment or final environmental impact statement for a project if—

“(A) the incorporated material is cited in the environmental assessment or final environmental impact statement and the contents of the incorporated material are briefly described;

“(B) the incorporated material is reasonably available for inspection by potentially interested persons within the time allowed for review and comment; and

“(C) the incorporated material does not include proprietary data that is not available for review and comment.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 304 the following:

“304a. Accelerated decisionmaking in environmental reviews.”.

SEC. 1312. IMPROVING STATE AND FEDERAL AGENCY ENGAGEMENT IN ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 306 the following:

“§ 307. Improving State and Federal agency engagement in environmental reviews

“(a) IN GENERAL—

“(1) REQUESTS TO PROVIDE FUNDS.—A public entity receiving financial assistance from the Department of Transportation for 1 or more projects, or for a program of projects, for a public purpose may request that the Secretary allow the public entity to provide funds to Federal agencies, including the Department, State agencies, and Indian tribes participating in the environmental planning and review process for the project, projects, or program.

“(2) USE OF FUNDS.—The funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project, projects, or program.

“(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities for which funds may be provided under subsection (a) include transportation planning activities that precede the initiation of the environmental review process, activities directly related to the environmental
review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

"(c) AMOUNTS.—A request under subsection (a) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to timely conduct the review.

"(d) AGREEMENTS.—Prior to providing funds approved by the Secretary for dedicated staffing at an affected Federal agency under subsection (a), the affected Federal agency and the requesting public entity shall enter into an agreement that establishes a process to identify projects or priorities to be addressed by the use of the funds.

"(e) GUIDANCE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue guidance to implement this section.

“(2) FACTORS.—As part of the guidance issued under paragraph (1), the Secretary shall ensure—

“(A) to the maximum extent practicable, that expediting and improving the process of environmental review and permitting through the use of funds accepted and expended under this section does not adversely affect the timeline for review and permitting by Federal agencies, State agencies, or Indian tribes of other entities that have not contributed funds under this section;

“(B) that the use of funds accepted under this section will not impact impartial decisionmaking with respect to environmental reviews or permits, either substantively or procedurally; and

“(C) that the Secretary maintains, and makes publicly available, including on the Internet, a list of projects or programs for which such review or permits have been carried out using funds authorized under this section.

“(f) EXISTING AUTHORITY.—Nothing in this section may be construed to conflict with section 139(j) of title 23.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by inserting after the item relating to section 306 the following:

“307. Improving State and Federal agency engagement in environmental reviews.”.

SEC. 1313. ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Title 49, United States Code, is amended by inserting after section 309 the following:

“§ 310. Aligning Federal environmental reviews

“(a) COORDINATED AND CONCURRENT ENVIRONMENTAL REVIEWS.—Not later than 1 year after the date of enactment of this section, the Department of Transportation, in coordination with the heads of Federal agencies likely to have substantive review or approval responsibilities under Federal law, shall develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (in this section referred to as ‘NEPA’).
(b) CONTENTS.—The coordinated and concurrent environmental review and permitting process developed under subsection (a) shall—

“(1) ensure that the Department of Transportation and agencies of jurisdiction possess sufficient information early in the review process to determine a statement of a transportation project’s purpose and need and range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely on for concurrent environmental reviews and permitting decisions required for the proposed project;

“(2) achieve early concurrence or issue resolution during the NEPA scoping process on the Department of Transportation’s statement of a project’s purpose and need, and during development of the environmental impact statement on the range of alternatives for analysis, that the lead agency and agencies of jurisdiction will rely on for concurrent environmental reviews and permitting decisions required for the proposed project absent circumstances that require reconsideration in order to meet an agency of jurisdiction’s obligations under a statute or Executive order; and

“(3) achieve concurrence or issue resolution in an expedited manner if circumstances arise that require a reconsideration of the purpose and need or range of alternatives considered during any Federal agency’s environmental or permitting review in order to meet an agency of jurisdiction’s obligations under a statute or Executive order.

“(c) ENVIRONMENTAL CHECKLIST.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation and Federal agencies of jurisdiction likely to have substantive review or approval responsibilities on transportation projects shall jointly develop a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of a proposed project.

“(2) PURPOSE.—The purpose of the checklist shall be to—

“(A) identify agencies of jurisdiction and cooperating agencies;

“(B) develop the information needed for the purpose and need and alternatives for analysis; and

“(C) improve interagency collaboration to help expedite the permitting process for the lead agency and agencies of jurisdiction.

“(d) INTERAGENCY COLLABORATION.—

“(1) IN GENERAL.—Consistent with Federal environmental statutes, the Secretary of Transportation shall facilitate annual interagency collaboration sessions at the appropriate jurisdictional level to coordinate business plans and facilitate coordination of workload planning and workforce management.

“(2) PURPOSE OF COLLABORATION SESSIONS.—The interagency collaboration sessions shall ensure that agency staff is—

“(A) fully engaged;

“(B) utilizing the flexibility of existing regulations, policies, and guidance; and

“(C) identifying additional actions to facilitate high quality, efficient, and targeted environmental reviews and permitting decisions.
“(3) FOCUS OF COLLABORATION SESSIONS.—The interagency collaboration sessions, and the interagency collaborations generated by the sessions, shall focus on methods to—

(A) work with State and local transportation entities to improve project planning, siting, and application quality; and

(B) consult and coordinate with relevant stakeholders and Federal, tribal, State, and local representatives early in permitting processes.

“(4) CONSULTATION.—The interagency collaboration sessions shall include a consultation with groups or individuals representing State, tribal, and local governments that are engaged in the infrastructure permitting process.

“(e) PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation, in coordination with relevant Federal agencies, shall establish a program to measure and report on progress toward aligning Federal reviews and reducing permitting and project delivery time as outlined in this section.

“(f) REPORTS.—

“(1) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section and biennially thereafter, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(A) progress in aligning Federal environmental reviews under this section; and

(B) the impact this section has had on accelerating the environmental review and permitting process.

“(2) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of this section, the Inspector General of the Department of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(A) progress in aligning Federal environmental reviews under this section; and

(B) the impact this section has had on accelerating the environmental review and permitting process.

“(g) SAVINGS PROVISION.—This section shall not apply to any project subject to section 139 of title 23.”.

SEC. 1314. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.

(a) ADJUSTMENT FOR INFLATION.—Section 1317 of MAP–21 (23 U.S.C. 109 note; Public Law 112–141) is amended—

1. in paragraph (1)(A) by inserting “(as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor)” after “$5,000,000”; and

2. in paragraph (1)(B) by inserting “(as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index)” after “$5,000,000”.

“310. Aligning Federal environmental reviews.”.
Price Index prepared by the Department of Labor)" after "$30,000,000".

(b) RETROACTIVE APPLICATION.—The first adjustment made pursuant to the amendments made by subsection (a) shall—

(1) be carried out not later than 60 days after the date of enactment of this Act; and

(2) reflect the increase in the Consumer Price Index since July 1, 2012.

SEC. 1315. PROGRAMMATIC AGREEMENT TEMPLATE.

(a) IN GENERAL.—Section 1318 of MAP–21 (23 U.S.C. 109 note; Public Law 112–141) is amended by adding at the end the following:

(e) PROGRAMMATIC AGREEMENT TEMPLATE.—

“(1) IN GENERAL.—The Secretary shall develop a template programmatic agreement described in subsection (d) that provides for efficient and adequate procedures for evaluating Federal actions described in section 771.117(c) of title 23, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

“(2) USE OF TEMPLATE.—The Secretary—

“(A) on receipt of a request from a State, shall use the template programmatic agreement developed under paragraph (1) in carrying out this section; and

“(B) on consent of the applicable State, may modify the template as necessary to address the unique needs and characteristics of the State.

“(3) OUTCOME MEASUREMENTS.—The Secretary shall establish a method to verify that actions described in section 771.117(c) of title 23, Code of Federal Regulations (as in effect on the date of enactment of this subsection), are evaluated and documented in a consistent manner by the State that uses the template programmatic agreement under this subsection.

(b) CATEGORICAL EXCLUSION DETERMINATIONS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall revise section 771.117(g) of title 23, Code of Federal Regulations, to allow a programmatic agreement under this section to include responsibility for making categorical exclusion determinations—

(1) for actions described in subsections (c) and (d) of section 771.117 of title 23, Code of Federal Regulations; and

(2) that meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), and are identified in the programmatic agreement.

SEC. 1316. ASSUMPTION OF AUTHORITIES.

(a) IN GENERAL.—The Secretary shall use the authority under section 106(c) of title 23, United States Code, to the maximum extent practicable, to allow a State to assume the responsibilities of the Secretary for project design, plans, specifications, estimates, contract awards, and inspection of projects, on both a project-specific and programmatic basis.

(b) SUBMISSION OF RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary, in cooperation with the States, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of
the Senate recommendations for legislation to permit the assumption of additional authorities by States, including with respect to real estate acquisition and project design.

SEC. 1317. MODERNIZATION OF THE ENVIRONMENTAL REVIEW PROCESS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall examine ways to modernize, simplify, and improve the implementation of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the Department.

(b) Inclusions.—In carrying out subsection (a), the Secretary shall consider—

(1) the use of technology in the process, such as—
(A) searchable databases;
(B) geographic information system mapping tools;
(C) integration of those tools with fiscal management systems to provide more detailed data; and
(D) other innovative technologies;

(2) ways to prioritize use of programmatic environmental impact statements;

(3) methods to encourage cooperating agencies to present analyses in a concise format; and

(4) any other improvements that can be made to modernize process implementation.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the review carried out under subsection (a).

SEC. 1318. ASSESSMENT OF PROGRESS ON ACCELERATING PROJECT DELIVERY.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall assess the progress made under this Act, MAP–21 (Public Law 112–141), and SAFETEA–LU (Public Law 109–59), including the amendments made by those Acts, to accelerate the delivery of Federal-aid highway and highway safety construction projects and public transportation capital projects by streamlining the environmental review and permitting process.

(b) Contents.—The assessment required under subsection (a) shall evaluate—

(1) how often the various streamlining provisions have been used;

(2) which of the streamlining provisions have had the greatest impact on streamlining the environmental review and permitting process;

(3) what, if any, streamlining of the process has had on environmental protection;

(4) how, and the extent to which, streamlining provisions have improved and accelerated the process for permitting under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable Federal laws;

(5) what impact actions by the Council on Environmental Quality have had on accelerating Federal-aid highway and
highway safety construction projects and public transportation capital projects;
(6) the number and percentage of projects that proceed under a traditional environmental assessment or environmental impact statement, and the number and percentage of projects that proceed under categorical exclusions;
(7) the extent to which the environmental review and permitting process remains a significant source of project delay and the sources of delays; and
(8) the costs of conducting environmental reviews and issuing permits or licenses for a project, including the cost of contractors and dedicated agency staff.
(c) RECOMMENDATIONS.—The assessment required under subsection (a) shall include recommendations with respect to—
(1) additional opportunities for streamlining the environmental review process, including regulatory or statutory changes to accelerate the processes of Federal agencies (other than the Department) with responsibility for reviewing Federal-aid highway and highway safety construction projects and public transportation capital projects without negatively impacting the environment; and
(2) best practices of other Federal agencies that should be considered for adoption by the Department.
(d) REPORT TO CONGRESS.—The Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the assessment and recommendations required under this section.

Subtitle D—Miscellaneous

SEC. 1401. PROHIBITION ON THE USE OF FUNDS FOR AUTOMATED TRAFFIC ENFORCEMENT.

(a) PROHIBITION.—Except as provided in subsection (b), for fiscal years 2016 through 2020, funds apportioned to a State under section 104(b)(3) of title 23, United States Code, may not be used to purchase, operate, or maintain an automated traffic enforcement system.
(b) EXCEPTION.—Subsection (a) does not apply to an automated traffic enforcement system located in a school zone.
(c) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM DEFINED.—In this section, the term “automated traffic enforcement system” means any camera that captures an image of a vehicle for the purposes of traffic law enforcement.

SEC. 1402. HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:
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(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORTS.—
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(1) COMPILATION OF DATA.—Not later than 180 days after the date of enactment of the FAST Act, the Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway funds made available under this title.
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“(2) REQUIREMENTS.—The Secretary shall ensure that the reports required under this subsection are made available in a user-friendly manner on the public Internet website of the Department of Transportation and can be searched and downloaded by users of the website.

“(3) CONTENTS OF REPORTS.—

“(A) APPORTIONED AND ALLOCATED PROGRAMS.—On a semiannual basis, the Secretary shall make available a report on funding apportioned and allocated to the States under this title that describes—

“(i) the amount of funding obligated by each State, year-to-date, for the current fiscal year;
“(ii) the amount of funds remaining available for obligation by each State;
“(iii) changes in the obligated, unexpended balance for each State, year-to-date, during the current fiscal year, including the obligated, unexpended balance at the end of the preceding fiscal year and current fiscal year expenditures;
“(iv) the amount and program category of unobligated funding, year-to-date, available for expenditure at the discretion of the Secretary;
“(v) the rates of obligation on and off the National Highway System, year-to-date, for the current fiscal year of funds apportioned, allocated, or set aside under this section, according to—

“(I) program;
“(II) funding category or subcategory;
“(III) type of improvement;
“(IV) State; and
“(V) sub-State geographical area, including urbanized and rural areas, on the basis of the population of each such area; and
“(vi) the amount of funds transferred by each State, year-to-date, for the current fiscal year between programs under section 126.

“(B) PROJECT DATA.—On an annual basis, the Secretary shall make available a report that provides, for any project funded under this title (excluding projects for which funds are transferred to agencies other than the Federal Highway Administration) with an estimated total cost as of the start of construction greater than $25,000,000, and to the maximum extent practicable, other projects funded under this title, project data describing—

“(i) the specific location of the project;
“(ii) the total cost of the project;
“(iii) the amount of Federal funding obligated for the project;
“(iv) the program or programs from which Federal funds have been obligated for the project;
“(v) the type of improvement being made, such as categorizing the project as—

“(I) a road reconstruction project;
“(II) a new road construction project;
“(III) a new bridge construction project;
“(IV) a bridge rehabilitation project; or
“(V) a bridge replacement project;
“(vi) the ownership of the highway or bridge;
“(vii) whether the project is located in an area of the State with a population of—
“(I) less than 5,000 individuals;
“(II) 5,000 or more individuals but less than 50,000 individuals;
“(III) 50,000 or more individuals but less than 200,000 individuals; or
“(IV) 200,000 or more individuals; and
“(viii) available information on the estimated cost of the project as of the start of project construction, or the revised cost estimate based on a description of revisions to the scope of work or other factors affecting project cost other than cost overruns.”.

(b) CONFORMING AMENDMENT.—Section 1503 of MAP–21 (23 U.S.C. 104 note; Public Law 112–141) is amended by striking subsection (c).

SEC. 1403. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 104 the following:

“§ 105. Additional deposits into Highway Trust Fund

“(a) IN GENERAL.—If monies are deposited into the Highway Account or Mass Transit Account pursuant to a law enacted subsequent to the date of enactment of the FAST Act, the Secretary shall make available additional amounts of contract authority under subsections (b) and (c).

“(b) AMOUNT OF ADJUSTMENT.—If monies are deposited into the Highway Account or the Mass Transit Account as described in subsection (a), on October 1 of the fiscal year following the deposit of such monies, the Secretary shall—

“(1) make available for programs authorized from such account for such fiscal year a total amount equal to—

“(A) the amount otherwise authorized to be appropriated for such programs for such fiscal year; plus

“(B) an amount equal to such monies deposited into such account during the previous fiscal year as described in subsection (a); and

“(2) distribute the additional amount under paragraph (1)(B) to each of such programs in accordance with subsection (c).

“(c) DISTRIBUTION OF ADJUSTMENT AMONG PROGRAMS.—

“(1) IN GENERAL.—In making an adjustment for programs authorized to be appropriated from the Highway Account or the Mass Transit Account for a fiscal year under subsection (b), the Secretary shall—

“(A) determine the ratio that—

“(i) the amount authorized to be appropriated for a program from the account for the fiscal year; bears to

“(ii) the total amount authorized to be appropriated for such fiscal year for all programs under such account;

“(B) multiply the ratio determined under subparagraph (A) by the amount of the adjustment determined under subsection (b)(1)(B); and

“23 USC 105.
“(C) adjust the amount that the Secretary would otherwise have allocated for the program for such fiscal year by the amount calculated under subparagraph (B).

“(2) FORMULA PROGRAMS.—For a program for which funds are distributed by formula, the Secretary shall add the adjustment to the amount authorized for the program but for this section and make available the adjusted program amount for such program in accordance with such formula.

“(3) AVAILABILITY FOR OBLIGATION.—Adjusted amounts under this subsection shall be available for obligation and administered in the same manner as other amounts made available for the program for which the amount is adjusted.

“(d) EXCLUSION OF EMERGENCY RELIEF PROGRAM AND COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude the emergency relief program under section 125 and covered administrative expenses from an adjustment of funding under subsection (c)(1).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the appropriate account or accounts of the Highway Trust Fund an amount equal to the amount of an adjustment for a fiscal year under subsection (b) for any of fiscal years 2017 through 2020.

“(f) REVISION TO OBLIGATION LIMITATIONS.—

“(1) IN GENERAL.—If the Secretary makes an adjustment under subsection (b) for a fiscal year to an amount subject to a limitation on obligations imposed by section 1102 or 3018 of the FAST Act—

“(A) such limitation on obligations for such fiscal year shall be revised by an amount equal to such adjustment; and

“(B) the Secretary shall distribute such limitation on obligations, as revised under subparagraph (A), in accordance with such sections.

“(2) EXCLUSION OF COVERED ADMINISTRATIVE EXPENSES.—The Secretary shall exclude covered administrative expenses from—

“(A) any calculation relating to a revision of a limitation on obligations under paragraph (1)(A); and

“(B) any distribution of a revised limitation on obligations under paragraph (1)(B).

“(g) DEFINITIONS.—In this section, the following definitions apply:

“(1) COVERED ADMINISTRATIVE EXPENSES.—The term ‘covered administrative expenses’ means the administrative expenses of—

“(A) the Federal Highway Administration, as authorized under section 104(a);

“(B) the National Highway Traffic Safety Administration, as authorized under section 4001(a)(6) of the FAST Act; and

“(C) the Federal Motor Carrier Safety Administration, as authorized under section 31110 of title 49.

“(2) HIGHWAY ACCOUNT.—The term ‘Highway Account’ means the portion of the Highway Trust Fund that is not the Mass Transit Account.

“(3) MASS TRANSIT ACCOUNT.—The term ‘Mass Transit Account’ means the Mass Transit Account of the Highway
Trust Fund established under section 9503(e)(1) of the Internal Revenue Code of 1986.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 104 the following:

“105. Additional deposits into Highway Trust Fund.”.

SEC. 1404. DESIGN STANDARDS.

(a) IN GENERAL.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “may take into account” and inserting “shall consider”;

(ii) in subparagraph (B) by striking “and” at the end;

(iii) by redesignating subparagraph (C) as subparagraph (D); and

(iv) by inserting after subparagraph (B) the following:

“(C) cost savings by utilizing flexibility that exists in current design guidance and regulations; and”; and

(B) in paragraph (2)—

(i) in subparagraph (C) by striking “and” at the end;

(ii) by redesignating subparagraph (D) as subparagraph (F); and

(iii) by inserting after subparagraph (C) the following:

“(D) the publication entitled ‘Highway Safety Manual’ of the American Association of State Highway and Transportation Officials;

“(E) the publication entitled ‘Urban Street Design Guide’ of the National Association of City Transportation Officials; and”; and

(2) in subsection (f) by inserting “pedestrian walkways,” after “bikeways,”.

(b) DESIGN STANDARD FLEXIBILITY.—Notwithstanding section 109(o) of title 23, United States Code, a State may allow a local jurisdiction to use a roadway design publication that is different from the roadway design publication used by the State in which the local jurisdiction is located for the design of a project on a roadway under the ownership of the local jurisdiction (other than a highway on the Interstate System) if—

(1) the local jurisdiction is a direct recipient of Federal funds for the project;

(2) the roadway design publication—

(A) is recognized by the Federal Highway Administration; and

(B) is adopted by the local jurisdiction; and

(3) the design complies with all other applicable Federal laws.
SEC. 1405. JUSTIFICATION REPORTS FOR ACCESS POINTS ON THE INTERSTATE SYSTEM.

Section 111(e) of title 23, United States Code, is amended by inserting “(including new or modified freeway-to-crossroad interchanges inside a transportation management area)” after “the Interstate System”.

SEC. 1406. PERFORMANCE PERIOD ADJUSTMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (e)(7), by striking “for 2 consecutive reports submitted under this paragraph shall include in the next report submitted” and inserting “shall include as part of the performance target report under section 150(e)”;

(2) in subsection (f)(1)(A) in the matter preceding clause (i) by striking “If, during 2 consecutive reporting periods, the condition of the Interstate System, excluding bridges on the Interstate System, in a State falls” and inserting “If a State reports that the condition of the Interstate System, excluding bridges on the Interstate System, has fallen”.

(b) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—Section 148(i) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “performance targets of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets” and inserting “safety performance targets of the State established under section 150(d)”;

(2) in paragraphs (1) and (2), by inserting “safety” before “performance targets” each place it appears.

SEC. 1407. VEHICLE-TO-INFRASTRUCTURE EQUIPMENT.

(a) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—Section 119(d)(2)(L) of title 23, United States Code, is amended by inserting “, including the installation of vehicle-to-infrastructure communication equipment” after “capital improvements”.

(b) SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.—Section 133(b)(1)(D) of title 23, United States Code, is amended by inserting “, including the installation of vehicle-to-infrastructure communication equipment” after “capital improvements”.

SEC. 1408. FEDERAL SHARE PAYABLE.

(a) INNOVATIVE PROJECT DELIVERY METHODS.—Section 120(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii)—

(A) by inserting “engineering or design approaches,” after “technologies,”; and

(B) by inserting “or project delivery” after “or contracting”;

(2) in subparagraph (B)—

(A) in clause (iii) by inserting “and alternative bidding” before the semicolon at the end;

(B) in clause (iv) by striking “or” at the end;

(C) by redesignating clause (v) as clause (vi); and

(D) by inserting after clause (iv) the following:

“(v) innovative pavement materials that have a demonstrated life cycle of 75 or more years, are manufactured with reduced greenhouse gas emissions, and
reduce construction-related congestion by rapidly curing; or''; and

(b) EMERGENCY RELIEF.—Section 120(e)(2) of title 23, United States Code, is amended by striking "Federal land access transportation facilities" and inserting "other Federally owned roads that are open to public travel."

SEC. 1409. MILK PRODUCTS.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

"(13) MILK PRODUCTS.—A vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided.".

SEC. 1410. INTERSTATE WEIGHT LIMITS.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(m) COVERED HEAVY-DUTY TOW AND RECOVERY VEHICLES.—

"(1) IN GENERAL.—The vehicle weight limitations set forth in this section do not apply to a covered heavy-duty tow and recovery vehicle.

"(2) COVERED HEAVY-DUTY TOW AND RECOVERY VEHICLE DEFINED.—In this subsection, the term 'covered heavy-duty tow and recovery vehicle' means a vehicle that—

"(A) is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility; and

"(B) has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

"(n) OPERATION OF VEHICLES ON CERTAIN HIGHWAYS IN THE STATE OF TEXAS.—If any segment in the State of Texas of United States Route 59, United States Route 77, United States Route 281, United States Route 84, Texas State Highway 44, or another roadway is designated as Interstate Route 69, a vehicle that could operate legally on that segment before the date of the designation may continue to operate on that segment, without regard to any requirement under this section.

"(o) CERTAIN LOGGING VEHICLES IN THE STATE OF WISCONSIN.—

"(1) IN GENERAL.—The Secretary shall waive, with respect to a covered logging vehicle, the application of any vehicle weight limit established under this section.

"(2) COVERED LOGGING VEHICLE DEFINED.—In this subsection, the term 'covered logging vehicle' means a vehicle that—

"(A) is transporting raw or unfinished forest products, including logs, pulpwood, biomass, or wood chips;

"(B) has a gross vehicle weight of not more than 98,000 pounds;

"(C) has not less than 6 axles; and

"(D) is operating on a segment of Interstate Route 39 in the State of Wisconsin from mile marker 175.8 to mile marker 189.

"(p) OPERATION OF CERTAIN SPECIALIZED VEHICLES ON CERTAIN HIGHWAYS IN THE STATE OF ARKANSAS.—If any segment of United States Route 63 between the exits for highways 14 and 75 in the State of Arkansas is designated as part of the Interstate System, the single axle weight, tandem axle weight, gross vehicle weight,
and bridge formula limits under subsection (a) and the width limitation under section 31113(a) of title 49 shall not apply to that segment with respect to the operation of any vehicle that could operate legally on that segment before the date of the designation.

"(q) CERTAIN LOGGING VEHICLES IN THE STATE OF MINNESOTA.—

"(1) IN GENERAL.—The Secretary shall waive, with respect to a covered logging vehicle, the application of any vehicle weight limit established under this section.

"(2) COVERED LOGGING VEHICLE DEFINED.—In this subsection, the term ‘covered logging vehicle’ means a vehicle that—

“A) is transporting raw or unfinished forest products, including logs, pulpwood, biomass, or wood chips;

“B) has a gross vehicle weight of not more than 99,000 pounds;

“(C) has not less than 6 axles; and

“(D) is operating on a segment of Interstate Route 35 in the State of Minnesota from mile marker 235.4 to mile marker 259.552.

“(r) EMERGENCY VEHICLES.—

“(1) IN GENERAL.—Notwithstanding subsection (a), a State shall not enforce against an emergency vehicle a vehicle weight limit (up to a maximum gross vehicle weight of 86,000 pounds) of less than—

“A) 24,000 pounds on a single steering axle;

“(B) 33,500 pounds on a single drive axle;

“(C) 62,000 pounds on a tandem axle; and

“(D) 52,000 pounds on a tandem rear drive steer axle.

“(2) EMERGENCY VEHICLE DEFINED.—In this subsection, the term ‘emergency vehicle’ means a vehicle designed to be used under emergency conditions—

“A) to transport personnel and equipment; and

“(B) to support the suppression of fires and mitigation of other hazardous situations.

“(s) NATURAL GAS VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas, may exceed any vehicle weight limit (up to a maximum gross vehicle weight of 82,000 pounds) under this section by an amount that is equal to the difference between—

“A) the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and

“(2) the weight of a comparable diesel tank and fueling system.”.

SEC. 1411. TOLLING; HOV FACILITIES; INTERSTATE RECONSTRUCTION AND REHABILITATION.

(a) Tolling.—Section 129(a) of title 23, United States Code, is amended—

(1) in paragraph (3)(A), in the matter preceding clause (i)—

(A) by striking “shall use” and inserting “shall ensure that”; and

(B) by inserting “are used” before “only for”;

(2) by striking paragraph (4) and redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and
(3) in subparagraph (B) of paragraph (4) (as so redesignated) by striking “Federal-aid system” and inserting “Federal-aid highways”;

(4) by inserting after paragraph (8) (as so redesignated)—

“(9) EQUAL ACCESS FOR OVER-THE-ROAD BUSES.—An over-the-road bus that serves the public shall be provided access to a toll facility under the same rates, terms, and conditions as public transportation buses.”; and

(5) in paragraph (10)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following:

“(C) OVER-THE-ROAD BUS.—The term ‘over-the-road bus’ has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).”.

(b) HOV FACILITIES.—Section 166 of title 23, United States Code, is amended—

(1) by striking “the agency” each place it appears and inserting “the authority”;

(2) in subsection (a)(1)—

(A) by striking the paragraph heading and inserting

“AUTHORITY OF PUBLIC AUTHORITIES”; and

(B) by striking “State agency” and inserting “public authority”;

(3) in subsection (b)—

(A) by striking “State agency” each place it appears and inserting “public authority”;

(B) in paragraph (3)—

(i) in subparagraph (A) by striking “and” at the end;

(ii) in subparagraph (B) by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(C) provides equal access under the same rates, terms, and conditions for all public transportation vehicles and over-the-road buses serving the public.”;

(C) in paragraph (4)(C)—

(i) in clause (i) by striking “and” at the end;

(ii) in clause (ii) by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(iii) ensure that over-the-road buses serving the public are provided access to the facility under the same rates, terms, and conditions as public transportation buses.”; and

(D) in paragraph (5)—

(i) by striking subparagraph (A) and inserting the following:

“A SPECIAL RULE.—Before September 30, 2025, if a public authority establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles described in clauses (i) and (ii), the public authority may allow the use of the HOV facility by—

“(i) alternative fuel vehicles; and

“(ii) any motor vehicle described in section 30D(d)(1) of the Internal Revenue Code of 1986.”; and

(ii) by adding at the end the following:

“(ii) ensure that over-the-road buses serving the public are provided access to the facility under the same rates, terms, and conditions as public transportation buses.”.

“(ii) any motor vehicle described in section 30D(d)(1) of the Internal Revenue Code of 1986.”; and

(iii) by adding at the end the following:

“(iii) ensure that over-the-road buses serving the public are provided access to the facility under the same rates, terms, and conditions as public transportation buses.”.
(ii) in subparagraph (B) by striking “2017” and inserting “2019”;
(4) in subsection (c)—
(A) by striking paragraph (1) and inserting the following:
“(1) IN GENERAL.—Notwithstanding section 301, tolls may
be charged under paragraphs (4) and (5) of subsection (b),
subject to the requirements of section 129.”; and
(B) by striking paragraph (2) and redesignating para-
graph (3) as paragraph (2);
(5) in subsection (d)—
(A) by striking “State agency” each place it appears
and inserting “public authority”;
(B) in paragraph (1)—
(i) by striking subparagraphs (D) and (E); and
(ii) by inserting after subparagraph (C) the fol-
lowing:
“(D) MAINTENANCE OF OPERATING PERFORMANCE.—
“(i) SUBMISSION OF PLAN.—Not later than 180 days
after the date on which a facility is degraded under
paragraph (2), the public authority with jurisdiction
over the facility shall submit to the Secretary for
approval a plan that details the actions the public
authority will take to make significant progress toward
bringing the facility into compliance with the minimum
average operating speed performance standard through
changes to the operation of the facility, including—
“(I) increasing the occupancy requirement for
HOV lanes;
“(II) varying the toll charged to vehicles
allowed under subsection (b) to reduce demand;
“(III) discontinuing allowing non-HOV vehicles
to use HOV lanes under subsection (b); or
“(IV) increasing the available capacity of the
HOV facility.
“(ii) NOTICE OF APPROVAL OR DISAPPROVAL.—Not
later than 60 days after the date of receipt of a plan
under clause (i), the Secretary shall provide to the
public authority a written notice indicating whether
the Secretary has approved or disapproved the plan
based on a determination of whether the implementa-
tion of the plan will make significant progress toward
bringing the HOV facility into compliance with the
minimum average operating speed performance standard.
“(iii) ANNUAL PROGRESS UPDATES.—Until the date
on which the Secretary determines that the public
authority has brought the HOV facility into compliance
with this subsection, the public authority shall submit
annual updates that describe—
“(I) the actions taken to bring the HOV facility
into compliance; and
“(II) the progress made by those actions.
“(E) COMPLIANCE.—If the public authority fails to bring
a facility into compliance under subparagraph (D), the Sec-
retary shall subject the public authority to appropriate
program sanctions under section 1.36 of title 23, Code
of Federal Regulations (or successor regulations), until the performance is no longer degraded.

"(F) WAIVER.—

"(i) IN GENERAL.—Upon the request of a public authority, the Secretary may waive the compliance requirements of subparagraph (E), if the Secretary determines that—

"(I) the waiver is in the best interest of the traveling public;

"(II) the public authority is meeting the conditions under subparagraph (D); and

"(III) the public authority has made a good faith effort to improve the performance of the facility.

"(ii) CONDITION.—The Secretary may require, as a condition of providing a waiver under this subparagraph, that a public authority take additional actions, as determined by the Secretary, to maximize the operating speed performance of the facility, even if such performance is below the level set under paragraph (2)."

(6) in subsection (f)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting "solely" before "operating";

(B) in paragraph (4)(B)(iii) by striking "State agency" and inserting "public authority";

(C) by striking paragraph (5);

(D) by redesignating paragraph (4) as paragraph (6); and

(E) by inserting after paragraph (3) the following:

"(4) OVER-THE-ROAD BUS.—The term 'over-the-road bus' has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

"(5) PUBLIC AUTHORITY.—The term 'public authority' as used with respect to a HOV facility, means a State, interstate compact of States, public entity designated by a State, or local government having jurisdiction over the operation of the facility; and

(7) by adding at the end the following:

"(g) CONSULTATION OF MPO.—If a HOV facility charging tolls under paragraph (4) or (5) of subsection (b) is on the Interstate System and located in a metropolitan planning area established in accordance with section 134, the public authority shall consult with the metropolitan planning organization for the area concerning the placement and amount of tolls on the facility.".

(c) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—Section 1216(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended—

(1) in paragraph (4)—

(A) in subparagraph (D) by striking "and" at the end;

(B) in subparagraph (E) by striking the period and inserting "; and"

(E) by inserting after paragraph (3) the following:

"(F) the State has the authority required for the project to proceed.

(2) by redesignating paragraphs (6) through (8) as paragraphs (8) through (10), respectively; and
(3) by inserting after paragraph (5) the following:

“(6) REQUIREMENTS FOR PROJECT COMPLETION.—

“A) GENERAL TERM FOR EXPIRATION OF PROVISIONAL APPLICATION.—An application provisionally approved by the Secretary under this subsection shall expire 3 years after the date on which the application was provisionally approved if the State has not—

“(i) submitted a complete application to the Secretary that fully satisfies the eligibility criteria under paragraph (3) and the selection criteria under paragraph (4);

“(ii) completed the environmental review and permitting process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the pilot project; and

“(iii) executed a toll agreement with the Secretary.

“B) EXCEPTIONS TO EXPIRATION.—Notwithstanding subparagraph (A), the Secretary may extend the provisional approval for not more than 1 additional year if the State demonstrates material progress toward implementation of the project as evidenced by—

“(i) substantial progress in completing the environmental review and permitting process for the pilot project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) funding and financing commitments for the pilot project;

“(iii) expressions of support for the pilot project from State and local governments, community interests, and the public; and

“(iv) submission of a facility management plan pursuant to paragraph (3)(D).

“C) CONDITIONS FOR PREVIOUSLY PROVISIONALLY APPROVED APPLICATIONS.—A State with a provisionally approved application for a pilot project as of the date of enactment of the FAST Act shall have 1 year after that date of enactment to meet the requirements of subparagraph (A) or receive an extension from the Secretary under subparagraph (B), or the application will expire.

“(7) DEFINITION.—In this subsection, the term ‘provisional approval’ or ‘provisionally approved’ means the approval by the Secretary of a partial application under this subsection, including the reservation of a slot in the pilot program.”.

(d) APPROVAL OF APPLICATIONS.—The Secretary may approve an application submitted under section 1604(c) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1253) if the application, or any part of the application, was submitted before the deadline specified in section 1604(c)(8) of that Act.

SEC. 1412. PROJECTS FOR PUBLIC SAFETY RELATING TO IDLING TRAINS.

Section 130(a) of title 23, United States Code, is amended by striking “and the relocation of highways to eliminate grade crossings” and inserting “the relocation of highways to eliminate grade crossings, and projects at grade crossings to eliminate hazards posed by blocked grade crossings due to idling trains”.

23 USC 129 note.
SEC. 1413. NATIONAL ELECTRIC VEHICLE CHARGING AND HYDROGEN, PROPANE, AND NATURAL GAS FUELING CORRIDORS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 150 the following:

§ 151. National electric vehicle charging and hydrogen, propane, and natural gas fueling corridors

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FAST Act, the Secretary shall designate national electric vehicle charging and hydrogen, propane, and natural gas fueling corridors that identify the near- and long-term need for, and location of, electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure at strategic locations along major national highways to improve the mobility of passenger and commercial vehicles that employ electric, hydrogen fuel cell, propane, and natural gas fueling technologies across the United States.

(b) DESIGNATION OF CORRIDORS.—In designating the corridors under subsection (a), the Secretary shall—

(1) solicit nominations from State and local officials for facilities to be included in the corridors;
(2) incorporate existing electric vehicle charging, hydrogen fueling, propane fueling, and natural gas fueling corridors designated by a State or group of States; and
(3) consider the demand for, and location of, existing electric vehicle charging stations, hydrogen fueling stations, propane fueling stations, and natural gas fueling infrastructure.

(c) STAKEHOLDERS.—In designating corridors under subsection (a), the Secretary shall involve, on a voluntary basis, stakeholders that include—

(1) the heads of other Federal agencies;
(2) State and local officials;
(3) representative of—
(A) energy utilities;
(B) the electric, fuel cell electric, propane, and natural gas vehicle industries;
(C) the freight and shipping industry;
(D) clean technology firms;
(E) the hospitality industry;
(F) the restaurant industry;
(G) highway rest stop vendors; and
(H) industrial gas and hydrogen manufacturers; and
(4) such other stakeholders as the Secretary determines to be necessary.

(d) REDESIGNATION.—Not later than 5 years after the date of establishment of the corridors under subsection (a), and every 5 years thereafter, the Secretary shall update and redesignate the corridors.

(e) REPORT.—During designation and redesignation of the corridors under this section, the Secretary shall issue a report that—

(1) identifies electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure and standardization needs for electricity providers, industrial gas providers, natural gas providers, infrastructure providers, vehicle manufacturers, electricity purchasers, and natural gas purchasers; and
“(2) establishes an aspirational goal of achieving strategic deployment of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure in those corridors by the end of fiscal year 2020.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 150 the following:

“151. National electric vehicle charging and hydrogen, propane, and natural gas fueling corridors.”.

(c) OPERATION OF BATTERY RECHARGING STATIONS IN PARKING AREAS USED BY FEDERAL EMPLOYEES.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—The Administrator of General Services may install, construct, operate, and maintain on a reimbursable basis a battery recharging station (or allow, on a reimbursable basis, the use of a 120-volt electrical receptacle for battery recharging) in a parking area that is in the custody, control, or administrative jurisdiction of the General Services Administration for the use of only privately owned vehicles of employees of the General Services Administration, tenant Federal agencies, and others who are authorized to park in such area to the extent such use by only privately owned vehicles does not interfere with or impede access to the equipment by Federal fleet vehicles.

(B) AREAS UNDER OTHER FEDERAL AGENCIES.—The Administrator of General Services (on the request of a Federal agency) or the head of a Federal agency may install, construct, operate, and maintain on a reimbursable basis a battery recharging station (or allow, on a reimbursable basis, the use of a 120-volt electrical receptacle for battery recharging) in a parking area that is in the custody, control, or administrative jurisdiction of the requesting Federal agency, to the extent such use by only privately owned vehicles does not interfere with or impede access to the equipment by Federal fleet vehicles.

(C) USE OF VENDORS.—The Administrator of General Services, with respect to subparagraph (A) or (B), or the head of a Federal agency, with respect to subparagraph (B), may carry out such subparagraph through a contract with a vendor, under such terms and conditions (including terms relating to the allocation between the Federal agency and the vendor of the costs of carrying out the contract) as the Administrator or the head of the Federal agency, as the case may be, and the vendor may agree to.

(2) IMPOSITION OF FEES TO COVER COSTS.—

(A) FEES.—The Administrator of General Services or the head of the Federal agency under paragraph (1)(B) shall charge fees to the individuals who use the battery recharging station in such amount as is necessary to ensure that the respective agency recovers all of the costs such agency incurs in installing, constructing, operating, and maintaining the station.

(B) DEPOSIT AND AVAILABILITY OF FEES.—Any fees collected by the Administrator of General Services or the
Federal agency, as the case may be, under this paragraph shall be—

(i) deposited monthly in the Treasury to the credit of the respective agency’s appropriations account for the operations of the building where the battery recharging station is located; and

(ii) available for obligation without further appropriation during—

(I) the fiscal year collected; and

(II) the fiscal year following the fiscal year collected.

(3) NO EFFECT ON EXISTING PROGRAMS FOR HOUSE AND SENATE.—Nothing in this subsection affects the installation, construction, operation, or maintenance of battery recharging stations by the Architect of the Capitol—

(A) under Public Law 112–170 (2 U.S.C. 2171), relating to employees of the House of Representatives and individuals authorized to park in any parking area under the jurisdiction of the House of Representatives on the Capitol Grounds; or

(B) under Public Law 112–167 (2 U.S.C. 2170), relating to employees of the Senate and individuals authorized to park in any parking area under the jurisdiction of the Senate on the Capital Grounds.

(4) NO EFFECT ON SIMILAR AUTHORITIES.—Nothing in this subsection—

(A) repeals or limits any existing authorities of a Federal agency to install, construct, operate, or maintain battery recharging stations; or

(B) requires a Federal agency to seek reimbursement for the costs of installing or constructing a battery recharging station—

(i) that has been installed or constructed prior to the date of enactment of this Act;

(ii) that is installed or constructed for Federal fleet vehicles, but that receives incidental use to recharge privately owned vehicles; or

(iii) that is otherwise installed or constructed pursuant to appropriations for that purpose.

(5) ANNUAL REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter for 10 years, the Administrator of General Services shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing—

(A) the number of battery recharging stations installed by the Administrator on the Administrator’s own initiative under this subsection;

(B) requests from other Federal agencies to install battery recharging stations; and

(C) the status and disposition of requests from other Federal agencies.

(6) FEDERAL AGENCY DEFINED.—In this subsection, the term “Federal agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code, and includes—

(A) the United States Postal Service;
(B) the Executive Office of the President;
(C) the military departments (as defined in section 102 of title 5, United States Code); and
(D) the judicial branch.

(7) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2016 and each succeeding fiscal year.

SEC. 1414. REPEAT OFFENDER CRITERIA.
Section 164(a) of title 23, United States Code, is amended—
(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;
(2) by inserting before paragraph (2), as redesignated, the following:
“(1) 24-7 SOBRIETY PROGRAM.—The term ‘24-7 sobriety program’ has the meaning given the term in section 405(d)(7)(A).”;
(3) in paragraph (5), as redesignated—
(A) in the matter preceding subparagraph (A), by inserting “or combination of laws or programs” after “State law”;
(B) by amending subparagraph (A) to read as follows: “(A) receive, for a period of not less than 1 year—

(i) a suspension of all driving privileges;

(ii) a restriction on driving privileges that limits the individual to operating only motor vehicles with an ignition interlock device installed, unless a special exception applies;

(iii) a restriction on driving privileges that limits the individual to operating motor vehicles only if participating in, and complying with, a 24-7 sobriety program; or

(iv) any combination of clauses (i) through (iii);”;
(C) by striking subparagraph (B);
(D) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and
(E) in subparagraph (C), as redesignated—
(i) in clause (i)(II) by inserting before the semicolon the following: “(unless the State certifies that the general practice is that such an individual will be incarcerated)”;

(ii) in clause (ii)(II) by inserting before the period at the end the following: “(unless the State certifies that the general practice is that such an individual will receive 10 days of incarceration)”;

(4) by adding at the end the following:
“(6) SPECIAL EXCEPTION.—The term ‘special exception’ means an exception under a State alcohol-ignition interlock law for the following circumstances:

(A) The individual is required to operate an employer’s motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

(B) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.”.
SEC. 1415. ADMINISTRATIVE PROVISIONS TO ENCOURAGE POLLINATOR HABITAT AND FORAGE ON TRANSPORTATION RIGHTS-OF-WAY.

(a) IN GENERAL.—Section 319 of title 23, United States Code, is amended—

(1) in subsection (a) by inserting “(including the enhancement of habitat and forage for pollinators)” before “adjacent”;

and

(2) by adding at the end the following:

“(c) ENCOURAGEMENT OF POLLINATOR HABITAT AND FORAGE DEVELOPMENT AND PROTECTION ON TRANSPORTATION RIGHTS-OF-WAY.—In carrying out any program administered by the Secretary under this title, the Secretary shall, in conjunction with willing States, as appropriate—

“(1) encourage integrated vegetation management practices on roadsides and other transportation rights-of-way, including reduced mowing; and

“(2) encourage the development of habitat and forage for Monarch butterflies, other native pollinators, and honey bees through plantings of native forbs and grasses, including noninvasive, native milkweed species that can serve as migratory way stations for butterflies and facilitate migrations of other pollinators.”.

(b) PROVISION OF HABITAT, FORAGE, AND MIGRATORY WAY STATIONS FOR MONARCH BUTTERFLIES, OTHER NATIVE POLLINATORS, AND HONEY BEES.—Section 329(a)(1) of title 23, United States Code, is amended by inserting “provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees,” before “and aesthetic enhancement”.

SEC. 1416. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) IDENTIFICATION OF HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 190; 119 Stat. 1213) is amended—

(1) by striking paragraph (13) and inserting the following:

“(13) Raleigh-Norfolk Corridor from Raleigh, North Carolina, through Rocky Mount, Williamston, and Elizabeth City, North Carolina, to Norfolk, Virginia.”;

(2) in paragraph (18)(D)—

(A) in clause (ii) by striking “and” at the end;

(B) in clause (iii) by striking the period at the end and inserting “; and”;

and

(C) by adding at the end the following:

“(iv) include Texas State Highway 44 from United States Route 59 at Freer, Texas, to Texas State Highway 358.”;

(3) by striking paragraph (68) and inserting the following:

“(68) The Washoe County Corridor and the Intermountain West Corridor, which shall generally follow—

“(A) for the Washoe County Corridor, along Interstate Route 580/United States Route 95/United States Route 95A from Reno, Nevada, to Las Vegas, Nevada; and

“(B) for the Intermountain West Corridor, from the vicinity of Las Vegas, Nevada, north along United States Route 95 terminating at Interstate Route 80.”; and
(4) by adding at the end the following:

“(81) United States Route 117/Interstate Route 795 from United States Route 70 in Goldsboro, Wayne County, North Carolina, to Interstate Route 40 west of Faison, Sampson County, North Carolina.

“(82) United States Route 70 from its intersection with Interstate Route 40 in Garner, Wake County, North Carolina, to the Port at Morehead City, Carteret County, North Carolina.

“(83) The Sonoran Corridor along State Route 410 connecting Interstate Route 19 and Interstate Route 10 south of the Tucson International Airport.

“(84) The Central Texas Corridor commencing at the logical terminus of Interstate Route 10, generally following portions of United States Route 190 eastward, passing in the vicinity Fort Hood, Killeen, Belton, Temple, Bryan, College Station, Huntsville, Livingston, and Woodville, to the logical terminus of Texas Highway 63 at the Sabine River Bridge at Burrs Crossing.

“(85) Interstate Route 81 in New York from its intersection with Interstate Route 86 to the United States-Canadian border.

“(86) Interstate Route 70 from Denver, Colorado, to Salt Lake City, Utah.

“(87) The Oregon 99W Newberg-Dundee Bypass Route between Newberg, Oregon, and Dayton, Oregon.

“(88) Interstate Route 205 in Oregon from its intersection with Interstate Route 5 to the Columbia River.”.

(b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597; 118 Stat. 293; 119 Stat. 1213) is amended in the first sentence—

(1) by inserting “subsection (c)(13),” after “subsection (c)(9),”;

(2) by striking “subsections (c)(18)” and all that follows through “subsection (c)(36)” and inserting “subsection (c)(18), subsection (c)(20), subparagraphs (A) and (B)(i) of subsection (c)(26), subsection (c)(36)”;

and

(3) by striking “and subsection (c)(57)” and inserting “subsection (c)(57), subsection (c)(68)(B), subsection (c)(81), subsection (c)(82), and subsection (c)(83)”.

(c) DESIGNATION.—Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 598; 126 Stat. 427) is amended by striking the final sentence and inserting the following: “The routes referred to in subparagraphs (A) and (B)(i) of subsection (c)(26) and in subsection (c)(68)(B) are designated as Interstate Route I–11. The route referred to in subsection (c)(84) is designated as Interstate Route I–14.”.

(d) FUTURE INTERSTATE DESIGNATION.—Section 119(a) of the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1608) is amended by striking “and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky” and inserting “between Henderson, Kentucky, and Owensboro, Kentucky, and, as a future Interstate Route 65 and 66 Spur, the William H. Natcher Parkway between Bowling Green, Kentucky, and Owensboro, Kentucky”.
SEC. 1417. WORK ZONE AND GUARD RAIL SAFETY TRAINING.

(a) IN GENERAL.—Section 1409 of SAFETEA–LU (23 U.S.C. 401 note) is amended—
(1) by striking the section heading and inserting “WORK ZONE AND GUARD RAIL SAFETY TRAINING”; and
(2) in subsection (b) by adding at the end the following:
“(4) Development, updating, and delivery of training courses on guard rail installation, maintenance, and inspection.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 1409 and inserting the following:
“Sec. 1409. Work zone and guard rail safety training.”.

SEC. 1418. CONSOLIDATION OF PROGRAMS.

Section 1519(a) of MAP–21 (126 Stat. 574) is amended by striking “From administrative funds” and all that follows through “shall be made available” and inserting “For each of fiscal years 2016 through 2020, before making an apportionment under section 104(b)(3) of title 23, United States Code, the Secretary shall set aside, from amounts made available to carry out the highway safety improvement program under section 148 of such title for the fiscal year, $3,500,000”.

SEC. 1419. ELIMINATION OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) FUNDAMENTAL PROPERTIES OF ASPHALTS REPORT.—Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2183) is repealed.

(b) EXPRESS LANES DEMONSTRATION PROGRAM REPORTS.—Section 1604(b)(7)(B) of SAFETEA–LU (23 U.S.C. 129 note) is repealed.

SEC. 1420. FLEXIBILITY FOR PROJECTS.

(a) AUTHORITY.—With respect to projects eligible for funding under title 23, United States Code, subject to subsection (b) and on request by a State, the Secretary may—
(1) exercise all existing flexibilities under and exceptions to—
(A) the requirements of title 23, United States Code; and
(B) other requirements administered by the Secretary, in whole or part; and
(2) otherwise provide additional flexibility or expedited processing with respect to the requirements described in paragraph (1).

(b) MAINTAINING PROTECTIONS.—Nothing in this section—
(1) waives the requirements of section 113 or 138 of title 23, United States Code;
(2) supersedes, amends, or modifies—
(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental law; or
(B) any requirement of title 23 or title 49, United States Code; or
(3) affects the responsibility of any Federal officer to comply with or enforce any law or requirement described in this subsection.
SEC. 1421. PRODUCTIVE AND TIMELY EXPENDITURE OF FUNDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop guidance that encourages the use of programmatic approaches to project delivery, expedited and prudent procurement techniques, and other best practices to facilitate productive, effective, and timely expenditure of funds for projects eligible for funding under title 23, United States Code.

(b) IMPLEMENTATION.—The Secretary shall work with States to ensure that any guidance developed under subsection (a) is consistently implemented by States and the Federal Highway Administration to—

1. avoid unnecessary delays in completing projects;
2. minimize cost overruns; and
3. ensure the effective use of Federal funding.

SEC. 1422. STUDY ON PERFORMANCE OF BRIDGES.

(a) IN GENERAL.—Subject to subsection (c), the Administrator of the Federal Highway Administration (referred to in this section as the “Administrator”) shall commission the Transportation Research Board of the National Academy of Sciences to conduct a study on the performance of bridges that received funding under the innovative bridge research and construction program (referred to in this section as the “program”) under section 503(b) of title 23, United States Code (as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59; 119 Stat. 1144)) in meeting the goals of that program, which included—

1. the development of new, cost-effective innovative material highway bridge applications;
2. the reduction of maintenance costs and lifecycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;
3. the development of construction techniques to increase safety and reduce construction time and traffic congestion;
4. the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;
5. the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;
6. the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and
7. the development of new nondestructive bridge evaluation technologies and techniques.

(b) CONTENTS.—The study commissioned under subsection (a) shall include—

1. an analysis of the performance of bridges that received funding under the program in meeting the goals described in paragraphs (1) through (7) of subsection (a);
2. an analysis of the utility, compared to conventional materials and technologies, of each of the innovative materials and technologies used in projects for bridges under the program in meeting the needs of the United States in 2015 and in the future for a sustainable and low lifecycle cost transportation system;
3. recommendations to Congress on how the installed and lifecycle costs of bridges could be reduced through the use...
of innovative materials and technologies, including, as appropriate, any changes in the design and construction of bridges needed to maximize the cost reductions; and

(4) a summary of any additional research that may be needed to further evaluate innovative approaches to reducing the installed and lifecycle costs of highway bridges.

(c) PUBLIC COMMENT.—Before commissioning the study under subsection (a), the Administrator shall provide an opportunity for public comment on the study proposal.

(d) DATA FROM STATES.—Each State that received funds under the program shall provide to the Transportation Research Board any relevant data needed to carry out the study commissioned under subsection (a).

(e) DEADLINE.—The Administrator shall submit to Congress the study commissioned under subsection (a) not later than 3 years after the date of enactment of this Act.

SEC. 1423. RELINQUISHMENT OF PARK-AND-RIDE LOT FACILITIES.

A State transportation agency may relinquish park-and-ride lot facilities or portions of park-and-ride lot facilities to a local government agency for highway purposes if authorized to do so under State law if the agreement providing for the relinquishment provides that—

(1) rights-of-way on the Interstate System will remain available for future highway improvements; and

(2) modifications to the facilities that could impair the highway or interfere with the free and safe flow of traffic are subject to the approval of the Secretary.

SEC. 1424. PILOT PROGRAM.

(a) IN GENERAL.—The Administrator of the Federal Highway Administration (referred to in this section as the “Administrator”) may establish a pilot program that allows a State to utilize innovative approaches to maintain the right-of-way of Federal-aid highways within the State.

(b) LIMITATION.—A pilot program established under subsection (a) shall—

(1) terminate after not more than 4 years;

(2) include not more than 5 States; and

(3) be subject to guidelines published by the Administrator.

(c) REPORT.—If the Administrator establishes a pilot program under subsection (a), the Administrator shall, not more than 1 year after the completion of the pilot program, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the pilot program.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to affect the requirements of section 111 of title 23, United States Code.

SEC. 1425. SERVICE CLUB, CHARITABLE ASSOCIATION, OR RELIGIOUS SERVICE SIGNS.

Notwithstanding section 131 of title 23, United States Code, and part 750 of title 23, Code of Federal Regulations (or successor regulations), if a State notifies the Federal Highway Administration, the State may allow the maintenance of a sign of a service club, charitable association, or religious service organization—
(1) that exists on the date of enactment of this Act (or was removed in the 3-year period ending on such date of enactment); and
(2) the area of which is less than or equal to 32 square feet.

SEC. 1426. MOTORCYCLIST ADVISORY COUNCIL.

The Secretary, acting through the Administrator of the Federal Highway Administration, shall appoint a Motorcyclist Advisory Council to coordinate with and advise the Administrator on infrastructure issues of concern to motorcyclists, including—

(1) barrier design;
(2) road design, construction, and maintenance practices; and
(3) the architecture and implementation of intelligent transportation system technologies.

SEC. 1427. HIGHWAY WORK ZONES.

It is the sense of Congress that the Federal Highway Administration should—
(1) do all within its power to protect workers in highway work zones; and
(2) move rapidly to finalize regulations, as directed in section 1405 of MAP–21 (126 Stat. 560), to protect the lives and safety of construction workers in highway work zones from vehicle intrusions.

SEC. 1428. USE OF DURABLE, RESILIENT, AND SUSTAINABLE MATERIALS AND PRACTICES.

To the extent practicable, the Secretary shall encourage the use of durable, resilient, and sustainable materials and practices, including the use of geosynthetic materials and other innovative technologies, in carrying out the activities of the Federal Highway Administration.

SEC. 1429. IDENTIFICATION OF ROADSIDE HIGHWAY SAFETY HARDWARE DEVICES.

(a) Study.—The Secretary shall conduct a study on methods for identifying roadside highway safety hardware devices to improve the data collected on the devices, as necessary for in-service evaluation of the devices.

(b) Contents.—In conducting the study under subsection (a), the Secretary shall evaluate identification methods based on the ability of the method—

(1) to convey information on the devices, including manufacturing date, factory of origin, product brand, and model;
(2) to withstand roadside conditions; and
(3) to connect to State and regional inventories of similar devices.

(c) Identification Methods.—The identification methods to be studied under this section include stamped serial numbers, radio-frequency identification, and such other methods as the Secretary determines appropriate.

(d) Report to Congress.—Not later than January 1, 2018, the Secretary shall submit to Congress a report on the results of the study under subsection (a).
SEC. 1430. USE OF MODELING AND SIMULATION TECHNOLOGY.

It is the sense of Congress that the Department should utilize, to the fullest and most economically feasible extent practicable, modeling and simulation technology to analyze highway and public transportation projects authorized by this Act to ensure that these projects—

(1) will increase transportation capacity and safety, alleviate congestion, and reduce travel time and environmental impacts; and

(2) are as cost effective as practicable.

SEC. 1431. NATIONAL ADVISORY COMMITTEE ON TRAVEL AND TOURISM INFRASTRUCTURE.

(a) FINDINGS.—Congress finds that—

(1) 1 out of every 9 jobs in the United States depends on travel and tourism, and the industry supports 15,000,000 jobs in the United States;

(2) the travel and tourism industry employs individuals in all 50 States, the District of Columbia, and all of the territories of the United States;

(3) international travel to the United States is the single largest export industry in the United States, generating a trade surplus balance of approximately $74,000,000,000;

(4) travel and tourism provide significant economic benefits to the United States by generating nearly $2,100,000,000,000 in annual economic output; and

(5) the United States intermodal transportation network facilitates the large-scale movement of business and leisure travelers, and is the most important asset of the travel industry.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory committee to be known as the National Advisory Committee on Travel and Tourism Infrastructure (referred to in this section as the “Committee”) to provide information, advice, and recommendations to the Secretary on matters relating to the role of intermodal transportation in facilitating mobility related to travel and tourism activities.

(c) MEMBERSHIP.—The Committee shall—

(1) be composed of members appointed by the Secretary for terms of not more than 3 years; and

(2) include a representative cross-section of public and private sector stakeholders involved in the travel and tourism industry, including representatives of—

(A) the travel and tourism industry, product and service providers, and travel and tourism-related associations;

(B) travel, tourism, and destination marketing organizations;

(C) the travel and tourism-related workforce;

(D) State tourism offices;

(E) State departments of transportation;

(F) regional and metropolitan planning organizations; and

(G) local governments.

(d) ROLE OF COMMITTEE.—The Committee shall—

(1) advise the Secretary on current and emerging priorities, issues, projects, and funding needs related to the use of the
(e) NATIONAL TRAVEL AND TOURISM INFRASTRUCTURE STRATEGIC PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Committee, State departments of transportation, and other appropriate public and private transportation stakeholders, shall develop and post on the public Internet website of the Department a national travel and tourism infrastructure strategic plan that includes—

(1) an assessment of the condition and performance of the national transportation network;

(2) an identification of the issues on the national transportation network that create significant congestion problems and barriers to long-haul passenger travel and tourism;

(3) forecasts of long-haul passenger travel and tourism volumes for the 20-year period beginning in the year during which the plan is issued;

(4) an identification of the major transportation facilities and corridors for current and forecasted long-haul travel and tourism volumes, the identification of which shall be revised, as appropriate, in subsequent plans;

(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved long-haul passenger travel performance (including opportunities for overcoming the barriers);

(6) best practices for improving the performance of the national transportation network; and

(7) strategies to improve intermodal connectivity for long-haul passenger travel and tourism.
SEC. 1432. EMERGENCY EXEMPTIONS.

(a) In General.—Any road, highway, railway, bridge, or transit facility that is damaged by an emergency that is declared by the Governor of the State, with the concurrence of the Secretary of Homeland Security, or declared as an emergency by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), and that is in operation or under construction on the date on which the emergency occurs may be reconstructed in the same location with the same capacity, dimensions, and design as before the emergency subject to the exemptions and expedited procedures under subsection (b).

(b) Exemptions and Expedited Procedures.—

(1) Alternative Arrangements.—Alternative arrangements for an emergency under section 1506.11 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act) shall apply to reconstruction under subsection (a), and the reconstruction shall be considered necessary to control the immediate impacts of the emergency.

(2) Stormwater Discharge Permits.—A general permit for stormwater discharges from construction activities, if available, issued by the Administrator of the Environmental Protection Agency or the director of a State program under section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)), as applicable, shall apply to reconstruction under subsection (a), on submission of a notice of intent to be subject to the permit.

(3) Emergency Procedures.—The emergency procedures for issuing permits in accordance with section 325.2(e)(4) of title 33, Code of Federal Regulations (as in effect on the date of enactment of this Act) shall apply to reconstruction under subsection (a), and the reconstruction shall be considered an emergency under that regulation.

(4) National Historic Preservation Act Exemption.—Reconstruction under subsection (a) is eligible for an exemption from the requirements of the National Historic Preservation Act of 1966 pursuant to part 78 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) Endangered Species Act Exemption.—An exemption from the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) pursuant to section 7(p) of that Act (16 U.S.C. 1536(p)) shall apply to reconstruction under subsection (a) and, if the President makes the determination required under section 7(p) of that Act, the determinations required under subsections (g) and (h) of that section shall be deemed to be made.

(6) Expedited Consultation Under Endangered Species Act.—Expedited consultation pursuant to section 402.05 of title 50, Code of Federal Regulations (as in effect on the date of enactment of this Act) shall apply to reconstruction under subsection (a).

(7) Other Exemptions.—Any reconstruction that is exempt under paragraph (5) shall also be exempt from requirements under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);
SEC. 1433. REPORT ON HIGHWAY TRUST FUND ADMINISTRATIVE EXPENDITURES.

(a) Initial Report.—Not later than 150 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the administrative expenses of the Federal Highway Administration funded from the Highway Trust Fund during the 3 most recent fiscal years.

(b) Updates.—Not later than 5 years after the date on which the report is submitted under subsection (a) and every 5 years thereafter, the Comptroller General shall submit to Congress a report that updates the information provided in the report under that subsection for the preceding 5-year period.

(c) Inclusions.—Each report submitted under subsection (a) or (b) shall include a description of—

(1) the types of administrative expenses of programs and offices funded by the Highway Trust Fund;

(2) the tracking and monitoring of administrative expenses;

(3) the controls in place to ensure that funding for administrative expenses is used as efficiently as practicable; and

(4) the flexibility of the Department to reallocate amounts from the Highway Trust Fund between full-time equivalent employees and other functions.

SEC. 1434. AVAILABILITY OF REPORTS.

(a) In General.—The Secretary shall make available to the public on the website of the Department any report required to be submitted by the Secretary to Congress after the date of enactment of this Act.

(b) Deadline.—Each report described in subsection (a) shall be made available on the website not later than 30 days after the report is submitted to Congress.

SEC. 1435. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

Section 1528 of MAP–21 (40 U.S.C. 14501 note; Public Law 112–141) is amended—

(1) by striking “2021” each place it appears and inserting “2050”; and

(2) by striking “shall be 100 percent” each place it appears and inserting “shall be up to 100 percent, as determined by the State”.

SEC. 1436. APPALACHIAN REGIONAL DEVELOPMENT PROGRAM.

(a) High-speed Broadband Development Initiative.—

(1) In general.—Subchapter I of chapter 145 of subtitle IV of title 40, United States Code, is amended by adding at the end the following:

§ 14509. High-speed broadband deployment initiative

“(a) In general.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities—
“(1) to increase affordable access to broadband networks throughout the Appalachian region;

“(2) to conduct research, analysis, and training to increase broadband adoption efforts in the Appalachian region;

“(3) to provide technology assets, including computers, smartboards, and video projectors to educational systems throughout the Appalachian region;

“(4) to increase distance learning opportunities throughout the Appalachian region;

“(5) to increase the use of telehealth technologies in the Appalachian region; and

“(6) to promote e-commerce applications in the Appalachian region.

“(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the cost of any activity eligible for a grant under this section—

“(1) not more than 50 percent may be provided from amounts appropriated to carry out this section;

“(2) notwithstanding paragraph (1)—

“(A) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts appropriated to carry out this section; and

“(B) in the case of a project to be carried out in a county for which an at-risk designation is in effect under section 14526, not more than 70 percent may be provided from amounts appropriated to carry out this section.

“(c) SOURCES OF ASSISTANCE.—Subject to subsection (b), a grant provided under this section may be provided from amounts made available in combination with amounts made available—

“(1) under any other Federal program; or

“(2) from any other source.

“(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.”.

“(2) CONFORMING AMENDMENT.—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14508 the following:

“14509. High-speed broadband deployment initiative.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14703 of title 40, United States Code, is amended—

“(1) in subsection (a)(5), by striking “fiscal year 2012” and inserting “each of fiscal years 2012 through 2020”;

“(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

“(3) by inserting after subsection (b) the following:

“(c) HIGH-SPEED BROADBAND DEPLOYMENT INITIATIVE.—Of the amounts made available under subsection (a), $10,000,000 may be used to carry out section 14509 for each of fiscal years 2016 through 2020.”.

(c) TERMINATION.—Section 14704 of title 40, United States Code, is amended by striking “2012” and inserting “2020”.

140 USC prec. 14501.
(d) Effective Date.—This section and the amendments made by this section take effect on October 1, 2015.

SEC. 1437. BORDER STATE INFRASTRUCTURE.

(a) In General.—After consultation with relevant transportation planning organizations, the Governor of a State that shares a land border with Canada or Mexico may designate for each fiscal year not more than 5 percent of the funds made available to the State under section 133(d)(1)(B) of title 23, United States Code, for border infrastructure projects eligible under section 1303 of SAFETEA–LU (23 U.S.C. 101 note; 119 Stat. 1207).

(b) Use of Funds.—Funds designated under this section shall be available under the requirements of section 1303 of SAFETEA–LU (23 U.S.C. 101 note; 119 Stat. 1207).

(c) Certification.—Before making a designation under subsection (a), the Governor shall certify that the designation is consistent with transportation planning requirements under title 23, United States Code.

(d) Notification.—Not later than 30 days after making a designation under subsection (a), the Governor shall submit to the relevant transportation planning organizations within the border region a written notification of any suballocated or distributed amount of funds available for obligation by jurisdiction.

(e) Limitation.—This section applies only to funds apportioned to a State after the date of enactment of this Act.

(f) Deadline for Designation.—A designation under subsection (a) shall—

(1) be submitted to the Secretary not later than 30 days before the first day of the fiscal year for which the designation is being made; and

(2) remain in effect for the funds designated under subsection (a) for a fiscal year until the Governor of the State notifies the Secretary of the termination of the designation.

(g) Unobligated Funds After Termination.—Effective beginning on the date of a termination under subsection (f)(2), all remaining unobligated funds that were designated under subsection (a) for the fiscal year for which the designation is being terminated shall be made available to the State for the purposes described in section 133(d)(1)(B) of title 23, United States Code.

SEC. 1438. ADJUSTMENTS.

(a) In General.—On July 1, 2020, of the unobligated balances of funds apportioned among the States under chapter 1 of title 23, United States Code, a total of $7,569,000,000 is permanently rescinded.

(b) Exclusions From Rescission.—The rescission under subsection (a) shall not apply to funds distributed in accordance with—

(1) sections 104(b)(3) and 130(f) of title 23, United States Code;

(2) section 133(d)(1)(A) of such title;

(3) the first sentence of section 133(d)(3)(A) of such title, as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141);

(4) sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of SAFETEA–LU (Public Law 109–59); and
(5) section 104(b)(5) of such title, as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141).

(c) DISTRIBUTION AMONG STATES.—The amount to be rescinded under this section from a State shall be determined by multiplying the total amount of the rescission in subsection (a) by the ratio that—

(1) the unobligated balances subject to the rescission as of September 30, 2019, for the State; bears to

(2) the unobligated balances subject to the rescission as of September 30, 2019, for all States.

(d) DISTRIBUTION WITHIN EACH STATE.—The amount to be rescinded under this section from each program to which the rescission applies within a State shall be determined by multiplying the required rescission amount calculated under subsection (c) for such State by the ratio that—

(1) the unobligated balance as of September 30, 2019, for such program in such State; bears to

(2) the unobligated balances as of September 30, 2019, for all programs to which the rescission applies in such State.

SEC. 1439. ELIMINATION OF BARRIERS TO IMPROVE AT-RISK BRIDGES.

(a) TEMPORARY AUTHORIZATION.—

(1) IN GENERAL.—Until the Secretary of the Interior takes the action described in subsection (b), the take of nesting swallows to facilitate a construction project on a bridge eligible for funding under title 23, United States Code, with any component condition rating of 3 or less (as defined by the National Bridge Inventory General Condition Guidance issued by the Federal Highway Administration) is authorized under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) between April 1 and August 31.

(2) MEASURES TO MINIMIZE IMPACTS.—

(A) NOTIFICATION BEFORE TAKING.—Prior to the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains—

(i) the name of the person acting under the authority of paragraph (1) to take nesting swallows;

(ii) a list of practicable measures that will be undertaken to minimize or mitigate significant adverse impacts on the population of that species;

(iii) the time period during which activities will be carried out that will result in the taking of that species; and

(iv) an estimate of the number of birds, by species, to be taken in the proposed action.

(B) NOTIFICATION AFTER TAKING.—Not later than 60 days after the taking of nesting swallows authorized under paragraph (1), any person taking that action shall submit to the Secretary of the Interior a document that contains the number of birds, by species, taken in the action.

(b) AUTHORIZATION OF TAKE.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary, shall promulgate a regulation under the authority of section 3 of the Migratory Bird Treaty Act 16 USC 703 note.
(16 U.S.C. 704) authorizing the take of nesting swallows to facilitate bridge repair, maintenance, or construction—

(A) without individual permit requirements; and

(B) under terms and conditions determined to be consistent with treaties relating to migratory birds that protect swallow species occurring in the United States.

(2) TERMINATION.—On the effective date of a final rule under this subsection by the Secretary of the Interior, subsection (a) shall have no force or effect.

(c) SUSPENSION OR WITHDRAWAL OF TAKE AUTHORIZATION.—If the Secretary of the Interior, in consultation with the Secretary, determines that taking of nesting swallows carried out under the authority provided in subsection (a)(1) is having a significant adverse impact on swallow populations, the Secretary of the Interior may suspend that authority through publication in the Federal Register.

23 USC 121 note.

SEC. 1440. AT-RISK PROJECT PREAMREEMENT AUTHORITY.

(a) DEFINITION OF PRELIMINARY ENGINEERING.—In this section, the term “preliminary engineering” means allowable preconstruction project development and engineering costs.

(b) AT-RISK PROJECT PREAMREEMENT AUTHORITY.—A recipient or subrecipient of Federal-aid funds under title 23, United States Code, may—

(1) incur preliminary engineering costs for an eligible project under title 23, United States Code, before receiving project authorization from the State, in the case of a subrecipient, and the Secretary to proceed with the project; and

(2) request reimbursement of applicable Federal funds after the project authorization is received.

(c) ELIGIBILITY.—The Secretary may reimburse preliminary engineering costs incurred by a recipient or subrecipient under subsection (b)—

(1) if the costs meet all applicable requirements under title 23, United States Code, at the time the costs are incurred and the Secretary concurs that the requirements have been met;

(2) in the case of a project located within a designated nonattainment or maintenance area for air quality, if the conformity requirements of the Clean Air Act (42 U.S.C. 7401 et seq.) have been met; and

(3) if the costs would have been allowable if incurred after the date of the project authorization by the Department.

(d) AT-RISK.—A recipient or subrecipient that elects to use the authority provided under this section shall—

(1) assume all risk for preliminary engineering costs incurred prior to project authorization; and

(2) be responsible for ensuring and demonstrating to the Secretary that all applicable cost eligibility conditions are met after the authorization is received.

(e) RESTRICTIONS.—Nothing in this section—

(1) allows a recipient or subrecipient to use the authority under this section to advance a project beyond preliminary engineering prior to the completion of the environmental review process;

(2) waives the applicability of Federal requirements to a project other than the reimbursement of preliminary
engineering costs incurred prior to an authorization to proceed in accordance with this section; or

(3) guarantees Federal funding of the project or the eligibility of the project for future Federal-aid highway funding.

SEC. 1441. REGIONAL INFRASTRUCTURE ACCELERATOR DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a regional infrastructure demonstration program (referred to in this section as the "program") to assist entities in developing improved infrastructure priorities and financing strategies for the accelerated development of a project that is eligible for funding under the TIFIA program under chapter 6 of title 23, United States Code.

(b) DESIGNATION OF REGIONAL INFRASTRUCTURE ACCELERATORS.—In carrying out the program, the Secretary may designate regional infrastructure accelerators that will—

(1) serve a defined geographic area; and

(2) act as a resource in the geographic area to qualified entities in accordance with this section.

(c) APPLICATION.—To be eligible for a designation under subsection (b), a proposed regional infrastructure accelerator shall submit to the Secretary a proposal at such time, in such manner, and containing such information as the Secretary may require.

(d) CRITERIA.—In evaluating a proposal submitted under subsection (c), the Secretary shall consider—

(1) the need for geographic diversity among regional infrastructure accelerators; and

(2) the ability of the proposal to promote investment in covered infrastructure projects, which shall include a plan—

(A) to evaluate and promote innovative financing methods for local projects, including the use of the TIFIA program under chapter 6 of title 23, United States Code;

(B) to build capacity of State, local, and tribal governments to evaluate and structure projects involving the investment of private capital;

(C) to provide technical assistance and information on best practices with respect to financing the projects;

(D) to increase transparency with respect to infrastructure project analysis and using innovative financing for public infrastructure projects;

(E) to deploy predevelopment capital programs designed to facilitate the creation of a pipeline of infrastructure projects available for investment;

(F) to bundle smaller-scale and rural projects into larger proposals that may be more attractive for investment; and

(G) to reduce transaction costs for public project sponsors.

(e) ANNUAL REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report that describes the findings and effectiveness of the program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $12,000,000, of which the Secretary shall use—

(1) $11,750,000 for initial grants to regional infrastructure accelerators under subsection (b); and
SEC. 1442. SAFETY FOR USERS.

(a) In General.—The Secretary shall encourage each State and metropolitan planning organization to adopt standards for the design of Federal surface transportation projects that provide for the safe and adequate accommodation (as determined by the State) of all users of the surface transportation network, including motorized and nonmotorized users, in all phases of project planning, development, and operation.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall make available to the public a report cataloging examples of State law or State transportation policy that provide for the safe and adequate accommodation of all users of the surface transportation network, in all phases of project planning, development, and operation.

(c) Best Practices.—Based on the report under subsection (b), the Secretary shall identify and disseminate examples of best practices where States have adopted measures that have successfully provided for the safe and adequate accommodation of all users of the surface transportation network in all phases of project planning, development, and operation.

SEC. 1443. SENSE OF CONGRESS.

It is the sense of Congress that the engineering industry of the United States continues to provide critical technical expertise, innovation, and local knowledge to Federal and State agencies in order to efficiently deliver surface transportation projects to the public, and Congress recognizes the valuable contributions made by the engineering industry of the United States and urges the Secretary to reinforce those partnerships by encouraging State and local agencies to take full advantage of engineering industry capabilities to strengthen project performance, improve domestic competitiveness, and create jobs.

SEC. 1444. EVERY DAY COUNTS INITIATIVE.

(a) In General.—It is in the national interest for the Department, State departments of transportation, and all other recipients of Federal transportation funds—

(1) to identify, accelerate, and deploy innovation aimed at shortening project delivery, enhancing the safety of the roadways of the United States, and protecting the environment;

(2) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

(3) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

(4) to create a culture of innovation within the highway community.

(b) Every Day Counts Initiative.—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration shall continue the Every Day Counts initiative to work with States, local transportation agencies, and industry stakeholders to identify and deploy proven innovative practices and products that—

(1) accelerate innovation deployment;
(2) shorten the project delivery process;
(3) improve environmental sustainability;
(4) enhance roadway safety; and
(5) reduce congestion.

(c) INNOVATION DEPLOYMENT.—
(1) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with stakeholders to identify a new collection of innovations, best practices, and data to be deployed to highway stakeholders through case studies, webinars, and demonstration projects.
(2) REQUIREMENTS.—In identifying a collection described in paragraph (1), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

(d) PUBLICATION.—Each collection identified under subsection (c) shall be published by the Administrator on a publicly available Web site.

SEC. 1445. WATER INFRASTRUCTURE FINANCE AND INNOVATION.

Section 5028(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3907(a)) is amended—
(1) by striking paragraph (5); and
(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

SEC. 1446. TECHNICAL CORRECTIONS.

(a) TITLE 23.—Title 23, United States Code, is amended as follows:
(1) Section 119(d)(1)(A) is amended by striking “mobility,” and inserting “congestion reduction, system reliability,”.
(2) Section 126(b)(1) is amended by striking “133(d)” and inserting “133(d)(1)(A)”.
(3) Section 127(a)(3) is amended by striking “118(b)(2) of this title” and inserting “118(b)”.
(4) Section 150(b)(5) is amended by striking “national freight network” and inserting “National Highway Freight Network”.
(5) Section 150(c)(3)(B) is amended by striking the semicolon at the end and inserting a period.
(6) Section 150(e)(4) is amended by striking “National Freight Strategic Plan” and inserting “national freight strategic plan”.
(7) Section 153(h)(2) is amended by striking “paragraphs (1) through (3)” and inserting “paragraphs (1), (2), and (4)”.
(8) Section 154(c) is amended—
(A) in paragraph (1) by striking “paragraphs (1), (3), and (4)” and inserting “paragraphs (1), (2), and (4)”;
(B) in paragraph (3)(A) by striking “transferred” and inserting “reserved”; and
(C) in paragraph (5)—
(i) in the matter preceding subparagraph (A) by inserting “or released” after “transferred”; and
(ii) in subparagraph (A) by striking “under section 104(b)(1)” and inserting “under section 104(b)(1)’’.
(9) Section 163(f)(2) is amended by striking “118(b)(2)” and inserting “118(b)”.
(10) Section 164(b) is amended—
(A) in paragraph (3)(A) by striking “transferred” and inserting “reserved”; and
(B) in paragraph (5) by inserting “or released” after “transferred”.
(11) Section 165(c)(7) is amended by striking “paragraphs (2), (4), (7), (8), (14), and (19) of section 133(b)” and inserting “paragraphs (1) through (4), of section 133(c), and section 133(b)(12)”.
(12) Section 202(b)(3) is amended—
(A) in subparagraph (A)(i), in the matter preceding subclause (I), by inserting “(a)(6),” after “subsections”; and
(B) in subparagraph (C)(ii)(IV), by striking “(III),” and inserting “(III).”.
(13) Section 217(a) is amended by striking “104(b)(3)” and inserting “104(b)(4)”.
(14) Section 515 is amended by striking “this chapter” each place it appears and inserting “sections 512 through 518”.
(b) TITLE 49.—Section 6302(b)(3)(B)(vi)(III) of title 49, United States Code, is amended by striking “6310” and inserting “6309”.
(c) SAFETEA–LU.—Section 4407 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1777) is amended by striking “hereby enacted into law” and inserting “granted”.
(d) MAP–21.—Effective as of July 6, 2012, and as if included therein as enacted, MAP–21 (Public Law 112–141) is amended as follows:
(1) Section 1109(a)(2) (126 Stat. 444) is amended by striking “fourth” and inserting “fifth”.
(2) Section 1203 (126 Stat. 524) is amended—
(A) in subsection (a) by striking “Section 150 of title 23, United States Code, is amended to read as follows” and inserting “Title 23, United States Code, is amended by inserting after section 149 the following”; and
(B) in subsection (b) by striking the item relating to section 150 and inserting “by inserting after the item relating to section 149”.
(3) Section 1313(a)(1) (126 Stat. 545) is amended to read as follows:
“(1) in the section heading by striking ‘pilot’; and”.
(4) Section 1314(b) (126 Stat. 549) is amended—
(A) by inserting “chapter 3 of” after “analysis for”; and
(B) by inserting a period at the end of the matter proposed to be inserted.
(5) Section 1519(c) (126 Stat. 575) is amended—
(A) by striking paragraph (3);
(B) by redesignating paragraphs (4) through (12) as paragraphs (3) through (11), respectively;
(C) in paragraph (7), as redesignated by subparagraph (B)—
(i) by striking the period at the end of the matter proposed to be struck; and
(ii) by adding a period at the end; and
(D) in paragraph (8)(A)(i)(I), as redesignated by subparagraph (B), by striking “than rail” in the matter proposed to be struck and inserting “than on rail”.
(e) TRANSPORTATION RESEARCH AND INNOVATIVE TECHNOLOGY ACT OF 2012.—Section 51001(a)(1) of the Transportation Research
and Innovative Technology Act of 2012 (126 Stat. 864) is amended by striking “sections 503(b), 503(d), and 509” and inserting “section 503(b)”.

**TITLE II—INNOVATIVE PROJECT FINANCE**

**SEC. 2001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS.**

(a) **DEFINITIONS.**—Section 601(a) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “In this chapter, the” and inserting “The”;

(B) by inserting “to sections 601 through 609” after “apply”;

(2) in paragraph (2)—

(A) in subparagraph (B) by striking “and” at the end;

(B) in subparagraph (C) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(D) capitalizing a rural projects fund.”;

(3) in paragraph (3) by striking “this chapter” and inserting “the TIFIA program”;

(4) in paragraph (10)—

(A) by striking “(10) MASTER CREDIT AGREEMENT.—” and all that follows before subparagraph (A) and inserting the following:

“(10) MASTER CREDIT AGREEMENT.—The term ‘master credit agreement’ means a conditional agreement to extend credit assistance for a program of related projects secured by a common security pledge covered under section 602(b)(2)(A) or for a single project covered under section 602(b)(2)(B) that does not provide for a current obligation of Federal funds, and that would—”;

(B) in subparagraph (A) by striking “subject to the availability of future funds being made available to carry out this chapter,” and inserting “subject to—

(i) the availability of future funds being made available to carry out the TIFIA program; and

(ii) the satisfaction of all of the conditions for the provision of credit assistance under the TIFIA program, including section 603(b)(1);”;

(C) in subparagraph (D)—

(i) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(ii) by inserting after clause (i) the following:

“(ii) receiving an investment grade rating from a rating agency;”;

(iii) in clause (iii) (as so redesignated) by striking “in section 602(c)” and inserting “under the TIFIA program, including sections 602(c) and 603(b)(1)”;

(iv) in clause (iv) (as so redesignated) by striking “this chapter” and inserting “the TIFIA program”;

(5) in paragraph (12)—

(A) in subparagraph (C) by striking “and” at the end;
(B) in subparagraph (D)(iv) by striking the period at the end and inserting a semicolon; and
(C) by adding at the end the following:

“(E) a project to improve or construct public infrastructure that is located within walking distance of, and accessible to, a fixed guideway transit facility, passenger rail station, intercity bus station, or intermodal facility, including a transportation, public utility, or capital project described in section 5302(3)(G)(v) of title 49, and related infrastructure; and

“(F) the capitalization of a rural projects fund.”;

(6) in paragraph (15) by striking “means” and all that follows through the period at the end and inserting “means a surface transportation infrastructure project located in an area that is outside of an urbanized area with a population greater than 150,000 individuals, as determined by the Bureau of the Census.”;

(7) by redesignating paragraphs (16), (17), (18), (19), and (20) as paragraphs (17), (18), (20), (21), and (22), respectively;

(8) by inserting after paragraph (15) the following:

“(16) RURAL PROJECTS FUND.—The term ‘rural projects fund’ means a fund—

“(A) established by a State infrastructure bank in accordance with section 610(d)(4);

“(B) capitalized with the proceeds of a secured loan made to the bank in accordance with sections 602 and 603; and

“(C) for the purpose of making loans to sponsors of rural infrastructure projects in accordance with section 610.”;

(9) by inserting after paragraph (18) (as so redesignated) the following:

“(19) STATE INFRASTRUCTURE BANK.—The term ‘State infrastructure bank’ means an infrastructure bank established under section 610.”; and

(10) in paragraph (22) (as so redesignated), by inserting “established under sections 602 through 609” after “Department”.

(b) DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.—Section 602 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking “this chapter” and inserting “the TIFIA program”;

(B) in paragraph (2)(A) by striking “this chapter” and inserting “the TIFIA program”;

(C) in paragraph (3) by striking “this chapter” and inserting “the TIFIA program”;

(D) in paragraph (5)—

(i) by striking the paragraph heading and inserting “ELIGIBLE PROJECT COST PARAMETERS.”;

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “subparagraph (B), to be eligible for assistance under this chapter, a project” and inserting “subparagraph (B), a project under the TIFIA program”;
(II) by striking clause (i) and inserting the following:
"(i) $50,000,000; and"; and
(III) in clause (ii) by striking “assistance”; and
(iii) in subparagraph (B)—
(I) by striking the subparagraph designation and heading and all that follows through “In the case” and inserting the following:
“(B) EXCEPTIONS.—
“(i) INTELLIGENT TRANSPORTATION SYSTEMS.—In the case”;
and
(II) by adding at the end the following:
“(ii) TRANSIT-ORIENTED DEVELOPMENT PROJECTS.—In the case of a project described in section 601(a)(12)(E), eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000.
“(iii) RURAL PROJECTS.—In the case of a rural infrastructure project or a project capitalizing a rural projects fund, eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000, but not to exceed $100,000,000.
“(iv) LOCAL INFRASTRUCTURE PROJECTS.—Eligible project costs shall be reasonably anticipated to equal or exceed $10,000,000 in the case of a project or program of projects—
“(I) in which the applicant is a local government, public authority, or instrumentality of local government;
“(II) located on a facility owned by a local government; or
“(III) for which the Secretary determines that a local government is substantially involved in the development of the project.”;
(E) in paragraph (9), in the matter preceding subparagraph (A), by striking “this chapter” and inserting “the TIFIA program”; and
(F) in paragraph (10)—
(i) by striking “To be eligible” and inserting the following:
“(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible”;
(ii) by striking “this chapter” each place it appears and inserting “the TIFIA program”;
(iii) by striking “not later than” and inserting “no later than”; and
(iv) by adding at the end the following:
“(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the State infrastructure bank shall demonstrate, not later than 2 years after the date on which a secured loan is obligated for the project under the TIFIA program, that the bank has executed a loan agreement with a borrower for a rural infrastructure project in accordance with section 610. After the demonstration is made, the bank may draw upon the secured loan. At the end of the 2-year period, to the extent the bank has not used the loan commitment, the Secretary may
extend the term of the loan or withdraw the loan commitment.”;
(2) in subsection (b) by striking paragraph (2) and inserting the following:
“(2) MASTER CREDIT AGREEMENTS.—
“(A) PROGRAM OF RELATED PROJECTS.—The Secretary may enter into a master credit agreement for a program of related projects secured by a common security pledge on terms acceptable to the Secretary.
“(B) ADEQUATE FUNDING NOT AVAILABLE.—If the Secretary fully obligates funding to eligible projects for a fiscal year and adequate funding is not available to fund a credit instrument, a project sponsor of an eligible project may elect to enter into a master credit agreement and wait to execute a credit instrument until the fiscal year for which additional funds are available to receive credit assistance.”;
(3) in subsection (c)(1), in the matter preceding subparagraph (A), by striking “this chapter” and inserting “the TIFIA program”; and
(4) in subsection (e) by striking “this chapter” and inserting “the TIFIA program”.

(c) SECURED LOAN TERMS AND LIMITATIONS.—Section 603 of title 23, United States Code, is amended—
(1) in subsection (a) by striking paragraph (2) and inserting the following:
“(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B)—
“(A) if the maturity of such interim construction financing is later than 1 year after the substantial completion of the project; and
“(B) later than 1 year after the date of substantial completion of the project.”;
(2) in subsection (b)—
(A) in paragraph (2)—
(i) by striking “The amount of” and inserting the following:
“(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of”; and
(ii) by adding at the end the following:
“(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the maximum amount of a secured loan made to a State infrastructure bank shall be determined in accordance with section 602(a)(5)(B)(iii).”;
(B) in paragraph (3)(A)(i)—
(i) in subclause (III) by striking “or” at the end;
(ii) in subclause (IV) by striking “and” at the end and inserting “or”; and
(iii) by adding at the end the following:
“(V) in the case of a secured loan for a project capitalizing a rural projects fund, any other dedicated revenue sources available to a State infrastructure bank, including repayments from loans made by the bank for rural infrastructure projects; and”;

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(C) in paragraph (4)(B)—
   (i) in clause (i) by striking “under this chapter” and inserting “or a rural projects fund under the TIFIA program”; and
   (ii) in clause (ii) by inserting “and rural project funds” after “rural infrastructure projects”;
(D) in paragraph (5)—
   (i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;
   (ii) in the matter preceding clause (i) (as so redesignated) by striking “The final” and inserting the following:
      “(A) IN GENERAL.—Except as provided in subparagraph (B), the final”; and
   (iii) by adding at the end the following:
      “(B) RURAL PROJECTS FUND.—In the case of a project capitalizing a rural projects fund, the final maturity date of the secured loan shall not exceed 35 years after the date on which the secured loan is obligated.”;
(E) in paragraph (8) by striking “this chapter” and inserting “the TIFIA program”; and
(F) in paragraph (9)—
   (i) by striking “The total Federal assistance provided on a project receiving a loan under this chapter” and inserting the following:
      “(A) IN GENERAL.—The total Federal assistance provided for a project receiving a loan under the TIFIA program”; and
   (ii) by adding at the end the following:
      “(B) RURAL PROJECTS FUND.—A project capitalizing a rural projects fund shall satisfy subparagraph (A) through compliance with the Federal share requirement described in section 610(e)(3)(B).”; and
(3) by adding at the end the following:
   “(f) STREAMLINED APPLICATION PROCESS.—
      “(1) IN GENERAL.—Not later than 180 days after the date of enactment of the FAST Act, the Secretary shall make available an expedited application process or processes available at the request of entities seeking secured loans under the TIFIA program that use a set or sets of conventional terms established pursuant to this section.
      “(2) TERMS.—In establishing the streamlined application process required by this subsection, the Secretary may include terms commonly included in prior credit agreements and allow for an expedited application period, including—
         “(A) the secured loan is in an amount of not greater than $100,000,000;
         “(B) the secured loan is secured and payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge, tax increment financing, or a system-backed pledge of project revenues; and
         “(C) repayment of the loan commences not later than 5 years after disbursement.”
   (d) PROGRAM ADMINISTRATION.—Section 605 of title 23, United States Code, is amended—
(1) by striking “this chapter” each place it appears and inserting “the TIFIA program”; and
(2) by adding at the end the following:

“(f) ASSISTANCE TO SMALL PROJECTS.—
“(1) RESERVATION OF FUNDS.—Of the funds made available to carry out the TIFIA program for each fiscal year, and after the set aside under section 608(a)(5), not less than $2,000,000 shall be made available for the Secretary to use in lieu of fees collected under subsection (b) for projects under the TIFIA program having eligible project costs that are reasonably anticipated not to equal or exceed $75,000,000.
“(2) RELEASE OF FUNDS.—Any funds not used under paragraph (1) in a fiscal year shall be made available on October 1 of the following fiscal year to provide credit assistance to any project under the TIFIA program.”.

(e) STATE AND LOCAL PERMITS.—Section 606 of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking “this chapter” and inserting “the TIFIA program”.

(f) REGULATIONS.—Section 607 of title 23, United States Code, is amended by striking “this chapter” and inserting “the TIFIA program”.

(g) FUNDING.—Section 608 of title 23, United States Code, is amended—
(1) by striking “this chapter” each place it appears and inserting “the TIFIA program”; and
(2) in subsection (a)—
(A) in paragraph (2) by inserting “of” after “504(f)”;
(B) in paragraph (3)—
(i) in subparagraph (A), by inserting “or rural projects funds” after “rural infrastructure projects”; and
(ii) in subparagraph (B), by inserting “or rural projects funds” after “rural infrastructure projects”; and
(C) by striking paragraphs (4) and (6) and redesignating paragraph (5) as paragraph (4); and
(D) by inserting at the end the following:

“(5) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out the TIFIA program, the Secretary may use not more than $6,875,000 for fiscal year 2016, $7,081,000 for fiscal year 2017, $7,559,000 for fiscal year 2018, $8,195,000 for fiscal year 2019, and $8,441,000 for fiscal year 2020 for the administration of the TIFIA program.”.

(h) REPORTS TO CONGRESS.—Section 609 of title 23, United States Code, is amended by striking “this chapter (other than section 610)” each place it appears and inserting “the TIFIA program”.

(i) STATE INFRASTRUCTURE BANK PROGRAM.—Section 610 of title 23, United States Code, is amended—
(1) in subsection (a) by adding at the end the following:

“(11) RURAL INFRASTRUCTURE PROJECT.—The term ‘rural infrastructure project’ has the meaning given the term in section 601.
“(12) RURAL PROJECTS FUND.—The term ‘rural projects fund’ has the meaning given the term in section 601.”;
(2) in subsection (d)—
(A) in paragraph (1)(A) by striking “each of fiscal years” and all that follows through the end of subparagraph (A)
and inserting “each of fiscal years 2016 through 2020 under each of paragraphs (1), (2), and (5) of section 104(b); and”;
(B) in paragraph (2) by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2016 through 2020”;
(C) in paragraph (3) by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2016 through 2020”;
(D) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;
(E) by inserting after paragraph (3) the following:
“(4) RURAL PROJECTS FUND.—Subject to subsection (j), the Secretary may permit a State entering into a cooperative agreement under this section to establish a State infrastructure bank to deposit into the rural projects fund of the bank the proceeds of a secured loan made to the bank in accordance with sections 602 and 603.”; and
(F) in paragraph (6) (as so redesignated) by striking “section 133(d)(3)” and inserting “section 133(d)(1)(A)(i)”;
(3) by striking subsection (e) and inserting the following:
“(e) FORMS OF ASSISTANCE FROM STATE INFRASTRUCTURE BANKS.—
“(1) IN GENERAL.—A State infrastructure bank established under this section may—
“(A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity to carry out a project eligible for assistance under this section; and
“(B) with funds deposited into the rural projects fund, make loans to a public or private entity to carry out a rural infrastructure project.
“(2) SUBORDINATION OF LOAN.—The amount of a loan or other form of credit assistance provided for a project described in paragraph (1) may be subordinated to any other debt financing for the project.
“(3) MAXIMUM AMOUNT OF ASSISTANCE.—A State infrastructure bank established under this section may—
“(A) with funds deposited into the highway account, transit account, or rail account of the bank, make loans or provide other forms of credit assistance to a public or private entity in an amount up to 100 percent of the cost of carrying out a project eligible for assistance under this section; and
“(B) with funds deposited into the rural projects fund, make loans to a public or private entity in an amount not to exceed 80 percent of the cost of carrying out a rural infrastructure project.
“(4) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds deposited into a State infrastructure bank under this section may not be made in the form of a grant.”;
(4) in subsection (g)—
(A) in paragraph (1) by striking “each account” and inserting “the highway account, the transit account, and the rail account”; and
(B) in paragraph (4) by inserting “, except that any loan funded from the rural projects fund of the bank shall bear interest at or below the interest rate charged for the TIFIA loan provided to the bank under section 603” after “feasible”; and
(5) in subsection (k) by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2016 through 2020”.

SEC. 2002. AVAILABILITY PAYMENT CONCESSION MODEL.

(a) Payment to States for Construction.—Section 121(a) of title 23, United States Code, is amended by inserting “(including payments made pursuant to a long-term concession agreement, such as availability payments)” after “a project”.

(b) Project Approval and Oversight.—Section 106(b)(1) of title 23, United States Code, is amended by inserting “(including payments made pursuant to a long-term concession agreement, such as availability payments)” after “construction of the project”.

TITLE III—PUBLIC TRANSPORTATION

SEC. 3001. SHORT TITLE.

This title may be cited as the “Federal Public Transportation Act of 2015”.

SEC. 3002. DEFINITIONS.

Section 5302 of title 49, United States Code, is amended—
(1) in paragraph (1)—
(A) in subparagraph (C) by inserting “functional” before “landscaping and”; and
(B) in subparagraph (E) by striking “bicycle storage facilities and installing equipment” and inserting “bicycle storage shelters and parking facilities and the installation of equipment”;
(2) in paragraph (3)—
(A) by striking subparagraph (F) and inserting the following:
“(F) leasing equipment or a facility for use in public transportation;”;
(B) in subparagraph (G)—
(i) in clause (iv) by adding “and” at the end;
(ii) in clause (v) by striking “and” at the end; and
(iii) by striking clause (vi);
(C) by striking subparagraph (I) and inserting the following:
“(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts—
“(i) not to exceed 10 percent of such recipient’s annual formula apportionment under sections 5307 and 5311; or
“(ii) not to exceed 20 percent of such recipient’s annual formula apportionment under sections 5307 and

49 USC 5101 note.


49 USC 5101 note.
5311, if, consistent with guidance issued by the Secretary, the recipient demonstrates that the recipient meets at least 2 of the following requirements:

“(I) Provides an active fixed route travel training program that is available for riders with disabilities.

“(II) Provides that all fixed route and para-transit operators participate in a passenger safety, disability awareness, and sensitivity training class on at least a biennial basis.

“(III) Has memoranda of understanding in place with employers and the American Job Center to increase access to employment opportunities for people with disabilities.”;

(D) in subparagraph (K) by striking “or” at the end;

(E) in subparagraph (L) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

“(M) associated transit improvements; or

“(N) technological changes or innovations to modify low or no emission vehicles (as defined in section 5339(c)) or facilities.”;

(3) by adding at the end the following:

“(24) VALUE CAPTURE.—The term 'value capture' means recovering the increased property value to property located near public transportation resulting from investments in public transportation.”.

SEC. 3003. METROPOLITAN AND STATEWIDE TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (a)(1) by inserting “resilient” after “development of”;

(2) in subsection (c)(2) by striking “and bicycle transportation facilities” and inserting “, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers”;

(3) in subsection (d)—

(A) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

(B) by inserting after paragraph (2) the following:

“(3) REPRESENTATION.—

“(A) IN GENERAL.—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

“(B) PUBLIC TRANSPORTATION REPRESENTATIVE.—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

“(C) POWERS OF CERTAIN OFFICIALS.—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting rights, and any other authority
commensurate with other officials described in paragraph (2).”
(C) in paragraph (5), as so redesignated, by striking “paragraph (5)” and inserting “paragraph (6)”;
(4) in subsection (e)(4)(B) by striking “subsection (d)(5)” and inserting “subsection (d)(6)”;
(5) in subsection (g)(3)(A) by inserting “tourism, natural disaster risk reduction,” after “economic development.”;
(6) in subsection (h)(1)—
(A) in subparagraph (G) by striking “and” at the end;
(B) in subparagraph (H) by striking the period at the end and inserting “; and”;
(C) by adding at the end the following: “(I) improve the resiliency and reliability of the transportation system.”;
(7) in subsection (i)—
(A) in paragraph (2)—
(i) in subparagraph (A)(i) by striking “transit” and inserting “public transportation facilities, intercity bus facilities”;
(ii) in subparagraph (G)—
(I) by striking “and provide” and inserting “, provide”; and
(II) by inserting before the period at the end the following: “, and reduce the vulnerability of the existing transportation infrastructure to natural disasters”; and
(iii) in subparagraph (H) by inserting before the period at the end the following: “, including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated”;
(B) in paragraph (6)(A)—
(i) by inserting “public ports,” before “freight shippers,”; and
(ii) by inserting “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)” after “private providers of transportation”; and
(C) in paragraph (8) by striking “paragraph (2)(C)” each place it appears and inserting “paragraph (2)(E)”;
(8) in subsection (k)(3)—
(A) in subparagraph (A) by inserting “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), job access projects,” after “reduction”; and
(B) by adding at the end the following: “(C) CONGESTION MANAGEMENT PLAN.—A metropolitan planning organization serving a transportation management area may develop a plan that includes projects and
strategies that will be considered in the TIP of such metropolitan planning organization. Such plan shall—

“(i) develop regional goals to reduce vehicle miles traveled during peak commuting hours and improve transportation connections between areas with high job concentration and areas with high concentrations of low-income households;

“(ii) identify existing public transportation services, employer-based commuter programs, and other existing transportation services that support access to jobs in the region; and

“(iii) identify proposed projects and programs to reduce congestion and increase job access opportunities.

“(D) PARTICIPATION.—In developing the plan under subparagraph (C), a metropolitan planning organization shall consult with employers, private and non-profit providers of public transportation, transportation management organizations, and organizations that provide job access reverse commute projects or job-related services to low-income individuals.”;

(9) in subsection (l)—

(A) by adding a period at the end of paragraph (1); and

(B) in paragraph (2)(D) by striking “of less than 200,000” and inserting “with a population of 200,000 or less”;

(10) in subsection (p) by striking “Funds set aside under section 104(f)” and inserting “Funds apportioned under section 104(b)(5)”;

and

(11) by adding at the end the following:

“(r) BI-STATE METROPOLITAN PLANNING ORGANIZATION.—

“(1) DEFINITION OF BI-STATE MPO REGION.—In this subsection, the term ‘Bi-State Metropolitan Planning Organization’ has the meaning given the term ‘region’ in subsection (a) of Article II of the Lake Tahoe Regional Planning Compact (Public Law 96–551; 94 Stat. 3234).

“(2) TREATMENT.—For the purpose of this title, the Bi-State Metropolitan Planning Organization shall be treated as—

“(A) a metropolitan planning organization;

“(B) a transportation management area under subsection (k); and

“(C) an urbanized area, which is comprised of a population of 145,000 in the State of California and a population of 65,000 in the State of Nevada.”.

(b) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a)(2) by striking “and bicycle transportation facilities” and inserting “, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers”;

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (G) by striking “and” at the end;
(ii) in subparagraph (H) by striking the period at the end and inserting “; and”; and
(iii) by adding at the end the following:
“(I) improve the resiliency and reliability of the transportation system.”; and
(B) in paragraph (2)—
(i) in subparagraph (B)(ii) by striking “urbanized”; and
(ii) in subparagraph (C) by striking “urbanized”; and
(3) in subsection (f)(3)(A)(ii)—
(A) by inserting “public ports,” before “freight shippers,”; and
(B) by inserting “(including intercity bus operators, employer-based commuting programs, such as a carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)” after “private providers of transportation”.

SEC. 3004. URBANIZED AREA FORMULA GRANTS.
Section 5307 of title 49, United States Code, is amended—
(1) in subsection (a)—
(A) in paragraph (2) by inserting “or demand response service, excluding ADA complementary paratransit service,” before “during” each place it appears; and
(B) by adding at the end the following:
“(3) EXCEPTION TO THE SPECIAL RULE.—Notwithstanding paragraph (2), if a public transportation system described in such paragraph executes a written agreement with 1 or more other public transportation systems within the urbanized area to allocate funds for the purposes described in the paragraph by a method other than by measuring vehicle revenue hours, each public transportation system that is a party to the written agreement may follow the terms of the written agreement without regard to measured vehicle revenue hours referred to in the paragraph.”; and
(2) in subsection (c)(1)—
(A) in subparagraph (C), by inserting “in accordance with the recipient’s transit asset management plan” after “equipment and facilities”; and
(B) in subparagraph (K), by striking “Census—” and all that follows through clause (ii) and inserting the following: “Census, will submit an annual report listing projects carried out in the preceding fiscal year under this section for associated transit improvements as defined in section 5302; and”.

SEC. 3005. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.
(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended—
(1) in subsection (a)—
(A) in paragraph (3), by striking “and weekend days”; and
(B) in paragraph (6)—
(i) in subparagraph (A) by inserting “, small start projects,” after “new fixed guideway capital projects”; and
(ii) by striking subparagraph (B) and inserting the following:
“(B) 2 or more projects that are any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects.”; and

(C) in paragraph (7)—

(i) in subparagraph (A), by striking “$75,000,000" and inserting “$100,000,000"; and

(ii) in subparagraph (B), by striking “$250,000,000" and inserting “$300,000,000”; (2) in subsection (d)—

(A) in paragraph (1)(B) by striking “policies and land use patterns that promote public transportation,”; and

(B) in paragraph (2)(A)—

(i) in clause (iii) by adding “and” after the semicolon;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv);

(3) in subsection (g)(2)(A)(i) by striking “the policies and land use patterns that support public transportation,”;

(4) in subsection (h)(6)—

(A) by striking “In carrying out” and inserting the following:

“(A) IN GENERAL.—In carrying out”;

(B) by adding at the end the following:

“(B) OPTIONAL EARLY RATING.—At the request of the project sponsor, the Secretary shall evaluate and rate the project in accordance with paragraphs (4) and (5) and subparagraph (A) of this paragraph upon completion of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”;

(5) in subsection (i)—

(A) in paragraph (1) by striking “subsection (d) or (e)” and inserting “subsection (d), (e), or (h)”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by inserting “new fixed guideway capital project or core capacity improvement” after “federally funded”;

(ii) by striking subparagraph (D) and inserting the following:

“(D) the program of interrelated projects, when evaluated as a whole—

“(i) meets the requirements of subsection (d)(2), subsection (e)(2), or paragraphs (3) and (4) of subsection (h), as applicable, if the program is comprised entirely of—

“(I) new fixed guideway capital projects;

“(II) core capacity improvement projects; or

“(III) small start projects; or

“(ii) meets the requirements of subsection (d)(2) if the program is comprised of any combination of new fixed guideway capital projects, small start projects, and core capacity improvement projects;”;

and

(iii) in subparagraph (F), by inserting “or subsection (h)(5), as applicable” after “subsection (f)”;

and

(C) by striking paragraph (3)(A) and inserting the following:
“(A) Project Advancement.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance—

“(i) in the case of a small start project, from the project development phase to the construction phase unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements; or

“(ii) in the case of a new fixed guideway capital project or a core capacity improvement project, from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements.”;

(6) in subsection (l)—

(A) by striking paragraph (1) and inserting the following:

“(1) In General.—

“(A) Estimation of Net Capital Project Cost.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost.

“(B) Grants.—

“(i) Grant for New Fixed Guideway Capital Project.—A grant for a new fixed guideway capital project shall not exceed 80 percent of the net capital project cost.

“(ii) Full Funding Grant Agreement for New Fixed Guideway Capital Project.—A full funding grant agreement for a new fixed guideway capital project shall not include a share of more than 60 percent from the funds made available under this section.

“(iii) Grant for Core Capacity Improvement Project.—A grant for a core capacity improvement project shall not exceed 80 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.

“(iv) Grant for Small Start Project.—A grant for a small start project shall not exceed 80 percent of the net capital project costs.”; and

(B) by striking paragraph (4) and inserting the following:

“(4) Remaining Costs.—The remainder of the net capital project costs shall be provided—

“(A) in cash from non-Government sources;

“(B) from revenues from the sale of advertising and concessions; or

“(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.”;

(7) by striking subsection (n) and inserting the following:

“(n) Availability of Amounts.—
“(1) IN GENERAL.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall remain available to that project for 4 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any amounts that are unobligated to the project at the end of the 4-fiscal-year period may be used by the Secretary for any purpose under this section.

“(2) USE OF DEOBLIGATED AMOUNTS.—An amount available under this section that is deobligated may be used for any purpose under this section.”; and

“(8) by adding at the end the following:

“(p) SPECIAL RULE.—For the purposes of calculating the cost effectiveness of a project described in subsection (d) or (e), the Secretary shall not reduce or eliminate the capital costs of art and non-functional landscaping elements from the annualized capital cost calculation.

“(q) JOINT PUBLIC TRANSPORTATION AND INTERCITY PASSENGER RAIL PROJECTS.—

“(1) IN GENERAL.—The Secretary may make grants for new fixed guideway capital projects and core capacity improvement projects that provide both public transportation and intercity passenger rail service.

“(2) ELIGIBLE COSTS.—Eligible costs for a project under this subsection shall be limited to the net capital costs of the public transportation costs attributable to the project based on projected use of the new segment or expanded capacity of the project corridor, not including project elements designed to achieve or maintain a state of good repair, as determined by the Secretary under paragraph (4).

“(3) PROJECT JUSTIFICATION AND LOCAL FINANCIAL COMMITMENT.—A project under this subsection shall be evaluated for project justification and local financial commitment under subsections (d), (e), (f), and (h), as applicable to the project, based on—

“(A) the net capital costs of the public transportation costs attributable to the project as determined under paragraph (4); and

“(B) the share of funds dedicated to the project from sources other than this section included in the unified finance plan for the project.

“(4) CALCULATION OF NET CAPITAL PROJECT COST.—The Secretary shall estimate the net capital costs of a project under this subsection based on—

“(A) engineering studies;

“(B) studies of economic feasibility;

“(C) the expected use of equipment or facilities; and

“(D) the public transportation costs attributable to the project.

“(5) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

“(A) GOVERNMENT SHARE.—The Government share shall not exceed 80 percent of the net capital cost attributable to the public transportation costs of a project under this subsection as determined under paragraph (4).

“(B) NON-GOVERNMENT SHARE.—The remainder of the net capital cost attributable to the public transportation costs of a project under this subsection shall be provided
from an undistributed cash surplus, a replacement or
depreciation cash fund or reserve, or new capital.".

(b) Expedited Project Delivery for Capital Investment
Grants Pilot Program.—
(1) Definitions.—In this subsection, the following defi-
tions shall apply:
(A) Applicant.—The term "applicant" means a State
or local governmental authority that applies for a grant
under this subsection.
(B) Capital Project; Fixed Guideway; Local Govern-
mental Authority; Public Transportation; State; State
of Good Repair.—The terms "capital project", "fixed guid-
eway", "local governmental authority", "public transportation",
"State", and "state of good repair" have the
meanings given those terms in section 5302 of title 49,
United States Code.
(C) Core Capacity Improvement Project.—The term
"core capacity improvement project"—
(i) means a substantial corridor-based capital
investment in an existing fixed guideway system that
increases the capacity of a corridor by not less than
10 percent; and
(ii) may include project elements designed to aid
the existing fixed guideway system in making substan-
tial progress towards achieving a state of good repair.
(D) Corridor-Based Bus Rapid Transit Project.—
The term "corridor-based bus rapid transit project" means
a small start project utilizing buses in which the project
represents a substantial investment in a defined corridor
as demonstrated by features that emulate the services pro-
vided by rail fixed guideway public transportation sys-
tems—
(i) including—
(I) defined stations;
(II) traffic signal priority for public transportation
vehicles;
(III) short headway bidirectional services for
a substantial part of weekdays; and
(IV) any other features the Secretary may
determine support a long-term corridor invest-
ment; and
(ii) the majority of which does not operate in a
separated right-of-way dedicated for public transpor-
tation use during peak periods.
(E) Eligible Project.—The term "eligible project"
means a new fixed guideway capital project, a small start
project, or a core capacity improvement project that has
not entered into a full funding grant agreement with the
Federal Transit Administration before the date of enact-
ment of this Act.
(F) Fixed Guideway Bus Rapid Transit Project.—
The term "fixed guideway bus rapid transit project" means
a bus capital project—
(i) in which the majority of the project operates
in a separated right-of-way dedicated for public transpor-
tation use during peak periods;
(ii) that represents a substantial investment in a single route in a defined corridor or subarea; and
(iii) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—
(I) defined stations;
(II) traffic signal priority for public transportation vehicles;
(III) short headway bidirectional services for a substantial part of weekdays and weekend days; and
(IV) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

(G) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term "new fixed guideway capital project" means—
(i) a fixed guideway capital project that is a minimum operable segment or extension to an existing fixed guideway system; or
(ii) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

(H) RECIPIENT.—The term "recipient" means a recipient of funding under chapter 53 of title 49, United States Code.

(I) SMALL START PROJECT.—The term "small start project" means a new fixed guideway capital project, a fixed guideway bus rapid transit project, or a corridor-based bus rapid transit project for which—
(i) the Federal assistance provided or to be provided under this subsection is less than $75,000,000; and
(ii) the total estimated net capital cost is less than $300,000,000.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to States and local governmental authorities to assist in financing—
(A) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for projects in the advanced stages of planning and design; and
(B) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by not less than 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

(3) GRANT REQUIREMENTS.—
(A) IN GENERAL.—The Secretary may make not more than 8 grants under this subsection for eligible projects if the Secretary determines that—

(i) the eligible project is part of an approved transportation plan required under sections 5303 and 5304 of title 49, United States Code;

(ii) the applicant has, or will have—

(I) the legal, financial, and technical capacity to carry out the eligible project, including the safety and security aspects of the eligible project;

(II) satisfactory continuing control over the use of the equipment or facilities;

(III) the technical and financial capacity to maintain new and existing equipment and facilities; and

(IV) advisors providing guidance to the applicant on the terms and structure of the project that are independent from investors in the project;

(iii) the eligible project is supported, or will be supported, in part, through a public-private partnership, provided such support is determined by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(iv) the eligible project is justified based on findings presented by the project sponsor to the Secretary, including—

(I) mobility improvements attributable to the project;

(II) environmental benefits associated with the project;

(III) congestion relief associated with the project;

(IV) economic development effects derived as a result of the project; and

(V) estimated ridership projections;

(v) the eligible project is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources); and

(vi) the eligible project will be operated and maintained by employees of an existing provider of fixed guideway or bus rapid transit public transportation in the service area of the project, or if none exists, by employees of an existing public transportation provider in the service area.

(B) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) of title 49, United States Code, shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this paragraph.

(C) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed not less than 1 new fixed guideway capital project, small start project, or core capacity improvement project, if—
(i) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and
(ii) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

(D) FINANCIAL COMMITMENT.—
(i) REQUIREMENTS.—In determining whether an eligible project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subparagraph (A)(v), the Secretary shall require that—
(I) each proposed source of capital and operating financing is stable, reliable, and available within the proposed eligible project timetable; and
(II) resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary, without degradation to the existing level of public transportation services.

(ii) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of financing under clause (i), the Secretary shall consider—
(I) the reliability of the forecasting methods used to estimate costs and revenues made by the applicant and the contractors to the applicant;
(II) existing grant commitments;
(III) the degree to which financing sources are dedicated to the proposed eligible project;
(IV) any debt obligation that exists or is proposed by the applicant, for the proposed eligible project or other public transportation purpose; and
(V) private contributions to the eligible project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

(E) LABOR STANDARDS.—The requirements under section 5333 of title 49, United States Code, shall apply to each recipient of a grant under this subsection.

(4) PROJECT ADVANCEMENT.—An applicant that desires a grant under this subsection and meets the requirements of paragraph (3) shall submit to the Secretary, and the Secretary shall approve for advancement, a grant request that contains—
(A) identification of an eligible project;
(B) a schedule and finance plan for the construction and operation of the eligible project;
(C) an analysis of the efficiencies of the proposed eligible project development and delivery methods and innovative financing arrangement for the eligible project, including any documents related to the—
(i) public-private partnership required under paragraph (3)(A)(iii); and
(ii) project justification required under paragraph (3)(A)(iv); and

(D) a certification that the existing public transportation system of the applicant or, in the event that the applicant does not operate a public transportation system, the public transportation system to which the proposed project will be attached, is in a state of good repair.

(5) Written notice from the Secretary.—

(A) In general.—Not later than 120 days after the date on which the Secretary receives a grant request of an applicant under paragraph (4), the Secretary shall provide written notice to the applicant—

(i) of approval of the grant request; or

(ii) if the grant request does not meet the requirements under paragraph (4), of disapproval of the grant request, including a detailed explanation of the reasons for the disapproval.

(B) Concurrent notice.—The Secretary shall provide concurrent notice of an approval or disapproval of a grant request under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(6) Waiver.—The Secretary may grant a waiver to an applicant that does not comply with paragraph (4)(D) if—

(A) the eligible project meets the definition of a core capacity improvement project; and

(B) the Secretary certifies that the eligible project will allow the applicant to make substantial progress in achieving a state of good repair.

(7) Selection criteria.—The Secretary may enter into a full funding grant agreement with an applicant under this subsection for an eligible project for which an application has been submitted and approved for advancement by the Secretary under paragraph (4), only if the applicant has completed the planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(8) Letters of intent and full funding grant agreements.—

(A) Letters of intent.—

(i) Amounts intended to be obligated.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for an eligible project under this subsection, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the eligible project. When a letter is issued for an eligible project under this subsection, the amount shall be sufficient to complete at least an operable segment.

(ii) Treatment.—The issuance of a letter under clause (i) is deemed not to be an obligation under section 1108(c), 1501, or 1502(a) of title 31, United States Code, or an administrative commitment.

(B) Full funding grant agreements.—
(i) In General.—Except as provided in clause (v), an eligible project shall be carried out under this subsection through a full funding grant agreement.

(ii) Criteria.—The Secretary shall enter into a full funding grant agreement, based on the requirements of this subparagraph, with each applicant receiving assistance for an eligible project that has received a written notice of approval under paragraph (5)(A)(i).

(iii) Terms.—A full funding grant agreement shall—

(I) establish the terms of participation by the Federal Government in the eligible project;

(II) establish the maximum amount of Federal financial assistance for the eligible project;

(III) include the period of time for completing construction of the eligible project, consistent with the terms of the public-private partnership agreement, even if that period extends beyond the period of an authorization; and

(IV) make timely and efficient management of the eligible project easier according to the law of the United States.

(iv) Special Financial Rules.—

(I) In General.—A full funding grant agreement under this subparagraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this subparagraph, to obligate an additional amount from future available budget authority specified in law.

(II) Statement of Contingent Commitment.—A full funding grant agreement shall state that the contingent commitment is not an obligation of the Federal Government.

(III) Interest and Other Financing Costs.—Interest and other financing costs of efficiently carrying out a part of the eligible project within a reasonable time are a cost of carrying out the eligible project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the eligible project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(IV) Completion of Operable Segment.—The amount stipulated in an agreement under this subparagraph for a new fixed guideway capital project, core capacity improvement project, or small start project shall be sufficient to complete at least an operable segment.

(v) Exception.—

(I) In General.—The Secretary, to the maximum extent practicable, shall provide Federal
assistance under this subsection for a small start project in a single grant. If the Secretary cannot provide such a single grant, the Secretary may execute an expedited grant agreement in order to include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

(II) Terms of expedited grant agreements.—In executing an expedited grant agreement under this clause, the Secretary may include in the agreement terms similar to those established under clause (iii).

(C) Limitation on amounts.—

(i) In general.—The Secretary may enter into full funding grant agreements under this paragraph for eligible projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

(ii) Appropriation required.—An obligation may be made under this paragraph only when amounts are appropriated for obligation.

(D) Notification to Congress.—

(i) In general.—Not later than 30 days before the date on which the Secretary issues a letter of intent or enters into a full funding grant agreement for an eligible project under this paragraph, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter of intent or full funding grant agreement.

(ii) Contents.—The written notification under clause (i) shall include a copy of the proposed letter of intent or full funding grant agreement for the eligible project.

(9) Government share of net capital project cost.—

(A) In general.—A grant for an eligible project shall not exceed 25 percent of the net capital project cost.

(B) Remainder of net capital project cost.—The remainder of the net capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(C) Limitation on statutory construction.—Nothing in this subsection shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 75 percent of the net capital project cost.

(D) Special rule for rolling stock costs.—In addition to amounts allowed pursuant to subparagraph (A), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Federal Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may
be made only if a refund of a proportional amount of the grant of the Federal Government is made at the same time.

(E) Failure to Carry Out Project.—If an applicant does not carry out an eligible project for reasons within the control of the applicant, the applicant shall repay all Federal funds awarded for the eligible project from all Federal funding sources, for all eligible project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law.

(F) Crediting of Funds Received.—Any funds received by the Federal Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

(10) Availability of Amounts.—

(A) In General.—An amount made available for an eligible project shall remain available to that eligible project for 4 fiscal years, including the fiscal year in which the amount is made available. Any amounts that are unobligated to the eligible project at the end of the 4-fiscal-year period may be used by the Secretary for any purpose under this subsection.

(B) Use of Deobligated Amounts.—An amount available under this subsection that is deobligated may be used for any purpose under this subsection.

(11) Annual Report on Expedited Project Delivery for Capital Investment Grants.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes a proposed amount to be available to finance grants for anticipated projects under this subsection.

(12) Before and After Study and Report.—

(A) Study Required.—Each recipient shall conduct a study that—

(i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;

(ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and

(iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.

(B) Submission of Report.—Not later than 2 years after an eligible project that is selected under this subsection begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study conducted under subparagraph (A).

(13) Rule of Construction.—Nothing in this subsection shall be construed to—

(A) require the privatization of the operation or maintenance of any project for which an applicant seeks funding under this subsection;
(B) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

(C) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code; or

(D) alter the eligibilities or priorities for assistance under this subsection or section 5309 of title 49, United States Code.

SEC. 3006. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Section 5310 of title 49, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) RECIPIENT.—The term ‘recipient’ means—

(A) a designated recipient or a State that receives a grant under this section directly; or

(B) a State or local governmental entity that operates a public transportation service.”; and

(2) by adding at the end the following:

“(i) BEST PRACTICES.—The Secretary shall collect from, review, and disseminate to public transportation agencies—

“(1) innovative practices;

“(2) program models;

“(3) new service delivery options;

“(4) findings from activities under subsection (h); and

“(5) transit cooperative research program reports.”.

(b) PILOT PROGRAM FOR INNOVATIVE COORDINATED ACCESS AND MOBILITY.—

(1) DEFINITIONS.—In this subsection—

(A) the term "eligible project" has the meaning given the term "capital project" in section 5302 of title 49, United States Code; and

(B) the term "eligible recipient" means a recipient or subrecipient, as those terms are defined in section 5310 of title 49, United States Code.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services, including—

(A) the deployment of coordination technology;

(B) projects that create or increase access to community One-Call/One-Click Centers; and

(C) such other projects as determined appropriate by the Secretary.

(3) APPLICATION.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

(A) a detailed description of the eligible project;

(B) an identification of all eligible project partners and their specific role in the eligible project, including—

(i) private entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged; or
(ii) nonprofit entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged;
(C) a description of how the eligible project would—
   (i) improve local coordination or access to coordinated transportation services;
   (ii) reduce duplication of service, if applicable; and
   (iii) provide innovative solutions in the State or community; and
(D) specific performance measures the eligible project will use to quantify actual outcomes against expected outcomes.

(4) REPORT.—The Secretary shall make publicly available an annual report on the pilot program carried out under this subsection for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under the pilot program, and an evaluation of the program, including an evaluation of the performance measures described in paragraph (3)(D).

(5) GOVERNMENT SHARE OF COSTS.—
   (A) IN GENERAL.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.
   (B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.

(6) RULE OF CONSTRUCTION.—For purposes of this subsection, nonemergency medical transportation services shall be limited to services eligible under Federal programs other than programs authorized under chapter 53 of title 49, United States Code.

(c) COORDINATED MOBILITY.—
   (1) DEFINITIONS.—In this subsection, the following definitions apply:
      (A) ALLOCATED COST MODEL.—The term “allocated cost model” means a method of determining the cost of trips by allocating the cost to each trip purpose served by a transportation provider in a manner that is proportional to the level of transportation service that the transportation provider delivers for each trip purpose, to the extent permitted by applicable Federal laws.
      (B) COUNCIL.—The term “Council” means the Interagency Transportation Coordinating Council on Access and Mobility established under Executive Order No. 13330 (49 U.S.C. 101 note).
   (2) STRATEGIC PLAN.—Not later than 1 year after the date of enactment of this Act, the Council shall publish a strategic plan for the Council that—
      (A) outlines the role and responsibilities of each Federal agency with respect to local transportation coordination, including nonemergency medical transportation;
      (B) identifies a strategy to strengthen interagency collaboration;
      (C) addresses any outstanding recommendations made by the Council in the 2005 Report to the President relating
to the implementation of Executive Order No. 13330, including—

(i) a cost-sharing policy endorsed by the Council; and

(ii) recommendations to increase participation by recipients of Federal grants in locally developed, coordinated planning processes;

(D) to the extent feasible, addresses recommendations by the Comptroller General concerning local coordination of transportation services;

(E) examines and proposes changes to Federal regulations that will eliminate Federal barriers to local transportation coordination, including non-emergency medical transportation; and

(F) recommends to Congress changes to Federal laws, including chapter 7 of title 42, United States Code, that will eliminate Federal barriers to local transportation coordination, including nonemergency medical transportation.

(3) DEVELOPMENT OF COST-SHARING POLICY IN COMPLIANCE WITH APPLICABLE FEDERAL LAWS.—In establishing the cost-sharing policy required under paragraph (2), the Council may consider, to the extent practicable—

(A) the development of recommended strategies for grantees of programs funded by members of the Council, including strategies for grantees of programs that fund nonemergency medical transportation, to use the cost-sharing policy in a manner that does not violate applicable Federal laws; and

(B) incorporation of an allocated cost model to facilitate local coordination efforts that comply with applicable requirements of programs funded by members of the Council, such as—

(i) eligibility requirements;

(ii) service delivery requirements; and

(iii) reimbursement requirements.

(4) REPORT.—The Council shall, concurrently with submission to the President of a report containing final recommendations of the Council, transmit such report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 3007. FORMULA GRANTS FOR RURAL AREAS.

(a) IN GENERAL.—Section 5311 of title 49, United States Code, is amended—

(1) in subsection (c)(1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) $5,000,000 for each fiscal year shall be distributed on a competitive basis by the Secretary.

“(B) $30,000,000 for each fiscal year shall be apportioned as formula grants, as provided in subsection (j).”;

(2) in subsection (g)(3)—

(A) by redesignating subparagraphs (A) through (D) as subparagraphs (C) through (F), respectively;

(B) by inserting before subparagraph (C) (as so redesignated) the following:
“(A) may be provided in cash from non-Government sources;
   “(B) may be provided from revenues from the sale of advertising and concessions;”;
   (C) in subparagraph (F) (as so redesignated) by inserting “, including all operating and capital costs of such service whether or not offset by revenue from such service,” after “the costs of a private operator for the unsubsidized segment of intercity bus service”; and
   (3) in subsection (j)(1)–
   (A) in subparagraph (A)(iii), by striking “(as defined by the Bureau of the Census)” and inserting “(American Indian Areas, Alaska Native Areas, and Hawaiian Home Lands, as defined by the Bureau of the Census)”;
   and
   (B) by adding at the end the following:
   “(E) ALLOCATION BETWEEN MULTIPLE INDIAN TRIBES.—
   If more than 1 Indian tribe provides public transportation service on tribal lands in a single Tribal Statistical Area, and the Indian tribes do not determine how to allocate the funds apportioned under clause (iii) of subparagraph (A) between the Indian tribes, the Secretary shall allocate the funds so that each Indian tribe shall receive an amount equal to the total amount apportioned under such clause (iii) multiplied by the ratio of the number of annual unlinked passenger trips provided by each Indian tribe, as reported to the National Transit Database, to the total unlinked passenger trips provided by all Indian tribes in the Tribal Statistical Area.”;

(b) CONFORMING AMENDMENTS.—Section 5311 of such title is further amended–
   (1) in subsection (b) by striking “5338(a)(2)(E)” and inserting “5338(a)(2)(F)”;
   (2) in subsection (c)—
   (A) in paragraph (1), in the matter preceding subparagraph (A), by striking “5338(a)(2)(E)” and inserting “5338(a)(2)(F)”;
   (B) in paragraph (2)(C), by striking “5338(a)(2)(E)” and inserting “5338(a)(2)(F)”;
   and
   (C) in paragraph (3)(A), by striking “5338(a)(2)(E)” and inserting “5338(a)(2)(F)”.

SEC. 3008. PUBLIC TRANSPORTATION INNOVATION.

(a) CONSOLIDATION OF PROGRAMS.—Section 5312 of title 49, United States Code, is amended—
   (1) by striking the section designation and heading and inserting the following:

“§ 5312. Public transportation innovation”;
   (2) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;
   (3) by inserting before subsection (b) (as so redesignated) the following:
   “(a) IN GENERAL.—The Secretary shall provide assistance for projects and activities to advance innovative public transportation research and development in accordance with the requirements of this section.”;
   (4) in subsection (e) (as so redesignated)—
(A) in paragraph (3)—
   (i) in the matter preceding subparagraph (A), by inserting “demonstration, deployment, or evaluation” before “project that”;
   (ii) in subparagraph (A), by striking “and” at the end;
   (iii) in subparagraph (B), by striking the period at the end and inserting “; or”;
   (iv) by adding at the end the following:
   “(C) the deployment of low or no emission vehicles, zero emission vehicles, or associated advanced technology.”;

(B) by striking paragraph (5) and inserting the following:
   “(5) PROHIBITION.—The Secretary may not make grants under this subsection for the demonstration, deployment, or evaluation of a vehicle that is in revenue service unless the Secretary determines that the project makes significant technological advancements in the vehicle.

“(6) DEFINITIONS.—In this subsection—
   “(A) the term ‘direct carbon emissions’ means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;
   “(B) the term ‘low or no emission vehicle’ means—
      “(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or
      “(ii) a zero emission vehicle used to provide public transportation; and
   “(C) the term ‘zero emission vehicle’ means a low or no emission vehicle that produces no carbon or particulate matter.”;

(5) by adding at the end the following:
   “(h) LOW OR NO EMISSION VEHICLE COMPONENT ASSESSMENT.—
      “(1) DEFINITIONS.—In this subsection—
      “(A) the term ‘covered institution of higher education’ means an institution of higher education with which the Secretary enters into a contract or cooperative agreement, or to which the Secretary makes a grant, under paragraph (2)(B) to operate a facility selected under paragraph (2)(A);
      “(B) the terms ‘direct carbon emissions’ and ‘low or no emission vehicle’ have the meanings given those terms in subsection (e)(6);
      “(C) the term ‘institution of higher education’ has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and
      “(D) the term ‘low or no emission vehicle component’ means an item that is separately installed in and removable from a low or no emission vehicle.
      “(2) ASSESSING LOW OR NO EMISSION VEHICLE COMPONENTS.—
         “(A) IN GENERAL.—The Secretary shall competitively select at least one facility to conduct testing, evaluation,
and analysis of low or no emission vehicle components intended for use in low or no emission vehicles.

"(B) OPERATION AND MAINTENANCE.—

"(i) IN GENERAL.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, at least one institution of higher education to operate and maintain a facility selected under subparagraph (A).

"(ii) REQUIREMENTS.—An institution of higher education described in clause (i) shall have—

"(I) capacity to carry out transportation-related advanced component and vehicle evaluation;

"(II) laboratories capable of testing and evaluation; and

"(III) direct access to or a partnership with a testing facility capable of emulating real-world circumstances in order to test low or no emission vehicle components installed on the intended vehicle.

"(C) FEES.—A covered institution of higher education shall establish and collect fees, which shall be approved by the Secretary, for the assessment of low or no emission vehicle components at the applicable facility selected under subparagraph (A).

"(D) AVAILABILITY OF AMOUNTS TO PAY FOR ASSESSMENT.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to an institution of higher education under which—

"(i) the Secretary shall pay 50 percent of the cost of assessing a low or no emission vehicle component at the applicable facility selected under subparagraph (A) from amounts made available to carry out this section; and

"(ii) the remaining 50 percent of such cost shall be paid from amounts recovered through the fees established and collected pursuant to subparagraph (C).

"(E) VOLUNTARY TESTING.—A manufacturer of a low or no emission vehicle component is not required to assess the low or no emission vehicle component at a facility selected under subparagraph (A).

"(F) COMPLIANCE WITH SECTION 5318.—Notwithstanding whether a low or no emission vehicle component is assessed at a facility selected under subparagraph (A), each new bus model shall comply with the requirements under section 5318.

"(G) SEPARATE FACILITY.—A facility selected under subparagraph (A) shall be separate and distinct from the facility operated and maintained under section 5318.

"(3) LOW OR NO EMISSION VEHICLE COMPONENT PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2015, and annually thereafter, the Secretary shall issue a report on low or no emission vehicle component assessments conducted at each facility selected under paragraph (2)(A), which shall include information related to the maintainability, reliability,
performance, structural integrity, efficiency, and noise of those low or no emission vehicle components.

“(4) PUBLIC AVAILABILITY OF ASSESSMENTS.—Each assessment conducted at a facility selected under paragraph (2)(A) shall be made publicly available, including to affected industries.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require—

“(A) a low or no emission vehicle component to be tested at a facility selected under paragraph (2)(A); or

“(B) the development or disclosure of a privately funded component assessment.”.

(6) in subsection (f) (as so redesignated)—

(A) by striking “(f)” and all that follows before paragraph (1) and inserting the following:

“(g) ANNUAL REPORT ON RESEARCH.—Not later than the first Monday in February of each year, the Secretary shall make available to the public on the Web site of the Department of Transportation, a report that includes—”; and

(B) in paragraph (1) by adding “and” at the end;

(C) in paragraph (2) by striking “; and” and inserting a period; and

(D) by striking paragraph (3); and

(7) by adding at the end the following:

“(i) TRANSIT COOPERATIVE RESEARCH PROGRAM.—

“(1) IN GENERAL.—The amounts made available under section 5338(a)(2)(G)(ii) are available for a public transportation cooperative research program.

“(2) INDEPENDENT GOVERNING BOARD.—

“(A) ESTABLISHMENT.—The Secretary shall establish an independent governing board for the program under this subsection.

“(B) RECOMMENDATIONS.—The board shall recommend public transportation research, development, and technology transfer activities the Secretary considers appropriate.

“(3) FEDERAL ASSISTANCE.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out activities under this subsection that the Secretary considers appropriate.

“(4) GOVERNMENT SHARE OF COSTS.—If there would be a clear and direct financial benefit to an entity under a grant or contract financed under this subsection, the Secretary shall establish a Government share consistent with that benefit.

“(5) LIMITATION ON APPLICABILITY.—Subsections (f) and (g) shall not apply to activities carried out under this subsection.”.

(b) CONFORMING AMENDMENTS.—Section 5312 of such title (as amended by subsection (a) of this section) is further amended—

(1) in subsection (c)(1) by striking “subsection (a)(2)” and inserting “subsection (b)(2)”;

(2) in subsection (d)—

(A) in paragraph (1) by striking “subsection (a)(2)” and inserting “subsection (b)(2)”;

(B) in paragraph (2)(A) by striking “subsection (b)” and inserting “subsection (c)”;

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(3) in subsection (e)(2) in each of subparagraphs (A) and (B) by striking “subsection (a)(2)” and inserting “subsection (b)(2)”; and

(4) in subsection (f)(2) by striking “subsection (d)(4)” and inserting “subsection (e)(4)”.

c) CLERICAL AMENDMENT.—The analysis for chapter 53 of such title is amended by striking the item relating to section 5312 and inserting the following:

“5312. Public transportation innovation.”.

SEC. 3009. TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Section 5314 of title 49, United States Code, is amended to read as follows:

“§ 5314. Technical assistance and workforce development

“(a) TECHNICAL ASSISTANCE AND STANDARDS.—

“(1) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—

“(A) IN GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) to carry out activities that the Secretary determines will assist recipients of assistance under this chapter to—

“(i) more effectively and efficiently provide public transportation service;

“(ii) administer funds received under this chapter in compliance with Federal law; and

“(iii) improve public transportation.

“(B) ELIGIBLE ACTIVITIES.—The activities carried out under subparagraph (A) may include—

“(i) technical assistance; and

“(ii) the development of voluntary and consensus-based standards and best practices by the public transportation industry, including standards and best practices for safety, fare collection, intelligent transportation systems, accessibility, procurement, security, asset management to maintain a state of good repair, operations, maintenance, vehicle propulsion, communications, and vehicle electronics.

“(2) TECHNICAL ASSISTANCE.—The Secretary, through a competitive bid process, may enter into contracts, cooperative agreements, and other agreements with national nonprofit organizations that have the appropriate demonstrated capacity to provide public-transportation-related technical assistance under this subsection. The Secretary may enter into such contracts, cooperative agreements, and other agreements to assist providers of public transportation to—

“(A) comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) through technical assistance, demonstration programs, research, public education, and other activities related to complying with such Act;

“(B) comply with human services transportation coordination requirements and to enhance the coordination of Federal resources for human services transportation with
those of the Department of Transportation through technical assistance, training, and support services related to complying with such requirements;

“(C) meet the transportation needs of elderly individuals;

“(D) increase transit ridership in coordination with metropolitan planning organizations and other entities through development around public transportation stations through technical assistance and the development of tools, guidance, and analysis related to market-based development around transit stations;

“(E) address transportation equity with regard to the effect that transportation planning, investment, and operations have for low-income and minority individuals;

“(F) facilitate best practices to promote bus driver safety;

“(G) meet the requirements of sections 5323(j) and 5323(m);

“(H) assist with the development and deployment of low or no emission vehicles (as defined in section 5339(c)(1)) or low or no emission vehicle components (as defined in section 5312(h)(1)); and

“(I) any other technical assistance activity that the Secretary determines is necessary to advance the interests of public transportation.

“(3) ANNUAL REPORT ON TECHNICAL ASSISTANCE.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives a report that includes—

“(A) a description of each project that received assistance under this subsection during the preceding fiscal year;

“(B) an evaluation of the activities carried out by each organization that received assistance under this subsection during the preceding fiscal year;

“(C) a proposal for allocations of amounts for assistance under this subsection for the subsequent fiscal year; and

“(D) measurable outcomes and impacts of the programs funded under subsections (b) and (c).

“(4) GOVERNMENT SHARE OF COSTS.—

“(A) IN GENERAL.—The Government share of the cost of an activity carried out using a grant under this subsection may not exceed 80 percent.

“(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an activity carried out using a grant under this subsection may be derived from in-kind contributions.

“(b) HUMAN RESOURCES AND TRAINING.—

“(1) IN GENERAL.—The Secretary may undertake, or make grants and contracts for, programs that address human resource needs as they apply to public transportation activities. A program may include—

“(A) an employment training program;
“(B) an outreach program to increase employment for veterans, females, individuals with a disability, minorities (including American Indians or Alaska Natives, Asian, Black or African Americans, native Hawaiians or other Pacific Islanders, and Hispanics) in public transportation activities;
“(C) research on public transportation personnel and training needs;
“(D) training and assistance for veteran and minority business opportunities; and
“(E) consensus-based national training standards and certifications in partnership with industry stakeholders.
“(2) INNOVATIVE PUBLIC TRANSPORTATION FRONTLINE WORKFORCE DEVELOPMENT PROGRAM.—
“(A) IN GENERAL.—The Secretary shall establish a competitive grant program to assist the development of innovative activities eligible for assistance under paragraph (1).
“(B) ELIGIBLE PROGRAMS.—A program eligible for assistance under paragraph (1) shall—
“(i) develop apprenticeships, on-the-job training, and instructional training for public transportation maintenance and operations occupations;
“(ii) build local, regional, and statewide public transportation training partnerships with local public transportation operators, labor union organizations, workforce development boards, and State workforce agencies to identify and address workforce skill gaps;
“(iii) improve safety, security, and emergency preparedness in local public transportation systems through improved safety culture and workforce communication with first responders and the riding public; and
“(iv) address current or projected workforce shortages by developing partnerships with high schools, community colleges, and other community organizations.
“(C) SELECTION OF RECIPIENTS.—To the maximum extent feasible, the Secretary shall select recipients that—
“(i) are geographically diverse;
“(ii) address the workforce and human resources needs of large public transportation providers;
“(iii) address the workforce and human resources needs of small public transportation providers;
“(iv) address the workforce and human resources needs of urban public transportation providers;
“(v) address the workforce and human resources needs of rural public transportation providers;
“(vi) advance training related to maintenance of low or no emission vehicles and facilities used in public transportation;
“(vii) target areas with high rates of unemployment;
“(viii) advance opportunities for minorities, women, veterans, individuals with disabilities, low-income populations, and other underserved populations; and
“(ix) address in-demand industry sector or occupation, as such term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

“(D) Program outcomes.—A recipient of assistance under this subsection shall demonstrate outcomes for any program that includes skills training, on-the-job training, and work-based learning, including—

“(i) the impact on reducing public transportation workforce shortages in the area served;

“(ii) the diversity of training participants;

“(iii) the number of participants obtaining certifications or credentials required for specific types of employment;

“(iv) employment outcomes, including job placement, job retention, and wages, using performance metrics established in consultation with the Secretary and the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

“(v) to the extent practical, evidence that the program did not preclude workers who are participating in skills training, on-the-job training, and work-based learning from being referred to, or hired on, projects funded under this chapter without regard to the length of time of their participation in the program.

“(E) Report to Congress.—The Secretary shall make publicly available a report on the Frontline Workforce Development Program for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of activities carried out under this paragraph, an evaluation of the program, and policy recommendations to improve program effectiveness.

“(3) Government’s share of costs.—The Government share of the cost of a project carried out using a grant under paragraph (1) or (2) shall be 50 percent.

“(4) Availability of amounts.—Not more than 0.5 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

“(c) National Transit Institute.—

“(1) Establishment.—The Secretary shall establish a national transit institute and award grants to a public 4-year degree-granting institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), in order to carry out the duties of the institute.

“(2) Duties.—

“(A) In general.—In cooperation with the Federal Transit Administration, State transportation departments, public transportation authorities, and national and international entities, the institute established under paragraph (1) shall develop and conduct training and educational programs for Federal, State, and local transportation employees, United States citizens, and foreign nationals.
engaged or to be engaged in Government-aid public transportation work.

“(B) TRAINING AND EDUCATIONAL PROGRAMS.—The training and educational programs developed under subparagraph (A) may include courses in recent developments, techniques, and procedures related to—

“(i) intermodal and public transportation planning;
“(ii) management;
“(iii) environmental factors;
“(iv) acquisition and joint use rights-of-way;
“(v) engineering and architectural design;
“(vi) procurement strategies for public transportation systems;
“(vii) turnkey approaches to delivering public transportation systems;
“(viii) new technologies;
“(ix) emission reduction technologies;
“(x) ways to make public transportation accessible to individuals with disabilities;
“(xi) construction, construction management, insurance, and risk management;
“(xii) maintenance;
“(xiii) contract administration;
“(xiv) inspection;
“(xv) innovative finance;
“(xvi) workplace safety; and
“(xvii) public transportation security.

“(3) PROVISION FOR EDUCATION AND TRAINING.—Education and training of Government, State, and local transportation employees under this subsection shall be provided—

“(A) by the Secretary at no cost to the States and local governments for subjects that are a Government program responsibility; or

“(B) when the education and training are paid under paragraph (4), by the State, with the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

“(4) AVAILABILITY OF AMOUNTS.—

“(A) IN GENERAL.—Not more than 0.5 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

“(B) EXISTING PROGRAMS.—A recipient may use amounts made available under subparagraph (A) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of such title is amended by striking the item relating to section 5314 and inserting the following:

“5314. Technical assistance and workforce development.”.

49 USC prec. 5301.
SEC. 3010. PRIVATE SECTOR PARTICIPATION.

(a) In General.—Section 5315 of title 49, United States Code, is amended by adding at the end the following:

“(d) Rule of Construction.—Nothing in this section shall be construed to alter—

“(1) the eligibilities, requirements, or priorities for assistance provided under this chapter; or

“(2) the requirements of section 5306(a).”.

(b) MAP–21 Technical Correction.—Section 20013(d) of MAP–21 (Public Law 112–141; 126 Stat. 694) is amended by striking “5307(c)” and inserting “5307(b)”.

SEC. 3011. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended—

(1) in subsection (h)—

(A) in paragraph (1), by striking “or” at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

“(2) pay incremental costs of incorporating art or non-functional landscaping into facilities, including the costs of an artist on the design team; or”;

(2) in subsection (j)—

(A) in paragraph (2), by striking subparagraph (C) and inserting the following:

“(C) when procuring rolling stock (including train control, communication, traction power equipment, and rolling stock prototypes) under this chapter—

“(i) the cost of components and subcomponents produced in the United States—

“(I) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock;

“(II) for fiscal years 2018 and 2019, is more than 65 percent of the cost of all components of the rolling stock; and

“(III) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock; and

“(ii) final assembly of the rolling stock has occurred in the United States; or”;

(B) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively;

(C) by inserting after paragraph (4) the following:

“(5) Rolling Stock Frames or Car Shells.—In carrying out paragraph (2)(C) in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of steel or iron that is produced in the United States and used in the rolling stock frames or car shells.

“(6) Certification of Domestic Supply and Disclosure.—

“(A) Certification of Domestic Supply.—If the Secretary denies an application for a waiver under paragraph
(2), the Secretary shall provide to the applicant a written certification that—

“(i) the steel, iron, or manufactured goods, as applicable, (referred to in this subparagraph as the ‘item’) is produced in the United States in a sufficient and reasonably available amount;

“(ii) the item produced in the United States is of a satisfactory quality; and

“(iii) includes a list of known manufacturers in the United States from which the item can be obtained.

“(B) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in an easily identifiable location on the website of the Department of Transportation.”;

(D) in paragraph (8), as so redesignated, by striking “Federal Public Transportation Act of 2012” and inserting “Federal Public Transportation Act of 2015”; and

(E) by inserting after paragraph (11), as so redesignated, the following:

“(12) STEEL AND IRON.—For purposes of this subsection, steel and iron meeting the requirements of section 661.5(b) of title 49, Code of Federal Regulations may be considered produced in the United States.

“(13) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under paragraph (2)(A) of this subsection, including under any regulation promulgated under that paragraph, the term ‘small purchase’ means a purchase of not more than $150,000.”;

(3) in subsection (q)(1), by striking the second sentence; and

(4) by adding at the end the following:

“(s) VALUE CAPTURE REVENUE ELIGIBLE FOR LOCAL SHARE.—Notwithstanding any other provision of law, a recipient of assistance under this chapter may use the revenue generated from value capture financing mechanisms as local matching funds for capital projects and operating costs eligible under this chapter.

“(t) SPECIAL CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—If, in a fiscal year, the Secretary is prohibited by law from enforcing regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency that during fiscal year 2008 was both initially granted a 60-day period to come into compliance with such part 604, and then was subsequently granted an exception from such part—

“(1) the transit agency shall be precluded from receiving its allocation of urbanized area formula grant funds for such fiscal year; and

“(2) any amounts withheld pursuant to paragraph (1) shall be added to the amount that the Secretary may apportion under section 5336 in the following fiscal year.”.

SEC. 3012. PROJECT MANAGEMENT OVERSIGHT.

Section 5327 of title 49, United States Code, is amended—

(1) in subsection (c) by striking “section 5338(i)” and inserting section “5338(f)” ; and

(2) in subsection (d)—

(A) in paragraph (1)—
(i) by striking “section 5338(i)” and inserting section 5338(f); and
(ii) by striking “and” at the end; and
(B) by striking paragraph (2) and inserting the following:
“(2) a requirement that oversight—
“(A) begin during the project development phase of a project, unless the Secretary finds it more appropriate to begin the oversight during another phase of the project, to maximize the transportation benefits and cost savings associated with project management oversight; and
“(B) be limited to quarterly reviews of compliance by the recipient with the project management plan approved under subsection (b) unless the Secretary finds that the recipient requires more frequent oversight because the recipient has failed to meet the requirements of such plan and the project may be at risk of going over budget or becoming behind schedule; and
“(3) a process for recipients that the Secretary has found require more frequent oversight to return to quarterly reviews for purposes of paragraph (2)(B).”.

SEC. 3013. PUBLIC TRANSPORTATION SAFETY PROGRAM.

Section 5329 of title 49, United States Code, is amended—
(1) in subsection (b)(2)—
(A) in subparagraph (C) by striking “and” at the end;
(B) by redesignating subparagraph (D) as subparagraph (E); and
(C) by inserting after subparagraph (C) the following:
“(D) minimum safety standards to ensure the safe operation of public transportation systems that—
“(i) are not related to performance standards for public transportation vehicles developed under subparagraph (C); and
“(ii) to the extent practicable, take into consideration—
“(I) relevant recommendations of the National Transportation Safety Board;
“(II) best practices standards developed by the public transportation industry;
“(III) any minimum safety standards or performance criteria being implemented across the public transportation industry;
“(IV) relevant recommendations from the report under section 3020 of the Federal Public Transportation Act of 2015; and
“(V) any additional information that the Secretary determines necessary and appropriate; and”;
(2) in subsection (e)—
(A) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and
(B) by inserting after paragraph (7) the following:
“(8) FEDERAL SAFETY MANAGEMENT.—
“(A) IN GENERAL.—If the Secretary determines that a State safety oversight program is not being carried out in accordance with this section, has become inadequate
to ensure the enforcement of Federal safety regulation, or is incapable of providing adequate safety oversight consistent with the prevention of substantial risk of death, or personal injury, the Secretary shall administer the State safety oversight program until the eligible State develops a State safety oversight program certified by the Secretary in accordance with this subsection.

"(B) TEMPORARY FEDERAL OVERSIGHT.—In making a determination under subparagraph (A), the Secretary shall—

"(i) transmit to the eligible State and affected recipient or recipients, a written explanation of the determination or subsequent finding, including any intention to withhold funding under this section, the amount of funds proposed to be withheld, and if applicable, a formal notice of a withdrawal of State safety oversight program approval; and

"(ii) require the State to submit a State safety oversight program or modification for certification by the Secretary that meets the requirements of this subsection.

"(C) FAILURE TO CORRECT.—If the Secretary determines in accordance with subparagraph (A), that a State safety oversight program or modification required pursuant to subparagraph (B)(ii), submitted by a State is not sufficient, the Secretary may—

"(i) withhold funds available under paragraph (6) in an amount determined by the Secretary;

"(ii) beginning 1 year after the date of the determination, withhold not more than 5 percent of the amount required to be appropriated for use in a State or an urbanized area in the State under section 5307, until the State safety oversight program or modification has been certified; and

"(iii) use any other authorities authorized under this chapter considered necessary and appropriate.

"(D) ADMINISTRATIVE AND OVERSIGHT ACTIVITIES.—To carry out administrative and oversight activities authorized by this paragraph, the Secretary may use grant funds apportioned to an eligible State, under paragraph (6), to develop or carry out a State safety oversight program.”;

(3) in subsection (f)(2), by inserting “or the public transportation industry generally” after “recipients”;

(4) in subsection (g)(1)—

(A) in the matter preceding subparagraph (A) by striking “an eligible State, as defined in subsection (e),” and inserting “a recipient”;

(B) in subparagraph (C) by striking “and” at the end;

(C) in subparagraph (D) by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(E) withholding not more than 25 percent of financial assistance under section 5307.”;

(5) in subsection (g)(2)(A)—

(A) by inserting after “funds” the following: “or withhold funds”; and
(B) by inserting “or (1)(E)” after “paragraph (1)(D)”;

and

(6) by striking subsection (h) and inserting the following:

“(h) RESTRICTIONS AND PROHIBITIONS.—

“(1) RESTRICTIONS AND PROHIBITIONS.—The Secretary shall issue restrictions and prohibitions by whatever means are determined necessary and appropriate, without regard to section 5334(c), if, through testing, inspection, investigation, audit, or research carried out under this chapter, the Secretary determines that an unsafe condition or practice, or a combination of unsafe conditions and practices, exist such that there is a substantial risk of death or personal injury.

“(2) NOTICE.—The notice of restriction or prohibition shall describe the condition or practice, the subsequent risk and the standards and procedures required to address the restriction or prohibition.

“(3) CONTINUED AUTHORITY.—Nothing in this subsection shall be construed as limiting the Secretary’s authority to maintain a restriction or prohibition for as long as is necessary to ensure that the risk has been substantially addressed.”.

SEC. 3014. APPORTIONMENTS.

Section 5336 of title 49, United States Code, is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking “subsection (h)(4)” and inserting “subsection (h)(5)”;

(2) in subsection (b)(2)(E) by striking “22.27 percent” and inserting “27 percent”; and

(3) in subsection (h)—

(A) by striking paragraph (1) and inserting the following:

“(1) $30,000,000 shall be set aside each fiscal year to carry out section 5307(h);”; and

(B) by striking paragraph (3) and inserting the following:

“(3) of amounts not apportioned under paragraphs (1) and (2)—

“(A) for fiscal years 2016 through 2018, 1.5 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i); and

“(B) for fiscal years 2019 and 2020, 2 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i);”.

SEC. 3015. STATE OF GOOD REPAIR GRANTS.

(a) IN GENERAL.—Section 5337 of title 49, United States Code, is amended—

(1) in subsection (c)(2)(B), by inserting “the provisions of” before “section 5336(b)(1)”;

(2) in subsection (d)—

(A) in paragraph (2) by inserting “vehicle” after “motorbus”; and

(B) by adding at the end the following:

“(5) USE OF FUNDS.—Amounts apportioned under this subsection may be used for any project that is an eligible project under section 5307(b)(1).”; and

(3) by adding at the end the following:
“(e) GOVERNMENT SHARE OF COSTS.—
   (1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.
   (2) REMAINING COSTS.—The remainder of the net project cost shall be provided—
      “(A) in cash from non-Government sources;
      “(B) from revenues derived from the sale of advertising and concessions; or
      “(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.”.

(b) CONFORMING AMENDMENTS.—Section 5337 of such title is further amended—
   (1) in subsection (c)(1) by striking “5338(a)(2)(I)” and inserting “5338(a)(2)(K)”;
   (2) in subsection (d)(2) by striking “5338(a)(2)(I)” and inserting “5338(a)(2)(K)”.

SEC. 3016. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, is amended to read as follows:

“SEC. 5338. AUTHORIZATIONS.
   “(a) GRANTS.—
      “(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5312, 5314, 5318, 5335, 5337, 5339, and 5340, section 20005(b) of the Federal Public Transportation Act of 2012, and sections 3006(b) of the Federal Public Transportation Act of 2015—
         “(A) $9,347,604,639 for fiscal year 2016;
         “(B) $9,534,706,043 for fiscal year 2017;
         “(C) $9,733,353,407 for fiscal year 2018;
         “(D) $9,939,380,030 for fiscal year 2019; and
         “(E) $10,150,348,462 for fiscal year 2020.
      “(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—
         “(A) $130,732,000,000 for fiscal year 2016, $133,398,933 for fiscal year 2017, $136,200,310 for fiscal year 2018, $139,057,747 for fiscal year 2019, and $142,036,417 for fiscal year 2020, shall be available to carry out section 5305;
         “(B) $10,000,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012;
         “(C) $4,538,905,700 for fiscal year 2016, $4,629,683,814 for fiscal year 2017, $4,726,907,174 for fiscal year 2018, $4,827,117,606 for fiscal year 2019, and $4,929,452,499 for fiscal year 2020 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;
         “(D) $262,949,400 for fiscal year 2016, $268,208,388 for fiscal year 2017, $273,840,764 for fiscal year 2018, $279,646,188 for fiscal year 2019, and $285,574,688 for fiscal year 2020 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;
“(E) $2,000,000 for fiscal year 2016, $3,000,000 for fiscal year 2017, $3,250,000 for fiscal year 2018, $3,500,000 for fiscal year 2019 and $3,500,000 for fiscal year 2020 shall be available for the pilot program for innovative coordinated access and mobility under section 3006(b) of the Federal Public Transportation Act of 2015;

“(F) $619,956,000 for fiscal year 2016, $632,355,120 for fiscal year 2017, $645,634,578 for fiscal year 2018, $659,322,031 for fiscal year 2019, and $673,299,658 for fiscal year 2020 shall be available to provide financial assistance for rural areas under section 5311, of which not less than—

“(i) $35,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5311(c)(1); and

“(ii) $20,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5311(c)(2);

“(G) $28,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312, of which—

“(i) $3,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312(h); and

“(ii) $5,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5312(i);

“(H) $9,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5314; of which $5,000,000 shall be available for the national transit institute under section 5314(c);

“(I) $3,000,000 for each of fiscal years 2016 through 2020 shall be available for bus testing under section 5318;

“(J) $4,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5335;

“(K) $2,507,000,000 for fiscal year 2016, $2,549,670,000 for fiscal year 2017, $2,593,703,558 for fiscal year 2018, $2,638,366,859 for fiscal year 2019, and $2,683,798,369 for fiscal year 2020 shall be available to carry out section 5337;

“(L) $427,800,000 for fiscal year 2016, $436,356,000 for fiscal year 2017, $445,519,476 for fiscal year 2018, $454,964,489 for fiscal year 2019, and $464,609,736 for fiscal year 2020 shall be available for the bus and buses facilities program under section 5339(a);

“(M) $268,000,000 for fiscal year 2016, $283,600,000 for fiscal year 2017, $301,514,000 for fiscal year 2018, $322,059,980 for fiscal year 2019, and $344,044,179 for fiscal year 2020 shall be available for buses and bus facilities competitive grants under section 5339(b) and no or low emission grants under section 5339(c), of which $55,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5339(c); and

“(N) $536,261,539 for fiscal year 2016, $544,433,788 for fiscal year 2017, $552,783,547 for fiscal year 2018, $561,315,120 for fiscal year 2019 and $570,032,917 for
fiscal year 2020, to carry out section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311, of which—

“(i) $272,297,083 for fiscal year 2016, $279,129,510 for fiscal year 2017, $286,132,747 for fiscal year 2018, $293,311,066 for fiscal year 2019, $300,668,843 for fiscal year 2020 shall be for growing States under section 5340(c); and

“(ii) $263,964,457 for fiscal year 2016, $265,304,279 for fiscal year 2017, $266,650,800 for fiscal year 2018, $268,004,054 for fiscal year 2019, $269,364,074 for fiscal year 2020 shall be for high density States under section 5340(d).

“(b) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROGRAM.—There are authorized to be appropriated to carry out section 5312, other than subsections (h) and (i) of that section, $20,000,000 for each of fiscal years 2016 through 2020.

“(c) TECHNICAL ASSISTANCE AND TRAINING.—There are authorized to be appropriated to carry out section 5314, $5,000,000 for each of fiscal years 2016 through 2020.

“(d) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 of this title and section 3005(b) of the Federal Public Transportation Act of 2015, $2,301,785,760 for each of fiscal years 2016 through 2020.

“(e) ADMINISTRATION.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $115,016,543 for each of fiscal years 2016 through 2020.

“(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $5,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5329.

“(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $2,000,000 for each of fiscal years 2016 through 2020 shall be available to carry out section 5326.

“(f) OVERSIGHT.—

“(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

“(A) 0.5 percent of amounts made available to carry out section 5305.

“(B) 0.75 percent of amounts made available to carry out section 5307.

“(C) 1 percent of amounts made available to carry out section 5309.

“(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 126 Stat. 4968).

“(E) 0.5 percent of amounts made available to carry out section 5310.

“(F) 0.5 percent of amounts made available to carry out section 5311.

“(G) 1 percent of amounts made available to carry out section 5337, of which not less than 0.25 percent of
amounts made available for this subparagraph shall be available to carry out section 5329.

“(H) 0.75 percent of amounts made available to carry out section 5339.

“(2) ACTIVITIES.—The activities described in this paragraph are as follows:

“(A) Activities to oversee the construction of a major capital project.

“(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

“(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

“(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

“(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

“(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

“(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

“(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

“(h) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.”.

SEC. 3017. GRANTS FOR BUSES AND BUS FACILITIES.

(a) IN GENERAL.—Section 5339 of title 49, United States Code, is amended to read as follows:

“§ 5339. Grants for buses and bus facilities

“(a) FORMULA GRANTS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘low or no emission vehicle’ has the meaning given that term in subsection (c)(1);

“(B) the term ‘State’ means a State of the United States; and

“(C) the term ‘territory’ means the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.

“(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients described in paragraph (4)(A) in financing capital projects—
“(A) to replace, rehabilitate, and purchase buses and related equipment, including technological changes or innovations to modify low or no emission vehicles or facilities; and

“(B) to construct bus-related facilities.

“(3) GRANT REQUIREMENTS.—The requirements of—

“(A) section 5307 shall apply to recipients of grants made in urbanized areas under this subsection; and

“(B) section 5311 shall apply to recipients of grants made in rural areas under this subsection.

“(4) ELIGIBLE RECIPIENTS.—

“(A) Recipients.—Eligible recipients under this subsection are—

“(i) designated recipients that allocate funds to fixed route bus operators; or

“(ii) State or local governmental entities that operate fixed route bus service.

“(B) Subrecipients.—A recipient that receives a grant under this subsection may allocate amounts of the grant to subrecipients that are public agencies or private non-profit organizations engaged in public transportation.

“(5) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(a)(2)(L) shall be distributed as follows:

“(A) NATIONAL DISTRIBUTION.—$90,500,000 for each of fiscal years 2016 through 2020 shall be allocated to all States and territories, with each State receiving $1,750,000 for each such fiscal year and each territory receiving $500,000 for each such fiscal year.

“(B) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under subparagraph (A) shall be allocated pursuant to the formula set forth in section 5336 other than subsection (b).

“(6) TRANSFERS OF APPORTIONMENTS.—

“(A) Transfer flexibility for national distribution funds.—The Governor of a State may transfer any part of the State’s apportionment under paragraph (5)(A) to supplement amounts apportioned to the State under section 5311(c) or amounts apportioned to urbanized areas under subsections (a) and (c) of section 5336.

“(B) Transfer flexibility for population and service factors funds.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 any amounts apportioned under paragraph (5)(B) that are not allocated to designated recipients in urbanized areas with a population of 200,000 or more.

“(7) GOVERNMENT SHARE OF COSTS.—

“(A) Capital Projects.—A grant for a capital project under this subsection shall be for 80 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.

“(B) Remaining Costs.—The remainder of the net project cost shall be provided—

“(i) in cash from non-Government sources other than revenues from providing public transportation services;
“(ii) from revenues derived from the sale of advertising and concessions;
“(iii) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;
“(iv) from amounts received under a service agreement with a State or local social service agency or private social service organization; or
“(v) from revenues generated from value capture financing mechanisms.

“(8) PERIOD OF AVAILABILITY TO RECIPIENTS.—Amounts made available under this subsection may be obligated by a recipient for 3 fiscal years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 3-fiscal-year period described in the preceding sentence, any amount that is not obligated on the last day of such period shall be added to the amount that may be apportioned under this subsection in the next fiscal year.

“(9) PILOT PROGRAM FOR COST-EFFECTIVE CAPITAL INVESTMENT.—

“(A) IN GENERAL.—For each of fiscal years 2016 through 2020, the Secretary shall carry out a pilot program under which an eligible recipient (as described in paragraph (4)) in an urbanized area with population of not less than 200,000 and not more than 999,999 may elect to participate in a State pool in accordance with this paragraph.

“(B) PURPOSE OF STATE POOLS.—The purpose of a State pool shall be to allow for transfers of formula grant funds made available under this subsection among the designated recipients participating in the State pool in a manner that supports the transit asset management plans of the designated recipients under section 5326.

“(C) REQUESTS FOR PARTICIPATION.—A State, and eligible recipients in the State described in subparagraph (A), may submit to the Secretary a request for participation in the program under procedures to be established by the Secretary. An eligible recipient for a multistate area may participate in only 1 State pool.

“(D) ALLOCATIONS TO PARTICIPATING STATES.—For each fiscal year, the Secretary shall allocate to each State participating in the program the total amount of funds that otherwise would be allocated to the urbanized areas of the eligible recipients participating in the State's pool for that fiscal year pursuant to the formulas referred to in paragraph (5).

“(E) ALLOCATIONS TO ELIGIBLE RECIPIENTS IN STATE POOLS.—A State shall distribute the amount that is allocated to the State for a fiscal year under subparagraph (D) among the eligible recipients participating in the State's pool in a manner that supports the transit asset management plans of the recipients under section 5326.

“(F) ALLOCATION PLANS.—A State participating in the program shall develop an allocation plan for the period of fiscal years 2016 through 2020 to ensure that an eligible recipient participating in the State's pool receives under the program an amount of funds that equals the amount of funds that would have otherwise been available to the
eligible recipient for that period pursuant to the formulas referred to in paragraph (5).

“(G) GRANTS.—The Secretary shall make grants under this subsection for a fiscal year to an eligible recipient participating in a State pool following notification by the State of the allocation amount determined under subparagraph (E).

“(b) BUSES AND BUS FACILITIES COMPETITIVE GRANTS.—

“(1) IN GENERAL.—The Secretary may make grants under this subsection to eligible recipients (as described in subsection (a)(4)) to assist in the financing of buses and bus facilities capital projects, including—

“A) replacing, rehabilitating, purchasing, or leasing buses or related equipment; and

“B) rehabilitating, purchasing, constructing, or leasing bus-related facilities.

“(2) GRANT CONSIDERATIONS.—In making grants under this subsection, the Secretary shall consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities.

“(3) STATEWIDE APPLICATIONS.—A State may submit a statewide application on behalf of a public agency or private nonprofit organization engaged in public transportation in rural areas or other areas for which the State allocates funds. The submission of a statewide application shall not preclude the submission and consideration of any application under this subsection from other eligible recipients (as described in subsection (a)(4)) in an urbanized area in a State.

“(4) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

“A) disclose all metrics and evaluation procedures to be used in considering grant applications under this subsection upon issuance of the notice of funding availability in the Federal Register; and

“B) publish a summary of final scores for selected projects, metrics, and other evaluations used in awarding grants under this subsection in the Federal Register.

“(5) RURAL PROJECTS.—Not less than 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects in rural areas.

“(6) GRANT REQUIREMENTS.—

“A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of—

“i) section 5307 for eligible recipients of grants made in urbanized areas; and

“ii) section 5311 for eligible recipients of grants made in rural areas.

“B) GOVERNMENT SHARE OF COSTS.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

“(7) AVAILABILITY OF FUNDS.—Any amounts made available to carry out this subsection—

“A) shall remain available for 3 fiscal years after the fiscal year for which the amount is made available; and

“B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount
made available to an eligible project in the following fiscal year.

"(8) LIMITATION.—Of the amounts made available under this subsection, not more than 10 percent may be awarded to a single grantee.

"(c) LOW OR NO EMISSION GRANTS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'direct carbon emissions' means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency;

"(B) the term 'eligible project' means a project or program of projects in an eligible area for—

"(i) acquiring low or no emission vehicles;

"(ii) leasing low or no emission vehicles;

"(iii) acquiring low or no emission vehicles with a leased power source;

"(iv) constructing facilities and related equipment for low or no emission vehicles;

"(v) leasing facilities and related equipment for low or no emission vehicles;

"(vi) constructing new public transportation facilities to accommodate low or no emission vehicles; or

"(vii) rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles;

"(C) the term 'leased power source' means a removable power source, as defined in subsection (c)(3) of section 3019 of the Federal Public Transportation Act of 2015 that is made available through a capital lease under such section;

"(D) the term 'low or no emission bus' means a bus that is a low or no emission vehicle;

"(E) the term 'low or no emission vehicle' means—

"(i) a passenger vehicle used to provide public transportation that the Secretary determines sufficiently reduces energy consumption or harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

"(ii) a zero emission vehicle used to provide public transportation;

"(F) the term 'recipient' means a designated recipient, a local governmental authority, or a State that receives a grant under this subsection for an eligible project; and

"(G) the term 'zero emission vehicle' means a low or no emission vehicle that produces no carbon or particulate matter.

"(2) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this subsection.

"(3) GRANT REQUIREMENTS.—

"(A) IN GENERAL.—A grant under this subsection shall be subject to the requirements of section 5307.

"(B) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—Section 5323(i) applies to eligible projects carried out under this subsection, unless the recipient requests a lower grant percentage.

"(C) COMBINATION OF FUNDING SOURCES.—
“(i) Combination permitted.—An eligible project carried out under this subsection may receive funding under section 5307 or any other provision of law.

“(ii) Government share.—Nothing in this subparagraph shall be construed to alter the Government share required under paragraph (7), section 5307, or any other provision of law.

“(4) Competitive process.—The Secretary shall—

“(A) not later than 30 days after the date on which amounts are made available for obligation under this subsection for a full fiscal year, solicit grant applications for eligible projects on a competitive basis; and

“(B) award a grant under this subsection based on the solicitation under subparagraph (A) not later than the earlier of—

“(i) 75 days after the date on which the solicitation expires; or

“(ii) the end of the fiscal year in which the Secretary solicited the grant applications.

“(5) Consideration.—In awarding grants under this subsection, the Secretary shall only consider eligible projects relating to the acquisition or leasing of low or no emission buses or bus facilities that—

“(A) make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses; and

“(B) are part of a long-term integrated fleet management plan for the recipient.

“(6) Availability of funds.—Any amounts made available to carry out this subsection—

“(A) shall remain available to an eligible project for 3 fiscal years after the fiscal year for which the amount is made available; and

“(B) that remain unobligated at the end of the period described in subparagraph (A) shall be added to the amount made available to an eligible project in the following fiscal year.

“(7) Government share of costs.—

“(A) In general.—The Federal share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

“(B) Non-Federal share.—The non-Federal share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.”.

(b) Technical and Conforming Amendment.—The analysis for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5339 and inserting the following:

“5339. Grants for buses and bus facilities.”.

SEC. 3018. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsection (a) of section 5338 of title 49, United States Code, and section 3028 of the Federal Public Transportation Act of 2015 shall not exceed—
SEC. 3019. INNOVATIVE PROCUREMENT.

(a) DEFINITION.—In this section, the term “grantee” means a recipient or subrecipient of assistance under chapter 53 of title 49, United States Code.

(b) COOPERATIVE PROCUREMENT.—

(1) DEFINITIONS; GENERAL RULES.—

(A) DEFINITIONS.—In this subsection—

(i) the term “cooperative procurement contract” means a contract—

(I) entered into between a State government or eligible nonprofit entity and 1 or more vendors; and

(II) under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple participants;

(ii) the term “eligible nonprofit entity” means—

(I) a nonprofit cooperative purchasing organization that is not a grantee; or

(II) a consortium of entities described in subclause (I);

(iii) the terms “lead nonprofit entity” and “lead procurement agency” mean an eligible nonprofit entity or a State government, respectively, that acts in an administrative capacity on behalf of each participant in a cooperative procurement contract;

(iv) the term “participant” means a grantee that participates in a cooperative procurement contract; and

(v) the term “participate” means to purchase rolling stock and related equipment under a cooperative procurement contract using assistance provided under chapter 53 of title 49, United States Code.

(B) GENERAL RULES.—

(i) PROCUREMENT NOT LIMITED TO INTRASTATE PARTICIPANTS.—A grantee may participate in a cooperative procurement contract without regard to whether the grantee is located in the same State as the parties to the contract.

(ii) VOLUNTARY PARTICIPATION.—Participation by grantees in a cooperative procurement contract shall be voluntary.

(iii) CONTRACT TERMS.—The lead procurement agency or lead nonprofit entity for a cooperative procurement contract shall develop the terms of the contract.

(iv) DURATION.—A cooperative procurement contract—

(I) subject to subclauses (II) and (III), may be for an initial term of not more than 2 years;

(II) may include not more than 3 optional extensions for terms of not more than 1 year each; and
(III) may be in effect for a total period of not more than 5 years, including each extension authorized under subclause (II).

(v) ADMINISTRATIVE EXPENSES.—A lead procurement agency or lead nonprofit entity, as applicable, that enters into a cooperative procurement contract—

(I) may charge the participants in the contract for the cost of administering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the total value of the contract; and

(II) with respect to the cost described in subclause (I), may incorporate the cost into the price of the contract or directly charge the participants for the cost, but not both.

(2) STATE COOPERATIVE PROCUREMENT SCHEDULES.—

(A) AUTHORITY.—A State government may enter into a cooperative procurement contract with 1 or more vendors if—

(i) the vendors agree to provide an option to purchase rolling stock and related equipment to the State government and any other participant; and

(ii) the State government acts throughout the term of the contract as the lead procurement agency.

(B) APPLICABILITY OF POLICIES AND PROCEDURES.—In procuring rolling stock and related equipment under a cooperative procurement contract under this subsection, a State government shall comply with the policies and procedures that apply to procurement by the State government when using non-Federal funds, to the extent that the policies and procedures are in conformance with applicable Federal law.

(3) PILOT PROGRAM FOR NONPROFIT COOPERATIVE PROCUREMENTS.—

(A) ESTABLISHMENT.—The Secretary shall establish and carry out a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by eligible nonprofit entities.

(B) DESIGNATION.—In carrying out the program under this paragraph, the Secretary shall designate not less than 3 eligible nonprofit entities to enter into a cooperative procurement contract under which the eligible nonprofit entity acts throughout the term of the contract as the lead nonprofit entity.

(C) NOTICE OF INTENT TO PARTICIPATE.—At a time determined appropriate by the lead nonprofit entity, each participant in a cooperative procurement contract under this paragraph shall submit to the lead nonprofit entity a nonbinding notice of intent to participate.

(4) JOINT PROCUREMENT CLEARINGHOUSE.—

(A) IN GENERAL.—The Secretary shall establish a clearinghouse for the purpose of allowing grantees to aggregate planned rolling stock purchases and identify joint procurement participants.

(B) NONPROFIT CONSULTATION.—In establishing the clearinghouse under subparagraph (A), the Secretary may consult with nonprofit entities with expertise in public
transportation or procurement, and other stakeholders as the Secretary determines appropriate.

(C) INFORMATION ON PROCUREMENTS.—The clearinghouse may include information on bus size, engine type, floor type, and any other attributes necessary to identify joint procurement participants.

(D) LIMITATIONS.—
(i) ACCESS.—The clearinghouse shall only be accessible to the Federal Transit Administration, a nonprofit entity coordinating for such clearinghouse with the Secretary, and grantees.
(ii) PARTICIPATION.—No grantee shall be required to submit procurement information to the database.

(c) LEASING ARRANGEMENTS.—
(1) CAPITAL LEASE DEFINED.—
(A) IN GENERAL.—In this subsection, the term “capital lease” means any agreement under which a grantee acquires the right to use rolling stock or related equipment for a specified period of time, in exchange for a periodic payment.
(B) MAINTENANCE.—A capital lease may require that the lessor provide maintenance of the rolling stock or related equipment covered by the lease.

(2) PROGRAM TO SUPPORT INNOVATIVE LEASING ARRANGEMENTS.—
(A) AUTHORITY.—A grantee may use assistance provided under chapter 53 of title 49, United States Code, to enter into a capital lease if—
(i) the rolling stock or related equipment covered under the lease is eligible for capital assistance under such chapter; and
(ii) there is or will be no Federal interest in the rolling stock or related equipment covered under the lease as of the date on which the lease takes effect.
(B) GRANTEE REQUIREMENTS.—A grantee that enters into a capital lease shall—
(i) maintain an inventory of the rolling stock or related equipment acquired under the lease; and
(ii) maintain on the accounting records of the grantee the liability of the grantee under the lease.
(C) ELIGIBLE LEASE COSTS.—The costs for which a grantee may use assistance under chapter 53 of title 49, United States Code, with respect to a capital lease, include—
(i) the cost of the rolling stock or related equipment;
(ii) associated financing costs, including interest, legal fees, and financial advisor fees;
(iii) ancillary costs such as delivery and installation charges; and
(iv) maintenance costs.

(D) TERMS.—A grantee shall negotiate the terms of any lease agreement that the grantee enters into.

(E) APPLICABILITY OF PROCUREMENT REQUIREMENTS.—
(i) **Lease Requirements.**—Part 639 of title 49, Code of Federal Regulations, or any successor regulation, and implementing guidance applicable to leasing shall not apply to a capital lease.

(ii) **Buy America.**—The requirements under section 5323(j) of title 49, United States Code, shall apply to a capital lease.

(3) **Capital Leasing of Certain Zero Emission Vehicle Components.**—

(A) **Definitions.**—In this paragraph—

(i) the term “removable power source”—

(I) means a power source that is separately installed in, and removable from, a zero emission vehicle; and

(II) may include a battery, a fuel cell, an ultracapacitor, or other advanced power source used in a zero emission vehicle; and

(ii) the term “zero emission vehicle” has the meaning given the term in section 5339(c) of title 49, United States Code.

(B) **Leased Power Sources.**—Notwithstanding any other provision of law, for purposes of this subsection, the cost of a removable power source that is necessary for the operation of a zero emission vehicle shall not be treated as part of the cost of the vehicle if the removable power source is acquired using a capital lease.

(C) **Eligible Capital Lease.**—A grantee may acquire a removable power source by itself through a capital lease.

(D) **Procurement Regulations.**—For purposes of this section, a removable power source shall be subject to section 200.88 of title 2, Code of Federal Regulations.

(4) **Reporting Requirement.**—Not later than 3 years after the date on which a grantee enters into a capital lease under this subsection, the grantee shall submit to the Secretary a report that contains—

(A) an evaluation of the overall costs and benefits of leasing rolling stock; and

(B) a comparison of the expected short-term and long-term maintenance costs of leasing versus buying rolling stock.

(5) **Report.**—The Secretary shall make publicly available an annual report on this subsection for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under this subsection, and evaluation of the program including the evaluation of the data reported in paragraph (4).

(d) **Buy America.**—The requirements of section 5323(j) of title 49, United States Code, shall apply to all procurements under this section.

**SEC. 3020. REVIEW OF PUBLIC TRANSPORTATION SAFETY STANDARDS.**

(a) **Review Required.**—

(1) **In General.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall begin a review
of the safety standards and protocols used in public transportation systems in the United States that examines the efficacy of existing standards and protocols.

(2) CONTENTS OF REVIEW.—In conducting the review under this paragraph, the Secretary shall review—

(A) minimum safety performance standards developed by the public transportation industry;

(B) safety performance standards, practices, or protocols in use by rail fixed guideway public transportation systems, including—

(i) written emergency plans and procedures for passenger evacuations;

(ii) training programs to ensure public transportation personnel compliance and readiness in emergency situations;

(iii) coordination plans approved by recipients with local emergency responders having jurisdiction over a rail fixed guideway public transportation system, including—

(I) emergency preparedness training, drills, and familiarization programs for the first responders; and

(II) the scheduling of regular field exercises to ensure appropriate response and effective radio and public safety communications;

(iv) maintenance, testing, and inspection programs to ensure the proper functioning of—

(I) tunnel, station, and vehicle ventilation systems;

(II) signal and train control systems, track, mechanical systems, and other infrastructure; and

(III) other systems as necessary;

(v) certification requirements for train and bus operators and control center employees;

(vi) consensus-based standards, practices, or protocols available to the public transportation industry; and

(vii) any other standards, practices, or protocols the Secretary determines appropriate; and

(C) rail and bus safety standards, practices, or protocols in use by public transportation systems, regarding—

(i) rail and bus design and the workstation of rail and bus operators, as it relates to—

(I) the reduction of blindspots that contribute to accidents involving pedestrians; and

(II) protecting rail and bus operators from the risk of assault;

(ii) scheduling fixed route rail and bus service with adequate time and access for operators to use restroom facilities;

(iii) fatigue management; and

(iv) crash avoidance and worthiness.

(b) EVALUATION.—After conducting the review under subsection (a), the Secretary shall, in consultation with representatives of the public transportation industry, evaluate the need to establish additional Federal minimum public transportation safety standards.
(c) **REPORT.**—After completing the review and evaluation required under subsections (a) and (b), and not later than 1 year after the date of enactment of this Act, the Secretary shall make available on a publicly accessible Web site, a report that includes—

(1) findings based on the review conducted under subsection (a);

(2) the outcome of the evaluation conducted under subsection (b);

(3) a comprehensive set of recommendations to improve the safety of the public transportation industry, including recommendations for statutory changes if applicable; and

(4) actions that the Secretary will take to address the recommendations provided under paragraph (3), including, if necessary, the authorities under section 5329(b)(2)(D) of title 49, United States Code.

SEC. 3021. STUDY ON EVIDENTIARY PROTECTION FOR PUBLIC TRANSPORTATION SAFETY PROGRAM INFORMATION.

(a) **STUDY.**—The Secretary shall enter into an agreement with the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine, to conduct a study to evaluate whether it is in the public interest, including public safety and the legal rights of persons injured in public transportation accidents, to withhold from discovery or admission into evidence in a Federal or State court proceeding any plan, report, data, or other information or portion thereof, submitted to, developed, produced, collected, or obtained by the Secretary or the Secretary’s representative for purposes of complying with the requirements under section 5329 of title 49, United States Code, including information related to a recipient’s safety plan, safety risks, and mitigation measures.

(b) **COORDINATION.**—In conducting the study under subsection (a), the Transportation Research Board shall coordinate with the legal research entities of the National Academies of Sciences, Engineering, and Medicine, including the Committee on Law and Justice and the Committee on Science, Technology, and Law, and include members of those committees on the research committee established for the purposes of this section.

(c) **INPUT.**—In conducting the study under subsection (a), the relevant entities of the National Academies of Sciences, Engineering, and Medicine shall solicit input from the public transportation recipients, public transportation nonprofit employee labor organizations, and impacted members of the general public.

(d) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the National Academies of Sciences, Engineering, and Medicine shall issue a report, with the findings of the study under subsection (a), including any recommendations on statutory changes regarding evidentiary protections that will increase public transportation safety.

SEC. 3022. IMPROVED PUBLIC TRANSPORTATION SAFETY MEASURES.

(a) **REQUIREMENTS.**—Not later than 90 days after publication of the report required in section 3020, the Secretary shall issue a notice of proposed rulemaking on protecting public transportation operators from the risk of assault.

(b) **CONSIDERATION.**—In the proposed rulemaking, the Secretary shall consider—

(1) different safety needs of drivers of different modes;

(2) differences in operating environments;
(3) the use of technology to mitigate driver assault risks;
(4) existing experience, from both agencies and operators
that already are using or testing driver assault mitigation
infrastructure; and
(5) the impact of the rule on future rolling stock procure-
ments and vehicles currently in revenue service.
(c) SAVINGS CLAUSE.—Nothing in this section may be construed
as prohibiting the Secretary from issuing different comprehensive
worker protections, including standards for mitigating assaults.

SEC. 3023. PARATRANSPRIT SYSTEM UNDER FTA APPROVED COORDI-
NATED PLAN.

Notwithstanding the provisions of section 37.131(c) of title 49,
Code of Federal Regulations, any paratransit system currently
coordinating complementary paratransit service for more than 40
fixed route agencies shall be permitted to continue using an existing
tiered, distance-based coordinated paratransit fare system, if the
fare for the existing tiered, distance-based coordinated paratransit
fare system is not increased by a greater percentage than any
increase to the fixed route fare for the largest transit agency in
the complementary paratransit service area.

SEC. 3024. REPORT ON POTENTIAL OF INTERNET OF THINGS.

(a) REPORT.—Not later than 180 days after the date of enact-
ment of this Act, the Secretary shall submit to Congress a report
on the potential of the Internet of Things to improve transportation
services in rural, suburban, and urban areas.
(b) CONTENTS.—The report required under subsection (a) shall
include—
(1) a survey of the communities, cities, and States that
are using innovative transportation systems to meet the needs
of ageing populations;
(2) best practices to protect privacy and security, as deter-
mained as a result of such survey; and
(3) recommendations with respect to the potential of the
Internet of Things to assist local, State, and Federal planners
to develop more efficient and accurate projections of the
transportation needs of rural, suburban, and urban commu-
nities.

SEC. 3025. REPORT ON PARKING SAFETY.

(a) STUDY.—The Secretary shall conduct a study on the safety
of certain transportation facilities and locations, focusing on any
property damage, injuries, deaths, and other incidents that occur
or originate at locations intended to encourage public use of alter-
native transportation, including—
(1) carpool lots;
(2) mass transit lots;
(3) local, State, or regional rail stations;
(4) rest stops;
(5) college or university lots;
(6) bike paths or walking trails; and
(7) any other locations that the Secretary considers appro-
priate.
(b) REPORT.—Not later than 8 months after the date of enact-
ment of this Act, the Secretary shall submit to the Committee
on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study.

(c) RECOMMENDATIONS.—The Secretary shall include in the report recommendations to Congress on the best ways to use innovative technologies to increase safety and ensure a better response by transit security and local, State, and Federal law enforcement to address threats to public safety.

SEC. 3026. APPOINTMENT OF DIRECTORS OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COMPACT.—The term “Compact” means the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774; 80 Stat. 1324).

(2) FEDERAL DIRECTOR.—The term “Federal Director” means—

(A) a voting member of the Board of Directors of the Transit Authority who represents the Federal Government; and

(B) a nonvoting member of the Board of Directors of the Transit Authority who serves as an alternate for a member described in subparagraph (A).

(3) TRANSIT AUTHORITY.—The term “Transit Authority” means the Washington Metropolitan Area Transit Authority established under Article III of the Compact.

(b) APPOINTMENT BY SECRETARY OF TRANSPORTATION.—

(1) IN GENERAL.—For any appointment made on or after the date of enactment of this Act, the Secretary of Transportation shall have sole authority to appoint Federal Directors to the Board of Directors of the Transit Authority.

(2) AMENDMENT TO COMPACT.—The signatory parties to the Compact shall amend the Compact as necessary in accordance with paragraph (1).

SEC. 3027. EFFECTIVENESS OF PUBLIC TRANSPORTATION CHANGES AND FUNDING.

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall examine and evaluate the impact of the changes that MAP–21 had on public transportation, including—

(1) the ability and effectiveness of public transportation agencies to provide public transportation to low-income workers in accessing jobs and being able to use reverse commute services;

(2) whether services to low-income riders declined after MAP–21 was implemented; and

(3) if guidance provided by the Federal Transit Administration encouraged public transportation agencies to maintain and support services to low-income riders to allow them to access jobs, medical services, and other life necessities.

SEC. 3028. AUTHORIZATION OF GRANTS FOR POSITIVE TRAIN CONTROL.

(a) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section $199,000,000 for fiscal year 2017 to assist in financing
the installation of positive train control systems required under section 20157 of title 49, United States Code.

(b) USES.—The amounts made available under subsection (a) of this section shall be awarded by the Secretary on a competitive basis, and grant funds awarded under this section shall not exceed 80 percent of the total cost of a project.

(c) CREDIT ASSISTANCE.—At the request of an eligible applicant under this section, the Secretary may use amounts awarded to the entity to pay the subsidy and administrative costs necessary to provide the entity Federal credit assistance under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), with respect to the project for which the grant was awarded.

(d) ELIGIBLE RECIPIENTS.—The amounts made available under subsection (a) of this section may be used only to assist a recipient of funds under chapter 53 of title 49, United States Code.

(e) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amounts made available under subsection (a) of this section for the costs of project management oversight of grants authorized under that subsection.

(f) SAVINGS CLAUSE.—Nothing in this section may be construed as authorizing the amounts appropriated under subsection (a) to be used for any purpose other than financing the installation of positive train control systems.

(g) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund under this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

(h) AVAILABILITY OF AMOUNTS.—Notwithstanding subsection (j), amounts made available under this section shall remain available until expended.

(i) OBLIGATION LIMITATION.—Funds made available under this section shall be subject to obligation limit of section 3018 of the Federal Public Transportation Act of 2015.

(j) SUNSET.—The Secretary of Transportation shall provide the grants, direct loans, and loan guarantees under subsections (b) and (c) by September 30, 2018.

SEC. 3029. AMENDMENT TO TITLE 5.

(a) IN GENERAL.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Federal Transit Administrator.”.

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking “Federal Transit Administrator.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the first day of the first fiscal year beginning after the date of enactment of this Act.

SEC. 3030. TECHNICAL AND CONFORMING CHANGES.

(a) REPEAL.—Section 20008(b) of MAP–21 (49 U.S.C. 5309 note) is repealed.

(b) REPEAL SECTION 5313.—Section 5313 of title 49, United States Code, and the item relating to that section in the analysis for chapter 53 of such title, are repealed.
(c) Repeal of section 5319.—Section 5319 of title 49, United States Code, and the item relating to that section in the analysis for chapter 53 of such title, are repealed.

(d) Repeal of section 5322.—Section 5322 of title 49, United States Code, and the item relating to that section in the analysis for chapter 53 of such title, are repealed.

(e) Section 5325.—Section 5325 of title 49, United States Code is amended—
   (1) in subsection (e)(2), by striking “at least two”; and
   (2) in subsection (h), by striking “Federal Public Transportation Act of 2012” and inserting “Federal Public Transportation Act of 2015”.

(f) Section 5340.—Section 5340 of title 49, United States Code, is amended—
   (1) by striking subsection (b); and
   (2) by inserting the following:
      “(b) Allocation.—The Secretary shall apportion the amounts made available under section 5338(b)(2)(N) in accordance with subsection (c) and subsection (d).”.

(g) Chapter 105 of Title 49, United States Code.—Section 10501(c) of title 49, United States Code, is amended—
   (1) in paragraph (1)—
      (A) in subparagraph (A)(i), by striking “section 5302(a)” and inserting “section 5302”; and
      (B) in subparagraph (B)—
         (i) by striking “mass transportation” and inserting “public transportation”; and
         (ii) by striking “section 5302(a)” and inserting “section 5302”; and
   (2) in paragraph (2)(A), by striking “mass transportation” and inserting “public transportation”.

TITLE IV—HIGHWAY TRAFFIC SAFETY

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) Highway Safety Programs.—For carrying out section 402 of title 23, United States Code—
   (A) $243,500,000 for fiscal year 2016;
   (B) $252,300,000 for fiscal year 2017;
   (C) $261,200,000 for fiscal year 2018;
   (D) $270,400,000 for fiscal year 2019; and
   (E) $279,800,000 for fiscal year 2020.

(2) Highway Safety Research and Development.—For carrying out section 403 of title 23, United States Code—
   (A) $137,800,000 for fiscal year 2016;
   (B) $140,700,000 for fiscal year 2017;
   (C) $143,700,000 for fiscal year 2018;
   (D) $146,700,000 for fiscal year 2019; and
   (E) $149,800,000 for fiscal year 2020.

(3) National Priority Safety Programs.—For carrying out section 405 of title 23, United States Code—
   (A) $274,700,000 for fiscal year 2016;
   (B) $277,500,000 for fiscal year 2017;
(C) $280,200,000 for fiscal year 2018;
(D) $283,000,000 for fiscal year 2019; and
(E) $285,900,000 for fiscal year 2020.

(4) NATIONAL DRIVER REGISTER.—For the National Highway
Traffic Safety Administration to carry out chapter 303 of title
49, United States Code—
(A) $5,100,000 for fiscal year 2016;
(B) $5,200,000 for fiscal year 2017;
(C) $5,300,000 for fiscal year 2018;
(D) $5,400,000 for fiscal year 2019; and
(E) $5,500,000 for fiscal year 2020.

(5) HIGH-VISIBILITY ENFORCEMENT PROGRAM.—For carrying
out section 404 of title 23, United States Code—
(A) $29,300,000 for fiscal year 2016;
(B) $29,500,000 for fiscal year 2017;
(C) $29,900,000 for fiscal year 2018;
(D) $30,200,000 for fiscal year 2019; and
(E) $30,500,000 for fiscal year 2020.

(6) ADMINISTRATIVE EXPENSES.—For administrative and
related operating expenses of the National Highway Traffic
Safety Administration in carrying out chapter 4 of title 23,
United States Code, and this title—
(A) $25,832,000 for fiscal year 2016;
(B) $26,072,000 for fiscal year 2017;
(C) $26,329,000 for fiscal year 2018;
(D) $26,608,000 for fiscal year 2019; and
(E) $26,817,000 for fiscal year 2020.

(b) PROHIBITION ON OTHER USES.—Except as otherwise pro-
vided in chapter 4 of title 23, United States Code, and chapter
303 of title 49, United States Code, the amounts made available
from the Highway Trust Fund (other than the Mass Transit
Account) for a program under such chapters—
(1) shall only be used to carry out such program; and
(2) may not be used by States or local governments for
construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided
in chapter 4 of title 23, United States Code, and chapter 303
of title 49, United States Code, amounts made available under
subsection (a) for fiscal years 2016 through 2020 shall be available
for obligation in the same manner as if such funds were apportioned
under chapter 1 of title 23, United States Code.

(d) REGULATORY AUTHORITY.—Grants awarded under this title
shall be carried out in accordance with regulations issued by the
Secretary.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under
chapter 4 of title 23, United States Code, requires a State to
share in the cost, the aggregate of all expenditures for highway
safety activities made during a fiscal year by the State and its
political subdivisions (exclusive of Federal funds) for carrying out
the grant (other than planning and administration) shall be avail-
able for the purpose of crediting the State during such fiscal year
for the non-Federal share of the cost of any other project carried
out under chapter 4 of title 23, United States Code (other than
planning or administration), without regard to whether the
expenditures were made in connection with such project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant
under chapter 4 of title 23, United States Code, a State shall
submit an application, and the Secretary shall establish a single
deadline for such applications to enable the award of grants early
in the next fiscal year.

SEC. 4002. HIGHWAY SAFETY PROGRAMS.

Section 402 of title 23, United States Code, is amended—
(1) in subsection (a)(2)(A)—
(A) in clause (vi) by striking “and” at the end;
(B) in clause (vii) by inserting “and” after the semi-
colon; and
(C) by adding at the end the following:
“(viii) to increase driver awareness of commercial
motor vehicles to prevent crashes and reduce injuries
and fatalities;”;
(2) in subsection (c)(4), by adding at the end the following:
“(C) SURVEY.—A State in which an automated traffic
enforcement system is installed shall expend funds apportioned
to that State under this section to conduct a biennial
survey that the Secretary shall make publicly available
through the Internet Web site of the Department of
Transportation that includes—
“(i) a list of automated traffic enforcement systems
in the State;
“(ii) adequate data to measure the transparency,
accountability, and safety attributes of each automated
traffic enforcement system; and
“(iii) a comparison of each automated traffic
enforcement system with—
“(I) Speed Enforcement Camera Systems Opera-
tional Guidelines (DOT HS 810 916, March 2008); and
“(II) Red Light Camera Systems Operational
Guidelines (FHWA–SA–05–002, January 2005).”;
(3) by striking subsection (g) and inserting the following:
“(g) RESTRICTION.—Nothing in this section may be construed
to authorize the appropriation or expenditure of funds for highway
construction, maintenance, or design (other than design of safety
features of highways to be incorporated into guidelines).”;
(4) in subsection (k)—
(A) by redesignating paragraphs (3) through (5) as
paragraphs (4) through (6), respectively;
(B) by inserting after paragraph (2) the following:
“(3) ELECTRONIC SUBMISSION.—The Secretary, in coordi-
nation with the Governors Highway Safety Association, shall
develop procedures to allow States to submit highway safety
plans under this subsection, including any attachments to the
plans, in electronic form.”; and
(C) in paragraph (6)(A), as so redesignated, by striking
“60 days” and inserting “45 days”;
(5) in subsection (m)(2)(B)—
(A) in clause (vii) by striking “and” at the end;
(B) in clause (viii) by striking the period at the end
and inserting a semicolon; and
(C) by adding at the end the following:
“(ix) increase driver awareness of commercial
motor vehicles to prevent crashes and reduce injuries
and fatalities; and
“(x) support for school-based driver’s education classes to improve teen knowledge about—
   “(I) safe driving practices; and
   “(II) State graduated driving license requirements, including behind-the-wheel training required to meet those requirements.”.

SEC. 4003. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403 of title 23, United States Code, is amended—
(1) in subsection (h)—
   (A) in paragraph (1) by striking “may” and inserting “shall”;
   (B) by striking paragraph (2) and inserting the following:
   “(2) FUNDING.—The Secretary shall obligate from funds made available to carry out this section for the period covering fiscal years 2017 through 2020 not more than $21,248,000 to conduct the research described in paragraph (1).”;
   (C) in paragraph (3) by striking “If the Administrator utilizes the authority under paragraph (1), the” and inserting “The”;
   (D) in paragraph (4) by striking “If the Administrator conducts the research authorized under paragraph (1), the” and inserting “The”; and
   (2) by adding at the end the following:
   “(i) LIMITATION ON DRUG AND ALCOHOL SURVEY DATA.—The Secretary shall establish procedures and guidelines to ensure that any person participating in a program or activity that collects data on drug or alcohol use by drivers of motor vehicles and is carried out under this section is informed that the program or activity is voluntary.
   “(j) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out under this section may be not more than 100 percent.”.

SEC. 4004. HIGH-VISIBILITY ENFORCEMENT PROGRAM.

(a) IN GENERAL.—Section 404 of title 23, United States Code, is amended to read as follows:

“§ 404. High-visibility enforcement program

“(a) IN GENERAL.—The Secretary shall establish and administer a program under which not less than 3 campaigns will be carried out in each of fiscal years 2016 through 2020.
   “(b) PURPOSE.—The purpose of each campaign carried out under this section shall be to achieve outcomes related to not less than 1 of the following objectives:
   “(1) Reduce alcohol-impaired or drug-impaired operation of motor vehicles.
   “(2) Increase use of seatbelts by occupants of motor vehicles.
   “(c) ADVERTISING.—The Secretary may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising and Internet-based outreach in carrying out campaigns under this section. In allocating such funds, consideration shall be given to advertising directed at non-English speaking populations, including those who listen to, read, or watch nontraditional media.
“(d) Coordination With States.—The Secretary shall coordinate with States in carrying out the campaigns under this section, including advertising funded under subsection (c), with consideration given to—

“(1) relying on States to provide law enforcement resources for the campaigns out of funding made available under sections 402 and 405; and

“(2) providing, out of National Highway Traffic Safety Administration resources, most of the means necessary for national advertising and education efforts associated with the campaigns.

“(e) Use of Funds.—Funds made available to carry out this section may be used only for activities described in subsection (c).

“(f) Definitions.—In this section, the following definitions apply:

“(1) Campaign.—The term ‘campaign’ means a high-visibility traffic safety law enforcement campaign.

“(2) State.—The term ‘State’ has the meaning given that term in section 401.”.

(b) Clerical Amendment.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 404 and inserting the following:

“404. High-visibility enforcement program.”.


(a) General Authority.—Section 405(a) of title 23, United States Code, is amended to read as follows:

“(a) General Authority.—Subject to the requirements of this section, the Secretary shall manage programs to address national priorities for reducing highway deaths and injuries. Funds shall be allocated according to the following:

“(1) Occupant Protection.—In each fiscal year, 13 percent of the funds provided under this section shall be allocated among States that adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles (as described in subsection (b)).

“(2) State Traffic Safety Information System Improvements.—In each fiscal year, 14.5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to State traffic safety information system improvements (as described in subsection (c)).

“(3) Impaired Driving Countermeasures.—In each fiscal year, 52.5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to impaired driving countermeasures (as described in subsection (d)).

“(4) Distracted Driving.—In each fiscal year, 8.5 percent of the funds provided under this section shall be allocated among States that adopt and implement effective laws to reduce distracted driving (as described in subsection (e)).

“(5) Motorcyclist Safety.—In each fiscal year, 1.5 percent of the funds provided under this section shall be allocated among States that implement motorcyclist safety programs (as described in subsection (f)).
“(6) STATE GRADUATED DRIVER LICENSING LAWS.—In each fiscal year, 5 percent of the funds provided under this section shall be allocated among States that adopt and implement graduated driver licensing laws (as described in subsection (g)).

“(7) NONMOTORIZED SAFETY.—In each fiscal year, 5 percent of the funds provided under this section shall be allocated among States that meet requirements with respect to non-motorized safety (as described in subsection (h)).

“(8) TRANSFERS.—Notwithstanding paragraphs (1) through (7), the Secretary shall reallocate, before the last day of any fiscal year, any amounts remaining available to carry out any of the activities described in subsections (b) through (h) to increase the amount made available under section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.

“(9) MAINTENANCE OF EFFORT.—

“(A) CERTIFICATION.—As part of the grant application required in section 402(k)(3)(F), a State receiving a grant in any fiscal year under subsection (b), (c), or (d) of this section shall provide certification that the lead State agency responsible for programs described in any of those subsections is maintaining aggregate expenditures at or above the average level of such expenditures in the 2 fiscal years prior to the date of enactment of the FAST Act.

“(B) WAIVER.—Upon the request of a State, the Secretary may waive or modify the requirements under subparagraph (A) for not more than 1 fiscal year if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances.

“(10) POLITICAL SUBDIVISIONS.—A State may provide the funds awarded under this section to a political subdivision of the State or an Indian tribal government.”

(b) HIGH SEATBELT USE RATE.—Section 405(b)(4)(B) of title 23, United States Code, is amended by striking “75 percent” and inserting “100 percent”.

(c) IMPAIRED DRIVING COUNTERMEASURES.—Section 405(d) of title 23, United States Code, is amended—

(1) by striking paragraph (4) and inserting the following:

“(4) USE OF GRANT AMOUNTS.—

“(A) REQUIRED PROGRAMS.—High-range States shall use grant funds for—

“(i) high-visibility enforcement efforts; and

“(ii) any of the activities described in subparagraph (B) if—

“(I) the activity is described in the statewide plan; and

“(II) the Secretary approves the use of funding for such activity.

“(B) AUTHORIZED PROGRAMS.—Medium-range and low-range States may use grant funds for—

“(i) any of the purposes described in subparagraph (A); and

“(ii) hiring a full-time or part-time impaired driving coordinator of the State’s activities to address the enforcement and adjudication of laws regarding
driving while impaired by alcohol, drugs, or the combination of alcohol and drugs;

“(iii) court support of high-visibility enforcement efforts, training and education of criminal justice professionals (including law enforcement, prosecutors, judges, and probation officers) to assist such professionals in handling impaired driving cases, hiring traffic safety resource prosecutors, hiring judicial outreach liaisons, and establishing driving while intoxicated courts;

“(iv) alcohol ignition interlock programs;

“(v) improving blood-alcohol concentration testing and reporting;

“(vi) paid and earned media in support of high-visibility enforcement efforts, conducting standardized field sobriety training, advanced roadside impaired driving evaluation training, and drug recognition expert training for law enforcement, and equipment and related expenditures used in connection with impaired driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration;

“(vii) training on the use of alcohol and drug screening and brief intervention;

“(viii) training for and implementation of impaired driving assessment programs or other tools designed to increase the probability of identifying the recidivism risk of a person convicted of driving under the influence of alcohol, drugs, or a combination of alcohol and drugs and to determine the most effective mental health or substance abuse treatment or sanction that will reduce such risk;

“(ix) developing impaired driving information systems; and

“(x) costs associated with a 24-7 sobriety program.

“(C) OTHER PROGRAMS.—Low-range States may use grant funds for any expenditure designed to reduce impaired driving based on problem identification and may use not more than 50 percent of funds made available under this subsection for any project or activity eligible for funding under section 402. Medium-range and high-range States may use funds for any expenditure designed to reduce impaired driving based on problem identification upon approval by the Secretary.”;

(2) in paragraph (6)—

(A) by amending the paragraph heading to read as follows: “ADDITIONAL GRANTS.—”;

(B) in subparagraph (A) by amending the subparagraph heading to read as follows: “GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—”;

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(D) by inserting after subparagraph (A), the following: “(B) GRANTS TO STATES WITH 24-7 SOBRIETY PROGRAMS.—The Secretary shall make a separate grant under this subsection to each State that—
“(i) adopts and is enforcing a law that requires all individuals convicted of driving under the influence of alcohol or of driving while intoxicated to receive a restriction on driving privileges; and

“(ii) provides a 24-7 sobriety program.”;

(E) in subparagraph (C), as redesignated, by inserting “and subparagraph (B)” after “subparagraph (A)”;

(F) in subparagraph (D), as redesignated, by inserting “and subparagraph (B)” after “subparagraph (A)”;

(G) by amending subparagraph (E), as redesignated, to read as follows:

“(E) FUNDING.—

“(i) FUNDING FOR GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—Not more than 12 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (A).

“(ii) FUNDING FOR GRANTS TO STATES WITH 24-7 SOBRIETY PROGRAMS.—Not more than 3 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under subparagraph (B).”;

(H) by adding at the end the following:

“(F) EXCEPTIONS.—A State alcohol-ignition interlock law under subparagraph (A) may include exceptions for the following circumstances:

“(i) The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual.

“(ii) The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.

“(iii) A State-certified ignition interlock provider is not available within 100 miles of the individual’s residence.”;

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking “or a State agency” and inserting “or an agency with jurisdiction”; and

(II) by inserting “bond,” before “sentence”;

(ii) in clause (i) by striking “who plead guilty or” and inserting “who was arrested for, plead guilty to, or”;

and

(iii) in clause (ii)(I) by inserting “at a testing location” after “per day”; and

(B) in subparagraph (D) by striking the second period at the end.

(d) DISTRACTED DRIVING GRANTS.—Section 405(e) of title 23, United States Code, is amended to read as follows:

“(e) DISTRACTED DRIVING GRANTS.—

“(1) IN GENERAL.—The Secretary shall award a grant under this subsection to any State that includes distracted driving awareness as part of the State’s driver’s license examination,
and enacts and enforces a law that meets the requirements set forth in paragraphs (2) and (3).

“(2) Prohibition on texting while driving.—A State law meets the requirements set forth in this paragraph if the law—

“A) prohibits a driver from texting through a personal wireless communications device while driving;

“B) makes violation of the law a primary offense;

“C) establishes a minimum fine for a violation of the law; and

“D) does not provide for an exemption that specifically allows a driver to text through a personal wireless communications device while stopped in traffic.

“(3) Prohibition on youth cell phone use while driving or stopped in traffic.—A State law meets the requirements set forth in this paragraph if the law—

“A) prohibits a driver from using a personal wireless communications device while driving if the driver is—

“i) younger than 18 years of age; or

“ii) in the learner’s permit or intermediate license stage set forth in subsection (g)(2)(B);

“B) makes violation of the law a primary offense;

“C) establishes a minimum fine for a violation of the law; and

“D) does not provide for an exemption that specifically allows a driver to text through a personal wireless communications device while stopped in traffic.

“(4) Permitted exceptions.—A law that meets the requirements set forth in paragraph (2) or (3) may provide exceptions for—

“A) a driver who uses a personal wireless communications device to contact emergency services;

“B) emergency services personnel who use a personal wireless communications device while—

“i) operating an emergency services vehicle; and

“ii) engaged in the performance of their duties as emergency services personnel;

“C) an individual employed as a commercial motor vehicle driver or a school bus driver who uses a personal wireless communications device within the scope of such individual’s employment if such use is permitted under the regulations promulgated pursuant to section 31136 of title 49; and

“D) any additional exceptions determined by the Secretary through a rulemaking process.

“(5) Use of grant funds.—

“A) In general.—Except as provided in subparagraph (B), amounts received by a State under this subsection shall be used—

“i) to educate the public through advertising containing information about the dangers of texting or using a cell phone while driving;

“ii) for traffic signs that notify drivers about the distracted driving law of the State; or

“iii) for law enforcement costs related to the enforcement of the distracted driving law.

“B) Flexibility.—
(i) Not more than 50 percent of amounts received by a State under this subsection may be used for any eligible project or activity under section 402.

(ii) Not more than 75 percent of amounts received by a State under this subsection may be used for any eligible project or activity under section 402 if the State has conformed its distracted driving data to the most recent Model Minimum Uniform Crash Criteria published by the Secretary.

(6) ADDITIONAL DISTRACTED DRIVING GRANTS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), for each of fiscal years 2017 and 2018, the Secretary shall use up to 25 percent of the amounts available for grants under this subsection to award grants to any State that—

(i) in fiscal year 2017—

(I) certifies that it has enacted a basic text messaging statute that—

(aa) is applicable to drivers of all ages; and

(bb) makes violation of the basic text messaging statute a primary offense or secondary enforcement action as allowed by State statute; and

(II) is otherwise ineligible for a grant under this subsection; and

(ii) in fiscal year 2018—

(I) certifies that it has enacted a basic text messaging statute that—

(aa) is applicable to drivers of all ages; and

(bb) makes violation of the basic text messaging statute a primary offense;

(II) imposes fines for violations;

(III) has a statute that prohibits drivers who are younger than 18 years of age from using a personal wireless communications device while driving; and

(IV) is otherwise ineligible for a grant under this subsection.

(B) USE OF GRANT FUNDS.—

(i) IN GENERAL.—Notwithstanding paragraph (5) and subject to clauses (ii) and (iii) of this subparagraph, amounts received by a State under subparagraph (A) may be used for activities related to the enforcement of distracted driving laws, including for public information and awareness purposes.

(ii) FISCAL YEAR 2017.—In fiscal year 2017, up to 15 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.

(iii) FISCAL YEAR 2018.—In fiscal year 2018, up to 25 percent of the amounts received by a State under subparagraph (A) may be used for any eligible project or activity under section 402.
(7) ALLOCATION TO SUPPORT STATE DISTRACTED DRIVING LAWS.—Of the amounts available under this subsection in a fiscal year for distracted driving grants, the Secretary may expend not more than $5,000,000 for the development and placement of broadcast media to reduce distracted driving of motor vehicles.

(8) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009.

(9) DEFINITIONS.—In this subsection, the following definitions apply:

(A) DRIVING.—The term ‘driving’—

(i) means operating a motor vehicle on a public road; and

(ii) does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.

(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term ‘personal wireless communications device’—

(i) means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted; and

(ii) does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.

(C) PRIMARY OFFENSE.—The term ‘primary offense’ means an offense for which a law enforcement officer may stop a vehicle solely for the purpose of issuing a citation in the absence of evidence of another offense.

(D) PUBLIC ROAD.—The term ‘public road’ has the meaning given such term in section 402(c).

(E) TEXTING.—The term ‘texting’ means reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.”.

(e) MOTORCYCLIST SAFETY.—Section 405(f) of title 23, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

(2) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009, except that the amount of a grant awarded to a State for a fiscal year may not exceed 25 percent of the amount apportioned to the State under such section for fiscal year 2009.”;

(2) in paragraph (4) by adding at the end the following:

(C) FLEXIBILITY.—Not more than 50 percent of grant funds received by a State under this subsection may be used for any eligible project or activity under section 402 if the State is in the lowest 25 percent of all States for motorcycle deaths per 10,000 motorcycle registrations
based on the most recent data that conforms with criteria established by the Secretary.”; and
(3) by adding at the end the following:

“(6) SHARE-THE-ROAD MODEL LANGUAGE.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall update and provide to the States model language, for use in traffic safety education courses, driver’s manuals, and other driver training materials, that provides instruction for drivers of motor vehicles on the importance of sharing the road safely with motorcyclists.”.

(f) MINIMUM REQUIREMENTS FOR STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT PROGRAM.—Section 405(g) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking “21” and inserting “18”; and

(B) by amending subparagraph (B) to read as follows:

“(B) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this subparagraph if the State’s driver's license laws include—

“(i) a learner’s permit stage that—

“(I) is at least 6 months in duration;

“(II) contains a prohibition on the driver using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;

“(III) requires applicants to successfully pass a vision and knowledge assessment prior to receiving a learner’s permit;

“(IV) requires that the driver be accompanied and supervised at all times while the driver is operating a motor vehicle by a licensed driver who is at least 21 years of age or is a State-certified driving instructor;

“(V) has a requirement that the driver—

“(aa) complete a State-certified driver education or training course; or

“(bb) obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a licensed driver; and

“(VI) remains in effect until the driver—

“(aa) reaches 16 years of age and enters the intermediate stage; or

“(bb) reaches 18 years of age;

“(iii) an intermediate stage that—

“(I) commences immediately after the expiration of the learner’s permit stage and successful completion of a driving skills assessment;

“(II) is at least 6 months in duration;

“(III) prohibits the driver from using a personal wireless communications device (as defined in subsection (e)) while driving except under an exception permitted under paragraph (4) of that subsection, and makes a violation of the prohibition a primary offense;
“(IV) for the first 6 months of the intermediate stage, restricts driving at night between the hours of 10:00 p.m. and 5:00 a.m. when not supervised by a licensed driver 21 years of age or older, excluding transportation to work, school, religious activities, or emergencies;

“(V) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

“(VI) remains in effect until the driver reaches 17 years of age; and

“(iii) learner’s permit and intermediate stages that each require, in addition to any other penalties imposed by State law, that the granting of an unrestricted driver’s license be automatically delayed for any individual who, during the learner’s permit or intermediate stage, is convicted of a driving-related offense during the first 6 months, including—

“(I) driving while intoxicated;

“(II) misrepresentation of the individual’s age;

“(III) reckless driving;

“(IV) driving without wearing a seat belt;

“(V) speeding; or

“(VI) any other driving-related offense, as determined by the Secretary.”;

(2) by adding at the end the following:

“(6) SPECIAL RULE.—Notwithstanding paragraph (5), up to 100 percent of grant funds received by a State under this subsection may be used for any eligible project or activity under section 402, if the State is in the lowest 25 percent of all States for the number of drivers under age 18 involved in fatal crashes in the State per the total number of drivers under age 18 in the State based on the most recent data that conforms with criteria established by the Secretary.”.

(g) NONMOTORIZED SAFETY.—Section 405 of title 23, United States Code, is amended by adding at the end the following:

“(h) NONMOTORIZED SAFETY.—

“(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary shall award grants to States for the purpose of decreasing pedestrian and bicycle fatalities and injuries that result from crashes involving a motor vehicle.

“(2) FEDERAL SHARE.—The Federal share of the cost of a project carried out by a State using amounts from a grant awarded under this subsection may not exceed 80 percent.

“(3) ELIGIBILITY.—A State shall receive a grant under this subsection in a fiscal year if the annual combined pedestrian and bicycle fatalities in the State exceed 15 percent of the total annual crash fatalities in the State, based on the most recently reported final data from the Fatality Analysis Reporting System.

“(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection may be used for—

“(A) training of law enforcement officials on State laws applicable to pedestrian and bicycle safety;
“(B) enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to pedestrian and bicycle safety; and
“(C) public education and awareness programs designed to inform motorists, pedestrians, and bicyclists of State traffic laws applicable to pedestrian and bicycle safety.
“(5) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009.”.

SEC. 4006. TRACKING PROCESS.

Section 412 of title 23, United States Code, is amended by adding at the end the following:
“(f) TRACKING PROCESS.—The Secretary shall develop a process to identify and mitigate possible systemic issues across States and regional offices by reviewing oversight findings and recommended actions identified in triennial State management reviews.”.

SEC. 4007. STOP MOTORCYCLE CHECKPOINT FUNDING.

Notwithstanding section 153 of title 23, United States Code, the Secretary may not provide a grant or any funds to a State, county, town, township, Indian tribe, municipality, or other local government that may be used for any program—

(1) to check helmet usage; or
(2) to create checkpoints that specifically target motorcycle operators or motorcycle passengers.

SEC. 4008. MARIJUANA-IMPAIRED DRIVING.

(a) STUDY.—The Secretary, in consultation with the heads of other Federal agencies as appropriate, shall conduct a study on marijuana-impaired driving.
(b) ISSUES TO BE EXAMINED.—In conducting the study, the Secretary shall examine, at a minimum, the following:

(1) Methods to detect marijuana-impaired driving, including devices capable of measuring marijuana levels in motor vehicle operators.
(2) A review of impairment standard research for driving under the influence of marijuana.
(3) Methods to differentiate the cause of a driving impairment between alcohol and marijuana.
(4) State-based policies on marijuana-impaired driving.
(5) The role and extent of marijuana impairment in motor vehicle accidents.
(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with other Federal agencies as appropriate, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.
(2) CONTENTS.—The report shall include, at a minimum, the following:

(A) FINDINGS.—The findings of the Secretary based on the study, including, at a minimum, the following:
(i) An assessment of methodologies and technologies for measuring driver impairment resulting from the use of marijuana, including the use of marijuana in combination with alcohol.

(ii) A description and assessment of the role of marijuana as a causal factor in traffic crashes and the extent of the problem of marijuana-impaired driving.

(iii) A description and assessment of current State laws relating to marijuana-impaired driving.

(iv) A determination whether an impairment standard for drivers under the influence of marijuana is feasible and could reduce vehicle accidents and save lives.

(B) RECOMMENDATIONS.—The recommendations of the Secretary based on the study, including, at a minimum, the following:

(i) Effective and efficient methods for training law enforcement personnel, including drug recognition experts, to detect or measure the level of impairment of a motor vehicle operator who is under the influence of marijuana by the use of technology or otherwise.

(ii) If feasible, an impairment standard for driving under the influence of marijuana.

(iii) Methodologies for increased data collection regarding the prevalence and effects of marijuana-impaired driving.

(d) MARIJUANA DEFINED.—In this section, the term “marijuana” includes all substances containing tetrahydrocannabinol.

SEC. 4009. INCREASING PUBLIC AWARENESS OF THE DANGERS OF DRUG-IMPARED DRIVING.

(a) ADDITIONAL ACTIONS.—The Administrator of the National Highway Traffic Safety Administration, in consultation with the White House Office of National Drug Control Policy, the Secretary of Health and Human Services, State highway safety offices, and other interested parties, as determined by the Administrator, shall identify and carry out additional actions that should be undertaken by the Administration to assist States in their efforts to increase public awareness of the dangers of drug-impaired driving, including the dangers of driving while under the influence of heroin or prescription opioids.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the additional actions undertaken by the Administration pursuant to subsection (a).

SEC. 4010. NATIONAL PRIORITY SAFETY PROGRAM GRANT ELIGIBILITY.

Not later than 60 days after the date on which the Secretary awards grants under section 405 of title 23, United States Code, the Secretary shall make available on a publicly available Internet Web site of the Department of Transportation—

(1) an identification of—

(A) the States that were awarded grants under such section;
(B) the States that applied and were not awarded grants under such section; and
(C) the States that did not apply for a grant under such section; and
(2) a list of deficiencies that made a State ineligible for a grant under such section for each State under paragraph (1)(B).

SEC. 4011. DATA COLLECTION.

Section 1906 of SAFETEA-LU (23 U.S.C. 402 note) is amended—
(1) in subsection (a)(1)—
(A) by striking “(A) has enacted” and all that follows through “(B) is maintaining” and inserting “is maintaining”; and
(B) by striking “and any passengers”;
(2) by striking subsection (b) and inserting the following:
“(b) USE OF GRANT FUNDS.—A grant received by a State under subsection (a) shall be used by the State for the costs of—
“(1) collecting and maintaining data on traffic stops; and
“(2) evaluating the results of the data.”;
(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively;
(4) in subsection (c)(2), as so redesignated, by striking “A State” and inserting “On or after October 1, 2015, a State”;
and
(5) in subsection (d), as so redesignated—
(A) in the subsection heading by striking “AUTHORIZATION OF APPROPRIATIONS” and inserting “FUNDING”;
(B) by striking paragraph (1) and inserting the following:
“(1) IN GENERAL.—From funds made available under section 403 of title 23, United States Code, the Secretary shall set aside $7,500,000 for each of fiscal years 2017 through 2020 to carry out this section.”;
(C) in paragraph (2)—
(i) by striking “authorized by” and inserting “made available under”; and
(ii) by striking “percent,” and all that follows through the period at the end and inserting “percent.”;
and
(D) by adding at the end the following:
“(3) OTHER USES.—The Secretary may reallocate, before the last day of any fiscal year, amounts remaining available under paragraph (1) to increase the amounts made available to carry out any of other activities authorized under section 403 of title 23, United States Code, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.”.

SEC. 4012. STUDY ON THE NATIONAL ROADSIDE SURVEY OF ALCOHOL AND DRUG USE BY DRIVERS.

Not later than 180 days after the date on which the Comptroller General of the United States reviews and reports on the overall value of the National Roadside Survey to researchers and other public safety stakeholders, the differences between a National Roadside Survey site and typical law enforcement checkpoints, and the
effectiveness of the National Roadside Survey methodology at protecting the privacy of the driving public, as requested by the Committee on Appropriations of the Senate on June 5, 2014 (Senate Report 113–182), the Secretary shall report to Congress on the National Highway Traffic Safety Administration’s progress toward reviewing that report and implementing any recommendations made in that report.

SEC. 4013. BARRIERS TO DATA COLLECTION REPORT.

Not later than 180 days after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) identifies any legal and technical barriers to capturing adequate data on the prevalence of the use of wireless communications devices while driving; and

(2) provides recommendations on how to address such barriers.

SEC. 4014. TECHNICAL CORRECTIONS.

Title 23, United States Code, is amended as follows:

(1) Section 402 is amended—

(A) in subsection (b)(1)—

(i) in subparagraph (C) by striking “paragraph (3)” and inserting “paragraph (2)”;

(ii) in subparagraph (E)—

(I) by striking “in which” and inserting “for which”;

(II) by striking “under subsection (f)” and inserting “under subsection (k)”;

(B) in subsection (k)(5), as redesignated by this Act, by striking “under paragraph (2)(A)” and inserting “under paragraph (3)(A)”.

(2) Section 403(e) is amended by striking “chapter 301” and inserting “chapter 301 of title 49”.

(3) Section 405 is amended—

(A) in subsection (d)—

(i) in paragraph (5) by striking “under section 402(c)” and inserting “under section 402”; and

(ii) in paragraph (6)(D), as redesignated by this Act, by striking “on the basis of the apportionment formula set forth in section 402(c)” and inserting “in proportion to the State’s apportionment under section 402 for fiscal year 2009”; and

(B) in subsection (f)(4)(A)(iv)—

(i) by striking “such as the” and inserting “including”; and

(ii) by striking “developed under subsection (g)”.

SEC. 4015. EFFECTIVE DATE FOR CERTAIN PROGRAMS.

Notwithstanding any other provision of this Act, except for the technical corrections in section 4014, the amendments made by this Act to sections 164, 402, and 405 of title 23, United States Code, shall be effective on October 1, 2016.
TITLE V—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grant Consolidation

SEC. 5101. GRANTS TO STATES.

(a) Motor Carrier Safety Assistance Program.—Section 31102 of title 49, United States Code, is amended to read as follows:

“§ 31102. Motor carrier safety assistance program

“(a) In General.—The Secretary of Transportation shall administer a motor carrier safety assistance program funded under section 31104.

“(b) Goal.—The goal of the program is to ensure that the Secretary, States, local governments, other political jurisdictions, federally recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by—

“(1) making targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;

“(2) investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and in fatalities resulting from such crashes;

“(3) adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

“(4) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

“(c) State Plans.—

“(1) In General.—In carrying out the program, the Secretary shall prescribe procedures for a State to submit a multiple-year plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety by adopting and enforcing State regulations, standards, and orders that are compatible with the regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.

“(2) Contents.—The Secretary shall approve a State plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan—

“(A) implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

“(B) designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;

“(C) contains satisfactory assurances that the lead State commercial motor vehicle safety agency has or will
have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

“(D) contains satisfactory assurances that the State will devote adequate resources to the administration of the plan and enforcement of the regulations, standards, and orders;

“(E) provides a right of entry (or other method a State may use that the Secretary determines is adequate to obtain necessary information) and inspection to carry out the plan;

“(F) provides that all reports required under this section be available to the Secretary on request;

“(G) provides that the lead State commercial motor vehicle safety agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations that the Secretary prescribes;

“(H) requires all registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards, and orders of the Federal Government and the State;

“(I) provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standards through the use of a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles;

“(J) ensures that activities described in subsection (h), if financed through grants to the State made under this section, will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, commercial motor vehicle, and driver safety as described in subsection (b);

“(K) ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, data collection, and information systems with the State highway safety improvement program required under section 148(c) of title 23;

“(L) ensures participation in appropriate Federal Motor Carrier Safety Administration information technology and data systems and other information systems by all appropriate jurisdictions receiving motor carrier safety assistance program funding;

“(M) ensures that information is exchanged among the States in a timely manner;

“(N) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

“(O) provides satisfactory assurances that the State will address national priorities and performance goals, including—

“(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;
(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

(iii) when conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appropriate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) and listed in part 1308 of title 21, Code of Federal Regulations, as updated and republished from time to time) by any occupant of a commercial motor vehicle;

(P) provides that the State has established and dedicated sufficient resources to a program to ensure that—

(i) the State collects and reports to the Secretary accurate, complete, and timely motor carrier safety data; and

(ii) the State participates in a national motor carrier safety data correction system prescribed by the Secretary;

(Q) ensures that the State will cooperate in the enforcement of financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued under those sections;

(R) ensures consistent, effective, and reasonable sanctions;

(S) ensures that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel;

(T) provides that the State will include in the training manuals for the licensing examination to drive noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

(U) provides that the State will enforce the registration requirements of sections 13902 and 31134 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under those sections or to be operated beyond the scope of the motor carrier’s registration;

(V) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

(W) except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding a weigh station);

(X) ensures that the State will transmit to its roadside inspectors notice of each Federal exemption granted under section 31315(b) of this title and sections 390.23 and 390.25
of title 49, Code of Federal Regulations, and provided to the State by the Secretary, including the name of the person that received the exemption and any terms and conditions that apply to the exemption;

"(Y) except as provided in subsection (d), provides that the State—

"(i) will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under section 31144(g); and

"(ii) if the State authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the State verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;

"(Z) provides that the State agrees to fully participate in the performance and registration information systems management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section, or demonstrates to the Secretary an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety;

"(AA) in the case of a State that shares a land border with another country, provides that the State—

"(i) will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or

"(ii) will forfeit all funds calculated by the Secretary based on border-related activities if the State declines to conduct the program described in clause (i) in its plan; and

"(BB) in the case of a State that meets the other requirements of this section and agrees to comply with the requirements established in subsection (l)(3), provides that the State may fund operation and maintenance costs associated with innovative technology deployment under subsection (l)(3) with motor carrier safety assistance program funds authorized under section 31104(a)(1).

"(3) PUBLICATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall publish each approved State multiple-year plan, and each annual update thereto, on a publically accessible Internet Web site of the Department of Transportation not later than 30 days after the date the Secretary approves the plan or update.

"(B) LIMITATION.—Before publishing an approved State multiple-year plan or annual update under subparagraph (A), the Secretary shall redact any information identified by the State that, if disclosed—

"(i) would reasonably be expected to interfere with enforcement proceedings; or

"(ii) would reveal enforcement techniques or procedures that would reasonably be expected to risk circumvention of the law.

"(d) EXCLUSION OF U.S. TERRITORIES.—The requirement that a State conduct safety audits of new entrant motor carriers under
subsection (c)(2)(Y) does not apply to a territory of the United States unless required by the Secretary.

(e) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws, including regulations, with Federal motor carrier safety regulations to be enforced under subsections (b) and (c). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

(f) MAINTENANCE OF EFFORT.—

“(1) BASELINE.—Except as provided under paragraphs (2) and (3) and in accordance with section 5107 of the FAST Act, a State plan under subsection (c) shall provide that the total expenditure of amounts of the lead State commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year that is at least equal to—

“(A) the average level of that expenditure for fiscal years 2004 and 2005; or

“(B) the level of that expenditure for the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act.

“(2) ADJUSTED BASELINE AFTER FISCAL YEAR 2017.—At the request of a State, the Secretary may evaluate additional documentation related to the maintenance of effort and may make reasonable adjustments to the maintenance of effort baseline after the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act, and this adjusted baseline will replace the maintenance of effort requirement under paragraph (1).

“(3) WAIVERS.—At the request of a State, the Secretary may waive or modify the requirements of this subsection for a total of 1 fiscal year if the Secretary determines that the waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

“(4) LEVEL OF STATE EXPENDITURES.—In estimating the average level of a State's expenditures under paragraph (1), the Secretary—

“(A) may allow the State to exclude State expenditures for federally sponsored demonstration and pilot programs and strike forces;

“(B) may allow the State to exclude expenditures for activities related to border enforcement and new entrant safety audits; and

“(C) shall require the State to exclude State matching amounts used to receive Federal financing under section 31104.

“(g) USE OF UNIFIED CARRIER REGISTRATION FEES AGREEMENT.—Amounts generated under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State’s match required under section 31104 or maintenance of effort required by subsection (f).

“(h) USE OF GRANTS TO ENFORCE OTHER LAWS.—When approved as part of a State’s plan under subsection (c), the State
may use motor carrier safety assistance program funds received under this section—

“(1) if the activities are carried out in conjunction with an appropriate inspection of a commercial motor vehicle to enforce Federal or State commercial motor vehicle safety regulations, for—

“(A) enforcement of commercial motor vehicle size and weight limitations at locations, excluding fixed-weight facilities, such as near steep grades or mountainous terrains, where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

“(B) detection of and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a commercial motor vehicle or by any occupant, including the operator, of the commercial motor vehicle; and

“(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles, if—

“(A) the number of motor carrier safety activities, including roadside safety inspections, conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2004 and 2005; and

“(B) the State does not use more than 10 percent of the basic amount the State receives under a grant awarded under section 31104(a)(1) for enforcement activities relating to noncommercial motor vehicles necessary to promote the safe operation of commercial motor vehicles unless the Secretary determines that a higher percentage will result in significant increases in commercial motor vehicle safety.

“(i) EVALUATION OF PLANS AND AWARD OF GRANTS.—

“(1) AWARDS.—The Secretary shall establish criteria for the application, evaluation, and approval of State plans under this section. Subject to subsection (j), the Secretary may allocate the amounts made available under section 31104(a)(1) among the States.

“(2) OPPORTUNITY TO CURE.—If the Secretary disapproves a plan under this section, the Secretary shall give the State a written explanation of the reasons for disapproval and allow the State to modify and resubmit the plan for approval.

“(j) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The Secretary, by regulation, shall prescribe allocation criteria for funds made available under section 31104(a)(1).

“(2) ANNUAL ALLOCATIONS.—On October 1 of each fiscal year, or as soon as practicable thereafter, and after making a deduction under section 31104(c), the Secretary shall allocate amounts made available under section 31104(a)(1) to carry out this section for the fiscal year among the States with
plans approved under this section in accordance with the criteria prescribed under paragraph (1).

"(3) ELECTIVE ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary to calculate the annual allocation amounts, after the creation of a new allocation formula under section 5106 of the FAST Act, the Secretary may not make elective adjustments to the allocation formula that decrease a State's Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit shall not apply to the withholding provisions of subsection (k).

“(k) PLAN MONITORING.—

“(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for administering a State plan approved under this section and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

“(2) WITHHOLDING OF FUNDS.—

“(A) DISAPPROVAL.—If, after notice and an opportunity to be heard, the Secretary finds that a State plan previously approved under this section is not being followed or has become inadequate to ensure enforcement of State regulations, standards, or orders described in subsection (c)(1), or the State is otherwise not in compliance with the requirements of this section, the Secretary may withdraw approval of the State plan and notify the State. Upon the receipt of such notice, the State plan shall no longer be in effect and the Secretary shall withhold all funding to the State under this section.

“(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withdrawing approval of a State plan under subparagraph (A), the Secretary may, after providing notice to the State and an opportunity to be heard, withhold funding from the State to which the State would otherwise be entitled under this section for the period of the State's noncompliance. In exercising this option, the Secretary may withhold—

“(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;

“(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;

“(iii) up to 25 percent of funds for the second full fiscal year of noncompliance; and

“(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

“(3) JUDICIAL REVIEW.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval of a State plan under paragraph (2)(A) or the withholding of funds under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related directly to the reasons for the disapproval or withholding.

“(l) HIGH PRIORITY PROGRAM.—
“(1) IN GENERAL.—The Secretary shall administer a high priority program funded under section 31104(a)(2) for the purposes described in paragraphs (2) and (3).

“(2) ACTIVITIES RELATED TO MOTOR CARRIER SAFETY.—The Secretary may make discretionary grants to and enter into cooperative agreements with States, local governments, federally recognized Indian tribes, other political jurisdictions as necessary, and any person to carry out high priority activities and projects that augment motor carrier safety activities and projects planned in accordance with subsections (b) and (c), including activities and projects that—

“(A) increase public awareness and education on commercial motor vehicle safety;

“(B) target unsafe driving of commercial motor vehicles and noncommercial motor vehicles in areas identified as high risk crash corridors;

“(C) improve the safe and secure movement of hazardous materials;

“(D) improve safe transportation of goods and persons in foreign commerce;

“(E) demonstrate new technologies to improve commercial motor vehicle safety;

“(F) support participation in performance and registration information systems management under section 31106(b)—

“(i) for entities not responsible for submitting the plan under subsection (c); or

“(ii) for entities responsible for submitting the plan under subsection (c)—

“(I) before October 1, 2020, to achieve compliance with the requirements of participation; and

“(II) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation;

“(G) conduct safety data improvement projects—

“(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or

“(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and

“(H) otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

“(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

“(B) PURPOSES.—The purposes of the program shall be—

“(i) to advance the technological capability and promote the deployment of intelligent transportation
system applications for commercial motor vehicle operations, including commercial motor vehicle, commercial driver, and carrier-specific information systems and networks; and

“(ii) to support and maintain commercial motor vehicle information systems and networks—

“(I) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;

“(II) to improve the safety and productivity of commercial motor vehicles and drivers; and

“(III) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial motor vehicle regulatory requirements.

“(C) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall—

“(i) have a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of commercial motor vehicle information systems and networks capabilities;

“(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

“(I) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

“(II) promote interoperability and efficiency to the extent practicable; and

“(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial motor vehicle information systems and networks.

“(D) USE OF FUNDS.—Grant funds received under this paragraph may be used—

“(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

“(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

“(iii) for the operation and maintenance costs associated with innovative technology.

“(E) SECRETARY AUTHORIZATION.—The Secretary is authorized to award a State funding for the operation
and maintenance costs associated with innovative technology deployment with funds made available under sections 31104(a)(1) and 31104(a)(2).”.

(b) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—Section 31103 of title 49, United States Code, is amended to read as follows:

“§ 31103. Commercial motor vehicle operators grant program

“(a) IN GENERAL.—The Secretary shall administer a commercial motor vehicle operators grant program funded under section 31104.

“(b) PURPOSE.—The purpose of the grant program is to train individuals in the safe operation of commercial motor vehicles (as defined in section 31301).

“(c) VETERANS.—In administering grants under this section, the Secretary shall award priority to grant applications for programs to train former members of the armed forces (as defined in section 101 of title 10) in the safe operation of such vehicles.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 31104 of title 49, United States Code, as amended by this Act, is further amended on the effective date set forth in subsection (f) to read as follows:

“§ 31104. Authorization of appropriations

“(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

“(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) and subsection (c), to carry out section 31102 (except subsection (l))—

“(A) $292,600,000 for fiscal year 2017;
“(B) $298,900,000 for fiscal year 2018;
“(C) $304,300,000 for fiscal year 2019; and
“(D) $308,700,000 for fiscal year 2020.

“(2) HIGH PRIORITY ACTIVITIES PROGRAM.—Subject to subsection (c), to carry out section 31102(l)—

“(A) $42,200,000 for fiscal year 2017;
“(B) $43,100,000 for fiscal year 2018;
“(C) $44,000,000 for fiscal year 2019; and
“(D) $44,900,000 for fiscal year 2020.

“(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

“(A) $1,000,000 for fiscal year 2017;
“(B) $1,000,000 for fiscal year 2018;
“(C) $1,000,000 for fiscal year 2019; and
“(D) $1,000,000 for fiscal year 2020.

“(4) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION PROGRAM.—Subject to subsection (c), to carry out section 31313—

“(A) $31,200,000 for fiscal year 2017;
“(B) $31,800,000 for fiscal year 2018;
“(C) $32,500,000 for fiscal year 2019; and
“(D) $33,200,000 for fiscal year 2020.

“(b) REIMBURSEMENT AND PAYMENT TO RECIPIENTS FOR GOVERNMENT SHARE OF COSTS.—

“(1) IN GENERAL.—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government’s share of the costs incurred.
“(2) Reimbursement Amounts.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under such sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient’s in-kind contributions in determining the reimbursement.

“(3) Vouchers.—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under sections 31102, 31103, and 31313.

“(c) Deductions for Partner Training and Program Support.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for partner training and program support in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Federal Government employees and to develop related training materials in carrying out such programs.

“(d) Grants and Cooperative Agreements as Contractual Obligations.—The approval of a financial assistance agreement by the Secretary under section 31102, 31103, or 31313 is a contractual obligation of the Federal Government for payment of the Federal Government’s share of costs in carrying out the provisions of the grant or cooperative agreement.

“(e) Eligible Activities.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

“(f) Period of Availability of Financial Assistance Agreement Funds for Recipient Expenditures.—The period of availability for a recipient to expend funds under a grant or cooperative agreement authorized under subsection (a) is as follows:

“(1) For grants made for carrying out section 31102, other than section 31102(l), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

“(2) For grants made or cooperative agreements entered into for carrying out section 31102(l)(2), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 2 fiscal years.

“(3) For grants made for carrying out section 31102(l)(3), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

“(4) For grants made for carrying out section 31103, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

“(5) For grants made or cooperative agreements entered into for carrying out section 31313, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.
“(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—
Amounts authorized from the Highway Trust Fund (other than
the Mass Transit Account) by this section shall be available for
obligation on the date of their apportionment or allocation or on
October 1 of the fiscal year for which they are authorized, whichever
occurs first.
“(h) AVAILABILITY OF FUNDING.—Amounts made available under
this section shall remain available until expended.
“(i) REALLOCATION.—Amounts not expended by a recipient
during the period of availability shall be released back to the
Secretary for reallocation for any purpose under section 31102,
31103, or 31313 or this section to ensure, to the maximum extent
possible, that all such amounts are obligated.”.

(d) CLERICAL AMENDMENT.—The analysis for chapter 311 of
title 49, United States Code, is amended by striking the items
relating to sections 31102, 31103, and 31104 and inserting the
following:

“31102. Motor carrier safety assistance program.

“31103. Commercial motor vehicle operators grant program.

“31104. Authorization of appropriations.”.

(e) CONFORMING AMENDMENTS.—

(1) SAFETY FITNESS OF OWNERS AND OPERATOR; SAFETY
REVIEWS OF NEW OPERATORS.—Section 31144(g) of title 49,
United States Code, is amended by striking paragraph (5).

(2) INFORMATION SYSTEMS; PERFORMANCE AND REGISTRATION
INFORMATION PROGRAM.—Section 31106(b) of title 49,
United States Code, is amended by striking paragraph (4).

(3) BORDER ENFORCEMENT GRANTS.—Section 31107 of title
49, United States Code, and the item relating to that section
in the analysis for chapter 311 of that title, are repealed.

(4) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM
MANAGEMENT.—Section 31109 of title 49, United States Code,
and the item relating to that section in the analysis for chapter
311 of that title, are repealed.

(5) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NET-
WORKS DEPLOYMENT.—Section 4126 of SAFETEA–LU (49 U.S.C.
31106 note), and the item relating to that section in the table
of contents contained in section 1(b) of that Act, are repealed.

(6) SAFETY DATA IMPROVEMENT PROGRAM.—Section 4128
of SAFETEA–LU (49 U.S.C. 31100 note), and the item relating
to that section in the table of contents contained in section
1(b) of that Act, are repealed.

(7) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE
OPERATORS.—Section 4134 of SAFETEA–LU (49 U.S.C. 31301
note), and the item relating to that section in the table of
contents contained in section 1(b) of that Act, are repealed.

(8) MAINTENANCE OF EFFORT AS CONDITION ON GRANTS TO
STATES.—Section 103(c) of the Motor Carrier Safety Improve-
ment Act of 1999 (49 U.S.C. 31102 note) is repealed.

(9) STATE COMPLIANCE WITH CDL REQUIREMENTS.—Section
103(c) of the Motor Carrier Safety Improvement Act of 1999
(49 U.S.C. 31102 note) is repealed.

(10) BORDER STAFFING STANDARDS.—Section 218(d) of the
Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133
note) is amended—

49 USC prec. 31100.
(A) in paragraph (1) by striking “section 31104(f)(2)(B) of title 49, United States Code” and inserting “section 31104(a)(1) of title 49, United States Code”; and
(B) by striking paragraph (3).

(11) WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM.—Section 346 of the National Highway System Designation Act of 1995 (49 U.S.C. 31166 note), and the item relating to that section in the table of contents in section 1(b) of that Act, are repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2016.

(g) TRANSITION.—Notwithstanding the amendments made by this section, the Secretary shall carry out sections 31102, 31103, and 31104 of title 49, United States Code, and any sections repealed under subsection (e), as necessary, as those sections were in effect on the day before October 1, 2016, with respect to applications for grants, cooperative agreements, or contracts under those sections submitted before October 1, 2016.

SEC. 5102. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.

Section 31106(b) of title 49, United States Code, is amended in the subsection heading by striking “PROGRAM” and inserting “SYSTEMS MANAGEMENT”.

SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is amended by adding at the end the following:

“§ 31110. Authorization of appropriations

“(a) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

“(1) $267,400,000 for fiscal year 2016;
“(2) $277,200,000 for fiscal year 2017;
“(3) $283,000,000 for fiscal year 2018;
“(4) $284,000,000 for fiscal year 2019; and
“(5) $288,000,000 for fiscal year 2020.

“(b) USE OF FUNDS.—The funds authorized by this section shall be used for—

“(1) personnel costs;
“(2) administrative infrastructure;
“(3) rent;
“(4) information technology;
“(5) programs for research and technology, information management, regulatory development, and the administration of performance and registration information systems management under section 31106(b);
“(6) programs for outreach and education under subsection (c);
“(7) other operating expenses;
“(8) conducting safety reviews of new operators; and
“(9) such other expenses as may from time to time become necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.
“(c) Outreach and Education Program.—

“(1) In general.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, and other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration.

“(2) Federal share.—The Federal share of an outreach and education project for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the project.

“(3) Funding.—From amounts made available under subsection (a), the Secretary shall make available not more than $4,000,000 each fiscal year to carry out this subsection.

“(d) Contract Authority; Initial Date of Availability.—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

“(e) Funding Availability.—Amounts made available under this section shall remain available until expended.

“(f) Contractual Obligation.—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government’s share of costs.”

(b) Clerical Amendment.—The analysis for chapter 311 of title 49, United States Code, is amended by adding at the end of the items relating to subchapter I the following:

“31110. Authorization of appropriations.”.

(c) Conforming Amendments.—

(1) Administrative Expenses; Authorization of Appropriations.—Section 31104 of title 49, United States Code, is amended—

(A) by striking subsection (i); and

(B) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(2) Use of Amounts Made Available Under Subsection (i).—Section 4116(d) of SAFETEA–LU (49 U.S.C. 31104 note) is amended by striking “section 31104(i)” and inserting “section 31110”.

(3) International Cooperation.—Section 31161 of title 49, United States Code, is amended by striking “section 31104(i)” and inserting “section 31110”.

(4) SAFETEA–LU; Outreach and Education.—Section 4127 of SAFETEA–LU (119 Stat. 1741; Public Law 109–59), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

SEC. 5104. COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION.

(a) In General.—Section 31313 of title 49, United States Code, is amended to read as follows:

“§ 31313. Commercial driver’s license program implementation financial assistance program

“(a) Financial Assistance Program.—
“(1) IN GENERAL.—The Secretary of Transportation shall administer a financial assistance program for commercial driver's license program implementation for the purposes described in paragraphs (2) and (3).

“(2) STATE COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION GRANTS.—In carrying out the program, the Secretary may make a grant to a State agency in a fiscal year—

“(A) to assist the State in complying with the requirements of section 31311; and

“(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311, to improve the State's implementation of its commercial driver's license program, including expenses—

“(i) for computer hardware and software;

“(ii) for publications, testing, personnel, training, and quality control;

“(iii) for commercial driver's license program coordinators; and

“(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

“(3) PRIORITY ACTIVITIES.—The Secretary may make a grant to or enter into a cooperative agreement with a State agency, local government, or any person in a fiscal year for research, development and testing, demonstration projects, public education, and other special activities and projects relating to commercial drivers licensing and motor vehicle safety that—

“(A) benefit all jurisdictions of the United States;

“(B) address national safety concerns and circumstances;

“(C) address emerging issues relating to commercial driver's license improvements;

“(D) support innovative ideas and solutions to commercial driver's license program issues; or

“(E) address other commercial driver's license issues, as determined by the Secretary.

“(b) PROHIBITIONS.—A recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings.

“(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

“(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a recipient described in subsection (a)(3) according to criteria prescribed by the Secretary.

“(e) FUNDING.—For fiscal years beginning after September 30, 2016, this section shall be funded under section 31104.”.
(b) Clerical Amendment.—The analysis for chapter 313 of title 49, United States Code, is amended by striking the item relating to section 31313 and inserting the following:

“31313. Commercial driver’s license program implementation financial assistance program.”.

SEC. 5105. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY PROGRAMS FOR FISCAL YEAR 2016.

(a) Motor Carrier Safety Assistance Program Grant Extension.—Section 31104(a) of title 49, United States Code, is amended by striking paragraphs (10) and (11) and inserting the following:

“(10) $218,000,000 for fiscal year 2015; and

“(11) $218,000,000 for fiscal year 2016.”.

(b) Extension of Grant Programs.—Section 4101(c) of SAFETEA–LU (119 Stat. 1715; Public Law 109–59) is amended to read as follows:

“(c) Authorization of Appropriations.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

“(1) Commercial Driver’s License Program Improvement Grants.—For carrying out the commercial driver’s license program improvement grants program under section 31313 of title 49, United States Code, $30,000,000 for fiscal year 2016.

“(2) Border Enforcement Grants.—For border enforcement grants under section 31107 of title 49, United States Code, $32,000,000 for fiscal year 2016.

“(3) Performance and Registration Information Systems Management Grant Program.—For the performance and registration information systems management grant program under section 31109 of title 49, United States Code, $5,000,000 for fiscal year 2016.

“(4) Commercial Vehicle Information Systems and Networks Deployment.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act $25,000,000 for fiscal year 2016.

“(5) Safety Data Improvement Grants.—For safety data improvement grants under section 4128 of this Act $3,000,000 for fiscal year 2016.”.

(c) High-Priority Activities.—Section 31104(j)(2) of title 49, United States Code, as redesignated by this subtitle, is amended by striking “2015” the first place it appears and all that follows through “for States,” and inserting “2016 for States,”.

(d) New Entrant Audits.—Section 31144(g)(5)(B) of title 49, United States Code, is amended to read as follows:

“(B) Set aside.—The Secretary shall set aside from amounts made available under section 31104(a) up to $32,000,000 for fiscal year 2016 for audits of new entrant motor carriers conducted under this paragraph.”.

(e) Grant Program for Commercial Motor Vehicle Operators.—Section 4134 (c) of SAFETEA–LU (49 U.S.C. 31301 note) is amended to read as follows:

“(d) Funding.—From amounts made available under section 31110 of title 49, United States Code, the Secretary shall make available, $1,000,000 for fiscal year 2016 to carry out this section.”.

(f) Commercial Vehicle Information Systems and Networks Deployment.—
(1) IN GENERAL.—Section 4126 of SAFETEA–LU (49 U.S.C. 31106 note; 119 Stat. 1738; Public Law 109–59) is amended—
(A) in subsection (c)—
(i) in paragraph (2) by adding at the end the following: “Funds deobligated by the Secretary from previous year grants shall not be counted toward the $2,500,000 maximum aggregate amount for core deployment.”; and
(ii) in paragraph (3) by adding at the end the following: “Funds may also be used for planning activities, including the development or updating of program or top level design plans.”; and
(B) in subsection (d)(4) by adding at the end the following: “Funds may also be used for planning activities, including the development or updating of program or top level design plans.”.

(2) INNOVATIVE TECHNOLOGY DEPLOYMENT PROGRAM.—For fiscal year 2016, the commercial vehicle information systems and networks deployment program under section 4126 of SAFETEA–LU (119 Stat. 1738; Public Law 109–59) may also be referred to as the innovative technology deployment program.

SEC. 5106. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM ALLOCATION.

(a) WORKING GROUP.—
(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a motor carrier safety assistance program formula working group (in this section referred to as the “working group”).
(2) MEMBERSHIP.—
(A) IN GENERAL.—Subject to subparagraph (B), the working group shall consist of representatives of the following:
(i) The Federal Motor Carrier Safety Administration.
(ii) The lead State commercial motor vehicle safety agencies responsible for administering the plan required by section 31102 of title 49, United States Code.
(iii) An organization representing State agencies responsible for enforcing a program for inspection of commercial motor vehicles.
(iv) Such other persons as the Secretary considers necessary.
(B) COMPOSITION.—Representatives of State commercial motor vehicle safety agencies shall comprise at least 51 percent of the membership.
(3) NEW ALLOCATION FORMULA.—The working group shall analyze requirements and factors for the establishment of a new allocation formula for the motor carrier safety assistance program under section 31102 of title 49, United States Code.
(4) RECOMMENDATION.—Not later than 1 year after the date the working group is established under paragraph (1), the working group shall make a recommendation to the Secretary regarding a new allocation formula for the motor carrier safety assistance program.
(5) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

(6) PUBLICATION.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a publicly accessible Internet Web site of the Federal Motor Carrier Safety Administration—

(A) detailed summaries of the meetings of the working group; and

(B) the final recommendation of the working group provided to the Secretary.

(b) NOTICE OF PROPOSED RULEMAKING.—After receiving the recommendation of the working group under subsection (a)(4), the Secretary shall publish in the Federal Register a notice seeking public comment on the establishment of a new allocation formula for the motor carrier safety assistance program.

(c) BASIS FOR FORMULA.—The Secretary shall ensure that the new allocation formula for the motor carrier safety assistance program is based on factors that reflect, at a minimum—

(1) the relative needs of the States to comply with section 31102 of title 49, United States Code;

(2) the relative administrative capacities of and challenges faced by States in complying with that section;

(3) the average of each State’s new entrant motor carrier inventory for the 3-year period prior to the date of enactment of this Act;

(4) the number of international border inspection facilities and border crossings by commercial vehicles in each State; and

(5) any other factors the Secretary considers appropriate.

(d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF NEW ALLOCATION FORMULA.—

(1) INTERIM FORMULA.—Prior to the development of the new allocation formula for the motor carrier safety assistance program, the Secretary may calculate the interim funding amounts for that program in fiscal year 2017 (and later fiscal years, as necessary) under section 31104(a)(1) of title 49, United States Code, as amended by this subtitle, by using the following methodology:

(A) The Secretary shall calculate the funding amount to a State using the allocation formula the Secretary used to award motor carrier safety assistance program funding in fiscal year 2016 under section 31102 of title 49, United States Code.

(B) The Secretary shall average the funding awarded or other equitable amounts to a State in fiscal years 2013, 2014, and 2015 for—

(i) border enforcement grants under section 31107 of title 49, United States Code; and

(ii) new entrant audit grants under section 31144(g)(5) of that title.

(C) The Secretary shall add the amounts calculated in subparagraphs (A) and (B).

(2) ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary, the initial amounts resulting from the calculation described in paragraph (1) shall be adjusted to ensure
that, for each State, the amount shall not be less than 97 percent of the average amount of funding received or other equitable amounts in fiscal years 2013, 2014, and 2015 for—

(A) motor carrier safety assistance program funds awarded to the State under section 31102 of title 49, United States Code;

(B) border enforcement grants awarded to the State under section 31107 of title 49, United States Code; and

(C) new entrant audit grants awarded to the State under section 31144(g)(5) of title 49, United States Code.

(3) IMMEDIATE RELIEF.—On the date of enactment of this Act, and for the 3 fiscal years following the implementation of the new allocation formula, the Secretary shall terminate the withholding of motor carrier safety assistance program funds from a State if the State was subject to the withholding of such funds for matters of noncompliance immediately prior to the date of enactment of this Act.

(4) FUTURE WITHHOLDINGS.—Beginning on the date that the new allocation formula for the motor carrier safety assistance program is implemented, the Secretary shall impose all future withholdings in accordance with section 31102(k) of title 49, United States Code, as amended by this subtitle.

(e) TERMINATION OF WORKING GROUP.—The working group established under subsection (a) shall terminate on the date of the implementation of the new allocation formula for the motor carrier safety assistance program.

SEC. 5107. MAINTENANCE OF EFFORT CALCULATION.

(a) BEFORE NEW ALLOCATION FORMULA.—

(1) FISCAL YEAR 2017.—If a new allocation formula for the motor carrier safety assistance program has not been established under this subtitle for fiscal year 2017, the Secretary shall calculate for fiscal year 2017 the maintenance of effort baseline required under section 31102(f) of title 49, United States Code, as amended by this subtitle, by averaging the expenditures for fiscal years 2004 and 2005 required by section 31102(b)(4) of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

(2) SUBSEQUENT FISCAL YEARS.—The Secretary may use the methodology for calculating the maintenance of effort baseline specified in paragraph (1) for fiscal year 2018 and subsequent fiscal years if a new allocation formula for the motor carrier safety assistance program has not been established for that fiscal year.

(b) BEGINNING WITH NEW ALLOCATION FORMATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3)(B), beginning on the date that a new allocation formula for the motor carrier safety assistance program is established under this subtitle, upon the request of a State, the Secretary may waive or modify the baseline maintenance of effort required of the State by section 31102(f) of title 49, United States Code, as amended by this subtitle, for the purpose of establishing a new baseline maintenance of effort if the Secretary determines that a waiver or modification—

(A) is equitable due to reasonable circumstances;
(B) will ensure the continuation of commercial motor
vehicle enforcement activities in the State; and
(C) is necessary to ensure that the total amount of
State maintenance of effort and matching expenditures
required under sections 31102 and 31104 of title 49, United
States Code, as amended by this subtitle, does not exceed
a sum greater than the average of the total amount of
State maintenance of effort and matching expenditures
required under those sections for the 3 fiscal years prior
to the date of enactment of this Act.

(2) ADJUSTMENT METHODOLOGY.—If requested by a State,
the Secretary may modify the maintenance of effort baseline
referred to in paragraph (1) for the State according to the
following methodology:

(A) The Secretary shall establish the maintenance of
effort baseline for the State using the average baseline
of fiscal years 2004 and 2005, as required by section
31102(b)(4) of title 49, United States Code, as that section
was in effect on the day before the date of enactment
of this Act.

(B) The Secretary shall calculate the average required
match by a lead State commercial motor vehicle safety
agency for fiscal years 2013, 2014, and 2015 for motor
carrier safety assistance grants established at 20 percent
by section 31103 of title 49, United States Code, as that
section was in effect on the day before the date of enact-
ment of this Act.

(C) The Secretary shall calculate the estimated match
required under section 31104(b) of title 49, United States
Code, as amended by this subtitle.

(D) The Secretary shall subtract the amount in
subparagraph (B) from the amount in subparagraph (C)
and—
(i) if the number is greater than 0, the Secretary
shall subtract the number from the amount in subpara-
graph (A); or
(ii) if the number is not greater than 0, the Sec-
retary shall calculate the maintenance of effort using
the methodology in subparagraph (A).

(3) MAINTENANCE OF EFFORT AMOUNT.—

(A) IN GENERAL.—The Secretary shall use the amount
calculated under paragraph (2) as the baseline maintenance
of effort required under section 31102(f) of title 49, United
States Code, as amended by this subtitle.

(B) DEADLINE.—If a State does not request a waiver
or modification under this subsection before September
30 during the first fiscal year that the Secretary imple-
ments a new allocation formula for the motor carrier safety
assistance program under this subtitle, the Secretary shall
calculate the maintenance of effort using the methodology
described in paragraph (2)(A).

(4) MAINTENANCE OF EFFORT DESCRIBED.—The maintenance
of effort calculated under this section is the amount required
under section 31102(f) of title 49, United States Code, as
amended by this subtitle.

(c) TERMINATION OF EFFECTIVENESS.—The authority of the Sec-
retary under this section shall terminate effective on the date
that a new maintenance of effort baseline is calculated based on a new allocation formula for the motor carrier safety assistance program implemented under section 31102 of title 49, United States Code.

**Subtitle B—Federal Motor Carrier Safety Administration Reform**

**PART I—REGULATORY REFORM**

**SEC. 5201. NOTICE OF CANCELLATION OF INSURANCE.**

Section 13906(e) of title 49, United States Code, is amended by inserting “or suspend” after “revoke”.

**SEC. 5202. REGULATIONS.**

Section 31136 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g) and transferring such subsection to appear at the end of section 31315 of such title; and

(2) by adding at the end the following:

“(g) REGULATORY IMPACT ANALYSIS.—

“(1) IN GENERAL.—Within each regulatory impact analysis of a proposed or final major rule issued by the Federal Motor Carrier Safety Administration, the Secretary shall, whenever practicable—

“(A) consider the effects of the proposed or final rule on different segments of the motor carrier industry; and

“(B) formulate estimates and findings based on the best available science.

“(2) SCOPE.—To the extent feasible and appropriate, and consistent with law, an analysis described in paragraph (1) shall—

“(A) use data that is representative of commercial motor vehicle operators or motor carriers, or both, that will be impacted by the proposed or final rule; and

“(B) consider the effects on commercial truck and bus carriers of various sizes and types.

“(f) PUBLIC PARTICIPATION.—

“(1) IN GENERAL.—If a proposed rule under this part is likely to lead to the promulgation of a major rule, the Secretary, before publishing such proposed rule, shall—

“(A) issue an advance notice of proposed rulemaking; or

“(B) proceed with a negotiated rulemaking.

“(2) REQUIREMENTS.—Each advance notice of proposed rulemaking issued under paragraph (1) shall—

“(A) identify the need for a potential regulatory action; and

“(B) identify and request public comment on the best available science or technical information relevant to analyzing potential regulatory alternatives:

“(C) request public comment on the available data and costs with respect to regulatory alternatives reasonably likely to be considered as part of the rulemaking; and

“(D) request public comment on available alternatives to regulation.
“(3) WAIVER.—This subsection does not apply to a proposed rule if the Secretary, for good cause, finds (and incorporates the finding and a brief statement of reasons for such finding in the proposed or final rule) that an advance notice of proposed rulemaking is impracticable, unnecessary, or contrary to the public interest.

“(h) RULE OF CONSTRUCTION.—Nothing in subsection (f) or (g) may be construed to limit the contents of an advance notice of proposed rulemaking.”.

SEC. 5203. GUIDANCE.

(a) IN GENERAL.—

(1) DATE OF ISSUANCE AND POINT OF CONTACT.—Each guidance document issued by the Federal Motor Carrier Safety Administration shall have a date of issuance or a date of revision, as applicable, and shall include the name and contact information of a point of contact at the Administration who can respond to questions regarding the guidance.

(2) PUBLIC ACCESSIBILITY.—

(A) IN GENERAL.—Each guidance document issued or revised by the Federal Motor Carrier Safety Administration shall be published on a publicly accessible Internet Web site of the Department on the date of issuance or revision.

(B) REDACTION.—The Administrator of the Federal Motor Carrier Safety Administration may redact from a guidance document published under subparagraph (A) any information that would reveal investigative techniques that would compromise Administration enforcement efforts.

(3) INCORPORATION INTO REGULATIONS.—Not later than 5 years after the date on which a guidance document is published under paragraph (2) or during an applicable review under subsection (c), whichever is earlier, the Secretary shall revise regulations to incorporate the guidance document to the extent practicable.

(4) REISSUANCE.—If a guidance document is not incorporated into regulations in accordance with paragraph (3), the Administrator shall—

(A) reissue an updated version of the guidance document; and

(B) review and reissue an updated version of the guidance document every 5 years until the date on which the guidance document is removed or incorporated into applicable regulations.

(b) INITIAL REVIEW.—Not later than 1 year after the date of enactment of this Act, the Administrator shall review all guidance documents issued by the Federal Motor Carrier Safety Administration and in effect on such date of enactment to ensure that such documents are current, are readily accessible to the public, and meet the standards specified in subparagraphs (A), (B), and (C) of subsection (c)(1).

(c) REGULAR REVIEW.—

(1) IN GENERAL.—Subject to paragraph (2), not less than once every 5 years, the Administrator shall conduct a comprehensive review of the guidance documents issued by the Federal Motor Carrier Safety Administration to determine whether such documents are—

(A) consistent and clear;
(B) uniformly and consistently enforced; and
(C) still necessary.

(2) NOTICE AND COMMENT.—Prior to beginning a review under paragraph (1), the Administrator shall publish in the Federal Register a notice and request for comment that solicits input from stakeholders on which guidance documents should be updated or eliminated.

(3) REPORT.—
(A) IN GENERAL.—Not later than 60 days after the date on which a review under paragraph (1) is completed, the Administrator shall publish on a publicly accessible Internet Web site of the Department a report detailing the review and a full inventory of the guidance documents of the Administration.

(B) CONTENTS.—A report under subparagraph (A) shall include a summary of the response of the Administration to comments received under paragraph (2).

(d) GUIDANCE DOCUMENT DEFINED.—In this section, the term “guidance document” means a document issued by the Federal Motor Carrier Safety Administration that—

(1) provides an interpretation of a regulation of the Administration; or
(2) includes an enforcement policy of the Administration available to the public.

SEC. 5204. PETITIONS.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration shall—

(1) publish on a publicly accessible Internet Web site of the Department a summary of all petitions for regulatory action submitted to the Administration;

(2) prioritize the petitions submitted based on the likelihood of safety improvements resulting from the regulatory action requested;

(3) not later than 180 days after the date a summary of a petition is published under paragraph (1), formally respond to such petition by indicating whether the Administrator will accept, deny, or further review the petition;

(4) prioritize responses to petitions consistent with a petition’s potential to reduce crashes, improve enforcement, and reduce unnecessary burdens; and

(5) not later than 60 days after the date of receipt of a petition, publish on a publicly accessible Internet Web site of the Department an updated inventory of the petitions described in paragraph (1), including any applicable disposition information for those petitions.

(b) TREATMENT OF MULTIPLE PETITIONS.—The Administrator may treat multiple similar petitions as a single petition for the purposes of subsection (a).

(c) PETITION DEFINED.—In this section, the term “petition” means a request for—

(1) a new regulation;
(2) a regulatory interpretation or clarification; or
(3) a determination by the Administrator that a regulation should be modified or eliminated because it is—
(A) no longer—
(i) consistent and clear;
(ii) current with the operational realities of the motor carrier industry; or
(iii) uniformly enforced;
(B) ineffective; or
(C) overly burdensome.

SEC. 5205. INSPECTOR STANDARDS.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall revise the regulations under part 385 of title 49, Code of Federal Regulations, as necessary, to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.

SEC. 5206. APPLICATIONS.

(a) REVIEW PROCESS.—Section 31315(b) of title 49, United States Code, is amended—
(1) in paragraph (1)—
(A) in the first sentence by striking “paragraph (3)” and inserting “this subsection”; and
(B) by striking the second sentence;
(2) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively; and
(3) by inserting after paragraph (1) the following:
“(2) LENGTH OF EXEMPTION AND RENEWAL.—An exemption may be granted under paragraph (1) for no longer than 5 years and may be renewed, upon request, for subsequent 5-year periods if the Secretary continues to make the finding under paragraph (1).
“(3) OPPORTUNITY FOR RESUBMISSION.—If the Secretary denies an application under paragraph (1) and the applicant can reasonably address the reason for the denial, the Secretary may allow the applicant to resubmit the application.”.

(b) ADMINISTRATIVE EXEMPTIONS.—
(1) IN GENERAL.—The Secretary shall make permanent the following limited exemptions:

(2) ADDITIONAL ADMINISTRATIVE EXEMPTIONS.—Any exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, that is in effect on the date of enactment of this Act—
(A) except as otherwise provided in section 31315(b) of title 49, shall be valid for a period of 5 years from the date such exemption was granted; and
(B) may be subject to renewal under section 31315(b)(2) of title 49, United States Code.
PART II—COMPLIANCE, SAFETY, ACCOUNTABILITY REFORM

SEC. 5221. CORRELATION STUDY.

(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration (referred to in this part as the "Administrator") shall commission the National Research Council of the National Academies to conduct a study of—

(1) the Compliance, Safety, Accountability program of the Federal Motor Carrier Safety Administration (referred to in this part as the "CSA program"); and

(2) the Safety Measurement System utilized by the CSA program (referred to in this part as the "SMS").

(b) SCOPE OF STUDY.—In carrying out the study commissioned pursuant to subsection (a), the National Research Council—

(1) shall analyze—

(A) the accuracy with which the Behavior Analysis and Safety Improvement Categories (referred to in this part as "BASIC")—

(i) identify high risk carriers; and

(ii) predict or are correlated with future crash risk, crash severity, or other safety indicators for motor carriers, including the highest risk carriers;

(B) the methodology used to calculate BASIC percentiles and identify carriers for enforcement, including the weights assigned to particular violations and the tie between crash risk and specific regulatory violations, with respect to accurately identifying and predicting future crash risk for motor carriers;

(C) the relative value of inspection information and roadside enforcement data;

(D) any data collection gaps or data sufficiency problems that may exist and the impact of those gaps and problems on the efficacy of the CSA program;

(E) the accuracy of safety data, including the use of crash data from crashes in which a motor carrier was free from fault;

(F) whether BASIC percentiles for motor carriers of passengers should be calculated separately from motor carriers of freight;

(G) the differences in the rates at which safety violations are reported to the Federal Motor Carrier Safety Administration for inclusion in the SMS by various enforcement authorities, including States, territories, and Federal inspectors; and

(H) how members of the public use the SMS and what effect making the SMS information public has had on reducing crashes and eliminating unsafe motor carriers from the industry; and

(2) shall consider—

(A) whether the SMS provides comparable precision and confidence, through SMS alerts and percentiles, for the relative crash risk of individual large and small motor carriers;

(B) whether alternatives to the SMS would identify high risk carriers more accurately; and
(C) the recommendations and findings of the Comptroller General of the United States and the Inspector General of the Department, and independent review team reports, issued before the date of enactment of this Act.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall—

(1) submit a report containing the results of the study commissioned pursuant to subsection (a) to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; 
(B) the Committee on Transportation and Infrastructure of the House of Representatives; and 
(C) the Inspector General of the Department; and 

(2) publish the report on a publicly accessible Internet Web site of the Department.

(d) CORRECTIVE ACTION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the Administrator submits the report under subsection (c), if that report identifies a deficiency or opportunity for improvement in the CSA program or in any element of the SMS, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a corrective action plan that—

(A) responds to the deficiencies or opportunities identified by the report; 
(B) identifies how the Federal Motor Carrier Safety Administration will address such deficiencies or opportunities; and 
(C) provides an estimate of the cost, including with respect to changes in staffing, enforcement, and data collection, necessary to address such deficiencies or opportunities.

(2) PROGRAM REFORMS.—The corrective action plan submitted under paragraph (1) shall include an implementation plan that—

(A) includes benchmarks; 
(B) includes programmatic reforms, revisions to regulations, or proposals for legislation; and 
(C) shall be considered in any rulemaking by the Department that relates to the CSA program, including the SMS or data analysis under the SMS.

(e) INSPECTOR GENERAL REVIEW.—Not later than 120 days after the Administrator submits a corrective action plan under subsection (d), the Inspector General of the Department shall—

(1) review the extent to which such plan addresses—

(A) recommendations contained in the report submitted under subsection (c); and 
(B) relevant recommendations issued by the Comptroller General or the Inspector General before the date of enactment of this Act; and 

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the responsiveness of the corrective action plan to the recommendations described in paragraph (1).
SEC. 5222. BEYOND COMPLIANCE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall allow recognition, including credit or an improved SMS percentile, for a motor carrier that—

(1) installs advanced safety equipment;
(2) uses enhanced driver fitness measures;
(3) adopts fleet safety management tools, technologies, and programs; or
(4) satisfies other standards determined appropriate by the Administrator.

(b) IMPLEMENTATION.—The Administrator shall carry out subsection (a) by—

(1) incorporating a methodology into the CSA program; or
(2) establishing a safety BASIC in the SMS.

(c) PROCESS.—

(1) IN GENERAL.—The Administrator, after providing notice and an opportunity for comment, shall develop a process for identifying and reviewing advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards for use by motor carriers to receive recognition, including credit or an improved SMS percentile, for purposes of subsection (a).

(2) CONTENTS.—A process developed under paragraph (1) shall—

(A) provide for a petition process for reviewing advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards; and
(B) seek input and participation from industry stakeholders, including commercial motor vehicle drivers, technology manufacturers, vehicle manufacturers, motor carriers, law enforcement, safety advocates, and the Motor Carrier Safety Advisory Committee.

(d) QUALIFICATION.—The Administrator, after providing notice and an opportunity for comment, shall develop technical or other performance standards with respect to advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards for purposes of subsection (a).

(e) MONITORING.—The Administrator may authorize qualified entities to monitor motor carriers that receive recognition, including credit or an improved SMS percentile, under this section through a no-cost contract structure.

(f) DISSEMINATION OF INFORMATION.—The Administrator shall maintain on a publicly accessible Internet Web site of the Department information on—

(1) the advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards eligible for recognition, including credit or an improved SMS percentile;
(2) any petitions for review of advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards; and
(3) any relevant statistics relating to the use of advanced safety equipment, enhanced driver fitness measures, fleet safety
management tools, technologies, and programs, and other standards.

(g) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the—

(1) number of motor carriers receiving recognition, including credit or an improved SMS percentile, under this section; and

(2) safety performance of such carriers.

SEC. 5223. DATA CERTIFICATION.

(a) IN GENERAL.—On and after the date that is 1 day after the date of enactment of this Act, no information regarding analysis of violations, crashes in which a determination is made that the motor carrier or the commercial motor vehicle driver is not at fault, alerts, or the relative percentile for each BASIC developed under the CSA program may be made available to the general public until the Inspector General of the Department certifies that—

(1) the report required under section 5221(c) has been submitted in accordance with that section;

(2) any deficiencies identified in the report required under section 5221(c) have been addressed;

(3) if applicable, the corrective action plan under section 5221(d) has been implemented;

(4) the Administrator of the Federal Motor Carrier Safety Administration has fully implemented or satisfactorily addressed the issues raised in the report titled “Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers” of the Government Accountability Office and dated February 2014 (GAO–14–114); and

(5) the Secretary has initiated modification of the CSA program in accordance with section 5222.

(b) LIMITATION ON THE USE OF CSA ANALYSIS.—Information regarding alerts and the relative percentile for each BASIC developed under the CSA program may not be used for safety fitness determinations until the Inspector General of the Department makes the certification under subsection (a).

(c) CONTINUED PUBLIC AVAILABILITY OF DATA.—Notwithstanding any other provision of this section, inspection and violation information submitted to the Federal Motor Carrier Safety Administration by commercial motor vehicle inspectors and qualified law enforcement officials, out-of-service rates, and absolute measures shall remain available to the public.

(d) EXCEPTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section—

(A) the Federal Motor Carrier Safety Administration and State and local commercial motor vehicle enforcement agencies may use the information referred to in subsection (a) for purposes of investigation and enforcement prioritization;

(B) a motor carrier and a commercial motor vehicle driver may access information referred to in subsection
(a) that relates directly to the motor carrier or driver, respectively; and

(C) a data analysis of motorcoach operators may be provided online with a notation indicating that the ratings or alerts listed are not intended to imply any Federal safety rating of the carrier.

(2) NOTATION.—The notation described in paragraph (1)(C) shall include the following: “Readers should not draw conclusions about a carrier’s overall safety condition simply based on the data displayed in this system. Unless a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor Carrier Safety Administration, it is authorized to operate on the Nation’s roadways.”.

(3) RULE OF CONSTRUCTION.—Nothing in this section may be construed to restrict the official use by State enforcement agencies of the data collected by State enforcement personnel.

SEC. 5224. DATA IMPROVEMENT.

(a) FUNCTIONAL SPECIFICATIONS.—The Administrator shall develop functional specifications to ensure the consistent and accurate input of data into systems and databases relating to the CSA program.

(b) FUNCTIONALITY.—The functional specifications developed pursuant to subsection (a)—

(1) shall provide for the hardcoding and smart logic functionality for roadside inspection data collection systems and databases; and

(2) shall be made available to public and private sector developers.

(c) EFFECTIVE DATA MANAGEMENT.—The Administrator shall ensure that internal systems and databases accept and effectively manage data using uniform standards.

(d) CONSULTATION WITH THE STATES.—Before implementing the functional specifications developed pursuant to subsection (a) or the standards described in subsection (c), the Administrator shall seek input from the State agencies responsible for enforcing section 31102 of title 49, United States Code.

SEC. 5225. ACCIDENT REVIEW.

(a) IN GENERAL.—Not later than 1 year after a certification under section 5223, the Secretary shall task the Motor Carrier Safety Advisory Committee with reviewing the treatment of preventable crashes under the SMS.

(b) DUTIES.—Not later than 6 months after being tasked under subsection (a), the Motor Carrier Safety Advisory Committee shall make recommendations to the Secretary on a process to allow motor carriers and drivers to request that the Administrator make a determination with respect to the preventability of a crash, if such a process has not yet been established by the Secretary.

(c) REPORT.—The Secretary shall—

(1) review and consider the recommendations provided by the Motor Carrier Safety Advisory Committee; and

(2) report to Congress on how the Secretary intends to address the treatment of preventable crashes.

(d) PREVENTABLE DEFINED.—In this section, the term “preventable” has the meaning given that term in Appendix B of part 49 USC 31100 note.
Subtitle C—Commercial Motor Vehicle Safety

SEC. 5301. WINDSHIELD TECHNOLOGY.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise the regulations in section 393.60(e) of title 49, Code of Federal Regulations (relating to the prohibition on obstructions to the driver’s field of view) to exempt from that section the voluntary mounting on a windshield of vehicle safety technology likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent the exemption.

(b) Vehicle Safety Technology Defined.—In this section, the term “vehicle safety technology” includes a fleet-related incident management system, performance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, and active cruise control system and any other technology that the Secretary considers applicable.

(c) Rule of Construction.—For purposes of this section, any windshield mounted technology with a short term exemption under part 381 of title 49, Code of Federal Regulations, on the date of enactment of this Act, shall be considered likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent an exemption under subsection (a).

SEC. 5302. PRIORITIZING STATUTORY RULEMAKINGS.

The Administrator of the Federal Motor Carrier Safety Administration shall prioritize the completion of each outstanding rulemaking required by statute before beginning any other rulemaking, unless the Secretary determines that there is a significant need for such other rulemaking and notifies Congress of such determination.

SEC. 5303. SAFETY REPORTING SYSTEM.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the cost and feasibility of establishing a self-reporting system for commercial motor vehicle drivers or motor carriers with respect to en route equipment failures.

(b) Contents.—The report required under subsection (a) shall include—

(1) an analysis of—

(A) alternatives for the reporting of equipment failures in real time, including an Internet Web site or telephone hotline;

(B) the ability of a commercial motor vehicle driver or a motor carrier to provide to the Federal Motor Carrier Safety Administration.
Sec. 5304. NEW ENTRANT SAFETY REVIEW PROGRAM.

(a) In General.—The Secretary shall conduct an assessment of the new operator safety review program under section 31144(g) of title 49, United States Code, including the program’s effectiveness in reducing crashes, fatalities, and injuries involving commercial motor vehicles and improving commercial motor vehicle safety.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish on a publicly accessible Internet Web site of the Department and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the assessment conducted under subsection (a), including any recommendations for improving the effectiveness of the program (including recommendations for legislative changes).

Sec. 5305. HIGH RISK CARRIER REVIEWS.

(a) In General.—The Secretary shall ensure that a review is completed on each motor carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, a review shall be conducted whenever a motor carrier is among the highest risk carriers for 4 consecutive months.

(b) Report.—The Secretary shall post on a public Web site a report on the actions the Secretary has taken to comply with this section, including the number of high risk carriers identified and the high risk carriers reviewed.

(c) Conforming Amendment.—Section 4138 of SAFETEA–LU (49 U.S.C. 31144 note), and the item relating to that section in the table of contents in section 1(b) of that Act, are repealed.

Sec. 5306. POST-ACCIDENT REPORT REVIEW.

(a) In General.—Not later than 120 days after the date of enactment of this Act, the Secretary shall convene a working group—

(1) to review the data elements of post-accident reports, for tow-away accidents involving commercial motor vehicles, that are reported to the Federal Government; and
(2) to report to the Secretary its findings and any recommendations, including best practices for State post-accident reports to achieve the data elements described in subsection (c).

(b) COMPOSITION.—Not less than 51 percent of the working group should be composed of individuals representing the States or State law enforcement officials. The remaining members of the working group shall represent industry, labor, safety advocates, and other interested parties.

(c) CONSIDERATIONS.—The working group shall consider requiring additional data elements, including—

(1) the primary cause of the accident, if the primary cause can be determined; and

(2) the physical characteristics of the commercial motor vehicle and any other vehicle involved in the accident, including—

(A) the vehicle configuration;

(B) the gross vehicle weight, if the weight can be readily determined;

(C) the number of axles; and

(D) the distance between axles, if the distance can be readily determined.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review the findings of the working group;

(2) identify the best practices for State post-accident reports that are reported to the Federal Government, including identifying the data elements that should be collected following a tow-away commercial motor vehicle accident; and

(3) recommend to the States the adoption of new data elements to be collected following reportable commercial motor vehicle accidents.

(e) TERMINATION.—The working group shall terminate not more than 180 days after the date on which the Secretary makes recommendations under subsection (d)(3).

SEC. 5307. IMPLEMENTING SAFETY REQUIREMENTS.

(a) IN GENERAL.—For each rulemaking described in subsection (c), not later than 30 days after the date of enactment of this Act and every 180 days thereafter until the rulemaking is complete, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notification that includes—

(1) for a rulemaking with a statutory deadline—

(A) an explanation of why the deadline was not met; and

(B) an expected date of completion of the rulemaking; and

(2) for a rulemaking without a statutory deadline, an expected date of completion of the rulemaking.

(b) ADDITIONAL CONTENTS.—A notification submitted under subsection (a) shall include—

(1) an updated rulemaking timeline;

(2) a list of factors causing delays in the completion of the rulemaking; and
(3) any other details associated with the status of the rulemaking.

(c) RULEMAKINGS.—The Secretary shall submit a written notification under subsection (a) for each of the following rulemakings:

(1) The rulemaking required under section 31306a(a)(1) of title 49, United States Code.
(2) The rulemaking required under section 31137(a) of title 49, United States Code.
(3) The rulemaking required under section 31305(c) of title 49, United States Code.
(4) The rulemaking required under section 31601 of division C of MAP–21 (49 U.S.C. 30111 note).
(5) A rulemaking concerning motor carrier safety fitness determinations.
(6) A rulemaking concerning commercial motor vehicle safety required by an Act of Congress enacted on or after August 1, 2005, and incomplete for more than 2 years.

Subtitle D—Commercial Motor Vehicle Drivers

SEC. 5401. OPPORTUNITIES FOR VETERANS.

(a) STANDARDS FOR TRAINING AND TESTING OF VETERAN OPERATORS.—Section 31305 of title 49, United States Code, is amended by adding at the end the following:

“(d) STANDARDS FOR TRAINING AND TESTING OF VETERAN OPERATORS.—

“(1) IN GENERAL.—Not later than December 31, 2016, the Secretary shall modify the regulations prescribed under subsections (a) and (c) to—

“(A) exempt a covered individual from all or a portion of a driving test if the covered individual had experience in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle;

“(B) ensure that a covered individual may apply for an exemption under subparagraph (A) during, at least, the 1-year period beginning on the date on which such individual separates from service in the armed forces or reserve components; and

“(C) credit the training and knowledge a covered individual received in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle for purposes of satisfying minimum standards for training and knowledge.

“(2) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) ARMED FORCES.—The term ‘armed forces’ has the meaning given that term in section 101(a) of title 10.

“(B) COVERED INDIVIDUAL.—The term ‘covered individual’ means an individual over the age of 21 years who is—

“(i) a former member of the armed forces; or

“(ii) a former member of the reserve components.

“(C) RESERVE COMPONENTS.—The term ‘reserve components’ means—

...
“(i) the Army National Guard of the United States;
“(ii) the Army Reserve;
“(iii) the Navy Reserve;
“(iv) the Marine Corps Reserve;
“(v) the Air National Guard of the United States;
“(vi) the Air Force Reserve; and
“(vii) the Coast Guard Reserve.”.

(b) IMPLEMENTATION OF ADMINISTRATIVE RECOMMENDATIONS.—
Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense, shall implement the recommendations contained in the report submitted under section 32308 of MAP–21 (49 U.S.C. 31301 note) that are not implemented as a result of the amendment in subsection (a).

(c) IMPLEMENTATION OF THE MILITARY COMMERCIAL DRIVER'S LICENSE ACT.—Not later than December 31, 2015, the Secretary shall issue final regulations to implement the exemption to the domicile requirement under section 31311(a)(12)(C) of title 49, United States Code.

(d) CONFORMING AMENDMENT.—Section 31311(a)(12)(C)(ii) of title 49, United States Code, is amended to read as follows:
“(ii) is an active duty member of—
“(I) the armed forces (as that term is defined in section 101(a) of title 10); or
“(II) the reserve components (as that term is defined in section 31305(d)(2) of this title); and”.

SEC. 5402. DRUG-FREE COMMERCIAL DRIVERS.

(a) IN GENERAL.—Section 31306 of title 49, United States Code, is amended—
(1) in subsection (b)(1)—
(A) by redesignating subparagraph (B) as subparagraph (C);
(B) in subparagraph (A) by striking “The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.”; and
(C) by inserting after subparagraph (A) the following:
“(B) The regulations prescribed under subparagraph (A) shall permit motor carriers—
“(i) to conduct preemployment testing of commercial motor vehicle operators for the use of alcohol; and
“(ii) to use hair testing as an acceptable alternative to urine testing—
“(I) in conducting preemployment testing for the use of a controlled substance; and
“(II) in conducting random testing for the use of a controlled substance if the operator was subject to hair testing for preemployment testing.”;
(2) in subsection (b)(2)—
(A) in subparagraph (A) by striking “and” at the end;
(B) in subparagraph (B) by striking the period at the end and inserting “; and”; and
(C) by adding at the end the following:
“(C) shall provide an exemption from hair testing for commercial motor vehicle operators with established religious beliefs that prohibit the cutting or removal of hair.”; and
(3) in subsection (c)(2)—
(A) in the matter preceding subparagraph (A) by inserting “for urine testing, and technical guidelines for hair testing,” before “including mandatory guidelines”;
(B) in subparagraph (B) by striking “and” at the end;
(C) in subparagraph (C) by inserting “and” after the semicolon; and
(D) by adding at the end the following:
“(D) laboratory protocols and cut-off levels for hair testing to detect the use of a controlled substance;”.

(b) GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue scientific and technical guidelines for hair testing as a method of detecting the use of a controlled substance for purposes of section 31306 of title 49, United States Code.

SEC. 5403. MEDICAL CERTIFICATION OF VETERANS FOR COMMERCIAL DRIVER’S LICENSES.

(a) IN GENERAL.—In the case of a physician-approved veteran operator, the qualified physician of such operator may, subject to the requirements of subsection (b), perform a medical examination and provide a medical certificate for purposes of compliance with the requirements of section 31149 of title 49, United States Code.

(b) CERTIFICATION.—The certification described under subsection (a) shall include—
(1) assurances that the physician performing the medical examination meets the requirements of a qualified physician under this section; and
(2) certification that the physical condition of the operator is adequate to enable such operator to operate a commercial motor vehicle safely.

(c) NATIONAL REGISTRY OF MEDICAL EXAMINERS.—The Secretary, in consultation with the Secretary of Veterans Affairs, shall develop a process for qualified physicians to perform a medical examination and provide a medical certificate under subsection (a) and include such physicians on the national registry of medical examiners established under section 31149(d) of title 49, United States Code.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) PHYSICIAN-APPROVED VETERAN OPERATOR.—The term “physician-approved veteran operator” means an operator of a commercial motor vehicle who—
(A) is a veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code; and
(B) is required to have a current valid medical certificate pursuant to section 31149 of title 49, United States Code.

(2) QUALIFIED PHYSICIAN.—The term “qualified physician” means a physician who—
(A) is employed in the Department of Veterans Affairs;
(B) is familiar with the standards for, and physical requirements of, an operator certified pursuant to section 31149 of title 49, United States Code; and
(C) has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.

(3) VETERAN.—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to change any statutory penalty associated with fraud or abuse.

SEC. 5404. COMMERCIAL DRIVER PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a pilot program under section 31315(c) of title 49, United States Code, to study the feasibility, benefits, and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.

(b) DATA COLLECTION.—The Secretary shall collect and analyze data relating to accidents in which—

(1) a covered driver participating in the pilot program is involved; and

(2) a driver under the age of 21 operating a commercial motor vehicle in intrastate commerce is involved.

(c) LIMITATIONS.—A driver participating in the pilot program may not—

(1) transport—

(A) passengers; or

(B) hazardous cargo; or

(2) operate a vehicle in special configuration.

(d) WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary shall conduct, monitor, and evaluate the pilot program in consultation with a working group to be established by the Secretary consisting of representatives of the armed forces, industry, drivers, safety advocacy organizations, and State licensing and enforcement officials.

(2) DUTIES.—The working group shall review the data collected under subsection (b) and provide recommendations to the Secretary on the feasibility, benefits, and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.

(e) REPORT.—Not later than 1 year after the date on which the pilot program is concluded, the Secretary shall submit to Congress a report describing the findings of the pilot program and the recommendations of the working group.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) ACCIDENT.—The term “accident” has the meaning given that term in section 390.5 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(2) ARMED FORCES.—The term “armed forces” has the meaning given that term in section 101(a) of title 10, United States Code.

(3) COMMERCIAL MOTOR VEHICLE.—The term “commercial motor vehicle” has the meaning given that term in section 31301 of title 49, United States Code.

(4) COVERED DRIVER.—The term “covered driver” means an individual who is—

(A) between the ages of 18 and 21;

(B) a member or former member of the—

(i) armed forces; or
(ii) reserve components (as defined in section 31305(d)(2) of title 49, United States Code, as added by this Act); and
(C) qualified in a Military Occupational Specialty to operate a commercial motor vehicle or similar vehicle.

Subtitle E—General Provisions

SEC. 5501. DELAYS IN GOODS MOVEMENT.

(a) REPORT.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the average length of time that operators of commercial motor vehicles are delayed before the loading and unloading of such vehicles and at other points in the pick-up and delivery process.

(2) CONTENTS.—The report under paragraph (1) shall include—
(A) an assessment of how delays impact—
(i) the economy;
(ii) the efficiency of the transportation system;
(iii) motor carrier safety, including the extent to which delays result in violations of motor carrier safety regulations; and
(iv) the livelihood of motor carrier drivers; and
(B) recommendations on how delays could be mitigated.

(b) COLLECTION OF DATA.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish by regulation a process to collect data on delays experienced by operators of commercial motor vehicles before the loading and unloading of such vehicles and at other points in the pick-up and delivery process.

SEC. 5502. EMERGENCY ROUTE WORKING GROUP.

(a) IN GENERAL.—
(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a working group to determine best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery.

(2) MEMBERS.—The working group shall include representatives from—
(A) State highway transportation departments or agencies;
(B) relevant modal agencies within the Department;
(C) emergency response or recovery experts;
(D) relevant safety groups; and
(E) entities affected by special permit restrictions during emergency response and recovery efforts.

(b) CONSIDERATIONS.—In determining best practices under subsection (a), the working group shall consider whether—
(1) impediments currently exist that prevent expeditious State approval of special permits for vehicles involved in emergency response and recovery;

(2) it is possible to pre-identify and establish emergency routes between States through which infrastructure repair materials could be delivered following a natural disaster or emergency;

(3) a State could pre-designate an emergency route identified under paragraph (2) as a certified emergency route if a motor vehicle that exceeds the otherwise applicable Federal and State truck length or width limits may safely operate along such route during periods of declared emergency and recovery from such periods; and

(4) an online map could be created to identify each pre-designated emergency route under paragraph (3), including information on specific limitations, obligations, and notification requirements along that route.

(c) REPORT.—

(1) SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the working group shall submit to the Secretary a report on its findings under this section and any recommendations for the implementation of best practices for expeditious State approval of special permits for vehicles involved in emergency response and recovery.

(2) PUBLICATION.—Not later than 30 days after the date the Secretary receives the report under paragraph (1), the Secretary shall publish the report on a publicly accessible Internet Web site of the Department.

(d) NOTIFICATION.—Not later than 6 months after the date the Secretary receives the report under subsection (c)(1), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the actions the Secretary and the States have taken to implement the recommendations included in the report.

(e) TERMINATION.—The working group shall terminate 1 year after the date the Secretary receives the report under subsection (c)(1).

SEC. 5503. HOUSEHOLD GOODS CONSUMER PROTECTION WORKING GROUP.

(a) WORKING GROUP.—The Secretary shall establish a working group for the purpose of developing recommendations on how to best convey to consumers relevant information with respect to the Federal laws concerning the interstate transportation of household goods by motor carrier.

(b) MEMBERSHIP.—The Secretary shall ensure that the working group is comprised of individuals with expertise in consumer affairs, educators with expertise in how people learn most effectively, and representatives of the household goods moving industry.

(c) RECOMMENDATIONS.—

(1) CONTENTS.—The recommendations developed by the working group shall include recommendations on—

(A) condensing publication ESA 03005 of the Federal Motor Carrier Safety Administration into a format that is more easily used by consumers;
(B) using state-of-the-art education techniques and technologies, including optimizing the use of the Internet as an educational tool; and

(C) reducing and simplifying the paperwork required of motor carriers and shippers in interstate transportation.

(2) **DEADLINE.**—Not later than 1 year after the date of enactment of this Act—

(A) the working group shall make the recommendations described in paragraph (1); and

(B) the Secretary shall publish the recommendations on a publicly accessible Internet Web site of the Department.

(d) **REPORT.**—Not later than 1 year after the date on which the working group makes its recommendations under subsection (c)(2), the Secretary shall issue a report to Congress on the implementation of such recommendations.

(e) **TERMINATION.**—The working group shall terminate 1 year after the date the working group makes its recommendations under subsection (c)(2).

**SEC. 5504. TECHNOLOGY IMPROVEMENTS.**

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a comprehensive analysis of the information technology and data collection and management systems of the Federal Motor Carrier Safety Administration.

(b) **REQUIREMENTS.**—The study conducted under subsection (a) shall—

(1) evaluate the efficacy of the existing information technology, data collection, processing systems, data correction procedures, and data management systems and programs, including their interaction with each other and their efficacy in meeting user needs;

(2) identify any redundancies among the systems, procedures, and programs described in paragraph (1);

(3) explore the feasibility of consolidating data collection and processing systems;

(4) evaluate the ability of the systems, procedures, and programs described in paragraph (1) to meet the needs of—

(A) the Federal Motor Carrier Safety Administration, at both the headquarters and State levels;

(B) the State agencies that implement the motor carrier safety assistance program under section 31102 of title 49, United States Code; and

(C) other users;

(5) evaluate the adaptability of the systems, procedures, and programs described in paragraph (1), in order to make necessary future changes to ensure user needs are met in an easier, timely, and more cost-efficient manner;

(6) investigate and make recommendations regarding—

(A) deficiencies in existing data sets impacting program effectiveness; and

(B) methods to improve user interfaces; and

(7) identify the appropriate role the Federal Motor Carrier Safety Administration should take with respect to software and information systems design, development, and maintenance.
for the purpose of improving the efficacy of the systems, procedures, and programs described in paragraph (1).

SEC. 5505. NOTIFICATION REGARDING MOTOR CARRIER REGISTRATION.

Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate written notification of the actions the Secretary is taking to ensure, to the greatest extent practicable, that each application for registration under section 13902 of title 49, United States Code, is processed not later than 30 days after the date on which the application is received by the Secretary.

SEC. 5506. REPORT ON COMMERCIAL DRIVER’S LICENSE SKILLS TEST DELAYS.

Not later than 18 months after the date of enactment of this Act, and each year thereafter, the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes, for each State, the status of skills testing for applicants for a commercial driver’s license, including—

(A) the average wait time from the date an applicant requests to take a skills test to the date the applicant has the opportunity to complete such test;

(B) the average wait time from the date an applicant, upon failure of a skills test, requests a retest to the date the applicant has the opportunity to complete such retest;

(C) the actual number of qualified commercial driver’s license examiners available to test applicants; and

(D) the number of testing sites available through the State department of motor vehicles and whether this number has increased or decreased from the previous year; and

(2) describes specific steps that the Administrator is taking to address skills testing delays in States that have average skills test or retest wait times of more than 7 days from the date an applicant requests to test or retest to the date the applicant has the opportunity to complete such test or retest.

SEC. 5507. ELECTRONIC LOGGING DEVICE REQUIREMENTS.

Section 31137(b) of title 49, United States Code, is amended—

(1) in paragraph (1)(C) by striking “apply to” and inserting “except as provided in paragraph (3), apply to”; and

(2) by adding at the end the following:

“(3) EXCEPTION.—A motor carrier, when transporting a motor home or recreation vehicle trailer within the definition of the term ‘driveaway-towaway operation’ (as defined in section 390.5 of title 49, Code of Federal Regulations), may comply with the hours of service requirements by requiring each driver to use—

“(A) a paper record of duty status form; or

“(B) an electronic logging device.”.
SEC. 5508. TECHNICAL CORRECTIONS.

(a) Title 49.—Title 49, United States Code, is amended as follows:

(1) Section 13902(i)(2) is amended by inserting “except as” before “described”.

(2) Section 13903(d) is amended by striking “(d) REGISTRATION AS MOTOR CARRIER REQUIRED.:—” and all that follows through “(1) IN GENERAL.—A freight forwarder” and inserting “(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—A freight forwarder”.

(3) Section 13905(d)(2)(D) is amended—

(A) by striking “the Secretary finds that—” and all that follows through “(i) the motor carrier,” and inserting “the Secretary finds that the motor carrier,”; and

(B) by adding a period at the end.

(4) Section 14901(h) is amended by striking “HOUSEHOLD GOODS” in the heading.

(5) Section 14916 is amended by striking the section designation and heading and inserting the following:

“§ 14916. Unlawful brokerage activities”.

(b) MAP–21.—Effective as of July 6, 2012, and as if included therein as enacted, MAP–21 (Public Law 112–141) is amended as follows:

(1) Section 32108(a)(4) (126 Stat. 782) is amended by inserting “for” before “each additional day” in the matter proposed to be struck.

(2) Section 32301(b)(3) (126 Stat. 786) is amended by striking “by amending (a) to read as follows:” and inserting “by striking subsection (a) and inserting the following:”.

(3) Section 32302(c)(2)(B) (126 Stat. 789) is amended by striking “section 32303(c)(1)” and inserting “section 32302(c)(1)”.

(4) Section 32921(b) (126 Stat. 828) is amended, in the matter to be inserted, by striking “(A) In addition” and inserting the following:

“(A) IN GENERAL.—In addition”,

(5) Section 32931(c) (126 Stat. 829) is amended—

(A) by striking “Secretary” and inserting “Secretary of Transportation” in the matter to be struck; and

(B) by striking “Secretary” and inserting “Secretary of Transportation” in the matter to be inserted.

(c) MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999.—Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended by inserting “of title 49, United States Code,” after “sections 31136 and 31502”.

SEC. 5509. MINIMUM FINANCIAL RESPONSIBILITY.

(a) TRANSPORTING PROPERTY.—If the Secretary proceeds with a rulemaking to determine whether to increase the minimum levels of financial responsibility required under section 31139 of title 49, United States Code, the Secretary shall consider, prior to issuing a final rule—

(1) the rulemaking’s potential impact on—

(A) the safety of motor vehicle transportation; and

(B) the motor carrier industry;
(2) the ability of the insurance industry to provide the required amount of insurance;
(3) the extent to which current minimum levels of financial responsibility adequately cover—
   (A) medical care;
   (B) compensation; and
   (C) other identifiable costs;
(4) the frequency with which insurance claims exceed current minimum levels of financial responsibility in fatal accidents; and
(5) the impact of increased levels on motor carrier safety and accident reduction.
(b) TRANSPORTING PASSENGERS.—
   (1) IN GENERAL.—Prior to initiating a rulemaking to change the minimum levels of financial responsibility under section 31138 of title 49, United States Code, the Secretary shall complete a study specific to the minimum financial responsibility requirements for motor carriers of passengers.
   (2) STUDY CONTENTS.—A study under paragraph (1) shall include, to the extent practicable—
      (A) a review of accidents, injuries, and fatalities in the over-the-road bus and school bus industries;
      (B) a review of insurance held by over-the-road bus and public and private school bus companies, including companies of various sizes, and an analysis of whether such insurance is adequate to cover claims;
      (C) an analysis of whether and how insurance affects the behavior and safety record of motor carriers of passengers, including with respect to crash reduction; and
      (D) an analysis of the anticipated impacts of an increase in financial responsibility on insurance premiums for passenger carriers and service availability.
   (3) CONSULTATION.—In conducting a study under paragraph (1), the Secretary shall consult with—
      (A) representatives of the over-the-road bus and private school bus transportation industries, including representatives of bus drivers; and
      (B) insurers of motor carriers of passengers.
   (4) REPORT.—If the Secretary undertakes a study under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 5510. SAFETY STUDY REGARDING DOUBLE-DECKER MOTORCOACHES.

(a) STUDY.—The Secretary, in consultation with State transportation safety and law enforcement officials, shall conduct a study regarding the safety operations, fire suppression capability, tire loads, and pavement impacts of operating a double-decker motorcoach equipped with a device designed by the motorcoach manufacturer to attach to the rear of the motorcoach for use in transporting passenger baggage.
(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study to—
SEC. 5511. GAO REVIEW OF SCHOOL BUS SAFETY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a review of the following:

(1) Existing Federal and State rules and guidance, as of the date of the review, concerning school bus transportation of elementary school and secondary school students engaging in home-to-school transport or other transport determined by the Comptroller General to be a routine part of kindergarten through grade 12 education, including regulations and guidance regarding driver training programs, capacity requirements, programs for special needs students, inspection standards, vehicle age requirements, best practices, and public access to inspection results and crash records.

(2) Any correlation between public or private school bus fleet operators whose vehicles are involved in an accident as defined by section 390.5 of title 49, Code of Federal Regulations, and each of the following:

   (A) A failure by those same operators of State or local safety inspections.

   (B) The average age or odometer readings of the school buses in the fleets of such operators.

   (C) Violations of Federal laws administered by the Department of Transportation, or of State law equivalents of such laws.

   (D) Violations of State or local law relating to illegal passing of a school bus.

(3) A regulatory framework comparison of public and private school bus operations.

(4) Expert recommendations on best practices for safe and reliable school bus transportation, including driver training programs, inspection standards, school bus age and odometer reading maximums for retirement, the percentage of buses in a local bus fleet needed as spare buses, and capacity levels per school bus for different age groups.

SEC. 5512. ACCESS TO NATIONAL DRIVER REGISTER.

Section 30305(b) of title 49, United States Code, is amended by adding at the end the following:

"(13) The Administrator of the Federal Motor Carrier Safety Administration may request the chief driver licensing official of a State to provide information under subsection (a) of this section about an individual in connection with a safety investigation under the Administrator's jurisdiction.".

SEC. 5513. REPORT ON DESIGN AND IMPLEMENTATION OF WIRELESS ROADSIDE INSPECTION SYSTEMS.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of
Representatives a report regarding the design, development, testing, and implementation of wireless roadside inspection systems.

(b) ELEMENTS.—The report required under subsection (a) shall include a determination as to whether Federal wireless roadside inspection systems—

(1) conflict with existing electronic screening systems, or create capabilities already available;

(2) require additional statutory authority to incorporate generated inspection data into the safety measurement system or the safety fitness determinations program; and

(3) provide appropriate restrictions to specifically address privacy concerns of affected motor carriers and operators.

SEC. 5514. REGULATION OF TOW TRUCK OPERATIONS.

Section 14501(c)(2)(C) of title 49, United States Code, is amended by striking “the price of” and all that follows through “transportation is” and inserting “the regulation of tow truck operations”.

SEC. 5515. STUDY ON COMMERCIAL MOTOR VEHICLE DRIVER COMMUTING.

(a) EFFECTS OF COMMUTING.—The Administrator of the Federal Motor Carrier Safety Administration shall conduct a study on the safety effects of motor carrier operator commutes exceeding 150 minutes.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the findings under the study.

SEC. 5516. ADDITIONAL STATE AUTHORITY.

Notwithstanding any other provision of law, South Dakota shall be provided the opportunity to update and revise the routes designated as qualifying Federal-aid Primary System highways under section 31111(e) of title 49, United States Code, as long as the update shifts routes to divided highways or does not increase centerline miles by more than 5 percent and is expected to increase safety performance.

SEC. 5517. REPORT ON MOTOR CARRIER FINANCIAL RESPONSIBILITY.

(a) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish on a publicly accessible Internet Web site of the Department a report on the minimum levels of financial responsibility required under section 31139 of title 49, United States Code.

(b) CONTENTS.—The report required under subsection (a) shall include, to the extent practicable, an analysis of—

(1) the differences between State insurance requirements and Federal requirements;

(2) the extent to which current minimum levels of financial responsibility adequately cover—

(A) medical care;

(B) compensation; and

(C) other identifiable costs; and

(3) the frequency with which insurance claims exceed the current minimum levels of financial responsibility.
SEC. 5518. COVERED FARM VEHICLES.

Section 32934(b)(1) of MAP–21 (49 U.S.C. 31136 note) is amended by striking “from” and all that follows through the period at end and inserting the following: “from—

(A) a requirement described in subsection (a) or a compatible State requirement; or

(B) any other minimum standard provided by a State relating to the operation of that vehicle.”.

SEC. 5519. OPERATORS OF HI-RAIL VEHICLES.

(a) In General.—In the case of a commercial motor vehicle driver subject to the hours of service requirements in part 395 of title 49, Code of Federal Regulations, who is driving a hi-rail vehicle, the maximum on duty time under section 395.3 of such title for such driver shall not include time in transportation to or from a duty assignment if such time in transportation—

(1) does not exceed 2 hours per calendar day or a total of 30 hours per calendar month; and

(2) is fully and accurately accounted for in records to be maintained by the motor carrier and such records are made available upon request of the Federal Motor Carrier Safety Administration or the Federal Railroad Administration.

(b) Hi-Rail Vehicle Defined.—In this section, the term “hi-rail vehicle” means an internal rail flaw detection vehicle equipped with flange hi-rails.

SEC. 5520. AUTOMOBILE TRANSPORTER.

(a) Automobile Transporter Defined.—Section 31111(a)(1) of title 49, United States Code, is amended—

(1) by striking “specifically”; and

(2) by adding at the end the following: “An automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul, so long as it complies with weight limitations for a truck tractor and semitrailer combination.”.

(b) Truck Tractor Defined.—Section 31111(a)(3)(B) of title 49, United States Code, is amended—

(1) by striking “only”;

(2) by inserting before the period at the end the following: “or any other commodity, including cargo or general freight on a backhaul”.

(c) Backhaul Defined.—Section 31111(a) of title 49, United States Code, is amended by adding at the end the following:

“(5) Backhaul.—The term ‘backhaul’ means the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route.”.

(d) Stinger-Steered Automobile Transporters.—Section 31111(b)(1) of title 49, United States Code, is amended—

(1) in subparagraph (E) by striking “or” at the end;

(2) in subparagraph (F) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(G) imposes a vehicle length limitation of less than 80 feet on a stinger-steered automobile transporter with a front overhang of less than 4 feet and a rear overhang of less than 6 feet; or”.
5521. Ready Mix Concrete Delivery Vehicles.

Section 31502 of title 49, United States Code, is amended by adding at the end the following:

“(f) Ready Mixed Concrete Delivery Vehicles.—

“(1) In general.—Notwithstanding any other provision of law, regulations issued under this section or section 31136 (including section 395.1(e)(1)(ii) of title 49, Code of Federal Regulations) regarding reporting, recordkeeping, or documentation of duty status shall not apply to any driver of a ready mixed concrete delivery vehicle if—

“(A) the driver operates within a 100 air-mile radius of the normal work reporting location;

“(B) the driver returns to the work reporting location and is released from work within 14 consecutive hours;

“(C) the driver has at least 10 consecutive hours off duty following each 14 hours on duty;

“(D) the driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and

“(E) the motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records that show—

“(i) the time the driver reports for duty each day;

“(ii) the total number of hours the driver is on duty each day;

“(iii) the time the driver is released from duty each day; and

“(iv) the total time for the preceding driving week the driver is used for the first time or intermittently.

“(2) Definition.—In this section, the term ‘driver of a ready mixed concrete delivery vehicle’ means a driver of a vehicle designed to deliver ready mixed concrete on a daily basis and is equipped with a mechanism under which the vehicle’s propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.”.

5522. Transportation of Construction Materials and Equipment.

Section 229(e)(4) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended—

(1) by striking “50 air mile radius” and inserting “75 air mile radius”;

(2) by striking “the driver.” and inserting “the driver, except that a State, upon notice to the Secretary, may establish a different air mile radius limitation for purposes of this paragraph if such limitation is between 50 and 75 air miles and applies only to movements that take place entirely within the State.”.

5523. Commercial Delivery of Light- and Medium-Duty Trailers.

(a) Definitions.—Section 31111(a) of title 49, United States Code, is amended by adding at the end the following:

“(6) Trailer Transporter Towing Unit.—The term ‘trailer transporter towing unit’ means a power unit that is not used to carry property when operating in a towaway trailer transporter combination.
“(7) Towaway trailer transporter combination.—The term ‘towaway trailer transporter combination’ means a combination of vehicles consisting of a trailer transporter towing unit and 2 trailers or semitrailers—

“(A) with a total weight that does not exceed 26,000 pounds; and

“(B) in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.”

(b) General limitations.—Section 31111(b)(1) of such title is amended by adding at the end the following:

“(H) has the effect of imposing an overall length limitation of less than 82 feet on a towaway trailer transporter combination.”

(c) Conforming amendments.—

1. Property-carrying unit limitation.—Section 31112(a)(1) of such title is amended by inserting before the period at the end the following: “, but not including a trailer or a semitrailer transported as part of a towaway trailer transporter combination (as defined in section 31111(a))”.

2. Access to interstate system.—Section 31114(a)(2) of such title is amended by inserting “any towaway trailer transporter combination (as defined in section 31111(a)),” after “passengers,”.

SEC. 5524. EXEMPTIONS FROM REQUIREMENTS FOR CERTAIN WELDING TRUCKS USED IN PIPELINE INDUSTRY.

(a) Covered motor vehicle defined.—In this section, the term “covered motor vehicle” means a motor vehicle that—

1. is traveling in the State in which the vehicle is registered or another State;

2. is owned by a welder;

3. is a pick-up style truck;

4. is equipped with a welding rig that is used in the construction or maintenance of pipelines; and

5. has a gross vehicle weight and combination weight rating and weight of 15,000 pounds or less.

(b) Federal requirements.—A covered motor vehicle, including the individual operating such vehicle and the employer of such individual, shall be exempt from the following:

1. Any requirement relating to registration as a motor carrier, including the requirement to obtain and display a Department of Transportation number, established under chapters 139 and 311 of title 49, United States Code.

2. Any requirement relating to driver qualifications established under chapter 311 of title 49, United States Code.

3. Any requirement relating to driving of commercial motor vehicles established under chapter 311 of title 49, United States Code.

4. Any requirement relating to parts and accessories and inspection, repair, and maintenance of commercial motor vehicles established under chapter 311 of title 49, United States Code.

5. Any requirement relating to hours of service of drivers, including maximum driving and on duty time, established under chapter 315 of title 49, United States Code.
SEC. 5525. REPORT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the safety and enforcement impacts of sections 5520, 5521, 5522, 5523, 5524, and 7208 of this Act.

(b) CONSULTATION.—In preparing the report required under subsection (a), the Secretary shall consult with States, State law enforcement agencies, entities impacted by the sections described in subsection (a), and other entities the Secretary considers appropriate.

TITLE VI—INNOVATION

SEC. 6001. SHORT TITLE.

This title may be cited as the “Transportation for Tomorrow Act of 2015”.

SEC. 6002. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out section 503(b) of title 23, United States Code, $125,000,000 for each of fiscal years 2016 through 2020.

(2) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code—
   (A) $67,000,000 for fiscal year 2016;
   (B) $67,500,000 for fiscal year 2017;
   (C) $67,500,000 for fiscal year 2018;
   (D) $67,500,000 for fiscal year 2019; and
   (E) $67,500,000 for fiscal year 2020.

(3) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code, $24,000,000 for each of fiscal years 2016 through 2020.

(4) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518 of title 23, United States Code, $100,000,000 for each of fiscal years 2016 through 2020.

(5) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code—
   (A) $72,500,000 for fiscal year 2016;
   (B) $75,000,000 for fiscal year 2017;
   (C) $75,000,000 for fiscal year 2018;
   (D) $77,500,000 for fiscal year 2019; and
   (E) $77,500,000 for fiscal year 2020.

(6) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49, United States Code, $26,000,000 for each of fiscal years 2016 through 2020.

(b) ADMINISTRATION.—The Federal Highway Administration shall—
   (1) administer the programs described in paragraphs (1), (2), and (3) of subsection (a); and
   (2) in consultation with relevant modal administrations, administer the programs described in subsection (a)(4).
(c) Applicability of Title 23, United States Code.—Funds authorized to be appropriated by subsection (a) shall—

(1) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act) or otherwise determined by the Secretary; and

(2) remain available until expended and not be transferable, except as otherwise provided in this Act.

SEC. 6003. TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.

Section 503(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (C) by striking “2013 through 2014” and inserting “2016 through 2020”; and

(2) by adding at the end the following:

“(D) PUBLICATION.—

“(i) IN GENERAL.—Not less frequently than annually, the Secretary shall issue and make available to the public on an Internet website a report on the cost and benefits from deployment of new technology and innovations that substantially and directly resulted from the program established under this paragraph.

“(ii) INCLUSIONS.—The report under clause (i) may include an analysis of—

“(I) Federal, State, and local cost savings;

“(II) project delivery time improvements;

“(III) reduced fatalities; and

“(IV) congestion impacts.”.

SEC. 6004. ADVANCED TRANSPORTATION AND CONGESTION MANAGEMENT TECHNOLOGIES DEPLOYMENT.

Section 503(c) of title 23, United States Code, is amended by adding at the end the following:

“(4) ADVANCED TRANSPORTATION TECHNOLOGIES DEPLOYMENT.—

“(A) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Secretary shall establish an advanced transportation and congestion management technologies deployment initiative to provide grants to eligible entities to develop model deployment sites for large scale installation and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment.

“(B) CRITERIA.—The Secretary shall develop criteria for selection of an eligible entity to receive a grant under this paragraph, including how the deployment of technology will—

“(i) reduce costs and improve return on investments, including through the enhanced use of existing transportation capacity;

“(ii) deliver environmental benefits that alleviate congestion and streamline traffic flow;

“(iii) measure and improve the operational performance of the applicable transportation network;
“(iv) reduce the number and severity of traffic crashes and increase driver, passenger, and pedestrian safety;

“(v) collect, disseminate, and use real-time traffic, transit, parking, and other transportation-related information to improve mobility, reduce congestion, and provide for more efficient and accessible transportation;

“(vi) monitor transportation assets to improve infrastructure management, reduce maintenance costs, prioritize investment decisions, and ensure a state of good repair;

“(vii) deliver economic benefits by reducing delays, improving system performance, and providing for the efficient and reliable movement of goods and services; or

“(viii) accelerate the deployment of vehicle-to-vehicle, vehicle-to-infrastructure, autonomous vehicles, and other technologies.

“(C) APPLICATIONS.—

“(i) REQUEST.—Not later than 6 months after the date of enactment of this paragraph, and for every fiscal year thereafter, the Secretary shall request applications in accordance with clause (ii).

“(ii) CONTENTS.—An application submitted under this subparagraph shall include the following:

“(I) PLAN.—A plan to deploy and provide for the long-term operation and maintenance of advanced transportation and congestion management technologies to improve safety, efficiency, system performance, and return on investment.

“(II) OBJECTIVES.—Quantifiable system performance improvements, such as—

“(aa) reducing traffic-related crashes, congestion, and costs;

“(bb) optimizing system efficiency; and

“(cc) improving access to transportation services.

“(III) RESULTS.—Quantifiable safety, mobility, and environmental benefit projections such as data-driven estimates of how the project will improve the region’s transportation system efficiency and reduce traffic congestion.

“(IV) PARTNERSHIPS.—A plan for partnering with the private sector or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, or other transportation stakeholders.

“(V) LEVERAGING.—A plan to leverage and optimize existing local and regional advanced transportation technology investments.

“(D) GRANT SELECTION.—

“(i) GRANT AWARDS.—Not later than 1 year after the date of enactment of this paragraph, and for every fiscal year thereafter, the Secretary shall award grants
to not less than 5 and not more than 10 eligible entities.

“(ii) Geographic Diversity.—In awarding a grant under this paragraph, the Secretary shall ensure, to the extent practicable, that grant recipients represent diverse geographic areas of the United States, including urban and rural areas.

“(iii) Technology Diversity.—In awarding a grant under this paragraph, the Secretary shall ensure, to the extent practicable, that grant recipients represent diverse technology solutions.

“(E) Use of Grant Funds.—A grant recipient may use funds awarded under this paragraph to deploy advanced transportation and congestion management technologies, including—

“(ii) advanced traveler information systems;
“(iii) advanced transportation management technologies;
“(iv) infrastructure maintenance, monitoring, and condition assessment;
“(v) advanced public transportation systems;
“(vi) transportation system performance data collection, analysis, and dissemination systems;
“(vii) advanced safety systems, including vehicle-to-vehicle and vehicle-to-infrastructure communications, technologies associated with autonomous vehicles, and other collision avoidance technologies, including systems using cellular technology;
“(viii) integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems;
“(ix) electronic pricing and payment systems; or
“(x) advanced mobility and access technologies, such as dynamic ridesharing and information systems to support human services for elderly and disabled individuals.

“(F) Report to Secretary.—For each eligible entity that receives a grant under this paragraph, not later than 1 year after the entity receives the grant, and each year thereafter, the entity shall submit a report to the Secretary that describes—

“(i) deployment and operational costs of the project compared to the benefits and savings the project provides; and
“(ii) how the project has met the original expectations projected in the deployment plan submitted with the application, such as—

“(I) data on how the project has helped reduce traffic crashes, congestion, costs, and other benefits of the deployed systems;
“(II) data on the effect of measuring and improving transportation system performance through the deployment of advanced technologies;
“(III) the effectiveness of providing real-time integrated traffic, transit, and multimodal transportation information to the public to make informed travel decisions; and
“(IV) lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance.

“(G) REPORT.—Not later than 3 years after the date that the first grant is awarded under this paragraph, and each year thereafter, the Secretary shall make available to the public on an Internet website a report that describes the effectiveness of grant recipients in meeting their projected deployment plans, including data provided under subparagraph (F) on how the program has—

“(i) reduced traffic-related fatalities and injuries;
“(ii) reduced traffic congestion and improved travel time reliability;
“(iii) reduced transportation-related emissions;
“(iv) optimized multimodal system performance;
“(v) improved access to transportation alternatives;
“(vi) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;
“(vii) provided cost savings to transportation agencies, businesses, and the traveling public; or
“(viii) provided other benefits to transportation users and the general public.

“(H) ADDITIONAL GRANTS.—The Secretary may cease to provide additional grant funds to a recipient of a grant under this paragraph if—

“(i) the Secretary determines from such recipient’s report that the recipient is not carrying out the requirements of the grant; and
“(ii) the Secretary provides written notice 60 days prior to withholding funds to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate.

“(I) FUNDING.—

“(i) IN GENERAL.—From funds made available to carry out subsection (b), this subsection, and sections 512 through 518, the Secretary shall set aside for grants awarded under subparagraph (D) $60,000,000 for each of fiscal years 2016 through 2020.

“(ii) EXPENSES FOR THE SECRETARY.—Of the amounts set aside under clause (i), the Secretary may set aside $2,000,000 each fiscal year for program reporting, evaluation, and administrative costs related to this paragraph.

“(J) FEDERAL SHARE.—The Federal share of the cost of a project for which a grant is awarded under this subsection shall not exceed 50 percent of the cost of the project.

“(K) GRANT LIMITATION.—The Secretary may not award more than 20 percent of the amount described under subparagraph (I) in a fiscal year to a single grant recipient.

“(L) EXPENSES FOR GRANT RECIPIENTS.—A grant recipient under this paragraph may use not more than
5 percent of the funds awarded each fiscal year to carry out planning and reporting requirements.

“(M) GRANT FLEXIBILITY.—

“(i) IN GENERAL.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements described in subparagraph (C) to carry out this section for a fiscal year, the Secretary shall transfer to the programs specified in clause (ii)—

“(I) any of the funds reserved for the fiscal year under subparagraph (I) that the Secretary has not yet awarded under this paragraph; and

“(II) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under subclause (I).

“(ii) PROGRAMS.—The programs referred to in clause (i) are—

“(I) the program under subsection (b);

“(II) the program under this subsection; and

“(III) the programs under sections 512 through 518.

“(iii) DISTRIBUTION.—Any transfer of funds and obligation limitation under clause (i) shall be divided among the programs referred to in that clause in the same proportions as the Secretary originally reserved funding from the programs for the fiscal year under subparagraph (I).

“(N) DEFINITIONS.—In this paragraph, the following definitions apply:

“(i) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or local government, a transit agency, metropolitan planning organization representing a population of over 200,000, or other political subdivision of a State or local government or a multijurisdictional group or a consortia of research institutions or academic institutions.

“(ii) ADVANCED AND CONGESTION MANAGEMENT TRANSPORTATION TECHNOLOGIES.—The term ‘advanced transportation and congestion management technologies’ means technologies that improve the efficiency, safety, or state of good repair of surface transportation systems, including intelligent transportation systems.

“(iii) MULTIJURISDICTIONAL GROUP.—The term ‘multijurisdictional group’ means a any combination of State governments, local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State for which each member of the group—

“(I) has signed a written agreement to implement the advanced transportation technologies deployment initiative across jurisdictional boundaries; and

“(II) is an eligible entity under this paragraph.”. 
SEC. 6005. INTELLIGENT TRANSPORTATION SYSTEM GOALS.

Section 514(a) of title 23, United States Code, is amended—
(1) in paragraph (4) by striking “and” at the end;
(2) in paragraph (5) by striking the period at the end and inserting “; and”;
(3) by adding at the end the following:
“(6) enhancement of the national freight system and support to national freight policy goals.”.

SEC. 6006. INTELLIGENT TRANSPORTATION SYSTEM PURPOSES.

Section 514(b) of title 23, United States Code, is amended—
(1) in paragraph (8) by striking “and” at the end;
(2) in paragraph (9) by striking the period at the end and inserting “; and”;
(3) by adding at the end the following:
“(10) to assist in the development of cybersecurity research in cooperation with relevant modal administrations of the Department of Transportation and other Federal agencies to help prevent hacking, spoofing, and disruption of connected and automated transportation vehicles.”.

SEC. 6007. INTELLIGENT TRANSPORTATION SYSTEM PROGRAM REPORT.

Section 515(h)(4) of title 23, United States Code, is amended in the matter preceding subparagraph (A)—
(1) by striking “February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012” and inserting “May 1 of each year”;
and
(2) by striking “submit to Congress” and inserting “make available to the public on a Department of Transportation website”.

SEC. 6008. INTELLIGENT TRANSPORTATION SYSTEM NATIONAL ARCHITECTURE AND STANDARDS.

Section 517(a)(3) of title 23, United States Code, is amended by striking “memberships are comprised of, and represent,” and inserting “memberships include representatives of”.

SEC. 6009. COMMUNICATION SYSTEMS DEPLOYMENT REPORT.

Section 518(a) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking “Not later than 3” and all that follows through “House of Representatives” and inserting “Not later than July 6, 2016, the Secretary shall make available to the public on a Department of Transportation website a report”.

SEC. 6010. INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

“§ 519. Infrastructure development

“Funds made available to carry out this chapter for operational tests of intelligent transportation systems—
“(1) shall be used primarily for the development of intelligent transportation system infrastructure, equipment, and systems; and
“(2) to the maximum extent practicable, shall not be used for the construction of physical surface transportation infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding at the end the following:

“519. Infrastructure development.”.

(2) TECHNICAL AMENDMENT.—The item relating to section 512 in the analysis for chapter 5 of title 23, United States Code, is amended to read as follows:

“512. National ITS program plan.”.

SEC. 6011. DEPARTMENTAL RESEARCH PROGRAMS.

(a) ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY.—

Section 102(e)(1) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking “5” and inserting “6”; and

(2) in subparagraph (A) by inserting “an Assistant Secretary for Research and Technology,” after “Governmental Affairs,”.

(b) RESEARCH ACTIVITIES.—Section 330 of title 49, United States Code, is amended—

(1) in the section heading by striking “contracts” and inserting “activities”;

(2) in subsection (a) by striking “The Secretary of” and inserting “IN GENERAL.—The Secretary of”;

(3) in subsection (b) by striking “In carrying” and inserting “RESPONSIBILITIES.—In carrying”;

(4) in subsection (c) by striking “The Secretary” and inserting “PUBLICATIONS.—The Secretary”; and

(5) by adding at the end the following:

“(d) DUTIES.—The Secretary shall provide for the following:

“(1) Coordination, facilitation, and review of Department of Transportation research and development programs and activities.

“(2) Advancement, and research and development, of innovative technologies, including intelligent transportation systems.

“(3) Comprehensive transportation statistics research, analysis, and reporting.

“(4) Education and training in transportation and transportation-related fields.

“(5) Activities of the Volpe National Transportation Systems Center.

“(6) Coordination in support of multimodal and multidisciplinary research activities.

“(e) ADDITIONAL AUTHORITIES.—The Secretary may—

“(1) enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons to conduct research into transportation service and infrastructure assurance and to carry out other research activities of the Department of Transportation;
“(2) carry out, on a cost-shared basis, collaborative research and development to encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology with—

“A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

“B) Federal laboratories; and

“C) other Federal agencies; and

“(3) directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Academies, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of an activity carried out under subsection (e)(3) shall not exceed 50 percent.

“(2) EXCEPTION.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

“(3) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in subsection (e)(3).

“(g) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2016 through 2020, the Secretary is authorized to expend not more than 1 1⁄2 percent of the amounts authorized to be appropriated for the coordination, evaluation, and oversight of the programs administered by the Office of the Assistant Secretary for Research and Technology.

“(h) USE OF TECHNOLOGY.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this section, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

“(i) WAIVER OF ADVERTISING REQUIREMENTS.—Section 6101 of title 41 shall not apply to a contract, grant, or other agreement entered into under this section.”.

“(c) CLERICAL AMENDMENT.—The item relating to section 330 in the analysis of chapter 3 of title 49, United States Code, is amended to read as follows:

“330. Research activities.”.

“(d) TECHNICAL AND CONFORMING AMENDMENTS.—

“(1) TITLE 5 AMENDMENTS.—
(A) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking “The Under Secretary of Transportation for Security.”.

(B) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended in the undesignated item relating to Assistant Secretaries of Transportation by striking “(4)” and inserting “(5)”.

(C) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking “Associate Deputy Secretary, Department of Transportation.”.

(2) BUREAU OF TRANSPORTATION STATISTICS.—Section 6302 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—There shall be within the Department of Transportation the Bureau of Transportation Statistics.”.

SEC. 6012. RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION.

(a) REPEAL.—Section 112 of title 49, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by striking the item relating to section 112.

SEC. 6013. WEB-BASED TRAINING FOR EMERGENCY RESPONDERS.

Section 5115(a) of title 49, United States Code, is amended in the first sentence by inserting “, including online curriculum as appropriate,” after “a current curriculum of courses”.

SEC. 6014. HAZARDOUS MATERIALS RESEARCH AND DEVELOPMENT.

Section 5118 of title 49, United States Code, is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A) by striking “and” at the end;

(B) in subparagraph (B) by striking the period at the end and inserting “; and”;

and

(C) by adding at the end the following:

“(C) coordinate, as appropriate, with other Federal agencies.”; and

(2) by adding at the end the following:

“(c) COOPERATIVE RESEARCH.—

“(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may carry out cooperative research on hazardous materials transport.

“(2) NATIONAL ACADEMIES.—The Secretary may enter into an agreement with the National Academies to support research described in paragraph (1).

“(3) RESEARCH.—Research conducted under this subsection may include activities relating to—

“(A) emergency planning and response, including information and programs that can be readily assessed and implemented in local jurisdictions;

“(B) risk analysis and perception and data assessment;

“(C) commodity flow data, including voluntary collaboration between shippers and first responders for secure data exchange of critical information;

“(D) integration of safety and security;

“(E) cargo packaging and handling;

“(F) hazmat release consequences; and

“(G) development of technology and protocols for emergency response.”.

(3) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by striking the item relating to section 112.
“(G) materials and equipment testing.”.

SEC. 6015. OFFICE OF INTERMODALISM.

(a) REPEAL.—Section 5503 of title 49, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5503.

SEC. 6016. UNIVERSITY TRANSPORTATION CENTERS.

Section 5505 of title 49, United States Code, is amended to read as follows:

“§ 5505. University transportation centers program

“(a) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—

“(1) ESTABLISHMENT AND OPERATION.—The Secretary shall make grants under this section to eligible nonprofit institutions of higher education to establish and operate university transportation centers.

“(2) ROLE OF CENTERS.—The role of each university transportation center referred to in paragraph (1) shall be—

“(A) to advance transportation expertise and technology in the varied disciplines that comprise the field of transportation through education, research, and technology transfer activities;

“(B) to provide for a critical transportation knowledge base outside of the Department of Transportation; and

“(C) to address critical workforce needs and educate the next generation of transportation leaders.

“(b) COMPETITIVE SELECTION PROCESS.—

“(1) APPLICATIONS.—To receive a grant under this section, a consortium of nonprofit institutions of higher education shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

“(2) RESTRICTION.—

“(A) LIMITATION.—A lead institution of a consortium of nonprofit institutions of higher education, as applicable, may only receive 1 grant per fiscal year for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (c).

“(B) EXCEPTION FOR CONSORTIUM MEMBERS THAT ARE NOT LEAD INSTITUTIONS.—Subparagraph (A) shall not apply to a nonprofit institution of higher education that is a member of a consortium of nonprofit institutions of higher education but not the lead institution of such consortium.

“(3) COORDINATION.—The Secretary shall solicit grant applications for national transportation centers, regional transportation centers, and Tier 1 university transportation centers with identical advertisement schedules and deadlines.

“(4) GENERAL SELECTION CRITERIA.—

“(A) IN GENERAL.—Except as otherwise provided by this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the Secretary that address the research priorities identified in chapter 65.

“(B) CRITERIA.—The Secretary, in consultation with the Assistant Secretary for Research and Technology and the Administrator of the Federal Highway Administration
and other modal administrations as appropriate, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

“(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

“(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

“(iii) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems;

“(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

“(v) the demonstrated commitment of the recipient to carry out transportation workforce development programs through—

“(I) degree-granting programs or programs that provide other industry-recognized credentials; and

“(II) outreach activities to attract new entrants into the transportation field, including women and underrepresented populations;

“(vi) the demonstrated ability of the recipient to disseminate results and spur the implementation of transportation research and education programs through national or statewide continuing education programs;

“(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

“(viii) the strategic plan submitted by the recipient describing the proposed research to be carried out by the recipient and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

“(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.

“(5) TRANSPARENCY.—

“(A) IN GENERAL.—The Secretary shall provide to each applicant, upon request, any materials, including copies of reviews (with any information that would identify a reviewer redacted), used in the evaluation process of the proposal of the applicant.

“(B) REPORTS.—The Secretary shall submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process under paragraph (4) that includes—
“(i) specific criteria of evaluation used in the review;
“(ii) descriptions of the review process; and
“(iii) explanations of the selected awards.

“(6) OUTSIDE STAKEHOLDERS.—The Secretary shall, to the maximum extent practicable, consult external stakeholders, including the Transportation Research Board of the National Research Council of the National Academies, to evaluate and competitively review all proposals.

“(c) GRANTS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall select grant recipients under subsection (b) and make grant amounts available to the selected recipients.

“(2) NATIONAL TRANSPORTATION CENTERS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide grants to 5 consortia that the Secretary determines best meet the criteria described in subsection (b)(4).

“(B) RESTRICTIONS.—

“(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall be not greater than $4,000,000 and not less than $2,000,000 per recipient.

“(ii) FOCUSED RESEARCH.—A consortium receiving a grant under this paragraph shall focus research on 1 of the transportation issue areas specified in section 6503(c).

“(C) MATCHING REQUIREMENT.—

“(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

“(I) section 504(b) of title 23; or
“(II) section 505 of title 23.

“(3) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

“(A) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled ‘Standard Federal Regions’ and dated April 1974 (circular A–105).

“(B) SELECTION CRITERIA.—In conducting a competition under subsection (b), the Secretary shall provide grants to 10 consortia on the basis of—

“(i) the criteria described in subsection (b)(4);
“(ii) the location of the lead center within the Federal region to be served; and
“(iii) whether the consortium of institutions demonstrates that the consortium has a well-established, nationally recognized program in transportation research and education, as evidenced by—

“(I) recent expenditures by the institution in highway or public transportation research;
“(II) a historical track record of awarding graduate degrees in professional fields closely related to highways and public transportation; and
“(III) an experienced faculty who specialize in professional fields closely related to highways and public transportation.
“(C) Restrictions.—For each fiscal year, a grant made available under this paragraph shall be not greater than $3,000,000 and not less than $1,500,000 per recipient.
“(D) Matching Requirements.—
“(i) In general.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.
“(ii) Sources.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—
“(I) section 504(b) of title 23; or
“(II) section 505 of title 23.
“(E) Focused Research.—The Secretary shall make a grant to 1 of the 10 regional university transportation centers established under this paragraph for the purpose of furthering the objectives described in subsection (a)(2) in the field of comprehensive transportation safety, congestion, connected vehicles, connected infrastructure, and autonomous vehicles.
“(4) Tier 1 University Transportation Centers.—
“(A) In general.—The Secretary shall provide grants of not greater than $2,000,000 and not less than $1,000,000 to not more than 20 recipients to carry out this paragraph.
“(B) Matching Requirement.—
“(i) In general.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 50 percent of the amounts made available under the grant.
“(ii) Sources.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—
“(I) section 504(b) of title 23; or
“(II) section 505 of title 23.
“(C) Focused Research.—In awarding grants under this section, consideration shall be given to minority institutions, as defined by section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.
“(d) Program Coordination.—
“(1) In general.—The Secretary shall—
“(A) coordinate the research, education, and technology transfer activities carried out by grant recipients under this section; and
“(B) disseminate the results of that research through the establishment and operation of a publicly accessible online information clearinghouse.
“(2) Annual review and evaluation.—Not less frequently than annually, and consistent with the plan developed under section 6503, the Secretary shall—
(A) review and evaluate the programs carried out under this section by grant recipients; and

(B) submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate a report describing that review and evaluation.

(3) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2016 through 2020, the Secretary shall expend not more than 1 and a half percent of the amounts made available to the Secretary to carry out this section for any coordination, evaluation, and oversight activities of the Secretary under this section.

(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

(f) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44.

SEC. 6017. BUREAU OF TRANSPORTATION STATISTICS.

Section 6302 of title 49, United States Code, is amended by adding at the end the following:

(d) INDEPENDENCE OF BUREAU.—

(1) IN GENERAL.—The Director shall not be required—

(A) to obtain the approval of any other officer or employee of the Department with respect to the collection or analysis of any information; or

(B) prior to publication, to obtain the approval of any other officer or employee of the United States Government with respect to the substance of any statistical technical reports or press releases lawfully prepared by the Director.

(2) BUDGET AUTHORITY.—The Director shall have a significant role in the disposition and allocation of the authorized budget of the Bureau, including—

(A) all hiring, grants, cooperative agreements, and contracts awarded by the Bureau to carry out this section; and

(B) the disposition and allocation of amounts paid to the Bureau for cost-reimbursable projects.

(3) EXCEPTIONS.—The Secretary shall direct external support functions, such as the coordination of activities involving multiple modal administrations.

(4) INFORMATION TECHNOLOGY.—The Department Chief Information Officer shall consult with the Director to ensure decisions related to information technology guarantee the protection of the confidentiality of information provided solely for statistical purposes, in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347).”.
SEC. 6018. PORT PERFORMANCE FREIGHT STATISTICS PROGRAM.

(a) In General.—Chapter 63 of title 49, United States Code, is amended by adding at the end the following:

§ 6314. Port performance freight statistics program

“(a) In General.—The Director shall establish, on behalf of the Secretary, a port performance statistics program to provide nationally consistent measures of performance of, at a minimum—

“(1) the Nation’s top 25 ports by tonnage;

“(2) the Nation’s top 25 ports by 20-foot equivalent unit; and

“(3) the Nation’s top 25 ports by dry bulk.

“(b) Reports.—

“(1) Port Capacity and Throughput.—Not later than January 15 of each year, the Director shall submit an annual report to Congress that includes statistics on capacity and throughput at the ports described in subsection (a).

“(2) Port Performance Measures.—The Director shall collect port performance measures for each of the United States ports referred to in subsection (a) that—

“(A) receives Federal assistance; or

“(B) is subject to Federal regulation to submit necessary information to the Bureau that includes statistics on capacity and throughput as applicable to the specific configuration of the port.

“(c) Recommendations.—

“(1) In General.—The Director shall obtain recommendations for—

“(A) port performance measures, including specifications and data measurements to be used in the program established under subsection (a); and

“(B) a process for the Department to collect timely and consistent data, including identifying safeguards to protect proprietary information described in subsection (b)(2).

“(2) Working Group.—Not later than 60 days after the date of the enactment of the Transportation for Tomorrow Act of 2015, the Director shall commission a working group composed of—

“(A) operating administrations of the Department;

“(B) the Coast Guard;

“(C) the Federal Maritime Commission;

“(D) U.S. Customs and Border Protection;

“(E) the Marine Transportation System National Advisory Council;

“(F) the Army Corps of Engineers;

“(G) the Saint Lawrence Seaway Development Corporation;

“(H) the Bureau of Labor Statistics;

“(I) the Maritime Advisory Committee for Occupational Safety and Health;

“(J) the Advisory Committee on Supply Chain Competitiveness;

“(K) 1 representative from the rail industry;

“(L) 1 representative from the trucking industry;

“(M) 1 representative from the maritime shipping industry;
“(N) 1 representative from a labor organization for each industry described in subparagraphs (K) through (M); “(O) 1 representative from the International Longshoremen’s Association; “(P) 1 representative from the International Longshore and Warehouse Union; “(Q) 1 representative from a port authority; “(R) 1 representative from a terminal operator; “(S) representatives of the National Freight Advisory Committee of the Department; and “(T) representatives of the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine.

“(3) RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of the Transportation for Tomorrow Act of 2015, the working group commissioned under paragraph (2) shall submit its recommendations to the Director.

“(d) ACCESS TO DATA.—The Director shall ensure that— “(1) the statistics compiled under this section— “(A) are readily accessible to the public; and “(B) are consistent with applicable security constraints and confidentiality interests; and “(2) the data acquired, regardless of source, shall be protected in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347).”.

(b) PROHIBITION ON CERTAIN DISCLOSURES; COPIES OF REPORTS.—Section 6307(b) of such title is amended, by inserting "or section 6314(b)" after "section 6302(b)(3)(B)" each place it appears.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 63 of such title is amended by adding at the end the following:

"6314. Port performance freight statistics program.".

SEC. 6019. RESEARCH PLANNING.

(a) FINDINGS.—Congress finds that— “(1) Federal transportation research planning— “(A) should be coordinated by the Office of the Secretary; and “(B) should be, to the extent practicable, multimodal and not occur solely within the sub-agencies of the Department; “(2) managing a multimodal research portfolio within the Office of the Secretary will— “(A) help identify opportunities in which research could be applied across modes; and “(B) prevent duplication of efforts and waste of limited Federal resources; “(3) the Assistant Secretary for Research and Technology at the Department of Transportation will— “(A) give stakeholders a formal opportunity to address concerns; “(B) ensure unbiased research; and “(C) improve the overall research products of the Department; and “(4) increasing transparency of transportation research and development efforts will—
(A) build stakeholder confidence in the final product; and
(B) lead to the improved implementation of research findings.

(b) RESEARCH PLANNING.—
(1) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by inserting after chapter 63 the following:

"CHAPTER 65—RESEARCH PLANNING"

"Sec.
49 USC
prec. 6501.

"SEC. 6501. ANNUAL MODAL RESEARCH PLANS.

"(a) MODAL PLANS REQUIRED.—
"(1) IN GENERAL.—Not later than May 1 of each year, the head of each modal administration and joint program office of the Department of Transportation shall submit to the Assistant Secretary for Research and Technology of the Department of Transportation (referred to in this chapter as the ‘Assistant Secretary’) a comprehensive annual modal research plan for the upcoming fiscal year and a detailed outlook for the following fiscal year.

"(2) RELATIONSHIP TO STRATEGIC PLAN.—Each plan submitted under paragraph (1), after the plan required in 2016, shall be consistent with the strategic plan developed under section 6503.

"(b) REVIEW.—
"(1) IN GENERAL.—Not later than September 1 of each year, the Assistant Secretary, for each plan and outlook submitted pursuant to subsection (a), shall—
"(A) review the scope of the research; and
"(B)(i) approve the plan and outlook; or
"(ii) request that the plan and outlook be revised and resubmitted for approval.

"(2) PUBLICATIONS.—Not later than January 30 of each year, the Secretary shall publish on a public website each plan and outlook that has been approved under paragraph (1)(B)(i).

"(3) REJECTION OF DUPLICATIVE RESEARCH EFFORTS.—The Assistant Secretary may not approve any plan submitted by the head of a modal administration or joint program office pursuant to subsection (a) if any of the projects described in the plan duplicate significant aspects of research efforts of any other modal administration.

"(c) FUNDING LIMITATIONS.—No funds may be expended by the Department of Transportation on research that has been determined by the Assistant Secretary under subsection (b)(3) to be duplicative unless—
"(1) the research is required by an Act of Congress;
"(2) the research was part of a contract that was funded before the date of enactment of this chapter;
"(3) the research updates previously commissioned research; or
“(4) the Assistant Secretary certifies to Congress that such research is necessary, and provides justification for such certification.

“(d) Certification.—

“(1) in general.—The Secretary shall annually certify to Congress that—

“(A) each modal research plan has been reviewed; and

“(B) there is no duplication of study for research directed, commissioned, or conducted by the Department of Transportation.

“(2) Corrective action plan.—If the Secretary, after submitting a certification under paragraph (1), identifies duplication of research within the Department of Transportation, the Secretary shall—

“(A) notify Congress of the duplicative research; and

“(B) submit to Congress a corrective action plan to eliminate the duplicative research.

“SEC. 6502. CONSOLIDATED RESEARCH DATABASE.

“(a) Research abstract database.—

“(1) in general.—The Secretary shall annually publish on a public website a comprehensive database of all research projects conducted by the Department of Transportation, including, to the extent practicable, research funded through University Transportation Centers.

“(2) Contents.—The database published under paragraph (1) shall, to the extent practicable—

“(A) include the consolidated modal research plans approved under section 6501(b)(1)(B)(i);

“(B) describe the research objectives, progress, findings, and allocated funds for each research project;

“(C) identify research projects with multimodal applications;

“(D) specify how relevant modal administrations have assisted, will contribute to, or plan to use the findings from the research projects identified under paragraph (1);

“(E) identify areas in which more than 1 modal administration is conducting research on a similar subject or a subject that has a bearing on more than 1 mode;

“(F) indicate how the findings of research are being disseminated to improve the efficiency, effectiveness, and safety of transportation systems; and

“(G) describe the public and stakeholder input to the research plans submitted under section 6501(a)(1).

“(b) Funding report.—In conjunction with each of the annual budget requests submitted by the President under section 1105 of title 31, the Secretary shall annually publish on a public website and submit to the appropriate committees of Congress a report that describes—

“(1) the amount spent in the last full fiscal year on transportation research and development with specific descriptions of projects funded at $5,000,000 or more; and

“(2) the amount proposed in the current budget for transportation research and development with specific descriptions of projects funded at $5,000,000 or more.
“(c) PERFORMANCE PLANS AND REPORTS.—In the plans and reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

“(1) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;
“(2) the amount spent in each topic area;
“(3) a description of the extent to which the research and development is meeting the expectations described in section 6503(c)(1); and
“(4) any amendments to the strategic plan developed under section 6503.

“SEC. 6503. TRANSPORTATION RESEARCH AND DEVELOPMENT 5-YEAR STRATEGIC PLAN.

“(a) IN GENERAL.—The Secretary shall develop a 5-year transportation research and development strategic plan to guide future Federal transportation research and development activities.

“(b) CONSISTENCY.—The strategic plan developed under subsection (a) shall be consistent with—

“(1) section 306 of title 5;
“(2) sections 1115 and 1116 of title 31; and
“(3) any other research and development plan within the Department of Transportation.

“(c) CONTENTS.—The strategic plan developed under subsection (a) shall—

“(1) describe how the plan furthers the primary purposes of the transportation research and development program, which shall include—

“(A) improving mobility of people and goods;
“(B) reducing congestion;
“(C) promoting safety;
“(D) improving the durability and extending the life of transportation infrastructure;
“(E) preserving the environment; and
“(F) preserving the existing transportation system;

“(2) for each of the purposes referred to in paragraph (1), list the primary proposed research and development activities that the Department of Transportation intends to pursue to accomplish that purpose, which may include—

“(A) fundamental research pertaining to the applied physical and natural sciences;
“(B) applied science and research;
“(C) technology development research; and
“(D) social science research; and

“(3) for each research and development activity—

“(A) identify the anticipated annual funding levels for the period covered by the strategic plan; and
“(B) describe the research findings the Department expects to discover at the end of the period covered by the strategic plan.

“(d) CONSIDERATIONS.—The Secretary shall ensure that the strategic plan developed under this section—

“(1) reflects input from a wide range of external stakeholders;
“(2) includes and integrates the research and development programs of all of the modal administrations of the Department
of Transportation, including aviation, transit, rail, and maritime and joint programs;

“(3) takes into account research and development by other Federal, State, local, private sector, and nonprofit institutions;

“(4) not later than December 31, 2016, is published on a public website; and

“(5) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions—

“(A) contributes to the achievement of the purposes identified under subsection (c)(1); and

“(B) avoids unnecessary duplication of those efforts.

“(e) INTERIM REPORT.—Not later than 2 ½ years after the date of enactment of this chapter, the Secretary may publish on a public website an interim report that—

“(1) provides an assessment of the 5-year research and development strategic plan of the Department of Transportation described in this section; and

“(2) includes a description of the extent to which the research and development is or is not successfully meeting the purposes described under subsection (c)(1).”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for subtitle III of title 49, United States Code, is amended by adding at the end the following:

“63. Bureau of Transportation Statistics ............................................................................. 6301
65. Research planning ................................................................................................. 6501”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER 5 OF TITLE 23.—Chapter 5 of title 23, United States Code, is amended—

(A) by striking section 508;

(B) in the table of contents, by striking the item relating to section 508;

(C) in section 502—

(i) in subsection (a)(9), by striking “transportation research and technology development strategic plan developed under section 508” and inserting “transportation research and development strategic plan under section 6503 of title 49”; and

(ii) in subsection (b)(4), by striking “transportation research and development strategic plan of the Secretary developed under section 508” and inserting “transportation research and development strategic plan under section 6503 of title 49”; and

(D) in section 512(b), by striking “as part of the transportation research and development strategic plan developed under section 508”.

(2) INTELLIGENT TRANSPORTATION SYSTEMS.—The Intelligent Transportation Systems Act of 1998 (23 U.S.C. 502 note; Public Law 105–178) is amended—

(A) in section 5205(b), by striking “as part of the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23” and inserting “as part of the transportation research and development strategic plan under section 6503 of title 49”; and

(B) in section 5206(e)(2)(A), by striking “or the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23” and inserting “or
the transportation research and development strategic plan under section 6503 of title 49”.

(3) INTELLIGENT TRANSPORTATION SYSTEM RESEARCH.—Section 5305(h)(3)(A) of SAFETEA–LU (23 U.S.C. 512 note; Public Law 109–59) is amended by striking “the strategic plan under section 508 of title 23, United States Code” and inserting “the 5-year strategic plan under 6503 of title 49, United States Code”.

SEC. 6020. SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES.

(a) IN GENERAL.—The Secretary shall establish a program to provide grants to States to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund.

(b) APPLICATION.—To be eligible for a grant under this section, a State or group of States shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

(c) OBJECTIVES.—The Secretary shall ensure that the activities carried out using funds provided under this section meet the following objectives:

1. To test the design, acceptance, and implementation of 2 or more future user-based alternative revenue mechanisms.
2. To improve the functionality of such user-based alternative revenue mechanisms.
3. To conduct outreach to increase public awareness regarding the need for alternative funding sources for surface transportation programs and to provide information on possible approaches.
4. To provide recommendations regarding adoption and implementation of user-based alternative revenue mechanisms.
5. To minimize the administrative cost of any potential user-based alternative revenue mechanisms.

(d) USE OF FUNDS.—A State or group of States receiving funds under this section to test the design, acceptance, and implementation of a user-based alternative revenue mechanism—

1. shall address—
   A. the implementation, interoperability, public acceptance, and other potential hurdles to the adoption of the user-based alternative revenue mechanism;
   B. the protection of personal privacy;
   C. the use of independent and private third-party vendors to collect fees and operate the user-based alternative revenue mechanism;
   D. market-based congestion mitigation, if appropriate;
   E. the use of the user-based alternative revenue mechanism on differing income groups, various geographic areas, and the relative burdens on rural and urban drivers;
   F. the reliability and security of technology used to implement the user-based alternative revenue mechanism; and
2. may address—
(A) the flexibility and choices of user-based alternative revenue mechanisms, including the ability of users to select from various technology and payment options;
(B) the cost of administering the user-based alternative revenue mechanism; and
(C) the ability of the administering entity to audit and enforce user compliance.

(e) CONSIDERATION.—The Secretary shall consider geographic diversity in awarding grants under this section.

(f) LIMITATIONS ON REVENUE COLLECTED.—Any revenue collected through a user-based alternative revenue mechanism established using funds provided under this section shall not be considered a toll under section 301 of title 23, United States Code.

(g) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section may not exceed 50 percent of the total cost of the activity.

(h) REPORT TO SECRETARY.—Not later than 1 year after the date on which the first eligible entity receives a grant under this section, and each year thereafter, each recipient of a grant under this section shall submit to the Secretary a report that describes—

(1) how the demonstration activities carried out with grant funds meet the objectives described in subsection (c); and
(2) lessons learned for future deployment of alternative revenue mechanisms that utilize a user fee structure.

(i) BIENNIAL REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter until the completion of the demonstration activities under this section, the Secretary shall make available to the public on an Internet website a report describing the progress of the demonstration activities.

(j) FUNDING.—Of the funds authorized to carry out section 503(b) of title 23, United States Code—

(1) $15,000,000 shall be used to carry out this section for fiscal year 2016; and
(2) $20,000,000 shall be used to carry out this section for each of fiscal years 2017 through 2020.

(k) GRANT FLEXIBILITY.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements of this section for a fiscal year, the Secretary shall transfer to the program under section 503(b) of title 23, United States Code—

(1) any of the funds reserved for the fiscal year under subsection (j) that the Secretary has not yet awarded under this section; and
(2) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under paragraph (1).

SEC. 6021. FUTURE INTERSTATE STUDY.

(a) FUTURE INTERSTATE SYSTEM STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study on the actions needed to upgrade and restore the Dwight D. Eisenhower National System of Interstate and Defense Highways to its role as a premier system that meets the growing and shifting demands of the 21st century.

(b) METHODOLOGIES.—In conducting the study, the Transportation Research Board shall build on the methodologies examined

(c) CONTENTS OF STUDY.—The study—

(1) shall include specific recommendations regarding the features, standards, capacity needs, application of technologies, and intergovernmental roles to upgrade the Interstate System, including any revisions to law (including regulations) that the Transportation Research Board determines appropriate; and

(2) is encouraged to build on the institutional knowledge in the highway industry in applying the techniques involved in implementing the study.

(d) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall determine the need for reconstruction and improvement of the Interstate System by considering—

(1) future demands on transportation infrastructure determined for national planning purposes, including commercial and private traffic flows to serve future economic activity and growth;

(2) the expected condition of the current Interstate System over the period of 50 years beginning on the date of enactment of this Act, including long-term deterioration and reconstruction needs;

(3) features that would take advantage of technological capabilities to address modern standards of construction, maintenance, and operations, for purposes of safety, and system management, taking into further consideration system performance and cost;

(4) those National Highway System routes that should be added to the existing Interstate System to more efficiently serve national traffic flows; and

(5) the resources necessary to maintain and improve the Interstate System, including the resources required to upgrade the National Highway System routes identified in paragraph (4) to Interstate standards.

(e) CONSULTATION.—In carrying out the study, the Transportation Research Board—

(1) shall convene and consult with a panel of national experts, including operators and users of the Interstate System and private sector stakeholders; and

(2) is encouraged to consult with—

(A) the Federal Highway Administration;

(B) States;

(C) planning agencies at the metropolitan, State, and regional levels;

(D) the motor carrier industry;

(E) freight shippers;

(F) highway safety groups; and

(G) other appropriate entities.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this section.
(g) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Secretary shall use to carry out this section not more than $5,000,000 for fiscal year 2016.

SEC. 6022. HIGHWAY EFFICIENCY.

(a) STUDY.—
(1) IN GENERAL.—The Secretary may examine the impact of pavement durability and sustainability on vehicle fuel consumption, vehicle wear and tear, road conditions, and road repairs.

(2) METHODOLOGY.—In carrying out the study, the Secretary shall—
   (A) conduct a thorough review of relevant peer-reviewed research published during at least the past 5 years;
   (B) analyze impacts of different types of pavement on all motor vehicle types, including commercial vehicles;
   (C) specifically examine the impact of pavement deformation and deflection; and
   (D) analyze impacts of different types of pavement on road conditions and road repairs.

(3) CONSULTATION.—In carrying out the study, the Secretary shall consult with—
   (A) modal administrations of the Department and other Federal agencies, including the National Institute of Standards and Technology;
   (B) State departments of transportation;
   (C) industry stakeholders; and
   (D) appropriate academic experts.

(b) REPORT.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish on a public website a report describing the results of the study.

(2) CONTENTS.—The report shall include—
   (A) a summary of the different types of pavements analyzed in the study and the impacts of pavement durability and sustainability on safety, vehicle fuel consumption, vehicle wear and tear, road conditions, and road repairs; and
   (B) recommendations for State and local governments on best practice methods for improving pavement durability and sustainability to maximize vehicle fuel economy, improve safety, ride quality, and road conditions, and to minimize the need for road and vehicle repairs.

SEC. 6023. TRANSPORTATION TECHNOLOGY POLICY WORKING GROUP.

To improve the scientific pursuit and research procedures concerning transportation, the Secretary may convene an interagency working group—

(1) to identify opportunities for coordination between the Department and universities and the private sector; and

(2) to identify and develop a plan to address related workforce development needs.

SEC. 6024. COLLABORATION AND SUPPORT.

The Secretary may solicit the support of, and identify opportunities to collaborate with, other Federal research agencies and
national laboratories to assist in the effective and efficient pursuit and resolution of research challenges identified by the Secretary.

SEC. 6025. GAO REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) assesses the status of autonomous transportation technology policy developed by public entities in the United States;

(2) assesses the organizational readiness of the Department to address autonomous vehicle technology challenges, including consumer privacy protections; and

(3) recommends implementation paths for autonomous transportation technology, applications, and policies that are based on the assessment described in paragraph (2).

SEC. 6026. TRAFFIC CONGESTION.

(a) CONGESTION RESEARCH.—The Secretary may conduct research on the reduction of traffic congestion.

(b) CONSIDERATION.—The Secretary may—

(1) recommend research to accelerate the adoption of transportation management systems that allow traffic to flow in the safest and most efficient manner possible while alleviating current and future traffic congestion challenges;

(2) assess and analyze traffic, transit, and freight data from various sources relevant to efforts to reduce traffic congestion so as to maximize mobility, efficiency, and capacity while decreasing congestion and travel times;

(3) examine the use and integration of multiple data types from multiple sources and technologies, including road weather data, arterial and highway traffic conditions, transit vehicle arrival and departure times, real time navigation routing, construction zone information, and reports of incidents, to suggest improvements in effective communication of such data and information in real time;

(4) develop and disseminate suggested strategies and solutions to reduce congestion for high-density traffic regions and to provide mobility in the event of an emergency or natural disaster; and

(5) collaborate with other relevant Federal agencies, State and local agencies, industry and industry associations, and university research centers to fulfill goals and objectives under this section.

(c) IDENTIFYING INFORMATION.—The Secretary shall ensure that information used pursuant to this section does not contain identifying information of any individual.

(d) REPORT.—Not later than 1 year after the completion of research under this section, the Secretary may make available on a public website a report on any activities under this section.

SEC. 6027. SMART CITIES TRANSPORTATION PLANNING STUDY.

(a) IN GENERAL.—The Secretary may conduct a study of digital technologies and information technologies, including shared mobility, data, transportation network companies, and on-demand transportation services—

(1) to understand the degree to which cities are adopting those technologies;
(2) to assess future planning, infrastructure, and investment needs; and
(3) to provide best practices to plan for smart cities in which information and technology are used—
   (A) to improve city operations;
   (B) to grow the local economy;
   (C) to improve response in times of emergencies and natural disasters; and
   (D) to improve the lives of city residents.

(b) COMPONENTS.—The study conducted under subsection (a) shall—
   (1) identify broad issues that influence the ability of the United States to plan for and invest in smart cities, including barriers to collaboration and access to scientific information; and
   (2) review how the expanded use of digital technologies, mobile devices, and information may—
      (A) enhance the efficiency and effectiveness of existing transportation networks;
      (B) optimize demand management services;
      (C) impact low-income and other disadvantaged communities;
      (D) assess opportunities to share, collect, and use data;
      (E) change current planning and investment strategies; and
      (F) provide opportunities for enhanced coordination and planning.

(c) REPORTING.—Not later than 18 months after the date of enactment of this Act, the Secretary may publish the report containing the results of the study conducted under subsection (a) to a public website.

SEC. 6028. PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.

(a) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150 of title 23, United States Code).

(b) INCLUSIONS.—The data analysis activities authorized under subsection (a) may include—
   (1) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;
   (2) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;
   (3) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;
   (4) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e) of title 23, United States Code; and
   (5) developing tools—
      (A) to improve performance analysis; and
      ...
(B) to evaluate the effects of project investments on performance.

(c) FUNDING.—From amounts authorized to carry out the Highway Research and Development Program, the Administrator of the Federal Highway Administration may use up to $10,000,000 for each of fiscal years 2016 through 2020 to carry out this section.

TITLE VII—HAZARDOUS MATERIALS TRANSPORTATION

SEC. 7001. SHORT TITLE.

This title may be cited as the “Hazardous Materials Transportation Safety Improvement Act of 2015”.

Subtitle A—Authorizations

SEC. 7101. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 of title 49, United States Code, is amended to read as follows:

“§ 5128. Authorization of appropriations

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

“(1) $53,000,000 for fiscal year 2016;
“(2) $55,000,000 for fiscal year 2017;
“(3) $57,000,000 for fiscal year 2018;
“(4) $58,000,000 for fiscal year 2019; and
“(5) $60,000,000 for fiscal year 2020.

“(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(h), the Secretary may expend, for each of fiscal years 2016 through 2020—

“(1) $21,988,000 to carry out section 5116(a);
“(2) $150,000 to carry out section 5116(e);
“(3) $625,000 to publish and distribute the Emergency Response Guidebook under section 5116(h)(3); and
“(4) $1,000,000 to carry out section 5116(i).

“(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(h), the Secretary may expend $4,000,000 for each of fiscal years 2016 through 2020 to carry out section 5107(e).

“(d) COMMUNITY SAFETY GRANTS.—Of the amounts made available under subsection (a) to carry out this chapter, the Secretary shall withhold $1,000,000 for each of fiscal years 2016 through 2020 to carry out section 5107(i).

“(e) CREDITS TO APPROPRIATIONS.—

“(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, Indian tribe, authority, or entity.

“(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.”.
Subtitle B—Hazardous Material Safety and Improvement

SEC. 7201. NATIONAL EMERGENCY AND DISASTER RESPONSE.

Section 5103 of title 49, United States Code, is amended—
(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and
(2) by inserting after subsection (b) the following:
“(c) FEDERALLY DECLARED DISASTERS AND EMERGENCIES.—
“(1) IN GENERAL.—The Secretary may by order waive compliance with any part of an applicable standard prescribed under this chapter without prior notice and comment and on terms the Secretary considers appropriate if the Secretary determines that—
“(A) it is in the public interest to grant the waiver;
“(B) the waiver is not inconsistent with the safety of transporting hazardous materials; and
“(C) the waiver is necessary to facilitate the safe movement of hazardous materials into, from, and within an area of a major disaster or emergency that has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).
“(2) PERIOD OF WAIVER.—A waiver under this subsection may be issued for a period of not more than 60 days and may be renewed upon application to the Secretary only after notice and an opportunity for a hearing on the waiver. The Secretary shall immediately revoke the waiver if continuation of the waiver would not be consistent with the goals and objectives of this chapter.
“(3) STATEMENT OF REASONS.—The Secretary shall include in any order issued under this section the reasons for granting the waiver.”.

SEC. 7202. MOTOR CARRIER SAFETY PERMITS.

Section 5109(h) of title 49, United States Code, is amended to read as follows:
“(h) LIMITATION ON DENIAL.—The Secretary may not deny a non-temporary permit held by a motor carrier pursuant to this section based on a comprehensive review of that carrier triggered by safety management system scores or out-of-service disqualification standards, unless—
“(1) the carrier has the opportunity, prior to the denial of such permit, to submit a written description of corrective actions taken and other documentation the carrier wishes the Secretary to consider, including a corrective action plan; and
“(2) the Secretary determines the actions or plan is insufficient to address the safety concerns identified during the course of the comprehensive review.”.

SEC. 7203. IMPROVING THE EFFECTIVENESS OF PLANNING AND TRAINING GRANTS.

(a) PLANNING AND TRAINING GRANTS.—Section 5116 of title 49, United States Code, is amended—
(1) by redesignating subsections (c) through (k) as subsections (b) through (j), respectively,
(2) by striking subsection (b); and
(3) by striking subsection (a) and inserting the following:

“(a) PLANNING AND TRAINING GRANTS.—(1) The Secretary shall make grants to States and Indian tribes—

“(A) to develop, improve, and carry out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.), including ascertaining flow patterns of hazardous material on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe;

“(B) to decide on the need for regional hazardous material emergency response teams; and

“(C) to train public sector employees to respond to accidents and incidents involving hazardous material.

“(2) To the extent that a grant is used to train emergency responders under paragraph (1)(C), the State or Indian tribe shall provide written certification to the Secretary that the emergency responders who receive training under the grant will have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to accidents and incidents involving hazardous materials.

“(3) The Secretary may make a grant to a State or Indian tribe under paragraph (1) of this subsection only if—

“(A) the State or Indian tribe certifies that the total amount the State or Indian tribe expends (except amounts of the Federal Government) for the purpose of the grant will at least equal the average level of expenditure for the last 5 years; and

“(B) any emergency response training provided under the grant shall consist of—

“(i) a course developed or identified under section 5115 of this title; or

“(ii) any other course the Secretary determines is consistent with the objectives of this section.

“(4) A State or Indian tribe receiving a grant under this subsection shall ensure that planning and emergency response training under the grant is coordinated with adjacent States and Indian tribes.

“(5) A training grant under paragraph (1)(C) may be used—

“(A) to pay—

“(i) the tuition costs of public sector employees being trained;

“(ii) travel expenses of those employees to and from the training facility;

“(iii) room and board of those employees when at the training facility; and

“(iv) travel expenses of individuals providing the training;

“(B) by the State, political subdivision, or Indian tribe to provide the training; and

“(C) to make an agreement with a person (including an authority of a State, a political subdivision of a State or Indian tribe, or a local jurisdiction), subject to approval by the Secretary, to provide the training if—
“(i) the agreement allows the Secretary and the State or Indian tribe to conduct random examinations, inspections, and audits of the training without prior notice;
“(ii) the person agrees to have an auditable accounting system; and
“(iii) the State or Indian tribe conducts at least one on-site observation of the training each year.
“(6) The Secretary shall allocate amounts made available for grants under this subsection among eligible States and Indian tribes based on the needs of the States and Indian tribes for emergency response planning and training. In making a decision about those needs, the Secretary shall consider—
“(A) the number of hazardous material facilities in the State or on land under the jurisdiction of the Indian tribe;
“(B) the types and amounts of hazardous material transported in the State or on such land;
“(C) whether the State or Indian tribe imposes and collects a fee for transporting hazardous material;
“(D) whether such fee is used only to carry out a purpose related to transporting hazardous material;
“(E) the past record of the State or Indian tribe in effectively managing planning and training grants; and
“(F) any other factors the Secretary determines are appropriate to carry out this subsection.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—
(1) Section 5108(g) of title 49, United States Code, is amended by striking “5116(i)” each place it appears and inserting “5116(h)”.
(2) Section 5116 of such title is amended—
(A) in subsection (d), as so redesignated, by striking “subsections (a)(2)(A) and (b)(2)(A)” and inserting “subsection (a)(3)(A)”;
(B) in subsection (h), as so redesignated—
(i) in paragraph (1) by inserting “and section 5107(e)” after “section”;
(ii) in paragraph (2) by striking “(f)” and inserting “(e)”;
(iii) in paragraph (4) by striking “5108(g)(2) and 5115” and inserting “5107(e) and 5108(g)(2)”;
(C) in subsection (i), as so redesignated, by striking “subsection (b)” and inserting “subsection (a)”;
(D) in subsection (j), as so redesignated—
(i) by striking “planning grants allocated under subsection (a), training grants under subsection (b), and grants under subsection (j) of this section and under section 5107” and inserting “planning and training grants under subsection (a) and grants under subsection (i) of this section and under subsections (e) and (i) of section 5107”; and
(ii) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.
(c) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit the Secretary from recovering and deobligating funds from grants that are not managed or expended in compliance with a grant agreement.
SEC. 7204. IMPROVING PUBLICATION OF SPECIAL PERMITS AND APPROVALS.

Section 5117 of title 49, United States Code, is amended—
(1) in subsection (b)—
   (A) by striking “an application for a special permit” and inserting “an application for a new special permit or a modification to an existing special permit”; and
   (B) by inserting after the second sentence the following: “The Secretary shall make available to the public on the Department of Transportation’s Internet Web site any special permit other than a new special permit or a modification to an existing special permit and shall give the public an opportunity to inspect the safety analysis and comment on the application for a period of not more than 15 days.”;
and
(2) in subsection (c)—
   (A) by striking “publish” and inserting “make available to the public”;
   (B) by striking “in the Federal Register”;
   (C) by striking “180” and inserting “120”;
and
   (D) by striking “the special permit” each place it appears and inserting “a special permit or approval”; and
(3) by adding at the end the following:
   “(g) DISCLOSURE OF FINAL ACTION.—The Secretary shall periodically, but at least every 120 days—
   “(1) publish in the Federal Register notice of the final disposition of each application for a new special permit, modification to an existing special permit, or approval during the preceding quarter; and
   “(2) make available to the public on the Department of Transportation’s Internet Web site notice of the final disposition of any other special permit during the preceding quarter.”.

SEC. 7205. ENHANCED REPORTING.

Section 5121(h) of title 49, United States Code, is amended by striking “transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate” and inserting “make available to the public on the Department of Transportation’s Internet Web site”.

SEC. 7206. WETLINES.

(a) WITHDRAWAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall withdraw the proposed rule described in the notice of proposed rulemaking issued on January 27, 2011, entitled “Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids” (76 Fed. Reg. 4847).

(b) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from issuing standards or regulations regarding the safety of external product piping on cargo tanks transporting flammable liquids after the withdrawal is carried out pursuant to subsection (a).

SEC. 7207. GAO STUDY ON ACCEPTANCE OF CLASSIFICATION EXAMINATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States
shall evaluate and transmit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report on the standards, metrics, and protocols that the Secretary uses to regulate the performance of persons approved to recommend hazard classifications pursuant to section 173.56(b) of title 49, Code of Federal Regulations (commonly referred to as “third-party labs”).

(b) EVALUATION.—The evaluation required under subsection (a) shall—

(1) identify what standards and protocols are used to approve such persons, assess the adequacy of such standards and protocols to ensure that persons seeking approval are qualified and capable of performing classifications, and make recommendations to address any deficiencies identified;

(2) assess the adequacy of the Secretary’s oversight of persons approved to perform the classifications, including the qualification of individuals engaged in the oversight of approved persons, and make recommendations to enhance oversight sufficiently to ensure that classifications are issued as required;

(3) identify what standards and protocols exist to rescind, suspend, or deny approval of persons who perform such classifications, assess the adequacy of such standards and protocols, and make recommendations to enhance such standards and protocols if necessary; and

(4) include annual data for fiscal years 2005 through 2015 on the number of applications received for new classifications pursuant to section 173.56(b) of title 49, Code of Federal Regulations, of those applications how many classifications recommended by persons approved by the Secretary were changed to another classification and the reasons for the change, and how many hazardous materials incidents have been attributed to a classification recommended by such approved persons in the United States.

(c) ACTION PLAN.—Not later than 180 days after receiving the report required under subsection (a), the Secretary shall make available to the public a plan describing any actions the Secretary will take to establish standards, metrics, and protocols based on the findings and recommendations in the report to ensure that persons approved to perform classification examinations required under section 173.56(b) of title 49, Code of Federal Regulations, can sufficiently perform such examinations in a manner that meets the hazardous materials regulations.

(d) REGULATIONS.—If the report required under subsection (a) recommends new regulations in order for the Secretary to have confidence in the accuracy of classification recommendations rendered by persons approved to perform classification examinations required under section 173.56(b) of title 49, Code of Federal Regulations, the Secretary shall consider such recommendations, and if determined appropriate, issue regulations to address the recommendations not later than 18 months after the date of the publication of the plan under subsection (c).

SEC. 7208. HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.

The Secretary shall allow a State, at the discretion of the State, to waive the requirement for a holder of a Class A commercial driver’s license to obtain a hazardous materials endorsement under

49 USC 31305 note.
part 383 of title 49, Code of Federal Regulations, if the license holder—

(1) is acting within the scope of the license holder’s employ-
ment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and

(2) is operating a service vehicle that is—

(A) transporting diesel in a quantity of 3,785 liters (1,000 gallons) or less; and

(B) clearly marked with a “flammable” or “combustible” placard, as appropriate.

Subtitle C—Safe Transportation of Flammable Liquids by Rail

SEC. 7301. COMMUNITY SAFETY GRANTS.

Section 5107 of title 49, United States Code, is amended by adding at the end the following:

“(i) COMMUNITY SAFETY GRANTS.—The Secretary shall establish a competitive program for making grants to nonprofit organizations for—

“(1) conducting national outreach and training programs to assist communities in preparing for and responding to accidents and incidents involving the transportation of hazardous materials, including Class 3 flammable liquids by rail; and

“(2) training State and local personnel responsible for enforcing the safe transportation of hazardous materials, including Class 3 flammable liquids.”.

SEC. 7302. REAL-TIME EMERGENCY RESPONSE INFORMATION.

(a) IN GENERAL.—Not later than 1 year after the date of enact-
ment of this Act, the Secretary, in consultation with appropriate Federal agencies, shall issue regulations that—

(1) require a Class I railroad transporting hazardous mate-
rials—

(A) to generate accurate, real-time, and electronic train consist information, including—

(i) the identity, quantity, and location of hazardous materials on a train;

(ii) the point of origin and destination of the train;

(iii) any emergency response information or resources required by the Secretary; and

(iv) an emergency response point of contact designated by the Class I railroad; and

(B) to enter into a memorandum of understanding with each applicable fusion center to provide the fusion center with secure and confidential access to the electronic train consist information described in subparagraph (A) for each train transporting hazardous materials in the jurisdiction of the fusion center;

(2) require each applicable fusion center to provide the electronic train consist information described in paragraph (1)(A) to State and local first responders, emergency response officials, and law enforcement personnel that are involved in the response to or investigation of an accident, incident, or
public health or safety emergency involving the rail transportation of hazardous materials and that request such electronic train consist information;

(3) require each Class I railroad to provide advanced notification and information on high-hazard flammable trains to each State emergency response commission, consistent with the notification content requirements in Emergency Order Docket No. DOT–OST–2014–0067, including—
   (A) a reasonable estimate of the number of implicated trains that are expected to travel, per week, through each county within the applicable State;
   (B) updates to such estimate prior to making any material changes to any volumes or frequencies of trains traveling through a county;
   (C) identification and a description of the Class 3 flammable liquid being transported on such trains;
   (D) applicable emergency response information, as required by regulation;
   (E) identification of the routes over which such liquid will be transported; and
   (F) a point of contact at the Class I railroad responsible for serving as the point of contact for State emergency response centers and local emergency responders related to the Class I railroad’s transportation of such liquid.

(4) require each applicable State emergency response commission to provide to a political subdivision of a State, or public agency responsible for emergency response or law enforcement, upon request of the political subdivision or public agency, the information the commission receives from a Class I railroad pursuant to paragraph (3), including, for any such political subdivision or public agency responsible for emergency response or law enforcement that makes an initial request for such information, any updates received by the State emergency response commission.

(5) prohibit any Class I railroad, employee, or agent from withholding, or causing to be withheld, the train consist information from first responders, emergency response officials, and law enforcement personnel described in paragraph (2) in the event of an incident, accident, or public health or safety emergency involving the rail transportation of hazardous materials;

(6) establish security and confidentiality protections, including protections from the public release of proprietary information or security-sensitive information, to prevent the release to unauthorized persons any electronic train consist information or advanced notification or information provided by Class I railroads under this section; and

(7) allow each Class I railroad to enter into a memorandum of understanding with any Class II railroad or Class III railroad that operates trains over the Class I railroad’s line to incorporate the Class II railroad or Class III railroad’s train consist information within the existing framework described in paragraph (1).

(b) DEFINITIONS.—In this section:

(1) APPLICABLE FUSION CENTER.—The term “applicable fusion center” means a fusion center with responsibility for a geographic area in which a Class I railroad operates.
(2) **CLASS I RAILROAD; CLASS II RAILROAD; CLASS III RAILROAD.**—The terms “Class I railroad”, “Class II railroad”, and “Class III railroad” have the meaning given those terms in section 20102 of title 49, United States Code.

(3) **CLASS 3 FLAMMABLE LIQUID.**—The term “Class 3 flammable liquid” has the meaning given the term flammable liquid in section 173.120(a) of title 49, Code of Federal Regulations.

(4) **FUSION CENTER.**—The term “fusion center” has the meaning given the term in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)).

(5) **HAZARDOUS MATERIAL.**—The term “hazardous material” means a substance or material the Secretary designates as hazardous under section 5103 of title 49, United States Code.

(6) **HIGH-HAZARD FLAMMABLE TRAIN.**—The term “high-hazard flammable train” means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid in a continuous block or a single train transporting 35 or more tank cars loaded with a Class 3 flammable liquid throughout the train consist.

(7) **TRAIN CONSIST.**—The term “train consist” includes, with regard to a specific train, the number of rail cars and the commodity transported by each rail car.

(c) **SAVINGS CLAUSE.**—Nothing in this section may be construed to prohibit a Class I railroad from voluntarily entering into a memorandum of understanding, as described in subsection (a)(1)(B), with a State emergency response commission or an entity representing or including first responders, emergency response officials, and law enforcement personnel.

SEC. 7303. EMERGENCY RESPONSE.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study to determine whether limitations or weaknesses exist in the emergency response information carried by train crews transporting hazardous materials.

(b) **CONTENTS.**—In conducting the study under subsection (a), the Comptroller General shall evaluate the differences between the emergency response information carried by train crews transporting hazardous materials and the emergency response guidance provided in the Emergency Response Guidebook issued by the Department of Transportation.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report of the findings of the study under subsection (a) and any recommendations for legislative action.

SEC. 7304. PHASE-OUT OF ALL TANK CARS USED TO TRANSPORT CLASS 3 FLAMMABLE LIQUIDS.

(a) **IN GENERAL.**—Except as provided for in subsection (b), beginning on the date of enactment of this Act, all DOT–111 specification railroad tank cars used to transport Class 3 flammable liquids shall meet the DOT–117, DOT–117P, or DOT–117R specifications in part 179 of title 49, Code of Federal Regulations, regardless of train composition.

(b) **PHASE-OUT SCHEDULE.**—Certain tank cars not meeting DOT–117, DOT–117P, or DOT–117R specifications on the date of
enactment of this Act may be used, regardless of train composition, until the following end-dates:

1. For transport of unrefined petroleum products in Class 3 flammable service, including crude oil—
   (A) January 1, 2018, for non-jacketed DOT–111 tank cars;
   (B) March 1, 2018, for jacketed DOT–111 tank cars;
   (C) April 1, 2020, for non-jacketed CPC–1232 tank cars; and
   (D) May 1, 2025, for jacketed CPC–1232 tank cars.

2. For transport of ethanol—
   (A) May 1, 2023, for non-jacketed and jacketed DOT–111 tank cars;
   (B) July 1, 2023, for non-jacketed CPC–1232 tank cars; and
   (C) May 1, 2025, for jacketed CPC–1232 tank cars.

3. For transport of Class 3 flammable liquids in Packing Group I, other than Class 3 flammable liquids specified in paragraphs (1) and (2), May 1, 2025.

4. For transport of Class 3 flammable liquids in Packing Groups II and III, other than Class 3 flammable liquids specified in paragraphs (1) and (2), May 1, 2029.

(c) RETROFITTING SHOP CAPACITY.—The Secretary may extend the deadlines established under paragraphs (3) and (4) of subsection (b) for a period not to exceed 2 years if the Secretary determines that insufficient retrofitting shop capacity will prevent the phase-out of tank cars not meeting the DOT–117, DOT–117P, or DOT–117R specifications by the deadlines set forth in such paragraphs.

(d) CONFORMING REGULATORY AMENDMENTS.—

   (1) IN GENERAL.—Immediately after the date of enactment of this section, the Secretary—
   (A) shall remove or revise the date-specific deadlines in any applicable regulations or orders to the extent necessary to conform with the requirements of this section; and
   (B) may not enforce any such date-specific deadlines or requirements that are inconsistent with the requirements of this section.

   (2) IMPLEMENTATION.—Nothing in this section shall be construed to require the Secretary to issue regulations, except as required under paragraph (1), to implement this section.

   (e) SAVINGS CLAUSE.—Nothing in this section shall be construed to prohibit the Secretary from implementing the final rule issued on May 08, 2015, entitled “Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains” (80 Fed. Reg. 26643), other than the provisions of the final rule that are inconsistent with this section.

   (f) CLASS 3 FLAMMABLE LIQUID DEFINED.—In this section, the term “Class 3 flammable liquid” has the meaning given the term flammable liquid in section 173.120(a) of title 49, Code of Federal Regulations.

SEC. 7305. THERMAL BLANKETS.

(a) REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to require that each tank car built to meet the DOT–117 specification and each non-jacketed tank car modified...
to meet the DOT–117R specification be equipped with an insulating blanket with at least \(\frac{1}{2}\)-inch-thick material that has been approved by the Secretary pursuant to section 179.18(c) of title 49, Code of Federal Regulations.

(b) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from approving new or alternative technologies or materials as they become available that provide a level of safety at least equivalent to the level of safety provided for under subsection (a).

SEC. 7306. MINIMUM REQUIREMENTS FOR TOP FITTINGS PROTECTION FOR CLASS DOT–117R TANK CARS.

(a) PROTECTIVE HOUSING.—Except as provided in subsections (b) and (c), top fittings on DOT specification 117R tank cars shall be located inside a protective housing not less than \(\frac{1}{2}\)-inch in thickness and constructed of a material having a tensile strength not less than 65 kilopound per square inch and conform to the following specifications:

1. The protective housing shall be as tall as the tallest valve or fitting involved and the height of a valve or fitting within the protective housing must be kept to the minimum compatible with their proper operation.
2. The protective housing or cover may not reduce the flow capacity of the pressure relief device below the minimum required.
3. The protective housing shall provide a means of drainage with a minimum flow area equivalent to six 1-inch diameter holes.
4. When connected to the nozzle or fittings cover plate and subject to a horizontal force applied perpendicular to and uniformly over the projected plane of the protective housing, the tensile connection strength of the protective housing shall be designed to be:
   - (A) no greater than 70 percent of the nozzle to tank tensile connection strength;
   - (B) no greater than 70 percent of the cover plate to nozzle connection strength; and
   - (C) no less than either 40 percent of the nozzle to tank tensile connection strength or the shear strength of twenty \(\frac{1}{2}\)-inch bolts.

(b) PRESSURE RELIEF DEVICES.—

1. The pressure relief device shall be located inside the protective housing, unless space does not permit. If multiple pressure relief devices are equipped, no more than 1 may be located outside of a protective housing.
2. The highest point on any pressure relief device located outside of a protective housing may not be more than 12 inches above the tank jacket.
3. The highest point on the closure of any unused pressure relief device nozzle may not be more than 6 inches above the tank jacket.

(c) ALTERNATIVE PROTECTION.—As an alternative to the protective housing requirements in subsection (a) of this section, the tank car may be equipped with a system that prevents the release of product from any top fitting in the case of an incident where any top fitting would be sheared off.
(d) IMPLEMENTATION.—Nothing in this section shall be construed to require the Secretary to issue regulations to implement this section.

(e) SAVINGS CLAUSE.—Nothing in this section shall prohibit the Secretary from approving new technologies, methods or requirements that provide a level of safety equivalent to or greater than the level of safety provided for in this section.

SEC. 7307. RULEMAKING ON OIL SPILL RESPONSE PLANS.

The Secretary shall, not later than 30 days after the date of enactment of this Act and every 90 days thereafter until a final rule based on the advanced notice of proposed rulemaking issued on August 1, 2014, entitled “Hazardous Materials: Oil Spill Response Plans for High-Hazard Flammable Trains” (79 Fed. Reg. 45079) is promulgated, notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in writing of—

(1) the status of such rulemaking;
(2) any reasons why such final rule has not been implemented;
(3) a plan for completing such final rule as soon as practicable; and
(4) the estimated date of completion of such final rule.

SEC. 7308. MODIFICATION REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement a reporting requirement to monitor industry-wide progress toward modifying rail tank cars used to transport Class 3 flammable liquids by the applicable deadlines established in section 7304.

(b) TANK CAR DATA.—The Secretary shall collect data from shippers and rail tank car owners on—

(1) the total number of tank cars modified to meet the DOT–117R specification, or equivalent, specifying—

(A) the type or specification of each tank car before it was modified, including non-jacketed DOT–111, jacketed DOT–111, non-jacketed DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year;

(2) the total number of tank cars built to meet the DOT–117 specification, or equivalent; and

(3) the total number of tank cars used or likely to be used to transport Class 3 flammable liquids that have not been modified, specifying—

(A) the type or specification of each tank car not modified, including the non-jacketed DOT–111, jacketed DOT–111, non-jacketed DOT–111 meeting the CPC–1232 standard, or jacketed DOT–111 meeting the CPC–1232 standard; and

(B) the identification number of each Class 3 flammable liquid carried by each tank car in the past year.

(c) TANK CAR SHOP DATA.—The Secretary shall conduct a survey of tank car facilities modifying tank cars to the DOT–117R specification, or equivalent, or building new tank cars to the DOT–117 specification, or equivalent, to generate statistically-
valid estimates of the anticipated number of tank cars those facilities expect to modify to DOT–117R specification, or equivalent, or build to the DOT–117 specification, or equivalent.

(d) Frequency.—The Secretary shall collect the data under subsection (b) and conduct the survey under subsection (c) annually until May 1, 2029.

(e) Information Protections.—

(1) In general.—The Secretary shall only report data in industry-wide totals and shall treat company-specific information as confidential business information.

(2) Level of Confidentiality.—The Secretary shall ensure the data collected under subsection (b) and the survey data under subsection (c) have the same level of confidentiality as required by the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), as administered by the Bureau of Transportation Statistics.

(3) Designee.—The Secretary may—

(A) designate the Director of the Bureau of Transportation Statistics to collect data under subsection (b) and the survey data under subsection (c); and

(B) direct the Director to ensure the confidentiality of company-specific information to the maximum extent permitted by law.

(f) Report.—Each year, not later than 60 days after the date that both the collection of the data under subsection (b) and the survey under subsection (c) are complete, the Secretary shall submit a written report on the aggregate results, without company-specific information, to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(g) Definition of Class 3 Flammable Liquid.—In this section, the term “Class 3 flammable liquid” has the meaning given the term flammable liquid in section 173.120 of title 49, Code of Federal Regulations.
(B) legislation to improve the safe transport of crude oil.

SEC. 7310. HAZARDOUS MATERIALS BY RAIL LIABILITY STUDY.

(a) In General.—Not later than 120 days after the date of enactment of this Act, the Secretary shall initiate a study on the levels and structure of insurance for railroad carriers transporting hazardous materials.

(b) Contents.—In conducting the study under subsection (a), the Secretary shall evaluate—
   (1) the level and structure of insurance, including self-insurance, available in the private market against the full liability potential for damages arising from an accident or incident involving a train transporting hazardous materials;
   (2) the level and structure of insurance that would be necessary and appropriate—
      (A) to efficiently allocate risk and financial responsibility for claims; and
      (B) to ensure that a railroad carrier transporting hazardous materials can continue to operate despite the risk of an accident or incident; and
   (3) the potential applicability, for a train transporting hazardous materials, of an alternative insurance model, including—
      (A) a secondary liability coverage pool or pools to supplement commercial insurance; and
      (B) other models administered by the Federal Government.

(c) Report.—Not later than 1 year after the date the study under subsection (a) is initiated, the Secretary shall submit a report containing the results of the study and recommendations for addressing liability issues with rail transportation of hazardous materials to—
   (1) the Committee on Commerce, Science, and Transportation of the Senate; and
   (2) the Committee on Transportation and Infrastructure of the House of Representatives.

(d) Definitions.—In this section:
   (1) HAZARDOUS MATERIAL.—The term “hazardous material” means a substance or material the Secretary designates as hazardous under section 5103 of title 49, United States Code.
   (2) RAILROAD CARRIER.—The term “railroad carrier” has the meaning given in section 20102 of title 49, United States Code.

SEC. 7311. STUDY AND TESTING OF ELECTRONICALLY CONTROLLED PNEUMATIC BRAKES.

(a) Government Accountability Office Study.—
   (1) In General.—The Comptroller General of the United States shall conduct an independent evaluation of ECP brake systems, pilot program data, and the Department’s research and analysis on the costs, benefits, and effects of ECP brake systems.
   (2) Study Elements.—In completing the independent evaluation under paragraph (1), the Comptroller General shall examine the following issues related to ECP brake systems:
(A) Data and modeling results on safety benefits relative to conventional brakes and to other braking technologies or systems, such as distributed power and 2-way end-of-train devices.

(B) Data and modeling results on business benefits, including the effects of dynamic braking.

(C) Data on costs, including up-front capital costs and on-going maintenance costs.

(D) Analysis of potential operational benefits and challenges, including the effects of potential locomotive and car segregation, technical reliability issues, and network disruptions.

(E) Analysis of potential implementation challenges, including installation time, positive train control integration complexities, component availability issues, and tank car shop capabilities.

(F) Analysis of international experiences with the use of advanced braking technologies.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the independent evaluation under paragraph (1).

(b) EMERGENCY BRAKING APPLICATION TESTING.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the National Academy of Sciences to—

(A) complete testing of ECP brake systems during emergency braking application, including more than 1 scenario involving the uncoupling of a train with 70 or more DOT–117 specification or DOT–117R specification tank cars; and

(B) transmit, not later than 18 months after the date of enactment of this Act, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the testing.

(2) INDEPENDENT EXPERTS.—In completing the testing under paragraph (1)(A), the National Academy of Sciences may contract with 1 or more engineering or rail experts, as appropriate, that—

(A) are not railroad carriers, entities funded by such carriers, or entities directly impacted by the final rule issued on May 8, 2015, entitled “Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains” (80 Fed. Reg. 26643); and

(B) have relevant experience in conducting railroad safety technology tests or similar crash tests.

(3) TESTING FRAMEWORK.—In completing the testing under paragraph (1), the National Academy of Sciences and each contractor described in paragraph (2) shall ensure that the testing objectively, accurately, and reliably measures the performance of ECP brake systems relative to other braking technologies or systems, such as distributed power and 2-way end-of-train devices, including differences in—

(A) the number of cars derailed;

(B) the number of cars punctured;
(C) the measures of in-train forces; and
(D) the stopping distance.

(4) FUNDING.—The Secretary shall provide funding, as part of the agreement under paragraph (1), to the National Academy of Sciences for the testing required under this section—

(A) using sums made available to carry out sections 20108 and 5118 of title 49, United States Code; and

(B) to the extent funding under subparagraph (A) is insufficient or unavailable to fund the testing required under this section, using such sums as are necessary from the amounts appropriated to the Secretary, the Federal Railroad Administration, or the Pipeline and Hazardous Materials Safety Administration, or a combination thereof.

(5) EQUIPMENT.—

(A) RECEIPT.—The National Academy of Sciences and each contractor described in paragraph (2) may receive or use rolling stock, track, and other equipment or infrastructure from a railroad carrier or other private entity for the purposes of conducting the testing required under this section.

(B) CONTRACTED USE.—Notwithstanding paragraph (2)(A), to facilitate testing, the National Academy of Sciences and each contractor may contract with a railroad carrier or any other private entity for the use of such carrier or entity's rolling stock, track, or other equipment and receive technical assistance on their use.

(c) EVIDENCE-BASED APPROACH.—

(1) ANALYSIS.—The Secretary shall—

(A) not later than 90 days after the report date, fully incorporate the results of the evaluation under subsection (a) and the testing under subsection (b) and update the regulatory impact analysis of the final rule described in subsection (b)(2)(A) of the costs, benefits, and effects of the applicable ECP brake system requirements;

(B) as soon as practicable after completion of the updated analysis under subparagraph (A), solicit public comment in the Federal Register on the analysis for a period of not more than 30 days; and

(C) not later than 60 days after the end of the public comment period under subparagraph (B), post the final updated regulatory impact analysis on the Department of Transportation’s Internet Web site.

(2) DETERMINATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) determine, based on whether the final regulatory impact analysis described in paragraph (1)(C) demonstrates that the benefits, including safety benefits, of the applicable ECP brake system requirements exceed the costs of such requirements, whether the applicable ECP brake system requirements are justified;

(B) if the applicable ECP brake system requirements are justified, publish in the Federal Register the determination and reasons for such determination; and

(C) if the Secretary does not publish the determination under subparagraph (B), repeal the applicable ECP brake system requirements.
(3) SAVINGS CLAUSE.—Nothing in this section shall be construed to prohibit the Secretary from implementing the final rule described under subsection (b)(2)(A) prior to the determination required under subsection (c)(2) of this section, or require the Secretary to promulgate a new rule on the provisions of such final rule, other than on the applicable ECP brake system requirements, if the Secretary does not determine that the applicable ECP brake system requirements are justified pursuant to this subsection.

(d) DEFINITIONS.—In this section, the following definitions apply:


(2) CLASS 3 FLAMMABLE LIQUID.—The term “Class 3 flammable liquid” has the meaning given the term flammable liquid in section 173.120(a) of title 49, Code of Federal Regulations.

(3) ECP.—The term “ECP” means electronically controlled pneumatic when applied to a brake or brakes.

(4) ECP BRAKE MODE.—The term “ECP brake mode” includes any operation of a rail car or an entire train using an ECP brake system.

(5) ECP BRAKE SYSTEM.—

(A) IN GENERAL.—The term “ECP brake system” means a train power braking system actuated by compressed air and controlled by electronic signals from the locomotive or an ECP–EOT to the cars in the consist for service and emergency applications in which the brake pipe is used to provide a constant supply of compressed air to the reservoirs on each car but does not convey braking signals to the car.

(B) INCLUSIONS.—The term “ECP brake system” includes dual mode and stand-alone ECP brake systems.

(6) RAILROAD CARRIER.—The term “railroad carrier” has the meaning given the term in section 20102 of title 49, United States Code.

(7) REPORT DATE.—The term “report date” means the date that the reports under subsections (a)(3) and (b)(1)(B) are required to be transmitted pursuant to those subsections.

TITLE VIII—MULTIMODAL FREIGHT TRANSPORTATION

SEC. 8001. MULTIMODAL FREIGHT TRANSPORTATION.

(a) IN GENERAL.—Subtitle IX of title 49, United States Code, is amended to read as follows:
“Subtitle IX—Multimodal Freight Transportation

“Chapter Sec.
"701. Multimodal freight policy .......................................................... 70101
"702. Multimodal freight transportation planning and information .......... 70201

“CHAPTER 701—MULTIMODAL FREIGHT POLICY

“Sec.
"70101. National multimodal freight policy.
"70102. National freight strategic plan.

“§ 70101. National multimodal freight policy

“(a) IN GENERAL.—It is the policy of the United States to maintain and improve the condition and performance of the National Multimodal Freight Network established under section 70103 to ensure that the Network provides a foundation for the United States to compete in the global economy and achieve the goals described in subsection (b).

“(b) GOALS.—The goals of the national multimodal freight policy are—

“(1) to identify infrastructure improvements, policies, and operational innovations that—

“(A) strengthen the contribution of the National Multimodal Freight Network to the economic competitiveness of the United States;

“(B) reduce congestion and eliminate bottlenecks on the National Multimodal Freight Network; and

“(C) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

“(2) to improve the safety, security, efficiency, and resiliency of multimodal freight transportation;

“(3) to achieve and maintain a state of good repair on the National Multimodal Freight Network;

“(4) to use innovation and advanced technology to improve the safety, efficiency, and reliability of the National Multimodal Freight Network;

“(5) to improve the economic efficiency and productivity of the National Multimodal Freight Network;

“(6) to improve the reliability of freight transportation;

“(7) to improve the short- and long-distance movement of goods that—

“(A) travel across rural areas between population centers;

“(B) travel between rural areas and population centers; and

“(C) travel from the Nation’s ports, airports, and gateways to the National Multimodal Freight Network;

“(8) to improve the flexibility of States to support multi-State corridor planning and the creation of multi-State organizations to increase the ability of States to address multimodal freight connectivity;

“(9) to reduce the adverse environmental impacts of freight movement on the National Multimodal Freight Network; and
“(10) to pursue the goals described in this subsection in a manner that is not burdensome to State and local governments.

“(c) IMPLEMENTATION.—The Under Secretary of Transportation for Policy, who shall be responsible for the oversight and implementation of the national multimodal freight policy, shall—

“(1) carry out sections 70102 and 70103;

“(2) assist with the coordination of modal freight planning; and

“(3) identify interagency data sharing opportunities to promote freight planning and coordination.

§ 70102. National freight strategic plan

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Under Secretary of Transportation for Policy shall—

“(1) develop a national freight strategic plan in accordance with this section; and

“(2) publish the plan on the public Internet Web site of the Department of Transportation.

“(b) CONTENTS.—The national freight strategic plan shall include—

“(1) an assessment of the condition and performance of the National Multimodal Freight Network established under section 70103;

“(2) forecasts of freight volumes for the succeeding 5-, 10-, and 20-year periods;

“(3) an identification of major trade gateways and national freight corridors that connect major population centers, trade gateways, and other major freight generators;

“(4) an identification of bottlenecks on the National Multimodal Freight Network that create significant freight congestion, based on a quantitative methodology developed by the Under Secretary, which shall include, at a minimum—

“(A) information from the Freight Analysis Framework of the Federal Highway Administration; and

“(B) to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

“(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance, and a description of opportunities for overcoming the barriers;

“(6) a process for addressing multistate projects and encouraging jurisdictions to collaborate;

“(7) strategies to improve freight intermodal connectivity;

“(8) an identification of corridors providing access to energy exploration, development, installation, or production areas;

“(9) an identification of corridors providing access to major areas for manufacturing, agriculture, or natural resources;

“(10) an identification of best practices for improving the performance of the National Multimodal Freight Network, including critical commerce corridors and rural and urban access to critical freight corridors; and

“(11) an identification of best practices to mitigate the impacts of freight movement on communities.
“(c) Updates.—Not later than 5 years after the date of completion of the national freight strategic plan under subsection (a), and every 5 years thereafter, the Under Secretary shall update the plan and publish the updated plan on the public Internet Web site of the Department of Transportation.

“(d) Consultation.—The Under Secretary shall develop and update the national freight strategic plan—

“(1) after providing notice and an opportunity for public comment; and

“(2) in consultation with State departments of transportation, metropolitan planning organizations, and other appropriate public and private transportation stakeholders.

“§ 70103. National Multimodal Freight Network

“(a) In General.—The Under Secretary of Transportation for Policy shall establish a National Multimodal Freight Network in accordance with this section—

“(1) to assist States in strategically directing resources toward improved system performance for the efficient movement of freight on the Network;

“(2) to inform freight transportation planning;

“(3) to assist in the prioritization of Federal investment; and

“(4) to assess and support Federal investments to achieve the national multimodal freight policy goals described in section 70101(b) of this title and the national highway freight program goals described in section 167 of title 23.

“(b) Interim Network.—

“(1) In General.—Not later than 180 days after the date of enactment of this section, the Under Secretary shall establish an interim National Multimodal Freight Network in accordance with this subsection.

“(2) Network Components.—The interim National Multimodal Freight Network shall include—

“(A) the National Highway Freight Network, as established under section 167 of title 23;

“(B) the freight rail systems of Class I railroads, as designated by the Surface Transportation Board;

“(C) the public ports of the United States that have total annual foreign and domestic trade of at least 2,000,000 short tons, as identified by the Waterborne Commerce Statistics Center of the Army Corps of Engineers, using the data from the latest year for which such data is available;

“(D) the inland and intracoastal waterways of the United States, as described in section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804);

“(E) the Great Lakes, the St. Lawrence Seaway, and coastal and ocean routes along which domestic freight is transported;

“(F) the 50 airports located in the United States with the highest annual landed weight, as identified by the Federal Aviation Administration; and

“(G) other strategic freight assets, including strategic intermodal facilities and freight rail lines of Class II and Class III railroads, designated by the Under Secretary as critical to interstate commerce.
"(c) Final Network.—

"(1) In general.—Not later than 1 year after the date of enactment of this section, the Under Secretary, after soliciting input from stakeholders, including multimodal freight system users, transportation providers, metropolitan planning organizations, local governments, ports, airports, railroads, and States, through a public process to identify critical freight facilities and corridors, including critical commerce corridors, that are vital to achieve the national multimodal freight policy goals described in section 70101(b) of this title and the national highway freight program goals described in section 167 of title 23, and after providing notice and an opportunity for comment on a draft system, shall designate a National Multimodal Freight Network with the goal of—

"(A) improving network and intermodal connectivity; and

"(B) using measurable data as part of the assessment of the significance of freight movement, including the consideration of points of origin, destinations, and linking components of domestic and international supply chains.

"(2) Factors.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall consider—

"(A) origins and destinations of freight movement within, to, and from the United States;

"(B) volume, value, tonnage, and the strategic importance of freight;

"(C) access to border crossings, airports, seaports, and pipelines;

"(D) economic factors, including balance of trade;

"(E) access to major areas for manufacturing, agriculture, or natural resources;

"(F) access to energy exploration, development, installation, and production areas;

"(G) intermodal links and intersections that promote connectivity;

"(H) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or inefficient modal connections;

"(I) impacts on all freight transportation modes and modes that share significant freight infrastructure;

"(J) facilities and transportation corridors identified by a multi-State coalition, a State, a State freight advisory committee, or a metropolitan planning organization, using national or local data, as having critical freight importance to the region;

"(K) major distribution centers, inland intermodal facilities, and first- and last-mile facilities; and

"(L) the significance of goods movement, including consideration of global and domestic supply chains.

"(3) Considerations.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall—

"(A) use, to the extent practicable, measurable data to assess the significance of goods movement, including the consideration of points of origin, destinations, and
linking components of the United States global and domestic supply chains;

“(B) consider—
   “(i) the factors described in paragraph (2); and
   “(ii) any changes in the economy that affect freight transportation network demand; and

“(C) provide the States with an opportunity to submit proposed designations in accordance with paragraph (4).

“(4) STATE INPUT—
   “(A) IN GENERAL.—Each State that proposes additional designations for the National Multimodal Freight Network shall—
   “(i) consider nominations for additional designations from metropolitan planning organizations and State freight advisory committees, as applicable, within the State;
   “(ii) consider nominations for additional designations from owners and operators of port, rail, pipeline, and airport facilities; and
   “(iii) ensure that additional designations are consistent with the State transportation improvement program or freight plan.

“(B) CRITICAL RURAL FREIGHT FACILITIES AND CORRIDORS.—As part of the designations under subparagraph (A), a State may designate a freight facility or corridor within the borders of the State as a critical rural freight facility or corridor if the facility or corridor—
   “(i) is a rural principal arterial;
   “(ii) provides access or service to energy exploration, development, installation, or production areas;
   “(iii) provides access or service to—
      “(I) a grain elevator;
      “(II) an agricultural facility;
      “(III) a mining facility;
      “(IV) a forestry facility; or
      “(V) an intermodal facility;
   “(iv) connects to an international port of entry;
   “(v) provides access to a significant air, rail, water, or other freight facility in the State; or
   “(vi) has been determined by the State to be vital to improving the efficient movement of freight of importance to the economy of the State.

“(C) LIMITATION.—
   “(i) IN GENERAL.—A State may propose additional designations to the National Multimodal Freight Network in the State in an amount that is not more than 20 percent of the total mileage designated by the Under Secretary in the State.
   “(ii) DETERMINATION BY UNDER SECRETARY.—The Under Secretary shall determine how to apply the limitation under clause (i) to the components of the National Multimodal Freight Network.

“(D) SUBMISSION AND CERTIFICATION.—A State shall submit to the Under Secretary—
   “(i) a list of any additional designations proposed to be added under this paragraph; and
   “(ii) a certification that—
“(I) the State has satisfied the requirements of subparagraph (A); and
“(II) the designations referred to in clause (i) address the factors for designation described in this subsection.

“(d) Redesignation of National Multimodal Freight Network.—Not later than 5 years after the initial designation under subsection (c), and every 5 years thereafter, the Under Secretary, using the designation factors described in subsection (c), shall redesignate the National Multimodal Freight Network.

“CHAPTER 702—MULTIMODAL FREIGHT TRANSPORTATION PLANNING AND INFORMATION

“§ 70201. State freight advisory committees

“(a) In general.—The Secretary of Transportation shall encourage each State to establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, the freight industry workforce, the transportation department of the State, and local governments.

“(b) Role of committee.—A freight advisory committee of a State described in subsection (a) shall—
“(1) advise the State on freight-related priorities, issues, projects, and funding needs;
“(2) serve as a forum for discussion for State transportation decisions affecting freight mobility;
“(3) communicate and coordinate regional priorities with other organizations;
“(4) promote the sharing of information between the private and public sectors on freight issues; and
“(5) participate in the development of the freight plan of the State described in section 70202.

“§ 70202. State freight plans

“(a) In general.—Each State that receives funding under section 167 of title 23 shall develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

“(b) Plan contents.—A State freight plan described in subsection (a) shall include, at a minimum—
“(1) an identification of significant freight system trends, needs, and issues with respect to the State;
“(2) a description of the freight policies, strategies, and performance measures that will guide the freight-related transportation investment decisions of the State;
“(3) when applicable, a listing of—
“(A) multimodal critical rural freight facilities and corridors designated within the State under section 70103 of this title; and
“(B) critical rural and urban freight corridors designated within the State under section 167 of title 23;

“(4) a description of how the plan will improve the ability of the State to meet the national multimodal freight policy goals described in section 70101(b) of this title and the national highway freight program goals described in section 167 of title 23;

“(5) a description of how innovative technologies and operational strategies, including freight intelligent transportation systems, that improve the safety and efficiency of freight movement, were considered;

“(6) in the case of roadways on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of the roadways, a description of improvements that may be required to reduce or impede the deterioration;

“(7) an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and for those facilities that are State owned or operated, a description of the strategies the State is employing to address the freight mobility issues;

“(8) consideration of any significant congestion or delay caused by freight movements and any strategies to mitigate that congestion or delay;

“(9) a freight investment plan that, subject to subsection (c)(2), includes a list of priority projects and describes how funds made available to carry out section 167 of title 23 would be invested and matched; and

“(10) consultation with the State freight advisory committee, if applicable.

“(c) RELATIONSHIP TO LONG-RANGE PLAN.—

“(1) INCORPORATION.—A State freight plan described in subsection (a) may be developed separately from or incorporated into the statewide strategic long-range transportation plan required by section 135 of title 23.

“(2) FISCAL CONSTRAINT.—The freight investment plan component of a freight plan shall include a project, or an identified phase of a project, only if funding for completion of the project can reasonably be anticipated to be available for the project within the time period identified in the freight investment plan.

“(d) PLANNING PERIOD.—A State freight plan described in subsection (a) shall address a 5-year forecast period.

“(e) UPDATES.—

“(1) IN GENERAL.—A State shall update a State freight plan described in subsection (a) not less frequently than once every 5 years.

“(2) FREIGHT INVESTMENT PLAN.—A State may update a freight investment plan described in subsection (b)(9) more frequently than is required under paragraph (1).

“§ 70203. Transportation investment data and planning tools

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation shall—

“(1) begin development of new tools and improvement of existing tools to support an outcome-oriented, performance-
based approach to evaluate proposed freight-related and other transportation projects, including—

(A) methodologies for systematic analysis of benefits and costs on a national or regional basis;

(B) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, urban and rural access, environmental sustainability, and system condition in the project selection process;

(C) improved methods for data collection and trend analysis;

(D) encouragement of public-private collaboration to carry out data sharing activities while maintaining the confidentiality of all proprietary data; and

(E) other tools to assist in effective transportation planning;

(2) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions; and

(3) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.

(b) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data described in subsection (a).

§ 70204. Savings provision

“Nothing in this subtitle provides additional authority to regulate or direct private activity on freight networks designated under this subtitle.”.

(b) CLERICAL AMENDMENT.—The analysis of subtitles for title 49, United States Code, is amended by striking the item relating to subtitle IX and inserting the following:

“IX. Multimodal Freight Transportation ....................................................70101”.

TITLE IX—NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

SEC. 9001. NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU.

(a) In General.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

§ 116. National Surface Transportation and Innovative Finance Bureau

“(a) Establishment.—The Secretary of Transportation shall establish a National Surface Transportation and Innovative Finance Bureau in the Department.

(b) Purposes.—The purposes of the Bureau shall be—

“(1) to provide assistance and communicate best practices and financing and funding opportunities to eligible entities for the programs referred to in subsection (d)(1);
“(2) to administer the application processes for programs within the Department in accordance with subsection (d);

“(3) to promote innovative financing best practices in accordance with subsection (e);

“(4) to reduce uncertainty and delays with respect to environmental reviews and permitting in accordance with subsection (f); and

“(5) to reduce costs and risks to taxpayers in project delivery and procurement in accordance with subsection (g).

“(c) EXECUTIVE DIRECTOR.—

“(1) APPOINTMENT.—The Bureau shall be headed by an Executive Director, who shall be appointed in the competitive service by the Secretary, with the approval of the President.

“(2) DUTIES.—The Executive Director shall—

“(A) report to the Under Secretary of Transportation for Policy;

“(B) be responsible for the management and oversight of the daily activities, decisions, operations, and personnel of the Bureau;

“(C) support the Council on Credit and Finance established under section 117 in accordance with this section; and

“(D) carry out such additional duties as the Secretary may prescribe.

“(d) ADMINISTRATION OF CERTAIN APPLICATION PROCESSES.—

“(1) IN GENERAL.—The Bureau shall administer the application processes for the following programs:

“(A) The infrastructure finance programs authorized under chapter 6 of title 23.


“(C) Amount allocations authorized under section 142(m) of the Internal Revenue Code of 1986.

“(D) The nationally significant freight and highway projects program under section 117 of title 23.

“(2) CONGRESSIONAL NOTIFICATION.—The Executive Director shall ensure that the congressional notification requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

“(3) REPORTS.—The Executive Director shall ensure that the reporting requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

“(4) COORDINATION.—In administering the application processes for the programs referred to in paragraph (1), the Executive Director shall coordinate with appropriate officials in the Department and its modal administrations responsible for administering such programs.

“(5) STREAMLINING APPROVAL PROCESSES.—Not later than 1 year after the date of enactment of this section, the Executive Director shall submit to the Committee on Transportation and
Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Environment and Public Works of the Senate a report that—

“(A) evaluates the application processes for the programs referred to in paragraph (1);

“(B) identifies administrative and legislative actions that would improve the efficiency of the application processes without diminishing Federal oversight; and

“(C) describes how the Executive Director will implement administrative actions identified under subparagraph (B) that do not require an Act of Congress.

“(6) PROCEDURES AND TRANSPARENCY.—

“(A) PROCEDURES.—With respect to the programs referred to in paragraph (1), the Executive Director shall—

“(i) establish procedures for analyzing and evaluating applications and for utilizing the recommendations of the Council on Credit and Finance;

“(ii) establish procedures for addressing late-arriving applications, as applicable, and communicating the Bureau’s decisions for accepting or rejecting late applications to the applicant and the public; and

“(iii) document major decisions in the application evaluation process through a decision memorandum or similar mechanism that provides a clear rationale for such decisions.

“(B) REVIEW.—

“(i) IN GENERAL.—The Comptroller General of the United States shall review the compliance of the Executive Director with the requirements of this paragraph.

“(ii) RECOMMENDATIONS.—The Comptroller General may make recommendations to the Executive Director in order to improve compliance with the requirements of this paragraph.

“(iii) REPORT.—Not later than 3 years after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under clause (i), including findings and recommendations for improvement.

“(e) INNOVATIVE FINANCING BEST PRACTICES.—

“(1) IN GENERAL.—The Bureau shall work with the modal administrations within the Department, eligible entities, and other public and private interests to develop and promote best practices for innovative financing and public-private partnerships.

“(2) ACTIVITIES.—The Bureau shall carry out paragraph (1)—

“(A) by making Federal credit assistance programs more accessible to eligible recipients;
“(B) by providing advice and expertise to eligible entities that seek to leverage public and private funding;

“(C) by sharing innovative financing best practices and case studies from eligible entities with other eligible entities that are interested in utilizing innovative financing methods; and

“(D) by developing and monitoring—

“(i) best practices with respect to standardized State public-private partnership authorities and practices, including best practices related to—

“(I) accurate and reliable assumptions for analyzing public-private partnership procurements;

“(II) procedures for the handling of unsolicited bids;

“(III) policies with respect to noncompete clauses; and

“(IV) other significant terms of public-private partnership procurements, as determined appropriate by the Bureau;

“(ii) standard contracts for the most common types of public-private partnerships for transportation facilities; and

“(iii) analytical tools and other techniques to aid eligible entities in determining the appropriate project delivery model, including a value for money analysis.

“(3) TRANSPARENCY.—The Bureau shall—

“(A) ensure the transparency of a project receiving credit assistance under a program referred to in subsection (d)(1) and procured as a public-private partnership by—

“(i) requiring the sponsor of the project to undergo a value for money analysis or a comparable analysis prior to deciding to advance the project as a public-private partnership;

“(ii) requiring the analysis required under subparagraph (A), and other key terms of the relevant public-private partnership agreement, to be made publicly available by the project sponsor at an appropriate time;

“(iii) not later than 3 years after the date of completion of the project, requiring the sponsor of the project to conduct a review regarding whether the private partner is meeting the terms of the relevant public-private partnership agreement; and

“(iv) providing a publicly available summary of the total level of Federal assistance in such project; and

“(B) develop guidance to implement this paragraph that takes into consideration variations in State and local laws and requirements related to public-private partnerships.

“(4) SUPPORT TO PROJECT SPONSORS.—At the request of an eligible entity, the Bureau shall provide technical assistance to the eligible entity regarding proposed public-private partnership agreements for transportation facilities, including assistance in performing a value for money analysis or comparable analysis.

“(f) ENVIRONMENTAL REVIEW AND PERMITTING.—
“(1) IN GENERAL.—The Bureau shall take actions that are appropriate and consistent with the Department’s goals and policies to improve the delivery timelines for projects carried out under the programs referred to in subsection (d)(1).

“(2) ACTIVITIES.—The Bureau shall carry out paragraph (1)—

“(A) by serving as the Department’s liaison to the Council on Environmental Quality;

“(B) by coordinating efforts to improve the efficiency and effectiveness of the environmental review and permitting process;

“(C) by providing technical assistance and training to field and headquarters staff of Federal agencies on policy changes and innovative approaches to the delivery of projects; and

“(D) by identifying, developing, and tracking metrics for permit reviews and decisions by Federal agencies for projects under the National Environmental Policy Act of 1969.

“(3) SUPPORT TO PROJECT SPONSORS.—At the request of an eligible entity that is carrying out a project under a program referred to in subsection (d)(1), the Bureau, in coordination with the appropriate modal administrations within the Department, shall provide technical assistance with regard to the compliance of the project with the requirements of the National Environmental Policy Act of 1969 and relevant Federal environmental permits.

“(g) PROJECT PROCUREMENT.—

“(1) IN GENERAL.—The Bureau shall promote best practices in procurement for a project receiving assistance under a program referred to in subsection (d)(1) by developing, in coordination with modal administrations within the Department as appropriate, procurement benchmarks in order to ensure accountable expenditure of Federal assistance over the life cycle of the project.

“(2) PROCUREMENT BENCHMARKS.—To the maximum extent practicable, the procurement benchmarks developed under paragraph (1) shall—

“(A) establish maximum thresholds for acceptable project cost increases and delays in project delivery;

“(B) establish uniform methods for States to measure cost and delivery changes over the life cycle of a project; and

“(C) be tailored, as necessary, to various types of project procurements, including design-bid-build, design-build, and public-private partnerships.

“(3) DATA COLLECTION.—The Bureau shall—

“(A) collect information related to procurement benchmarks developed under paragraph (1), including project specific information detailed under paragraph (2); and

“(B) provide on a publicly accessible Internet Web site of the Department a report on the information collected under subparagraph (A).

“(h) ELIMINATION AND CONSOLIDATION OF DUPLICATIVE OFFICES.—
“(1) ELIMINATION OF OFFICES.—The Secretary may eliminate any office within the Department if the Secretary determines that—

“(A) the purposes of the office are duplicative of the purposes of the Bureau; and

“(B) the elimination of the office does not adversely affect the obligations of the Secretary under any Federal law.

“(2) CONSOLIDATION OF OFFICES AND OFFICE FUNCTIONS.—The Secretary may consolidate any office or office function within the Department into the Bureau that the Secretary determines has duties, responsibilities, resources, or expertise that support the purposes of the Bureau.

“(3) STAFFING AND BUDGETARY RESOURCES.—

“(A) IN GENERAL.—The Secretary shall ensure that the Bureau is adequately staffed and funded.

“(B) STAFFING.—The Secretary may transfer to the Bureau a position within the Department from any office that is eliminated or consolidated under this subsection if the Secretary determines that the position is necessary to carry out the purposes of the Bureau.

“(C) SAVINGS PROVISION.—If the Secretary transfers a position to the Bureau under subparagraph (B), the Secretary, in coordination with the appropriate modal administration, shall ensure that the transfer of the position does not adversely affect the obligations of the modal administration under any Federal law.

“(D) BUDGETARY RESOURCES.—

“(i) TRANSFER OF FUNDS FROM ELIMINATED OR CONSOLIDATED OFFICES.—During the 2-year period beginning on the date of enactment of this section, the Secretary may transfer to the Bureau funds allocated to any office or office function that is eliminated or consolidated under this subsection to carry out the purposes of the Bureau.

“(ii) TRANSFER OF FUNDS ALLOCATED TO ADMINISTRATIVE COSTS.—During the 2-year period beginning on the date of enactment of this section, the Secretary may transfer to the Bureau funds allocated to the administrative costs of processing applications for the programs referred to in subsection (d)(1).

“(4) NOTIFICATION.—Not later than 90 days after the date of enactment of this section, and every 90 days thereafter, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate of—

“(A) the offices eliminated under paragraph (1) and the rationale for elimination of the offices;

“(B) the offices and office functions consolidated under paragraph (2) and the rationale for consolidation of the offices and office functions;

“(C) the actions taken under paragraph (3) and the rationale for taking such actions; and

“(D) any additional legislative actions that may be needed.
“(i) **Savings Provisions.**—

“(1) **Laws and Regulations.**—Nothing in this section may be construed to change a law or regulation with respect to a program referred to in subsection (d)(1).”

“(2) **Responsibilities.**—Nothing in this section may be construed to abrogate the responsibilities of an agency, operating administration, or office within the Department otherwise charged by a law or regulation with other aspects of program administration, oversight, or project approval or implementation for the programs and projects subject to this section.

“(3) **Applicability.**—Nothing in this section may be construed to affect any pending application under 1 or more of the programs referred to in subsection (d)(1) that was received by the Secretary on or before the date of enactment of this section.

“(j) Definitions.—In this section, the following definitions apply:

“(1) **Bureau.**—The term ‘Bureau’ means the National Surface Transportation and Innovative Finance Bureau of the Department.

“(2) **Department.**—The term ‘Department’ means the Department of Transportation.

“(3) **Eligible entity.**—The term ‘eligible entity’ means an eligible applicant receiving financial or credit assistance under 1 or more of the programs referred to in subsection (d)(1).

“(4) **Executive Director.**—The term ‘Executive Director’ means the Executive Director of the Bureau.

“(5) **Multimodal project.**—The term ‘multimodal project’ means a project involving the participation of more than 1 modal administration or secretarial office within the Department.

“(6) **Project.**—The term ‘project’ means a highway project, public transportation capital project, freight or passenger rail project, or multimodal project.”

49 USC 101.

(b) **Clerical Amendment.**—The analysis for such chapter is amended by adding at the end the following:


**SEC. 9002. Council on Credit and Finance.**

(a) **In General.**—Chapter 1 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

49 USC 117.

“§ 117. Council on Credit and Finance

“(a) **Establishment.**—The Secretary of Transportation shall establish a Council on Credit and Finance in accordance with this section.

“(b) **Membership.**—

“(1) **In General.**—The Council shall be composed of the following members:

“(A) The Deputy Secretary of Transportation.

“(B) The Under Secretary of Transportation for Policy.

“(C) The Chief Financial Officer and Assistant Secretary for Budget and Programs.

“(D) The General Counsel of the Department of Transportation.

“(E) The Assistant Secretary for Transportation Policy.
“(F) The Administrator of the Federal Highway Administration.
“(G) The Administrator of the Federal Transit Administration.
“(H) The Administrator of the Federal Railroad Administration.
“(2) ADDITIONAL MEMBERS.—The Secretary may designate up to 3 additional officials of the Department to serve as at-large members of the Council.
“(3) CHAIRPERSON AND VICE CHAIRPERSON.—
“(A) CHAIRPERSON.—The Deputy Secretary of Transportation shall serve as the chairperson of the Council.
“(B) VICE CHAIRPERSON.—The Chief Financial Officer and Assistant Secretary for Budget and Programs shall serve as the vice chairperson of the Council.
“(4) EXECUTIVE DIRECTOR.—The Executive Director of the National Surface Transportation and Innovative Finance Bureau shall serve as a nonvoting member of the Council.
“(c) DUTIES.—The Council shall—
“(1) review applications for assistance submitted under the programs referred to in subparagraphs (A), (B), and (C) of section 116(d)(1);
“(2) review applications for assistance submitted under the program referred to in section 116(d)(1)(D), as determined appropriate by the Secretary;
“(3) make recommendations to the Secretary regarding the selection of projects to receive assistance under such programs;
“(4) review, on a regular basis, projects that received assistance under such programs; and
“(5) carry out such additional duties as the Secretary may prescribe.”.
(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

“117. Council on Credit and Finance.”.

TITLE X—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

SEC. 10001. ALLOCATIONS.

(a) AUTHORIZATION.—Section 3 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777b) is amended by striking “57 percent” and inserting “58.012 percent”.

(b) IN GENERAL.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a)—
(A) in the matter preceding paragraph (1)—
(i) by striking “For each” and all that follows through “the balance” and inserting “For each fiscal year through fiscal year 2021, the balance”; and
(ii) by striking “multistate conservation grants under section 14” and inserting “activities under section 14(e)”; and
(B) in paragraph (1), by striking “18.5 percent” and inserting “18.673 percent”;
(C) in paragraph (2) by striking “18.5 percent” and inserting “17.315 percent”;  
(D) by striking paragraphs (3) and (4);  
(E) by redesignating paragraph (5) as paragraph (4); and  
(F) by inserting after paragraph (2) the following:  
“(3) BOATING INFRASTRUCTURE IMPROVEMENT.—  
“(A) IN GENERAL.—An amount equal to 4 percent to the Secretary of the Interior for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) and section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).  
“(B) LIMITATION.—Not more than 75 percent of the amount under subparagraph (A) shall be available for projects under either of the sections referred to in subparagraph (A).”;

(2) in subsection (b)—  
(A) in paragraph (1)(A) by striking “for each” and all that follows through “the Secretary” and inserting “for each fiscal year through fiscal year 2021, the Secretary”;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:  
“(2) SET-ASIDE FOR COAST GUARD ADMINISTRATION.—  
“(A) IN GENERAL.—From the annual appropriation made in accordance with section 3, for each of fiscal years 2016 through 2021, the Secretary of the department in which the Coast Guard is operating may use no more than the amount specified in subparagraph (B) for the fiscal year for the purposes set forth in section 13107(c) of title 46, United States Code. The amount specified in subparagraph (B) for a fiscal year may not be included in the amount of the annual appropriation distributed under subsection (a) for the fiscal year.  
“(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—  
“(i) for fiscal year 2016, $7,700,000; and  
“(ii) for fiscal year 2017 and each fiscal year thereafter, the sum of—  
“(I) the available amount for the preceding fiscal year; and  
“(II) the amount determined by multiplying—  
““(aa) the available amount for the preceding fiscal year; and  
““(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.”; and

(D) in paragraph (3), as so redesignated—  
(i) in subparagraph (A), by striking “until the end of the fiscal year.” and inserting “until the end of the subsequent fiscal year.”; and  
(ii) in subparagraph (B) by striking “under subsection (e)” and inserting “under subsection (c)”;

(3) in subsection (c)—  
(A) by striking “(c) The Secretary” and inserting “(c)(1) The Secretary,”;
(B) by striking “grants under section 14 of this title” and inserting “activities under section 14(e)”; (C) by striking “57 percent” and inserting “58.012 percent”; and (D) by adding at the end the following:

“(2) The Secretary shall deduct from the amount to be apportioned under paragraph (1) the amounts used for grants under section 14(a).”;

(4) in subsection (e)(1), by striking “those subsections,” and inserting “those paragraphs,”.

(c) SUBMISSION AND APPROVAL OF PLANS AND PROJECTS.—Section 6(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777e(d)) is amended by striking “for appropriations” and inserting “from appropriations”.

(d) UNEXPENDED OR UNOBLIGATED FUNDS.—Section 8(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777g(b)(2)) is amended by striking “57 percent” and inserting “58.012 percent”.

(e) COOPERATION.—Section 12 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777k) is amended—(1) by striking “57 percent” and inserting “58.012 percent”; and (2) by striking “under section 4(b)” and inserting “under section 4(c)”.

(f) OTHER ACTIVITIES.—Section 14 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m) is amended—(1) in subsection (a)(1), by striking “of each annual appropriation made in accordance with the provisions of section 3”; and (2) in subsection (e)— (A) in the matter preceding paragraph (1) by striking “Of amounts made available under section 4(b) for each fiscal year—” and inserting “Not more than $1,200,000 of each annual appropriation made in accordance with the provisions of section 3 shall be distributed to the Secretary of the Interior for use as follows:”;

and (B) in paragraph (1)(D) by striking “; and” and inserting a period.

(g) REPEAL.—The Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) is amended—(1) by striking section 15; and

(2) by redesignating section 16 as section 15.

SEC. 10002. RECREATIONAL BOATING SAFETY.

Section 13107 of title 46, United States Code, is amended—(1) in subsection (a)— (A) by striking “(1) Subject to paragraph (2) and subsection (c),” and inserting “Subject to subsection (c),”;

(B) by striking “the sum of (A) the amount made available from the Boat Safety Account for that fiscal year under section 15 of the Dingell-Johnson Sport Fish Restoration Act and (B)”;

and (C) by striking paragraph (2); and (2) in subsection (c)— (A) by striking the subsection designation and paragraph (1) and inserting the following:
“(c)(1)(A) The Secretary may use amounts made available each fiscal year under section 4(b)(2) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(b)(2)) for payment of expenses of the Coast Guard for investigations, personnel, and activities directly related to—

“(i) administering State recreational boating safety programs under this chapter; or

“(ii) coordinating or carrying out the national recreational boating safety program under this title.

“(B) Of the amounts used by the Secretary each fiscal year under subparagraph (A)—

“(i) not less than $2,100,000 is available to ensure compliance with chapter 43 of this title; and

“(ii) not more than $1,500,000 is available to conduct by grant or contract a survey of levels of recreational boating participation and related matters in the United States.”; and

(B) in paragraph (2)—

(i) by striking “No funds” and inserting “On and after October 1, 2016, no funds”; and

(ii) by striking “traditionally”.

**TITLE XI—RAIL**

**SEC. 11001. SHORT TITLE.**

This title may be cited as the “Passenger Rail Reform and Investment Act of 2015”.

**Subtitle A—Authorizations**

**SEC. 11101. AUTHORIZATION OF GRANTS TO AMTRAK.**

(a) NORTHEAST CORRIDOR.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the Northeast Corridor the following amounts:

1. For fiscal year 2016, $450,000,000.
2. For fiscal year 2017, $474,000,000.
3. For fiscal year 2018, $515,000,000.
4. For fiscal year 2019, $557,000,000.
5. For fiscal year 2020, $600,000,000.

(b) NATIONAL NETWORK.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the National Network the following amounts:

1. For fiscal year 2016, $1,000,000,000.
2. For fiscal year 2017, $1,026,000,000.
3. For fiscal year 2018, $1,085,000,000.
4. For fiscal year 2019, $1,143,000,000.
5. For fiscal year 2020, $1,200,000,000.

(c) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to one half of 1 percent of the amount appropriated under subsections (a) and (b) for the costs of management oversight of Amtrak.

(d) GULF COAST WORKING GROUP.—Of the total amount made available to the Office of the Secretary of Transportation and the Federal Railroad Administration, for each of fiscal years 2016 and 2017, $500,000 shall be used to convene the Gulf Coast rail service
working group established under section 11304 of this Act and carry out its responsibilities under such section.

(e) Competition.—In administering grants to Amtrak under section 24319 of title 49, United States Code, the Secretary may withhold, from amounts that would otherwise be made available to Amtrak, such sums as are necessary from the amount appropriated under subsection (b) of this section to cover the operating subsidy described in section 24711(b)(1)(E)(ii) of title 49, United States Code.

(f) State-Supported Route Committee.—The Secretary may withhold up to $2,000,000 from the amount appropriated in each fiscal year under subsection (b) of this section for the use of the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(g) Northeast Corridor Commission.—The Secretary may withhold up to $5,000,000 from the amount appropriated in each fiscal year under subsection (a) of this section for the use of the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

(h) Northeast Corridor.—For purposes of this section, the term “Northeast Corridor” means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

(i) Small Business Participation Study.—Of the total amount made available to the Office of the Secretary of Transportation and the Federal Railroad Administration, for each of fiscal years 2016 and 2017, $1,500,000 shall be used to implement the small business participation study authorized under section 11310 of this Act.

SEC. 11102. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) In General.—There are authorized to be appropriated to the Secretary for grants under section 24407 of title 49, United States Code, (as added by section 11301 of this Act), the following amounts:

(1) For fiscal year 2016, $98,000,000.
(2) For fiscal year 2017, $190,000,000.
(3) For fiscal year 2018, $230,000,000.
(4) For fiscal year 2019, $255,000,000.
(5) For fiscal year 2020, $330,000,000.

(b) Project Management Oversight.—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under section 24407 of title 49, United States Code.

SEC. 11103. FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.

(a) In General.—There are authorized to be appropriated to the Secretary for grants under section 24911 of title 49, United States Code, (as added by section 11302 of this Act), the following amounts:

(1) For fiscal year 2016, $82,000,000.
(2) For fiscal year 2017, $140,000,000.
(3) For fiscal year 2018, $175,000,000.
(4) For fiscal year 2019, $300,000,000.
(5) For fiscal year 2020, $300,000,000.
(b) Project Management Oversight.—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under section 24911 of title 49, United States Code.

SEC. 11104. RESTORATION AND ENHANCEMENT GRANTS.

(a) In General.—There are authorized to be appropriated to the Secretary for grants under section 24408 of title 49, United States Code, (as added by section 11303 of this Act), $20,000,000 for each of fiscal years 2016 through 2020.

(b) Project Management Oversight.—The Secretary may withhold up to 1 percent from the amount appropriated under subsection (a) of this section for the costs of project management oversight of grants carried out under section 24408 of title 49, United States Code.

SEC. 11105. AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK OFFICE OF INSPECTOR GENERAL.

There are authorized to be appropriated to the Office of Inspector General of Amtrak the following amounts:

(1) For fiscal year 2016, $20,000,000.

(2) For fiscal year 2017, $20,500,000.

(3) For fiscal year 2018, $21,000,000.

(4) For fiscal year 2019, $21,500,000.

(5) For fiscal year 2020, $22,000,000.

SEC. 11106. DEFINITIONS.

(a) Title 49 Amendments.—Section 24102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively;

(2) by inserting after paragraph (4) the following new paragraphs:

“(5) ‘long-distance route’ means a route described in subparagraph (C) of paragraph (7).

“(6) ‘National Network’ includes long-distance routes and State-supported routes.”;

and

(3) by adding at the end the following new paragraphs:

“(12) ‘state-of-good-repair’ means a condition in which physical assets, both individually and as a system, are—

“(A) performing at a level at least equal to that called for in their as-built or as-modified design specification during any period when the life cycle cost of maintaining the assets is lower than the cost of replacing them; and

“(B) sustained through regular maintenance and replacement programs.

“(13) ‘State-supported route’ means a route described in subparagraph (B) or (D) of paragraph (7), or in section 24702, that is operated by Amtrak, excluding those trains operated by Amtrak on the routes described in paragraph (7)(A).”.

(b) Conforming Amendments.—

(1) Section 217 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24702 note) is amended by striking “24102(5)(D)” and inserting “24102(7)(D)”.

(2) Section 209(a) of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended
Subtitle B—Amtrak Reforms

SEC. 11201. ACCOUNTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“§ 24317. Accounts

“(a) Purpose.—The purpose of this section is to—

“(1) promote the effective use and stewardship by Amtrak of Amtrak revenues, Federal, State, and third party investments, appropriations, grants and other forms of financial assistance, and other sources of funds; and

“(2) enhance the transparency of the assignment of revenues and costs among Amtrak business lines while ensuring the health of the Northeast Corridor and National Network.

“(b) Account Structure.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation, in consultation with Amtrak, shall define an account structure and improvements to accounting methodologies, as necessary, to support, at a minimum, the Northeast Corridor and the National Network.

“(c) Financial Sources.—In defining the account structure and improvements to accounting methodologies required under subsection (b), the Secretary shall ensure, to the greatest extent practicable, that Amtrak assigns the following:

“(1) For the Northeast Corridor account, all revenues, appropriations, grants and other forms of financial assistance, compensation, and other sources of funds associated with the Northeast Corridor, including—

“(A) grant funds appropriated for the Northeast Corridor pursuant to section 11101(a) of the Passenger Rail Reform and Investment Act of 2015 or any subsequent Act;

“(B) compensation received from commuter rail passenger transportation providers for such providers’ share of capital and operating costs on the Northeast Corridor provided to Amtrak pursuant to section 24905(c); and

“(C) any operating surplus of the Northeast Corridor, as allocated pursuant to section 24318.

“(2) For the National Network account, all revenues, appropriations, grants and other forms of financial assistance, compensation, and other sources of funds associated with the National Network, including—

“(A) grant funds appropriated for the National Network pursuant to section 11101(b) of the Passenger Rail Reform and Investment Act of 2015 or any subsequent Act;

“(B) compensation received from States provided to Amtrak pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (42 U.S.C. 24101 note); and

“(C) any operating surplus of the National Network, as allocated pursuant to section 24318.
“(d) Financial Uses.—In defining the account structure and improvements to accounting methodologies required under subsection (b), the Secretary shall ensure, to the greatest extent practicable, that amounts assigned to the Northeast Corridor and National Network accounts shall be used by Amtrak for the following:

“(1) For the Northeast Corridor, all associated costs, including—

(A) operating activities;
(B) capital activities as described in section 24904(a)(2)(E);
(C) acquiring, rehabilitating, manufacturing, remanufacturing, overhauling, or improving equipment and associated facilities used for intercity rail passenger transportation by Northeast Corridor train services;
(D) payment of principal and interest on loans for capital projects described in this paragraph or for capital leases attributable to the Northeast Corridor;
(E) other capital projects on the Northeast Corridor, determined appropriate by the Secretary, and consistent with section 24905(c)(1)(A)(i); and
(F) if applicable, capital projects described in section 24904(b).

“(2) For the National Network, all associated costs, including—

(A) operating activities;
(B) capital activities; and
(C) the payment of principal and interest on loans or capital leases attributable to the National Network.

“(e) Implementation and Reporting.—

“(1) In general.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak, in consultation with the Secretary, shall implement any account structures and improvements defined under subsection (b) so that Amtrak is able to produce profit and loss statements for each of the business lines described in section 24320(b)(1) and, as appropriate, each of the asset categories described in section 24320(c)(1) that identify sources and uses of—

(A) revenues;
(B) appropriations; and
(C) transfers between business lines.

“(2) Updated Profit and Loss Statements.—Not later than 1 month after the implementation under paragraph (1), and monthly thereafter, Amtrak shall submit updated profit and loss statements for each of the business lines and asset categories to the Secretary.

“(f) Account Management.—For the purposes of account management, Amtrak may transfer funds between the Northeast Corridor account and National Network account without prior notification and approval under subsection (g) if such transfers—

“(1) do not materially impact Amtrak’s ability to achieve its anticipated financial, capital, and operating performance goals for the fiscal year; and

“(2) would not materially change any grant agreement entered into pursuant to section 24319(d), or other agreements made pursuant to applicable Federal law.
“(g) Transfer Authority.—
“(1) In general.—If Amtrak determines that a transfer between the accounts defined under subsection (b) does not meet the account management standards established under subsection (f), Amtrak may transfer funds between the Northeast Corridor and National Network accounts if—
“(A) Amtrak notifies the Amtrak Board of Directors, including the Secretary, at least 10 days prior to the expected date of transfer; and
“(B) solely for a transfer that will materially change a grant agreement, the Secretary approves.
“(2) Report.—Not later than 5 days after the Amtrak Board of Directors receives notification from Amtrak under paragraph (1)(A), the Board shall transmit to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, a report that includes—
“(A) the amount of the transfer; and
“(B) a detailed explanation of the reason for the transfer, including—
“(i) the effects on Amtrak services funded by the account from which the transfer is drawn, in comparison to a scenario in which no transfer was made; and
“(ii) the effects on Amtrak services funded by the account receiving the transfer, in comparison to a scenario in which no transfer was made.
“(3) Notifications.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a transfer under paragraph (1) to or from an account, Amtrak shall transmit to the State-Supported Route Committee and Northeast Corridor Commission a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).
“(h) Report.—Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall submit to the Secretary a report assessing the account and reporting structure established under this section and providing any recommendations for further action. Not later than 180 days after the date of receipt of such report, the Secretary shall provide an assessment that supplements Amtrak's report and submit the Amtrak report with the supplemental assessment to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.
“(i) Definition of Northeast Corridor.—Notwithstanding section 24102, for purposes of this section, the term 'Northeast Corridor' means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.”.

(b) Conforming Amendment.—The table of contents for chapter 243 is amended by adding at the end the following:

“24317. Accounts.”.
SEC. 11202. AMTRAK GRANT PROCESS.

(a) REQUIREMENTS AND PROCEDURES.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

"§ 24318. Costs and revenues

"(a) ALLOCATION.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall establish and maintain internal controls to ensure Amtrak's costs, revenues, and other compensation are appropriately allocated to the Northeast Corridor, including train services or infrastructure, or the National Network, including proportional shares of common and fixed costs.

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of Amtrak to enter into an agreement with 1 or more States to allocate operating and capital costs under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

"(c) DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term 'Northeast Corridor' means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

"§ 24319. Grant process

"(a) PROCEDURES FOR GRANT REQUESTS.—Not later than 90 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish and transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives substantive and procedural requirements, including schedules, for grant requests under this section.

"(b) GRANT REQUESTS.—Amtrak shall transmit to the Secretary grant requests for Federal funds appropriated to the Secretary of Transportation for the use of Amtrak.

"(c) CONTENTS.—A grant request under subsection (b) shall, as applicable—

"(1) describe projected operating and capital costs for the upcoming fiscal year for Northeast Corridor activities, including train services and infrastructure, and National Network activities, including State-supported routes and long-distance routes, in comparison to prior fiscal year actual financial performance;

"(2) describe the capital projects to be funded, with cost estimates and an estimated timetable for completion of the projects covered by the request; and

"(3) assess Amtrak's financial condition.

"(d) REVIEW AND APPROVAL.—

"(1) THIRTY-DAY APPROVAL PROCESS.—

"(A) IN GENERAL.—Not later than 30 days after the date that Amtrak submits a grant request under this section, the Secretary of Transportation shall complete a review of the request and provide notice to Amtrak that—

"(i) the request is approved; or
“(ii) the request is disapproved, including the reason for the disapproval and an explanation of any incomplete or deficient items.

“(B) GRANT AGREEMENT.—If a grant request is approved, the Secretary shall enter into a grant agreement with Amtrak.

“(2) FIFTEEN-DAY MODIFICATION PERIOD.—Not later than 15 days after the date of a notice under paragraph (1)(A)(ii), Amtrak shall submit a modified request for the Secretary’s review.

“(3) MODIFIED REQUESTS.—Not later than 15 days after the date that Amtrak submits a modified request under paragraph (2), the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

“(e) PAYMENTS TO AMTRAK.—

“(1) IN GENERAL.—A grant agreement entered into under subsection (d) shall specify the operations, services, and other activities to be funded by the grant. The grant agreement shall include provisions, consistent with the requirements of this chapter, to measure Amtrak’s performance and ensure accountability in delivering the operations, services, or activities to be funded by the grant.

“(2) SCHEDULE.—Except as provided in paragraph (3), in each fiscal year for which amounts are appropriated to the Secretary for the use of Amtrak, and for which the Secretary and Amtrak have entered into a grant agreement under subsection (d), the Secretary shall disburse grant funds to Amtrak on the following schedule:

“(A) 50 percent on October 1.

“(B) 25 percent on January 1.

“(C) 25 percent on April 1.

“(3) EXCEPTIONS.—The Secretary may make a payment to Amtrak of appropriated funds—

“(A) more frequently than the schedule under paragraph (2) if Amtrak, for good cause, requests more frequent payment before the end of a payment period; or

“(B) with a different frequency or in different percentage allocations in the event of a continuing resolution or in the absence of an appropriations Act for the duration of a fiscal year.

“(f) AVAILABILITY OF AMOUNTS AND EARLY APPROPRIATIONS.—Amounts appropriated to the Secretary for the use of Amtrak shall remain available until expended. Amounts for capital acquisitions and improvements may be appropriated for a fiscal year before the fiscal year in which the amounts will be obligated.

“(g) LIMITATIONS ON USE.—Amounts appropriated to the Secretary for the use of Amtrak may not be used to cross-subsidize operating losses or capital costs of commuter rail passenger or freight rail transportation.
“(h) Definition of Northeast Corridor.—Notwithstanding section 24102, for purposes of this section, the term ‘Northeast Corridor’ means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.’.’

(b) Conforming Amendments.—The table of contents for chapter 243 is further amended by adding at the end the following:

“24318. Costs and revenues.
24319. Grant process.”.

(c) Repeals.—
1. Establishment of Grant Process.—Section 206 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) and the item relating to that section in the table of contents of that Act are repealed.
2. Authorization of Appropriations.—Section 24104 of title 49, United States Code, and the item relating to that section in the table of contents of chapter 241 are repealed.

SEC. 11203. 5-Year Business Line and Asset Plans.

(a) Amtrak 5-Year Business Line and Asset Plans.—Chapter 243 of title 49, United States Code, is further amended by inserting after section 24319 the following:

§ 24320. Amtrak 5-Year Business Line and Asset Plans

(a) In General.—
1. Final Plans.—Not later than February 15 of each year, Amtrak shall submit to Congress and the Secretary of Transportation final 5-year business line plans and 5-year asset plans prepared in accordance with this section. These final plans shall form the basis for Amtrak’s general and legislative annual report to the President and Congress required by section 24315(b). Each plan shall cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed.
2. Fiscal Constraint.—Each plan prepared under this section shall be based on funding levels authorized or otherwise available to Amtrak in a fiscal year. In the absence of an authorization or appropriation of funds for a fiscal year, the plans shall be based on the amount of funding available in the previous fiscal year, plus inflation. Amtrak may include an appendix to the asset plan required in subsection (c) that describes any funding needs in excess of amounts authorized or otherwise available to Amtrak in a fiscal year.

(b) Amtrak 5-Year Business Line Plans.—
1. Amtrak Business Lines.—Amtrak shall prepare a 5-year business line plan for each of the following business lines and services:
   (A) Northeast Corridor train services.
   (B) State-supported routes operated by Amtrak.
   (C) Long-distance routes operated by Amtrak.
   (D) Ancillary services operated by Amtrak, including commuter operations and other revenue generating activities as determined by the Secretary in coordination with Amtrak.
2. Contents of 5-Year Business Line Plans.—The 5-year business line plan for each business line shall include, at a minimum—
“(A) a statement of Amtrak’s objectives, goals, and service plan for the business line, in consultation with any entities that are contributing capital or operating funding to support passenger rail services within those business lines, and aligned with Amtrak’s Strategic Plan and 5-year asset plans under subsection (c);

“(B) all projected revenues and expenditures for the business line, including identification of revenues and expenditures incurred by—

“(i) passenger operations;

“(ii) non-passenger operations that are directly related to the business line; and

“(iii) governmental funding sources, including revenues and other funding received from States;

“(C) projected ridership levels for all passenger operations;

“(D) estimates of long-term and short-term debt and associated principal and interest payments (both current and forecasts);

“(E) annual profit and loss statements and forecasts and balance sheets;

“(F) annual cash flow forecasts;

“(G) a statement describing the methodologies and significant assumptions underlying estimates and forecasts;

“(H) specific performance measures that demonstrate year over year changes in the results of Amtrak’s operations;

“(I) financial performance for each route within each business line, including descriptions of the cash operating loss or contribution and productivity for each route;

“(J) specific costs and savings estimates resulting from reform initiatives;

“(K) prior fiscal year and projected equipment reliability statistics; and

“(L) an identification and explanation of any major adjustments made from previously-approved plans.

“(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—In meeting the requirements of this section, Amtrak shall—

“(A) consult with the Secretary in the development of the business line plans;

“(B) for the Northeast Corridor business line plan, consult with the Northeast Corridor Commission and transmit to the Commission the final plan under subsection (a)(1), and consult with other entities, as appropriate;

“(C) for the State-supported route business line plan, consult with the State-Supported Route Committee established under section 24712;

“(D) for the long-distance route business line plan, consult with any States or Interstate Compacts that provide funding for such routes, as appropriate;

“(E) ensure that Amtrak’s general and legislative annual report, required under section 24315(b), to the President and Congress is consistent with the information in the 5-year business line plans; and

“(F) identify the appropriate Amtrak officials that are responsible for each business line.
“(4) Definition of Northeast Corridor.—Notwithstanding section 24102, for purposes of this section, the term ‘Northeast Corridor’ means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

“(c) Amtrak 5-Year Asset Plans.—

“(1) Asset Categories.—Amtrak shall prepare a 5-year asset plan for each of the following asset categories:

“(A) Infrastructure, including all Amtrak-controlled Northeast Corridor assets and other Amtrak-owned infrastructure, and the associated facilities that support the operation, maintenance, and improvement of those assets.

“(B) Passenger rail equipment, including all Amtrak-controlled rolling stock, locomotives, and mechanical shop facilities that are used to overhaul equipment.

“(C) Stations, including all Amtrak-controlled passenger rail stations and elements of other stations for which Amtrak has legal responsibility or intends to make capital investments.

“(D) National assets, including national reservations, security, training and training centers, and other assets associated with Amtrak’s national rail passenger transportation system.

“(2) Contents of 5-Year Asset Plans.—Each asset plan shall include, at a minimum—

“(A) a summary of Amtrak’s 5-year strategic plan for each asset category, including goals, objectives, any relevant performance metrics, and statutory or regulatory actions affecting the assets;

“(B) an inventory of existing Amtrak capital assets, to the extent practicable, including information regarding shared use or ownership, if applicable;

“(C) a prioritized list of proposed capital investments that—

“(i) categorizes each capital project as being primarily associated with—

“(I) normalized capital replacement;  
“(II) backlog capital replacement;  
“(III) improvements to support service enhancements or growth;  
“(IV) strategic initiatives that will improve overall operational performance, lower costs, or otherwise improve Amtrak’s corporate efficiency; or  
“(V) statutory, regulatory, or other legal mandates;  

“(ii) identifies each project or program that is associated with more than 1 category described in clause (i); and  

“(iii) describes the anticipated business outcome of each project or program identified under this subparagraph, including an assessment of—

“(I) the potential effect on passenger operations, safety, reliability, and resilience;
“(II) the potential effect on Amtrak’s ability to meet regulatory requirements if the project or program is not funded; and
“(III) the benefits and costs; and
“(D) annual profit and loss statements and forecasts and balance sheets for each asset category.

“(3) 5-YEAR ASSET PLAN PROCESS.—In meeting the requirements of this subsection, Amtrak shall—
“(A) consult with each business line described in subsection (b)(1) in the preparation of each 5-year asset plan and ensure integration of each 5-year asset plan with the 5-year business line plans;
“(B) as applicable, consult with the Northeast Corridor Commission, the State-Supported Route Committee, and owners of assets affected by 5-year asset plans; and
“(C) identify the appropriate Amtrak officials that are responsible for each asset category.

“(4) EVALUATION OF NATIONAL ASSETS COSTS.—The Secretary shall—
“(A) evaluate the costs and scope of all national assets; and
“(B) determine the activities and costs that are—
“(i) required in order to ensure the efficient operations of a national rail passenger system;
“(ii) appropriate for allocation to 1 of the other Amtrak business lines; and
“(iii) extraneous to providing an efficient national rail passenger system or are too costly relative to the benefits or performance outcomes they provide.

“(5) DEFINITION OF NATIONAL ASSETS.—In this section, the term ‘national assets’ means the Nation’s core rail assets shared among Amtrak services, including national reservations, security, training and training centers, and other assets associated with Amtrak’s national rail passenger transportation system.

“(6) RESTRUCTURING OF NATIONAL ASSETS.—Not later than 1 year after the date of completion of the evaluation under paragraph (4), the Administrator of the Federal Railroad Administration, in consultation with the Amtrak Board of Directors, the governors of each relevant State, and the Mayor of the District of Columbia, or their designees, shall restructure or reallocate, or both, the national assets costs in accordance with the determination under that section, including making appropriate updates to Amtrak’s cost accounting methodology and system.

“(7) EXEMPTION.—
“(A) IN GENERAL.—Upon written request from the Amtrak Board of Directors, the Secretary may exempt Amtrak from including in a plan required under this subsection any information described in paragraphs (1) and (2).
“(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public on the Department’s Internet Web site any exemption granted under subparagraph (A) and a detailed justification for granting such exemption.
“(C) INCLUSION IN PLAN.—Amtrak shall include in the plan required under this subsection any request granted
under subparagraph (A) and justification under subparagraph (B).

“(d) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In preparing plans under this section, Amtrak shall—
   “(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices; and
   “(2) use the categories specified in the financial accounting and reporting system developed under section 203 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).”.

(b) EFFECTIVE DATES.—The requirement for Amtrak to submit 5-year business line plans under section 24320(a)(1) of title 49, United States Code, shall take effect on February 15, 2017, the due date of the first business line plans. The requirement for Amtrak to submit 5-year asset plans under section 24320(a)(1) of such title shall take effect on February 15, 2019, the due date of the first asset plans.

(c) CONFORMING AMENDMENTS.—The table of contents for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

   “24320. Amtrak 5-year business line and asset plans.”.

(d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section 204 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note), and the item relating to that section in the table of contents of that Act, are repealed.

SEC. 11204. STATE-SUPPORTED ROUTE COMMITTEE.

(a) AMENDMENT.—Chapter 247 of title 49, United States Code, is amended by adding at the end the following:

“§ 24712. State-supported routes operated by Amtrak

“(a) STATE-SUPPORTED ROUTE COMMITTEE.—
   “(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish the State-Supported Route Committee (referred to in this section as the 'Committee') to promote mutual cooperation and planning pertaining to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-supported routes and to further implement section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).
   “(2) MEMBERSHIP.—
      “(A) IN GENERAL.—The Committee shall consist of—
         “(i) members representing Amtrak;
         “(ii) members representing the Department of Transportation, including the Federal Railroad Administration; and
         “(iii) members representing States.
      “(B) NON-VOTING MEMBERS.—The Committee may invite and accept other non-voting members to participate in Committee activities, as appropriate.
   “(3) DECISIONMAKING.—The Committee shall establish a bloc voting system under which, at a minimum—
(A) there are 3 separate voting blocs to represent the Committee’s voting members, including—

(i) 1 voting bloc to represent the members described in paragraph (2)(A)(i);

(ii) 1 voting bloc to represent the members described in paragraph (2)(A)(ii); and

(iii) 1 voting bloc to represent the members described in paragraph (2)(A)(iii);

(B) each voting bloc has 1 vote;

(C) the vote of the voting bloc representing the members described in paragraph (2)(A)(iii) requires the support of at least two-thirds of that voting bloc’s members; and

(D) the Committee makes decisions by unanimous consent of the 3 voting blocs.

(4) MEETINGS; RULES AND PROCEDURES.—The Committee shall convene a meeting and shall define and implement the rules and procedures governing the Committee’s proceedings not later than 180 days after the date of establishment of the Committee by the Secretary. The rules and procedures shall—

(A) incorporate and further describe the decision-making procedures to be used in accordance with paragraph (3); and

(B) be adopted in accordance with such decision-making procedures.

(5) COMMITTEE DECISIONS.—Decisions made by the Committee in accordance with the Committee’s rules and procedures, once established, are binding on all Committee members.

(6) COST ALLOCATION METHODOLOGY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Committee may amend the cost allocation methodology required and previously approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

(B) PROCEDURES FOR CHANGING METHODOLOGY.—The rules and procedures implemented under paragraph (4) shall include procedures for changing the cost allocation methodology.

(C) REQUIREMENTS.—The cost allocation methodology shall—

(i) ensure equal treatment in the provision of like services of all States and groups of States; and

(ii) allocate to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) INVOICES AND REPORTS.—Not later than April 15, 2016, and monthly thereafter, Amtrak shall provide to each State that sponsors a State-supported route a monthly invoice of the cost of operating such route, including fixed costs and third-party costs. The Committee shall determine the frequency and contents of financial and performance reports that Amtrak shall provide to the States, as well as the planning and demand reports that the States shall provide to Amtrak.

(c) DISPUTE RESOLUTION.—
“(1) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with respect to the rules and procedures implemented under subsection (a)(4), an invoice or a report provided under subsection (b), implementation or compliance with the cost allocation methodology developed under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) or amended under subsection (a)(6) of this section, either Amtrak or the State may request that the Surface Transportation Board conduct dispute resolution under this subsection.

“(2) PROCEDURES.—The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this subsection, which may include provision of professional mediation services.

“(3) BINDING EFFECT.—A decision of the Surface Transportation Board under this subsection shall be binding on the parties to the dispute.

“(4) OBLIGATION.—Nothing in this subsection shall affect the obligation of a State to pay an amount not in dispute.

“(d) ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may provide assistance to the parties in the course of negotiations for a contract for operation of a State-supported route.

“(2) FINANCIAL ASSISTANCE.—From among available funds, the Secretary shall provide—

“(A) financial assistance to Amtrak or 1 or more States to perform requested independent technical analysis of issues before the Committee; and

“(B) administrative expenses that the Secretary determines necessary.

“(e) PERFORMANCE METRICS.—In negotiating a contract for operation of a State-supported route, Amtrak and the State or States that sponsor the route shall consider including provisions that provide penalties and incentives for performance.

“(f) STATEMENT OF GOALS AND OBJECTIVES.—

“(1) IN GENERAL.—The Committee shall develop a statement of goals, objectives, and associated recommendations concerning the future of State-supported routes operated by Amtrak. The statement shall identify the roles and responsibilities of Committee members and any other relevant entities, such as host railroads, in meeting the identified goals and objectives, or carrying out the recommendations. The Committee may consult with such relevant entities, as the Committee considers appropriate, when developing the statement.

“(2) TRANSMISSION OF STATEMENT OF GOALS AND OBJECTIVES.—Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Committee shall transmit the statement developed under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(g) RULE OF CONSTRUCTION.—The decisions of the Committee—

“(1) shall pertain to the rail operations of Amtrak and related activities of trains operated by Amtrak on State-sponsored routes; and
“(2) shall not pertain to the rail operations or related activities of services operated by other rail carriers on State-supported routes.

(h) Definition of State.—In this section, the term ‘State’ means any of the 50 States, including the District of Columbia, that sponsor the operation of trains by Amtrak on a State-supported route, or a public entity that sponsors such operation on such a route.”.

(b) Technical and Conforming Amendments.—

(1) Table of Contents.—The table of contents for chapter 247 of title 49, United States Code, is amended by adding at the end the following:

“24712. State-supported routes operated by Amtrak.”.

(2) Passenger Rail Investment and Improvement Act.—Section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 11205. COMPOSITION OF AMTRAK’S BOARD OF DIRECTORS.

Section 24302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “9 directors” and inserting “10 directors”;

(B) in subparagraph (B) by inserting “, who shall serve as a nonvoting member of the Board” after “Amtrak”;

(C) in subparagraph (C) by striking “7” and inserting “8”; and

(2) in subsection (e), by inserting “who are eligible to vote” after “serving”.

SEC. 11206. ROUTE AND SERVICE PLANNING DECISIONS.

Section 208 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended to read as follows:

“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

“(a) Methodology Development.—Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall obtain the services of an independent entity to develop and recommend objective methodologies for Amtrak to use in determining what intercity rail passenger transportation routes and services it should provide, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes.

“(b) Considerations.—Amtrak shall require the independent entity, in developing the methodologies described in subsection (a), to consider—

“(1) the current and expected performance and service quality of intercity rail passenger transportation operations, including cost recovery, on-time performance, ridership, on-board services, stations, facilities, equipment, and other services;

“(2) the connectivity of a route with other routes;
“(3) the transportation needs of communities and populations that are not well served by intercity rail passenger transportation service or by other forms of intercity transportation;

“(4) the methodologies of Amtrak and major intercity rail passenger transportation service providers in other countries for determining intercity passenger rail routes and services;

“(5) the financial and operational effects on the overall network, including the effects on direct and indirect costs;

“(6) the views of States, rail carriers that own infrastructure over which Amtrak operates, Interstate Compacts established by Congress and States, Amtrak employee representatives, stakeholder organizations, and other interested parties; and

“(7) the funding levels that will be available under authorization levels that have been enacted into law.

“(c) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the recommendations developed by the independent entity under subsection (a).

“(d) CONSIDERATION OF RECOMMENDATIONS.—Not later than 90 days after the date on which the recommendations are transmitted under subsection (c), the Amtrak Board of Directors shall consider the adoption of each recommendation and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining the reasons for adopting or not adopting each recommendation.”.

SEC. 11207. FOOD AND BEVERAGE REFORM.

(a) AMENDMENT.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

“§ 24321. Food and beverage reform

“(a) PLAN.—Not later than 90 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall develop and begin implementing a plan to eliminate, within 5 years of such date of enactment, the operating loss associated with providing food and beverage service on board Amtrak trains.

“(b) CONSIDERATIONS.—In developing and implementing the plan, Amtrak shall consider a combination of cost management and revenue generation initiatives, including—

“(1) scheduling optimization;

“(2) on-board logistics;

“(3) product development and supply chain efficiency;

“(4) training, awards, and accountability;

“(5) technology enhancements and process improvements; and

“(6) ticket revenue allocation.

“(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Passenger Rail Reform and Investment Act of 2015 is involuntarily separated because of—
“(1) the development and implementation of the plan required under subsection (a); or
“(2) any other action taken by Amtrak to implement this section.
“(d) NO FEDERAL FUNDING FOR OPERATING LOSSES.—Beginning on the date that is 5 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, no Federal funds may be used to cover any operating loss associated with providing food and beverage service on a route operated by Amtrak or a rail carrier that operates a route in lieu of Amtrak pursuant to section 24711.
“(e) REPORT.—Not later than 120 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, and annually thereafter for 5 years, Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the plan developed pursuant to subsection (a) and a description of progress in the implementation of the plan.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 243 of title 49, United States Code, is further amended by adding at the end the following new item:

“24321. Food and beverage reform.”.

SEC. 11208. ROLLING STOCK PURCHASES.

(a) AMENDMENT.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

“§ 24322. Rolling stock purchases

“(a) IN GENERAL.—Prior to entering into any contract in excess of $100,000,000 for rolling stock and locomotive procurements Amtrak shall submit a business case analysis to the Secretary of Transportation, the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, on the utility of such procurements.
“(b) CONTENTS.—The business case analysis shall—
“(1) include a cost and benefit comparison that describes the total lifecycle costs and the anticipated benefits related to revenue, operational efficiency, reliability, and other factors;
“(2) set forth the total payments by fiscal year;
“(3) identify the specific source and amounts of funding for each payment, including Federal funds, State funds, Amtrak profits, Federal, State, or private loans or loan guarantees, and other funding;
“(4) include an explanation of whether any payment under the contract will increase Amtrak’s funding request in its general and legislative annual report required under section 24315(b) in a particular fiscal year; and
“(5) describe how Amtrak will adjust the procurement if future funding is not available.
“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring Amtrak to disclose confidential information regarding a potential vendor’s proposed pricing or other sensitive business information prior to contract execution or prohibiting

49 USC 24322.
Amtrak from entering into a contract after submission of a business case analysis under subsection (a).”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 243 of title 49, United States Code, is further amended by adding at the end the following new item:

“24322. Rolling stock purchases.”.

49 USC 24301.

SEC. 11209. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, Amtrak shall establish a pilot program for a State or States that sponsor a State-supported route operated by Amtrak to facilitate—

(1) onboard purchase and sale of local food and beverage products; and

(2) partnerships with local entities to hold promotional events on trains or in stations.

(b) PROGRAM DESIGN.—The pilot program under paragraph (1) shall—

(1) allow a State or States to nominate and select a local food and beverage products supplier or suppliers or local promotional event partner;

(2) allow a State or States to charge a reasonable price or fee for local food and beverage products or promotional events and related activities to help defray the costs of program administration and State-supported routes; and

(3) provide a mechanism to ensure that State products can effectively be handled and integrated into existing food and beverage services, including compliance with all applicable regulations and standards governing such services.

(c) PROGRAM ADMINISTRATION.—The pilot program shall—

(1) for local food and beverage products, ensure the products are integrated into existing food and beverage services, including compliance with all applicable regulations and standards;

(2) for promotional events, ensure the events are held in compliance with all applicable regulations and standards, including terms to address insurance requirements; and

(3) require an annual report that documents revenues and costs and indicates whether the products or events resulted in a reduction in the financial contribution of a State or States to the applicable State-supported route.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, Amtrak shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on which States have participated in the pilot programs under this section. The report shall summarize the financial and operational outcomes of the pilot programs and include any plan for future action.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting Amtrak’s ability to operate special trains in accordance with section 216 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24308 note).
SEC. 11210. AMTRAK PILOT PROGRAM FOR PASSENGERS TRANSPORTING DOMESTICATED CATS AND DOGS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, Amtrak shall develop a pilot program that allows passengers to transport domesticated cats or dogs on certain trains operated by Amtrak.

(b) Pet Policy.—In developing the pilot program required under subsection (a), Amtrak shall—

(1) in the case of a passenger train that is comprised of more than 1 car, designate, where feasible, at least 1 car in which a ticketed passenger may transport a domesticated cat or dog in the same manner as carry-on baggage if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel complies with Amtrak size requirements for carriage of carry-on baggage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(7) of title 49, United States Code; and

(D) the passenger pays a fee described in paragraph (3); and

(2) allow a ticketed passenger to transport a domesticated cat or dog on a train in the same manner as cargo if—

(A) the cat or dog is contained in a pet kennel;

(B) the pet kennel complies with Amtrak size requirements for carriage of carry-on baggage;

(C) the passenger is traveling on a train operating on a route described in subparagraph (A), (B), or (D) of section 24102(7) of title 49, United States Code;

(D) the cargo area is temperature controlled in a manner protective of cat and dog safety and health; and

(E) the passenger pays a fee described in paragraph (3); and

(3) collect fees for each cat or dog transported by a ticketed passenger in an amount that, in the aggregate and at a minimum, covers the full costs of the pilot program.

(c) Report.—Not later than 1 year after the pilot program required under subsection (a) is first implemented, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing an evaluation of the pilot program.

(d) Limitation on Statutory Construction.—

(1) Service Animals.—The pilot program under subsection (a) shall be separate from and in addition to the policy governing Amtrak passengers traveling with service animals. Nothing in this section may be interpreted to limit or waive the rights of passengers to transport service animals.

(2) Additional Train Cars.—Nothing in this section may be interpreted to require Amtrak to add additional train cars or modify existing train cars.

(3) Federal Funds.—No Federal funds may be used to implement the pilot program required under this section.

SEC. 11211. RIGHT-OF-WAY LEVERAGING.

(a) Request for Proposals.—

(1) In General.—Not later than 1 year after the date of enactment of this Act, Amtrak shall issue a Request for
Proposals seeking qualified persons or entities to utilize right-of-way and real estate owned, controlled, or managed by Amtrak for telecommunications systems, energy distribution systems, and other activities considered appropriate by Amtrak.

(2) CONTENTS.—The Request for Proposals shall provide sufficient information on the right-of-way and real estate assets to enable respondents to propose an arrangement that will monetize or generate additional revenue from such assets through revenue sharing or leasing agreements with Amtrak, to the extent possible.

(3) DEADLINE.—Amtrak shall set a deadline for the submission of proposals that is not later than 1 year after the issuance of the Request for Proposals under paragraph (1).

(b) CONSIDERATION OF PROPOSALS.—Not later than 180 days after the deadline for the receipt of proposals under subsection (a), the Amtrak Board of Directors shall review and consider each qualified proposal. Amtrak may enter into such agreements as are necessary to implement any qualified proposal.

(c) REPORT.—Not later than 1 year after the deadline for the receipt of proposals under subsection (a), Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals required by this section, including summary information of any proposals submitted to Amtrak and any proposals accepted by the Amtrak Board of Directors.

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak’s ability to utilize right-of-way or real estate assets that it currently owns, controls, or manages or constrain Amtrak’s ability to enter into agreements with other parties to utilize such assets.

SEC. 11212. STATION DEVELOPMENT.

(a) REPORT ON DEVELOPMENT OPTIONS.—Not later than 1 year after the date of enactment of this Act, Amtrak shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(1) options to enhance economic development and accessibility of and around Amtrak stations and terminals, for the purposes of—

(A) improving station condition, functionality, capacity, and customer amenities;

(B) generating additional investment capital and development-related revenue streams;

(C) increasing ridership and revenue; and

(D) strengthening multimodal connections, including transit, intercity buses, roll-on and roll-off bicycles, and airports, as appropriate; and

(2) options for additional Amtrak stops that would have a positive incremental financial impact to Amtrak, based on Amtrak feasibility studies that demonstrate a financial benefit to Amtrak by generating additional revenue that exceeds any incremental costs.

(b) REQUEST FOR INFORMATION.—Not later than 90 days after the date the report is submitted under subsection (a), Amtrak shall issue a Request for Information for 1 or more owners of
stations served by Amtrak to formally express an interest in completing the requirements of this section.

(c) PROPOSALS.—

(1) REQUEST FOR PROPOSALS.—Not later than 180 days after the date the Request for Information is issued under subsection (b), Amtrak shall issue a Request for Proposals from qualified persons, including small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses, to lead, participate, or partner with Amtrak, a station owner that responded under subsection (b), and other entities in enhancing development in and around such stations and terminals using applicable options identified under subsection (a) at facilities selected by Amtrak.

(2) CONSIDERATION OF PROPOSALS.—Not later than 1 year after the date the Request for Proposals is issued under paragraph (1), the Amtrak Board of Directors shall review and consider qualified proposals submitted under paragraph (1). Amtrak or a station owner that responded under subsection (b) may enter into such agreements as are necessary to implement any qualified proposal.

(d) REPORT.—Not later than 4 years after the date of enactment of this Act, Amtrak shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Request for Proposals process required under this section, including summary information of any qualified proposals submitted to Amtrak and any proposals acted upon by Amtrak or a station owner that responded under subsection (b).

(e) DEFINITIONS.—In this section, the terms “small business concern”, “socially and economically disadvantaged individual”, and “veteran-owned small business” have the meanings given the terms in section 11310(c) of this Act.

(f) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit Amtrak’s ability to develop its stations, terminals, or other assets, to constrain Amtrak’s ability to enter into and carry out agreements with other parties to enhance development at or around Amtrak stations or terminals, or to affect any station development initiatives ongoing as of the date of enactment of this Act.

SEC. 11213. AMTRAK BOARDING PROCEDURES.

(a) REPORT.—Not later than 9 months after the date of enactment of this Act, the Amtrak Office of Inspector General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

(1) evaluates Amtrak’s boarding procedures for passengers, including passengers using or transporting nonmotorized transportation, such as bicycles, at its 15 stations through which the most people pass;

(2) compares Amtrak’s boarding procedures to—

(A) boarding procedures of providers of commuter railroad passenger transportation at stations shared with Amtrak;

(B) international intercity passenger rail boarding procedures; and

(C) fixed guideway transit boarding procedures; and
SEC. 11214. AMTRAK DEBT.

Section 205 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(1) by striking “as of the date of enactment of this Act” each place it appears;

(2) in subsection (a)—
(A) by inserting “to the extent provided in advance in appropriations Acts” after “Amtrak’s indebtedness”; and
(B) by striking the second sentence;

(3) in subsection (b) by striking “The Secretary of the Treasury, in consultation” and inserting “To the extent amounts are provided in advance in appropriations Acts, the Secretary of the Treasury, in consultation”;

(4) in subsection (d), by inserting “to the extent provided in advance in appropriations Acts” after “as appropriate”;

(5) in subsection (e)—
(A) in paragraph (1) by striking “by section 102 of this division”; and
(B) in paragraph (2) by striking “by section 102” and inserting “for Amtrak”;

(6) in subsection (g) by inserting “unless that debt receives credit assistance, including direct loans and loan guarantees, under chapter 6 of title 23, United States Code or title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)” after “Secretary”; and

(7) by striking subsection (h).

SEC. 11215. ELIMINATION OF DUPLICATIVE REPORTING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) review existing Amtrak reporting requirements and identify where the existing requirements are duplicative with the business line and asset plans required by section 24320 of title 49, United States Code, or any other planning or reporting requirements under Federal law or regulation;

(2) if the duplicative requirements identified under paragraph (1) are administrative, eliminate such requirements; and

(3) submit to Congress a report with any recommendations for repealing any other duplicative requirements.

Subtitle C—Intercity Passenger Rail Policy

SEC. 11301. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.

(a) In General.—Chapter 244 of title 49, United States Code, is amended by adding at the end the following:
§ 24407. Consolidated rail infrastructure and safety improvements

(a) General Authority.—The Secretary may make grants under this section to an eligible recipient to assist in financing the cost of improving passenger and freight rail transportation systems in terms of safety, efficiency, or reliability.

(b) Eligible Recipients.—The following entities are eligible to receive a grant under this section:

(1) A State.
(2) A group of States.
(3) An Interstate Compact.
(4) A public agency or publicly chartered authority established by 1 or more States.
(5) A political subdivision of a State.
(6) Amtrak or another rail carrier that provides intercity rail passenger transportation (as defined in section 24102).
(7) A Class II railroad or Class III railroad (as those terms are defined in section 20102).
(8) Any rail carrier or rail equipment manufacturer in partnership with at least 1 of the entities described in paragraphs (1) through (5).
(9) The Transportation Research Board and any entity with which it contracts in the development of rail-related research, including cooperative research programs.
(10) A University transportation center engaged in rail-related research.
(11) A non-profit labor organization representing a class or craft of employees of rail carriers or rail carrier contractors.

(c) Eligible Projects.—The following projects are eligible to receive grants under this section:

(1) Deployment of railroad safety technology, including positive train control and rail integrity inspection systems.
(2) A capital project as defined in section 24401(2), except that a project shall not be required to be in a State rail plan developed under chapter 227.
(3) A capital project identified by the Secretary as being necessary to address congestion challenges affecting rail service.
(4) A capital project identified by the Secretary as being necessary to reduce congestion and facilitate ridership growth in intercity passenger rail transportation along heavily traveled rail corridors.
(5) A highway-rail grade crossing improvement project, including installation, repair, or improvement of grade separations, railroad crossing signals, gates, and related technologies, highway traffic signalization, highway lighting and crossing approach signage, roadway improvements such as medians or other barriers, railroad crossing panels and surfaces, and safety engineering improvements to reduce risk in quiet zones or potential quiet zones.
(6) A rail line relocation and improvement project.
(7) A capital project to improve short-line or regional railroad infrastructure.
(8) The preparation of regional rail and corridor service development plans and corresponding environmental analyses.
(9) Any project that the Secretary considers necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between...
intercity rail passenger transportation and intercity bus service or commercial air service.

"(10) The development and implementation of a safety program or institute designed to improve rail safety.

"(11) Any research that the Secretary considers necessary to advance any particular aspect of rail-related capital, operations, or safety improvements.

"(12) Workforce development and training activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Transportation, the Department of Labor, and the Department of Education.

"(d) APPLICATION PROCESS.—The Secretary shall prescribe the form and manner of filing an application under this section.

"(e) PROJECT SELECTION CRITERIA.—

"(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall—

"(A) give preference to a proposed project for which the proposed Federal share of total project costs does not exceed 50 percent; and

"(B) after factoring in preference to projects under subparagraph (A), select projects that will maximize the net benefits of the funds appropriated for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2).

"(2) OTHER CONSIDERATIONS.—The Secretary shall also consider the following:

"(A) The degree to which the proposed project’s business plan considers potential private sector participation in the financing, construction, or operation of the project.

"(B) The recipient’s past performance in developing and delivering similar projects, and previous financial contributions.

"(C) Whether the recipient has or will have the legal, financial, and technical capacity to carry out the proposed project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

"(D) If applicable, the consistency of the proposed project with planning guidance and documents set forth by the Secretary or required by law or State rail plans developed under chapter 227.

"(E) If applicable, any technical evaluation ratings the proposed project received under previous competitive grant programs administered by the Secretary.

"(F) Such other factors as the Secretary considers relevant to the successful delivery of the project.

"(3) BENEFITS.—The benefits described in paragraph (1)(B) may include the effects on system and service performance, including measures such as improved safety, competitiveness, reliability, trip or transit time, resilience, efficiencies from improved integration with other modes, the ability to meet existing or anticipated demand, and any other benefits.

"(f) PERFORMANCE MEASURES.—The Secretary shall establish performance measures for each grant recipient to assess progress
in achieving strategic goals and objectives. The Secretary may require a grant recipient to periodically report information related to such performance measures.

(g) **Rural Areas.**

“(1) In General.—Of the amounts appropriated under this section, at least 25 percent shall be available for projects in rural areas. The Secretary shall consider a project to be in a rural area if all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a rural area.

“(2) **Definition of Rural Area.**—In this subsection, the term ‘rural area’ means any area not in an urbanized area, as defined by the Bureau of the Census.

(h) **Federal Share of Total Project Costs.**

“(1) **Total Project Costs.**—The Secretary shall estimate the total costs of a project under this section based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

“(2) **Federal Share.**—The Federal share of total project costs under this section shall not exceed 80 percent.

“(3) **Treatment of Passenger Rail Revenue.**—If Amtrak or another rail carrier is an applicant under this section, Amtrak or the other rail carrier, as applicable, may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

(i) **Applicability.**—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the requirements of this chapter.

(j) **Availability.**—Amounts appropriated for carrying out this section shall remain available until expended.

(k) **Limitation.**—The requirements of sections 24402, 24403, and 24404 and the definition contained in 24401(1) shall not apply to this section.

(l) **Special Transportation Circumstances.**

“(1) **In General.**—In carrying out this chapter, the Secretary shall allocate an appropriate portion of the amounts available to programs in this chapter to provide grants to States—

“(A) in which there is no intercity passenger rail service, for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 227 that provide public benefits (as defined in chapter 227), as determined by the Secretary; or

“(B) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

“(2) **Definition.**—For the purposes of this subsection, the term ‘appropriate portion’ means a share, for each State subject to paragraph (1), not less than the share of the total railroad route miles in such State of the total railroad route miles in the United States, excluding from all totals the route miles
exclusively used for tourist, scenic, and excursion railroad operations.”.

(b) CONFORMING AMENDMENT.—The table of contents of chapter 244 of title 49, United States Code, is amended by adding after the item relating to section 24406 the following:

“24407. Consolidated rail infrastructure and safety improvements.”.

(c) REPEALS.—

(1) Sections 20154 and 20167 of chapter 201 of title 49, United States Code, and the items relating to such sections in the table of contents of such chapter, are repealed.

(2) Section 24105 of chapter 241 of title 49, United States Code, and the item relating to such section in the table of contents of such chapter, is repealed.

(3) Chapter 225 of title 49, United States Code, and the item relating to such chapter in the table of contents of subtitle V of such title, is repealed.

(4) Section 22108 of chapter 221 of title 49, United States Code, and the item relating to such section in the table of contents of such chapter, are repealed.

SEC. 11302. FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.

(a) AMENDMENT.—Chapter 249 of title 49, United States Code, is amended by inserting after section 24910 the following:

§ 24911. Federal-State partnership for state of good repair

“(a) DEFINITIONS.—In this section:

“(1) APPLICANT.—The term ‘applicant’ means—

“A. a State (including the District of Columbia);

“B. a group of States;

“C. an Interstate Compact;

“D. a public agency or publicly chartered authority established by 1 or more States;

“E. a political subdivision of a State;

“F. Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States; or

“G. any combination of the entities described in subparagraphs (A) through (F).

“(2) CAPITAL PROJECT.—The term ‘capital project’ means—

“A. a project primarily intended to replace, rehabilitate, or repair major infrastructure assets utilized for providing intercity rail passenger service, including tunnels, bridges, stations, and other assets, as determined by the Secretary; or

“B. a project primarily intended to improve intercity passenger rail performance, including reduced trip times, increased train frequencies, higher operating speeds, and other improvements, as determined by the Secretary.

“(3) INTERCITY RAIL PASSENGER TRANSPORTATION.—The term ‘intercity rail passenger transportation’ has the meaning given the term in section 24102.

“(4) NORTHEAST CORRIDOR.—The term ‘Northeast Corridor’ means—

“A. the main rail line between Boston, Massachusetts and the District of Columbia;
“(B) the branch rail lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York; and
“(C) facilities and services used to operate and maintain lines described in subparagraphs (A) and (B).
“(5) QUALIFIED RAILROAD ASSET.—The term ‘qualified railroad asset’ means infrastructure, equipment, or a facility that—
“(A) is owned or controlled by an eligible applicant;
“(B) is contained in the planning document developed under section 24904 and for which a cost-allocation policy has been developed under section 24905(c), or is contained in an equivalent planning document and for which a similar cost-allocation policy has been developed; and
“(C) was not in a state of good repair on the date of enactment of the Passenger Rail Reform and Investment Act of 2015.
“(b) GRANT PROGRAM AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing grants to applicants, on a competitive basis, to fund capital projects that reduce the state of good repair backlog with respect to qualified railroad assets.
“(c) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include capital projects to replace or rehabilitate qualified railroad assets, including—
“(1) capital projects to replace existing assets in-kind;
“(2) capital projects to replace existing assets with assets that increase capacity or provide a higher level of service;
“(3) capital projects to ensure that service can be maintained while existing assets are brought to a state of good repair; and
“(4) capital projects to bring existing assets into a state of good repair.
“(d) PROJECT SELECTION CRITERIA.—In selecting an applicant for a grant under this section, the Secretary shall—
“(1) give preference to eligible projects for which—
“(A) Amtrak is not the sole applicant;
“(B) applications were submitted jointly by multiple applicants; and
“(C) the proposed Federal share of total project costs does not exceed 50 percent; and
“(2) take into account—
“(A) the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project, including—
“(i) effects on system and service performance;
“(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;
“(iii) efficiencies from improved integration with other modes; and
“(iv) ability to meet existing or anticipated demand;
“(B) the degree to which the proposed project’s business plan considers potential private sector participation in the financing, construction, or operation of the proposed project;
“(C) the applicant’s past performance in developing and delivering similar projects, and previous financial contributions;
“(D) whether the applicant has, or will have—
   "(i) the legal, financial, and technical capacity to carry out the project;
   "(ii) satisfactory continuing control over the use of the equipment or facilities; and
   "(iii) the capability and willingness to maintain the equipment or facilities;
   “(E) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and
   “(F) any other relevant factors, as determined by the Secretary.

   “(e) NORTHEAST CORRIDOR PROJECTS.—
   “(1) COMPLIANCE WITH USAGE AGREEMENTS.—Grant funds may not be provided under this section to an eligible recipient for an eligible project located on the Northeast Corridor unless Amtrak and the public authorities providing commuter rail passenger transportation on the Northeast Corridor are in compliance with section 24905(c)(2).
   “(2) CAPITAL INVESTMENT PLAN.—When selecting projects located on the Northeast Corridor, the Secretary shall consider the appropriate sequence and phasing of projects as contained in the Northeast Corridor capital investment plan developed pursuant to section 24904(a).

   “(f) FEDERAL SHARE OF TOTAL PROJECT COSTS.—
   “(1) TOTAL PROJECT COST.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.
   “(2) FEDERAL SHARE.—The Federal share of total costs for a project under this section shall not exceed 80 percent.
   “(3) TREATMENT OF AMTRAK REVENUE.—If Amtrak is an applicant under this section, Amtrak may use ticket and other revenues generated from its operations and other sources to satisfy the non-Federal share requirements.

   “(g) LETTERS OF INTENT.—
   “(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a grantee under this section that—
   “(A) announces an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project; and
   “(B) states that the contingent commitment—
   “(i) is not an obligation of the Federal Government; and
   “(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws in force or enacted after the date of the contingent commitment.

   “(2) CONGRESSIONAL NOTIFICATION.—
   “(A) IN GENERAL.—Not later than 30 days before issuing a letter under paragraph (1), the Secretary shall submit written notification to—
“(i) the Committee on Commerce, Science, and Transportation of the Senate;

“(ii) the Committee on Appropriations of the Senate;

“(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(iv) the Committee on Appropriations of the House of Representatives.

“(B) CONTENTS.—The notification submitted pursuant to subparagraph (A) shall include—

“(i) a copy of the proposed letter;

“(ii) the criteria used under subsection (d) for selecting the project for a grant award; and

“(iii) a description of how the project meets such criteria.

“(3) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under this section only when amounts are appropriated for such purpose.

“(h) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

“(i) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the grant conditions under section 24405.”

(b) CONFORMING AMENDMENT.—The table of contents for chapter 249 is amended by inserting after the item relating to section 24910 the following:

“24911. Federal-State partnership for state of good repair.”.

SEC. 11303. RESTORATION AND ENHANCEMENT GRANTS.

(a) IN GENERAL.—Chapter 244 of title 49, United States Code, is further amended by adding at the end the following:

“§ 24408. Restoration and enhancement grants

“(a) APPLICANT DEFINED.—Notwithstanding section 24401(1), in this section, the term ‘applicant’ means—

“(1) a State, including the District of Columbia;

“(2) a group of States;

“(3) an Interstate Compact;

“(4) a public agency or publicly chartered authority established by 1 or more States;

“(5) a political subdivision of a State;

“(6) Amtrak or another rail carrier that provides intercity rail passenger transportation;

“(7) Any rail carrier in partnership with at least 1 of the entities described in paragraphs (1) through (5); and

“(8) any combination of the entities described in paragraphs (1) through (7).

“(b) GRANTS AUTHORIZED.—The Secretary of Transportation shall develop and implement a program for issuing operating assistance grants to applicants, on a competitive basis, for the purpose of initiating, restoring, or enhancing intercity rail passenger transportation.

“(c) APPLICATION.—An applicant for a grant under this section shall submit to the Secretary—

“(1) a capital and mobilization plan that—
“(A) describes any capital investments, service planning actions (such as environmental reviews), and mobilization actions (such as qualification of train crews) required for initiation of intercity rail passenger transportation; and
“(B) includes the timeline for undertaking and completing each of the investments and actions referred to in subparagraph (A);
“(2) an operating plan that describes the planned operation of the service, including—
“(A) the identity and qualifications of the train operator;
“(B) the identity and qualifications of any other service providers;
“(C) service frequency;
“(D) the planned routes and schedules;
“(E) the station facilities that will be utilized;
“(F) projected ridership, revenues, and costs;
“(G) descriptions of how the projections under subparagraph (F) were developed;
“(H) the equipment that will be utilized, how such equipment will be acquired or refurbished, and where such equipment will be maintained; and
“(I) a plan for ensuring safe operations and compliance with applicable safety regulations;
“(3) a funding plan that—
“(A) describes the funding of initial capital costs and operating costs for the first 3 years of operation;
“(B) includes a commitment by the applicant to provide the funds described in subparagraph (A) to the extent not covered by Federal grants and revenues; and
“(C) describes the funding of operating costs and capital costs, to the extent necessary, after the first 3 years of operation; and
“(4) a description of the status of negotiations and agreements with—
“(A) each of the railroads or regional transportation authorities whose tracks or facilities would be utilized by the service;
“(B) the anticipated railroad carrier, if such entity is not part of the applicant group; and
“(C) any other service providers or entities expected to provide services or facilities that will be used by the service, including any required access to Amtrak systems, stations, and facilities if Amtrak is not part of the applicant group.
“(d) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to applications—
“(1) for which planning, design, any environmental reviews, negotiation of agreements, acquisition of equipment, construction, and other actions necessary for initiation of service have been completed or nearly completed;
“(2) that would restore service over routes formerly operated by Amtrak, including routes described in section 11304 of the Passenger Rail Reform and Investment Act of 2015;
“(3) that would provide daily or daytime service over routes where such service did not previously exist;
“(4) that include funding (including funding from railroads), or other significant participation by State, local, and regional governmental and private entities;

“(5) that include a funding plan that demonstrates the intercity rail passenger service will be financially sustainable beyond the 3-year grant period;

“(6) that would provide service to regions and communities that are underserved or not served by other intercity public transportation;

“(7) that would foster economic development, particularly in rural communities and for disadvantaged populations;

“(8) that would provide other non-transportation benefits; and

“(9) that would enhance connectivity and geographic coverage of the existing national network of intercity rail passenger service.

“(e) LIMITATIONS.—

“(1) DURATION.—Federal operating assistance grants authorized under this section for any individual intercity rail passenger transportation route may not provide funding for more than 3 years and may not be renewed.

“(2) LIMITATION.—Not more than 6 of the operating assistance grants awarded pursuant to subsection (b) may be simultaneously active.

“(3) MAXIMUM FUNDING.—Grants described in paragraph (1) may not exceed—

“(A) 80 percent of the projected net operating costs for the first year of service;

“(B) 60 percent of the projected net operating costs for the second year of service; and

“(C) 40 percent of the projected net operating costs for the third year of service.

“(f) USE WITH CAPITAL GRANTS AND OTHER FEDERAL FUNDING.—A recipient of an operating assistance grant under subsection (b) may use that grant in combination with other Federal grants awarded that would benefit the applicable service.

“(g) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until expended.

“(h) COORDINATION WITH AMTRAK.—If the Secretary awards a grant under this section to a rail carrier other than Amtrak, Amtrak may be required consistent with section 24711(c)(1) of this title to provide access to its reservation system, stations, and facilities that are directly related to operations to such carrier, to the extent necessary to carry out the purposes of this section. The Secretary may award an appropriate portion of the grant to Amtrak as compensation for this access.

“(i) CONDITIONS.—

“(1) GRANT AGREEMENT.—The Secretary shall require a grant recipient under this section to enter into a grant agreement that requires such recipient to provide similar information regarding the route performance, financial, and ridership projections, and capital and business plans that Amtrak is required to provide, and such other data and information as the Secretary considers necessary.

“(2) INSTALLMENTS; TERMINATION.—The Secretary may—

“(A) award grants under this section in installments, as the Secretary considers appropriate; and
(B) terminate any grant agreement upon—

(i) the cessation of service; or

(ii) the violation of any other term of the grant agreement.

(3) GRANT CONDITIONS.—The Secretary shall require each recipient of a grant under this section to comply with the grant requirements of section 24405.

(j) REPORT.—Not later than 4 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary, after consultation with grant recipients under this section, shall submit to Congress a report that describes—

(1) the implementation of this section;

(2) the status of the investments and operations funded by such grants;

(3) the performance of the routes funded by such grants;

(4) the plans of grant recipients for continued operation and funding of such routes; and

(5) any legislative recommendations.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER 244.—Chapter 244 of title 49, United States Code, is further amended—

(A) in the table of contents by adding at the end the following:

24408. Restoration and enhancement grants.

(B) in the chapter heading by striking “INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE” and inserting “RAIL IMPROVEMENT GRANTS”;

(C) in section 24402 by striking subsection (j); and

(D) in section 24405—

(i) in subsection (b)(2) by striking “(43” and inserting “(45”;

(ii) in subsection (c)(2)(B) by striking “protective arrangements established” and inserting “protective arrangements that are equivalent to the protective arrangements established”;

(iii) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting “or unless Amtrak ceased providing intercity passenger railroad transportation over the affected route more than 3 years before the commencement of new service” after “unless such service was provided solely by Amtrak to another entity”; and

(iv) in subsection (f) by striking “under this chapter for commuter rail passenger transportation, as defined in section 24102(4) of this title.” and inserting “under this chapter for commuter rail passenger transportation (as defined in section 24102(3)).”;

(2) TABLE OF CHAPTERS AMENDMENT.—The item relating to chapter 244 in the table of chapters of subtitle V of title 49, United States Code, is amended by striking “Intercity passenger rail service corridor capital assistance” and inserting “Rail improvement grants”.

49 USC prec. 20101.
SEC. 11304. GULF COAST RAIL SERVICE WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall convene a working group to evaluate the restoration of intercity rail passenger service in the Gulf Coast region between New Orleans, Louisiana, and Orlando, Florida.

(b) MEMBERSHIP.—The working group convened pursuant to subsection (a) shall consist of representatives of—

(1) the Federal Railroad Administration, which shall serve as chair of the working group;
(2) Amtrak;
(3) the States along the proposed route or routes;
(4) regional transportation planning organizations and metropolitan planning organizations, municipalities, and communities along the proposed route or routes, which shall be selected by the Administrator;
(5) the Southern Rail Commission;
(6) railroad carriers whose tracks may be used for such service; and
(7) other entities determined appropriate by the Secretary, which may include other railroad carriers that express an interest in Gulf Coast service.

(c) RESPONSIBILITIES.—The working group shall—

(1) evaluate all options for restoring intercity rail passenger service in the Gulf Coast region, including options outlined in the report transmitted to Congress pursuant to section 226 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432);
(2) select a preferred option for restoring such service;
(3) develop a prioritized inventory of capital projects and other actions required to restore such service and cost estimates for such projects or actions; and
(4) identify Federal and non-Federal funding sources required to restore such service, including options for entering into public-private partnerships to restore such service.

(d) REPORT.—Not later than 9 months after the date of enactment of this Act, the working group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) the preferred option selected under subsection (c)(2) and the reasons for selecting such option;
(2) the information described in subsection (c)(3);
(3) the funding sources identified under subsection (c)(4);
(4) the costs and benefits of restoring intercity rail passenger transportation in the region; and
(5) any other information the working group determines appropriate.

(e) FUNDING.—From funds made available under section 11101(d), the Secretary shall provide—

(1) financial assistance to the working group to perform requested independent technical analysis of issues before the working group; and
(2) administrative expenses that the Secretary determines necessary.
SEC. 11305. NORTHEAST CORRIDOR COMMISSION.

(a) COMPOSITION.—Section 24905(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by inserting ‟, infrastructure investments,’’ after ‟rail operations’’;

(B) by striking subparagraph (B) and inserting the following:

“(B) members representing the Department of Transportation, including the Office of the Secretary, the Federal Railroad Administration, and the Federal Transit Administration;’’; and

(C) in subparagraph (D) by inserting ‟and commuter’’ after ‟freight’’; and

(2) by amending paragraph (6) to read as follows:

“(6) The members of the Commission shall elect co-chairs consisting of 1 member described in paragraph (1)(B) and 1 member described in paragraph (1)(C).”.

(b) STATEMENT OF GOALS AND RECOMMENDATIONS.—Section 24905(b) of title 49, United States Code, is amended—

(1) in paragraph (1) by inserting ‟and periodically update’’ after ‟develop’’;

(2) in paragraph (2)(A) by striking ‟beyond those specified in the state-of-good-repair plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008’’; and

(3) by adding at the end the following:

“(3) SUBMISSION OF STATEMENT OF GOALS, RECOMMENDATIONS, AND PERFORMANCE REPORTS.—The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) any updates made to the statement of goals developed under paragraph (1) not later than 60 days after such updates are made; and

“(B) annual performance reports and recommendations for improvements, as appropriate, issued not later than March 31 of each year, for the prior fiscal year, which summarize—

“(i) the operations and performance of commuter, intercity, and freight rail transportation along the Northeast Corridor; and

“(ii) the delivery of the capital investment plan described in section 24904.’’.

(c) COST ALLOCATION POLICY.—Section 24905(c) of title 49, United States Code, is amended—

(1) in the subsection heading by striking ‟ACCESS COSTS’’ and inserting ‟ALLOCATION OF COSTS’’;

(2) in paragraph (1)—

(A) in the paragraph heading by striking ‟FORMULA’’ and inserting ‟POLICY’’;

(B) in the paragraph preceding subparagraph (A) by striking ‟Within 2 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Commission’’ and inserting ‟The Commission’’;

(C) in subparagraph (A) by striking ‟formula’’ and inserting ‟policy’’; and
(D) by striking subparagraphs (B) through (D) and inserting the following:

“(B) develop a proposed timetable for implementing the policy;

“(C) submit the policy and the timetable developed under subparagraph (B) to the Surface Transportation Board, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives;

“(D) not later than October 1, 2015, adopt and implement the policy in accordance with the timetable; and

“(E) with the consent of a majority of its members, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-bounding mediation to reach an agreement under this section.”;

(3) in paragraph (2)—

(A) by striking “formula proposed in” and inserting “policy developed under”; and

(B) in the second sentence—

(i) by striking “the timetable, the Commission shall petition the Surface Transportation Board to” and inserting “paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall”;

(ii) by striking “amounts for such services in accordance with section 24904(c) of this title” and inserting “for such usage in accordance with the procedures and procedural schedule applicable to a proceeding under section 24903(c), after taking into consideration the policy developed under paragraph (1)(A), as applicable”;

(4) in paragraph (3), by striking “formula” and inserting “policy”; and

(5) by adding at the end the following:

“(4) REQUEST FOR DISPUTE RESOLUTION.—If a dispute arises with the implementation of, or compliance with, the policy developed under paragraph (1), the Commission, Amtrak, or public authorities providing commuter rail passenger transportation on the Northeast Corridor may request that the Surface Transportation Board conduct dispute resolution. The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this paragraph, which may include the provision of professional mediation services.”.

(d) CONFORMING AMENDMENTS.—

(1) TITLE 49.—Section 24905 of title 49, United States Code, is amended—

(A) in the section heading by striking “INFRASTRUCTURE AND OPERATIONS ADVISORY”;

(B) in subsection (a)—

(i) in the heading by striking “INFRASTRUCTURE AND OPERATIONS ADVISORY”; and

(ii) by striking “Infrastructure and Operations Advisory”; and

(C) by striking subsection (d);
(D) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(E) in subsection (d), as so redesignated—

(i) by striking “to the Commission” and inserting “to the Secretary for the use of the Commission and the Northeast Corridor Safety Committee”; and

(ii) by striking “for the period encompassing fiscal years 2009 through 2013 to carry out this section” and inserting “to carry out this section during fiscal years 2016 through 2020, in addition to any amounts withheld under section 11101(g) of the Passenger Rail Reform and Investment Act of 2015”; and

(F) in subsection (e)(2), as so redesignated, by striking “on the main line.” and inserting “on the main line and meet annually with the Commission on the topic of Northeast Corridor safety and security.”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 249 of title 49, United States Code, is amended by striking the item relating to section 24905 and inserting the following:

49 USC 24904.

SEC. 11306. NORTHEAST CORRIDOR PLANNING.

(a) AMENDMENT.—Chapter 249 of title 49, United States Code, is amended—

(1) by redesignating section 24904 as section 24903; and

(2) by inserting after section 24903, as so redesignated, the following:

49 USC 24904.

§ 24904. Northeast Corridor planning

(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

(1) REQUIREMENT.—Not later than May 1 of each year, the Northeast Corridor Commission established under section 24905 (referred to in this section as the ‘Commission’) shall—

(A) develop a capital investment plan for the Northeast Corridor; and

(B) submit the capital investment plan to the Secretary of Transportation and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The capital investment plan shall—

(A) reflect coordination and network optimization across the entire Northeast Corridor;

(B) integrate the individual capital and service plans developed by each operator using the methods described in the cost allocation policy developed under section 24905(c);

(C) cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed;

(D) notwithstanding section 24902(b), identify, prioritize, and phase the implementation of projects and programs to achieve the service outcomes identified in the Northeast Corridor service development plan and the asset condition needs identified in the Northeast Corridor asset management plans, once available, and consider—
(i) the benefits and costs of capital investments in the plan;
(ii) project and program readiness;
(iii) the operational impacts; and
(iv) Federal and non-Federal funding availability;
(E) categorize capital projects and programs as primarily associated with—
(i) normalized capital replacement and basic infrastructure renewals;
(ii) replacement or rehabilitation of major Northeast Corridor infrastructure assets, including tunnels, bridges, stations, and other assets;
(iii) statutory, regulatory, or other legal mandates;
(iv) improvements to support service enhancements or growth; or
(v) strategic initiatives that will improve overall operational performance or lower costs;
(F) identify capital projects and programs that are associated with more than 1 category described in subparagraph (E);
(G) describe the anticipated outcomes of each project or program, including an assessment of—
(i) the potential effect on passenger accessibility, operations, safety, reliability, and resiliency;
(ii) the ability of infrastructure owners and operators to meet regulatory requirements if the project or program is not funded; and
(iii) the benefits and costs; and
(H) include a financial plan.

(3) FINANCIAL PLAN.—The financial plan under paragraph (2)(H) shall—
(A) identify funding sources and financing methods;
(B) identify the expected allocated shares of costs pursuant to the cost allocation policy developed under section 24905(c);
(C) identify the projects and programs that the Commission expects will receive Federal financial assistance; and
(D) identify the eligible entity or entities that the Commission expects will receive the Federal financial assistance described under subparagraph (C) and implement each capital project.

(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT PLAN.—If a capital investment plan has not been developed by the Commission for a given fiscal year, then the funds assigned to the Northeast Corridor account established under section 24317(b) for that fiscal year may be spent only on—
(1) capital projects described in clause (i) or (iii) of subsection (a)(2)(E) of this section; or
(2) capital projects described in subsection (a)(2)(E)(iv) or (v) of this section that are for the sole benefit of Amtrak.

(c) NORTHEAST CORRIDOR ASSET MANAGEMENT.—
(1) CONTENTS.—With regard to its infrastructure, Amtrak and each State and public transportation entity that owns infrastructure that supports or provides for intercity rail passenger transportation on the Northeast Corridor shall develop
an asset management system and develop and update, as necessary, a Northeast Corridor asset management plan for each service territory described in subsection (a) that—

“(A) is consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

“(B) includes, at a minimum—

“(i) an inventory of all capital assets owned by the developer of the asset management plan;

“(ii) an assessment of asset condition;

“(iii) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair, including decision-support tools and investment prioritization methods; and

“(iv) a description of changes in asset condition since the previous version of the plan.

“(2) TRANSMITTAL.—Each entity described in paragraph (1) shall transmit to the Commission—

“(A) not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, a Northeast Corridor asset management plan developed under paragraph (1); and

“(B) at least biennially thereafter, an update to such plan.

“(d) NORTHEAST CORRIDOR SERVICE DEVELOPMENT PLAN UPDATES.—Not less frequently than once every 10 years, the Commission shall update the Northeast Corridor service development plan.

“(e) DEFINITION OF NORTHEAST CORRIDOR.—In this section, the term ‘Northeast Corridor’ means the main line between Boston, Massachusetts, and the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines.”.

(b) CONFORMING AMENDMENTS.—

(1) NOTE AND MORTGAGE.—Section 24907(a) of title 49, United States Code, is amended by striking “section 24904 of this title” and inserting “section 24903”.

(2) TABLE OF CONTENTS.—The table of contents for chapter 249 of title 49, United States Code, is amended—

(A) by redesignating the item relating to section 24904 as relating to section 24903; and

(B) by inserting after the item relating to section 24903, as so redesignated, the following:

“24904. Northeast Corridor planning.”.

(3) REPEAL.—Section 211 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24902 note) is repealed.

SEC. 11307. COMPETITION.

(a) COMPETITIVE PASSENGER RAIL SERVICE PILOT PROGRAM.—Section 24711 of title 49, United States Code, is amended to read as follows:
§24711. Competitive passenger rail service pilot program

(a) In general.—Not later than 18 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall promulgate a rule to implement a pilot program for competitive selection of eligible petitioners described in subsection (b)(3) in lieu of Amtrak to operate not more than 3 long-distance routes (as defined in section 24102) operated by Amtrak on the date of enactment of such Act.

(b) Pilot program requirements.—

(1) In general.—The pilot program shall—

(A) allow a petitioner described in paragraph (3) to petition the Secretary to provide intercity rail passenger transportation over a long-distance route described in subsection (a) for an operation period of 4 years from the date of commencement of service by the winning bidder and, at the option of the Secretary, consistent with the rule promulgated under subsection (a), allow the contract to be renewed for 1 additional operation period of 4 years;

(B) require the Secretary to—

(i) notify the petitioner and Amtrak of receipt of the petition under subparagraph (A) and to publish in the Federal Register a notice of receipt not later than 30 days after the date of receipt;

(ii) establish a deadline, of not more than 120 days after the notice of receipt is published in the Federal Register under clause (i), by which both the petitioner and Amtrak, if Amtrak chooses to do so, would be required to submit a complete bid to provide intercity rail passenger transportation over the applicable route; and

(iii) upon selecting a winning bid, publish in the Federal Register the identity of the winning bidder, the long distance route that the bidder will operate, a detailed justification of the reasons why the Secretary selected the bid, and any other information the Secretary determines appropriate for public comment for a reasonable period of time not to exceed 30 days after the date on which the Secretary selects the bid;

(C) require that each bid—

(i) describe the capital needs, financial projections, and operational plans, including staffing plans, for the service, and such other factors as the Secretary considers appropriate; and

(ii) be made available by the winning bidder to the public after the bid award with any appropriate redactions for confidential or proprietary information;

(D) for a route that receives funding from a State or States, require that for each bid received from a petitioner described in paragraph (3), other than such State or States, the Secretary have the concurrence of the State or States that provide funding for that route; and

(E) for a winning bidder that is not or does not include Amtrak, require the Secretary to execute a contract not later than 270 days after the deadline established under subparagraph (B)(ii) and award to the winning bidder—

(i) subject to paragraphs (4) and (5), the right and obligation to provide intercity rail passenger
transportation over that route subject to such performance standards as the Secretary may require; and

“(ii) an operating subsidy, as determined by the Secretary, for—

“(I) the first year at a level that does not exceed 90 percent of the level in effect for that specific route during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation; and

“(II) any subsequent years at the level calculated under subclause (I), adjusted for inflation.

“(2) LIMITATION.—The requirements under paragraph (1)(E), including the amounts of operating subsidies in the first and any subsequent years under paragraph (1)(E)(ii), shall not apply to a winning bidder that is or includes Amtrak.

“(3) ELIGIBLE PETITIONERS.—The following parties are eligible to submit petitions under paragraph (1):

“(A) A rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route, or another rail carrier that has a written agreement with a rail carrier or rail carriers that own such infrastructure.

“(B) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation with a written agreement with the rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

“(C) A State, group of States, or State-supported joint powers authority or other sub-State governance entity responsible for provision of intercity rail passenger transportation and a rail carrier with a written agreement with another rail carrier or rail carriers that own the infrastructure over which Amtrak operates a long-distance route and that host or would host the intercity rail passenger transportation.

“(4) PERFORMANCE STANDARDS.—The performance standards required under paragraph (1)(E)(i) shall meet or exceed the performance required of or achieved by Amtrak on the applicable route during the last fiscal year.

“(5) AGREEMENT GOVERNING ACCESS ISSUES.—Unless the winning bidder already has applicable access rights or agreements in place or includes a rail carrier that owns the infrastructure used in the operation of the route, a winning bidder that is not or does not include Amtrak shall enter into a written agreement governing access issues between the winning bidder and the rail carrier or rail carriers that own the infrastructure over which the winning bidder would operate and that host or would host the intercity rail passenger transportation.

“(c) ACCESS TO FACILITIES; EMPLOYEES.—If the Secretary awards the right and obligation to provide intercity rail passenger transportation over a route described in this section to an eligible petitioner—

“(1) the Secretary shall, if necessary to carry out the purposes of this section, require Amtrak to provide access to the
Amtrak-owned reservation system, stations, and facilities directly related to operations of the awarded routes to the eligible petitioner awarded a contract under this section, in accordance with subsection (g);

“(2) an employee of any person, except as provided in a collective bargaining agreement, used by such eligible petitioner in the operation of a route under this section shall be considered an employee of that eligible petitioner and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak; and

“(3) the winning bidder shall provide hiring preference to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder, and shall be subject to the grant conditions under section 24405.

“(d) CESSATION OF SERVICE.—If an eligible petitioner awarded a route under this section ceases to operate the service or fails to fulfill an obligation under a contract required under subsection (b)(1)(E), the Secretary, in collaboration with the Surface Transportation Board, shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including—

“(1) the installment of an interim rail carrier;

“(2) providing to the interim rail carrier under paragraph (1) an operating subsidy necessary to provide service; and

“(3) rebidding the contract to operate the intercity rail passenger transportation.

“(e) BUDGET AUTHORITY.—

“(1) IN GENERAL.—The Secretary shall provide to a winning bidder that is not or does not include Amtrak and that is selected under this section any appropriations withheld under section 11101(e) of the Passenger Rail Reform and Investment Act of 2015, or any subsequent appropriation for the same purpose, necessary to cover the operating subsidy described in subsection (b)(1)(E)(ii).

“(2) ATTRIBUTABLE COSTS.—If the Secretary selects a winning bidder that is not or does not include Amtrak, the Secretary shall provide to Amtrak an appropriate portion of the appropriations under section 11101(b) of the Passenger Rail Reform and Investment Act of 2015, or any subsequent appropriation for the same purpose, to cover any cost directly attributable to the termination of Amtrak service on the route and any indirect costs to Amtrak imposed on other Amtrak routes as a result of losing service on the route operated by the winning bidder. Any amount provided by the Secretary to Amtrak under this paragraph shall not be deducted from or have any effect on the operating subsidy described in subsection (b)(1)(E)(ii).

“(f) REPORTING.—If the Secretary does not promulgate the final rule before the deadline under subsection (a), the Secretary shall, not later than 19 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015 and every 90 days thereafter until the rule is complete, notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in writing—

“(1) the reasons why the rule has not been issued;
“(2) a plan for completing the rule as soon as reasonably practicable; and
“(3) the estimated date of completion of the rule.

“(g) Disputes.—
“(1) Petitioning Surface Transportation Board.—If Amtrak and the eligible petitioner awarded a route under this section cannot agree upon terms to carry out subsection (c)(1), either party may petition the Surface Transportation Board for a determination as to—
“(A) whether access to Amtrak’s facility or equipment, or the provisions of services by Amtrak, is necessary under subsection (c)(1); and
“(B) whether the operation of Amtrak’s other services will not be unreasonably impaired by such access.
“(2) Surface Transportation Board Determination.—If the Surface Transportation Board determines access to Amtrak’s facilities or equipment, or the provision of services by Amtrak, is necessary under paragraph (1)(A) and the operation of Amtrak’s other services will not be unreasonably impaired under paragraph (1)(B), the Board shall issue an order that—
“(A) requires Amtrak to provide the applicable facilities, equipment, and services; and
“(B) determines reasonable compensation, liability, and other terms for the use of the facilities and equipment and the provision of the services.

“(h) Limitation.—Not more than 3 long-distance routes may be selected under this section for operation by a winning bidder that is not or does not include Amtrak.

“(i) Preservation of Right to Competition on State-Supported Routes.—Nothing in this section shall be construed as prohibiting a State from introducing competition for intercity rail passenger transportation or services on its State-supported route or routes.

“(j) Savings Clause.—Nothing in this section shall affect Amtrak’s access rights to railroad rights-of-way and facilities.”.

(b) Conforming Amendment.—The table of contents for section 24711 of title 49, United States Code, is amended to read as follows:

“24711. Competitive passenger rail service pilot program.”.

(c) Report.—Not later than 4 years after the date of implementation of the pilot program under section 24711 of title 49, United States Code, and quadrennially thereafter until the pilot program is discontinued, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the pilot program to date and any recommendations for further action.

SEC. 11308. PERFORMANCE-BASED PROPOSALS.

(a) Solicitation of Proposals.—
“(1) In general.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for projects for the financing, design, construction, operation, and maintenance of a high-speed passenger rail system operating within a high-speed rail corridor, including—
(A) the Northeast Corridor;
(B) the California Corridor;
(C) the Empire Corridor;
(D) the Pacific Northwest Corridor;
(E) the South Central Corridor;
(F) the Gulf Coast Corridor;
(G) the Chicago Hub Network;
(H) the Florida Corridor;
(I) the Keystone Corridor;
(J) the Northern New England Corridor; and
(K) the Southeast Corridor.

(2) Submission.—Proposals shall be submitted to the Secretary not later than 180 days after the publication of the request for proposals under paragraph (1).

(3) Performance Standard.—Proposals submitted under paragraph (2) shall meet any standards established by the Secretary. For corridors with existing intercity passenger rail service, proposals shall also be designed to achieve a reduction of existing minimum intercity rail service trip times between the main corridor city pairs by a minimum of 25 percent. In the case of a proposal submitted with respect to paragraph (1)(A), the proposal shall be designed to achieve a 2-hour or less express service between Washington, District of Columbia, and New York City, New York.

(4) Contents.—A proposal submitted under this subsection shall include—

(A) the names and qualifications of the persons submitting the proposal and the entities proposed to finance, design, construct, operate, and maintain the railroad, railroad equipment, and related facilities, stations, and infrastructure;

(B) a detailed description of the proposed rail service, including possible routes, required infrastructure investments and improvements, equipment needs and type, train frequencies, peak and average operating speeds, and trip times;

(C) a description of how the project would comply with all applicable Federal rail safety and security laws, orders, and regulations;

(D) the locations of proposed stations, which maximize the usage of existing infrastructure to the extent possible, and the populations such stations are intended to serve;

(E) the type of equipment to be used, including any technologies, to achieve trip time goals;

(F) a description of any proposed legislation needed to facilitate all aspects of the project;

(G) a financing plan identifying—

(i) projected revenue, and sources thereof;

(ii) the amount of any requested public contribution toward the project, and proposed sources;

(iii) projected annual ridership projections for the first 10 years of operations;

(iv) annual operations and capital costs;

(y) the projected levels of capital investments required both initially and in subsequent years to maintain a state-of-good-repair necessary to provide
the initially proposed level of service or higher levels of service;

(vi) projected levels of private investment and sources thereof, including the identity of any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment; and

(vii) projected funding for the full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity;

(H) a description of how the project would contribute to the development of a national high-speed passenger rail system and an intermodal plan describing how the system will facilitate convenient travel connections with other transportation services;

(I) a description of how the project will ensure compliance with Federal laws governing the rights and status of employees associated with the route and service, including those specified in section 24405 of title 49, United States Code;

(J) a description of how the design, construction, implementation, and operation of the project will accommodate and allow for future growth of existing and projected intercity, commuter, and freight rail service;

(K) a description of how the project would comply with Federal and State environmental laws and regulations, of what environmental impacts would result from the project, and of how any adverse impacts would be mitigated; and

(L) a description of the project’s impacts on highway and aviation congestion, energy consumption, land use, and economic development in the service area.

(b) Determination and Establishment of Commissions.—Not later than 90 days after receipt of the proposals under subsection (a), the Secretary shall—

(1) make a determination as to whether any such proposals—

(A) contain the information required under paragraphs (3) and (4) of subsection (a);

(B) are sufficiently credible to warrant further consideration;

(C) are likely to result in a positive impact on the Nation’s transportation system; and

(D) are cost-effective and in the public interest;

(2) establish a commission for each corridor with 1 or more proposals that the Secretary determines satisfy the requirements of paragraph (1); and

(3) forward to each commission established under paragraph (2) the applicable proposals for review and consideration.

(c) Commissions.—

(1) Members.—Each commission established under subsection (b)(2) shall include—
(A) the Governors of the affected States, or their respective designees;
(B) mayors of appropriate municipalities with stops along the proposed corridor, or their respective designees;
(C) a representative from each freight railroad carrier using the relevant corridor, if applicable;
(D) a representative from each transit authority using the relevant corridor, if applicable;
(E) representatives of nonprofit employee labor organizations representing affected railroad employees; and
(F) the President of Amtrak or his or her designee.

(2) APPOINTMENT AND SELECTION.—The Secretary shall appoint the members under paragraph (1). In selecting each commission's members to fulfill the requirements under subparagraphs (B) and (E) of paragraph (1), the Secretary shall consult with the Chairperson and Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate and of the Committee on Transportation and Infrastructure of the House of Representatives.

(3) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice-Chairperson shall be elected from among members of each commission.

(4) QUORUM AND VACANCY.—
(A) QUORUM.—A majority of the members of each commission shall constitute a quorum.
(B) VACANCY.—Any vacancy in each commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) COMMISSION CONSIDERATION.—
(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals forwarded to it under that subsection and, not later than 90 days after the establishment of the commission, shall transmit to the Secretary a report, including—
(A) a summary of each proposal received;
(B) services to be provided under each proposal, including projected ridership, revenues, and costs;
(C) proposed public and private contributions for each proposal;
(D) the advantages offered by the proposal over existing intercity passenger rail services;
(E) public operating subsidies or assets needed for the proposed project;
(F) possible risks to the public associated with the proposal, including risks associated with project financing, implementation, completion, safety, and security;
(G) a ranked list of the proposals recommended for further consideration under subsection (e) in accordance with each proposal's projected positive impact on the Nation's transportation system;
(H) an identification of any proposed Federal legislation that would facilitate implementation of the projects and Federal legislation that would be required to implement the projects; and
(I) any other recommendations by the commission concerning the proposed projects.
(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the use of each commission established under subsection (b)(2) such sums as are necessary to carry out this section.

(e) SELECTION BY SECRETARY.—

(1) IN GENERAL.—Not later than 60 days after receiving the recommended proposals of the commissions established under subsection (b)(2), the Secretary shall—

(A) review such proposals and select any proposal that provides substantial benefits to the public and the national transportation system, is cost-effective, offers significant advantages over existing services, and meets other relevant factors determined appropriate by the Secretary; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subsection (a)(1)(A) that is selected by the Secretary under subparagraph (A) of this paragraph, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(2) SUBSEQUENT REPORT.—Following the submission of the report under paragraph (1)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing any proposal with respect to subparagraphs (B) through (K) of subsection (a)(1) that are selected by the Secretary under paragraph (1) of this subsection, all the information regarding the proposal provided to the Secretary under subsection (d), and any other information the Secretary considers relevant.

(3) LIMITATION ON REPORT SUBMISSION.—The report required under paragraph (2) shall not be submitted by the Secretary until the report submitted under paragraph (1)(B) has been considered through a hearing by the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the report submitted under paragraph (1)(B).

(f) NO ACTIONS WITHOUT ADDITIONAL AUTHORITY.—No Federal agency may take any action to implement, establish, facilitate, or otherwise act upon any proposal submitted under this section, other than those actions specifically authorized by this section, without explicit statutory authority enacted after the date of enactment of this Act.

(g) ADEQUATE RESOURCES.—Before taking any action authorized under this section the Secretary shall certify to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that the Secretary has sufficient resources that are adequate to undertake the program established under this section.

(h) DEFINITIONS.—In this section:
(1) INTERCITY PASSENGER RAIL.—The term “intercity passenger rail” has the meaning given the term in section 24102 of title 49, United States Code.

(2) STATE.—The term “State” means any of the 50 States or the District of Columbia.

SEC. 11309. LARGE CAPITAL PROJECT REQUIREMENTS.

Section 24402 of title 49, United States Code, is amended by inserting after subsection (i) the following:

“(j) LARGE CAPITAL PROJECT REQUIREMENTS.—

“(1) IN GENERAL.—For a grant awarded under this chapter for an amount in excess of $1,000,000,000, the following conditions shall apply:

“(A) The Secretary may not obligate any funding unless the applicant demonstrates, to the satisfaction of the Secretary, that the applicant has committed, and will be able to fulfill, the non-Federal share required for the grant within the applicant’s proposed project completion timetable.

“(B) The Secretary may not obligate any funding for work activities that occur after the completion of final design unless—

“(i) the applicant submits a financial plan to the Secretary that generally identifies the sources of the non-Federal funding required for any subsequent segments or phases of the corridor service development program covering the project for which the grant is awarded;

“(ii) the grant will result in a useable segment, a transportation facility, or equipment, that has operational independence; and

“(iii) the intercity passenger rail benefits anticipated to result from the grant, such as increased speed, improved on-time performance, reduced trip time, increased frequencies, new service, safety improvements, improved accessibility, or other significant enhancements, are detailed by the grantee and approved by the Secretary.

“(C)(i) The Secretary shall ensure that the project is maintained to the level of utility that is necessary to support the benefits approved under subparagraph (B)(iii) for a period of 20 years from the date on which the useable segment, transportation facility, or equipment described in subparagraph (B)(ii) is placed in service.

“(ii) If the project property is not maintained as required under clause (i) for a 12-month period, the grant recipient shall refund a pro-rata share of the Federal contribution, based upon the percentage remaining of the 20-year period that commenced when the project property was placed in service.

“(2) EARLY WORK.—The Secretary may allow a grantee subject to this subsection to engage in at-risk work activities subsequent to the conclusion of final design if the Secretary determines that such work activities are reasonable and necessary.”.
SEC. 11310. SMALL BUSINESS PARTICIPATION STUDY.

(a) Study.—The Secretary shall conduct a nationwide disparity and availability study on the availability and use of small business concerns owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses in publicly funded intercity rail passenger transportation projects.

(b) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report containing the results of the study conducted under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) Definitions.—In this section:

(1) Small business concern.—The term “small business concern” has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632), except that the term does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

(2) Socially and economically disadvantaged individual.—The term “socially and economically disadvantaged individual” has the meaning given such term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to such Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(3) Veteran-owned small business.—The term “veteran-owned small business” has the meaning given the term “small business concern owned and controlled by veterans” in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)), except that the term does not include any concern or group of concerns controlled by the same veterans that have average annual gross receipts during the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary for inflation.

SEC. 11311. SHARED-USE STUDY.

(a) In General.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with Amtrak, commuter rail passenger transportation authorities, other railroad carriers, railroad carriers that own rail infrastructure over which both passenger and freight trains operate, States, the Surface Transportation Board, the Northeast Corridor Commission established under section 24905 of title 49, United States Code, the State-Supported Route Committee established under section 24712 of such title, and groups representing rail passengers and customers, as appropriate, shall complete a study that evaluates—

(1) the shared use of right-of-way by passenger and freight rail systems; and

(2) the operational, institutional, and legal structures that would best support improvements to the systems referred to in paragraph (1).

(b) Areas of Study.—In conducting the study under subsection (a), the Secretary shall evaluate—
(1) the access and use of railroad right-of-way by a rail carrier that does not own the right-of-way, such as passenger rail services that operate over privately-owned right-of-way, including an analysis of—
   (A) access agreements;
   (B) costs of access; and
   (C) the resolution of disputes relating to such access or costs;
(2) the effectiveness of existing contractual, statutory, and regulatory mechanisms for establishing, measuring, and enforcing train performance standards, including—
   (A) the manner in which passenger train delays are recorded;
   (B) the assignment of responsibility for such delays; and
   (C) the use of incentives and penalties for performance;
(3) the strengths and weaknesses of the existing mechanisms described in paragraph (2) and possible approaches to address the weaknesses;
(4) mechanisms for measuring and maintaining public benefits resulting from publicly funded freight or passenger rail improvements, including improvements directed towards shared-use right-of-way by passenger and freight rail;
(5) approaches to operations, capacity, and cost estimation modeling that—
   (A) allow for transparent decisionmaking; and
   (B) protect the proprietary interests of all parties;
(6) liability requirements and arrangements, including—
   (A) whether to expand statutory liability limits to additional parties;
   (B) whether to revise the current statutory liability limits;
   (C) whether current insurance levels of passenger rail operators are adequate and whether to establish minimum insurance requirements for such passenger rail operators; and
   (D) whether to establish alternative insurance models, including other models administered by the Federal Government;
(7) the effect on rail passenger services, operations, liability limits, and insurance levels of the assertion of sovereign immunity by a State; and
(8) other issues identified by the Secretary.

(c) REPORT.—Not later than 60 days after the study under subsection (a) is complete, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—
(1) the results of the study; and
(2) any recommendations for further action, including any legislative proposals consistent with such recommendations.

(d) IMPLEMENTATION.—The Secretary shall integrate, as appropriate, the recommendations submitted under subsection (c) into the financial assistance programs under subtitle V of title 49, United States Code, and section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822).
SEC. 11312. NORTHEAST CORRIDOR THROUGH-TICKETING AND PROCUREMENT EFFICIENCIES.

(a) THROUGH-TICKETING STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Northeast Corridor Commission established under section 24905(a) of title 49, United States Code (referred to in this section as the “Commission”), in consultation with Amtrak and the commuter rail passenger transportation providers along the Northeast Corridor, shall complete a study on the feasibility of and options for permitting through-ticketing between Amtrak service and commuter rail services on the Northeast Corridor.

(2) CONTENTS.—In completing the study under paragraph (1), the Northeast Corridor Commission shall—

(A) examine the current state of intercity and commuter rail ticketing technologies, policies, and other relevant aspects on the Northeast Corridor;

(B) consider and recommend technology, process, policy, or other options that would permit through-ticketing to allow intercity and commuter rail passengers to purchase, in a single transaction, travel that utilizes Amtrak and connecting commuter rail services;

(C) consider options to expand through-ticketing to include local transit services;

(D) summarize costs, benefits, opportunities, and impediments to developing such through-ticketing options; and

(E) develop a proposed methodology, including cost and schedule estimates, for carrying out a pilot program on through-ticketing on the Northeast Corridor.

(3) REPORT.—Not later than 60 days after the date the study under paragraph (1) is complete, the Commission shall submit to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(4) REVIEW.—Not later than 180 days after receipt of the report under paragraph (3), the Secretary shall review the report and recommend best practices in developing through-ticketing for other areas outside of the Northeast Corridor. The Secretary shall transmit the best practices to the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(b) JOINT PROCUREMENT STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in cooperation with the Commission, Amtrak, and commuter rail transportation authorities on the Northeast Corridor, shall complete a study of the potential benefits resulting from Amtrak and such authorities undertaking select joint procurements for common materials, assets, and equipment when expending Federal funds for such joint procurements.

(2) CONTENTS.—In completing the study under paragraph (1), the Secretary shall consider—
(A) the types of materials, assets, and equipment that are regularly purchased by Amtrak and such authorities that are similar and could be jointly procured;

(B) the potential benefits of such joint procurements, including lower procurement costs, better pricing, greater market relevancy, and other efficiencies;

(C) the potential costs of such joint procurements;

(D) any significant impediments to undertaking joint procurements, including any necessary harmonization and reconciliation of Federal and State procurement or safety regulations or standards and other requirements; and

(E) whether to create Federal incentives or requirements relating to considering or carrying out joint procurements when expending Federal funds.

(3) TRANSMISSION.—Not later than 60 days after completing the study required under this subsection, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(A) the results of the study; and

(B) any recommendations for further action.

(c) NORTHEAST CORRIDOR.—In this section, the term “Northeast Corridor” means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines.

SEC. 11313. DATA AND ANALYSIS.

(a) DATA.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Surface Transportation Board, Amtrak, freight railroads, State and local governments, and regional business, tourism, and economic development agencies shall conduct a data needs assessment to—

(1) support the development of an efficient and effective intercity passenger rail network;

(2) identify the data needed to conduct cost-effective modeling and analysis for intercity passenger rail development programs;

(3) determine limitations to the data used for inputs;

(4) develop a strategy to address such limitations;

(5) identify barriers to accessing existing data;

(6) develop recommendations regarding whether the authorization of additional data collection for intercity passenger rail travel is warranted; and

(7) determine which entities should be responsible for generating or collecting needed data.

(b) BENEFIT-COST ANALYSIS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enhance the usefulness of assessments of benefits and costs for intercity passenger rail and freight rail projects by—

(1) providing ongoing guidance and training on developing benefit and cost information for rail projects;
(2) providing more direct and consistent requirements for assessing benefits and costs across transportation funding programs, including the appropriate use of discount rates;

(3) requiring applicants to clearly communicate the methodology used to calculate the project benefits and costs, including non-proprietary information on—

(A) assumptions underlying calculations;
(B) strengths and limitations of data used; and
(C) the level of uncertainty in estimates of project benefits and costs; and

(4) ensuring that applicants receive clear and consistent guidance on values to apply for key assumptions used to estimate potential project benefits and costs.

(c) CONFIDENTIAL DATA.—The Secretary shall protect all sensitive and confidential information to the greatest extent permitted by law. Nothing in this section shall require any entity to provide information to the Secretary in the absence of a voluntary agreement.

SEC. 11314. AMTRAK INSPECTOR GENERAL.

(a) AUTHORITY.—

(1) IN GENERAL.—The Inspector General of Amtrak shall have the authority available to other Inspectors General, as necessary in carrying out the duties specified in the Inspector General Act of 1978 (5 U.S.C. App.), to investigate any alleged violation of sections 286, 287, 371, 641, 1001, 1002 and 1516 of title 18, United States Code.

(2) AGENCY.—For purposes of sections 286, 287, 371, 641, 1001, 1002, and 1516 of title 18, United States Code, Amtrak and the Amtrak Office of Inspector General, shall be considered a corporation in which the United States has a proprietary interest as set forth in section 6 of such title.

(b) ASSESSMENT.—The Inspector General of Amtrak shall—

(1) not later than 60 days after the date of enactment of this Act, initiate an assessment to determine whether current expenditures or procurements involving Amtrak’s fulfillment of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) utilize competitive, market-driven provisions that are applicable throughout the entire term of such related expenditures or procurements; and

(2) not later than 6 months after the date of enactment of this Act, transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the assessment under paragraph (1).

(c) LIMITATION.—The authority provided by subsection (a) shall be effective only with respect to a fiscal year for which Amtrak receives a Federal subsidy.

SEC. 11315. MISCELLANEOUS PROVISIONS.

(a) TITLE 49 AMENDMENTS.—

(1) AUTHORITY.—Section 22702(b)(4) of title 49, United States Code, is amended by striking “5 years for reapproval by the Secretary” and inserting “4 years for acceptance by the Secretary”.

(2) CONTENTS OF STATE RAIL PLANS.—Section 22705(a) of title 49, United States Code, is amended by striking paragraph (12).
(b) PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT AMENDMENTS.—Section 305 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note) is amended—

(1) in subsection (a) by inserting after “equipment manufacturers,” the following: “nonprofit organizations representing employees who perform overhaul and maintenance of passenger railroad equipment,”;

(2) in subsection (c) by striking “, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States, or other entities, to perform these functions”; and

(3) in subsection (e) by striking “and establishing a jointly-owned corporation to manage that equipment”.

certain projects.—A project described in 1307(a)(3) of SAFETEA–LU (Public Law 109–59) may be eligible for the Railroad Rehabilitation and Improvement Financing program if the Secretary determines such project meets the requirements of sections 502 and 503 of the Railroad Revitalization and Regulatory Reform Act of 1976.

d. clarification.—

(1) amendment.—Section 20157(g) of title 49, United States Code, is amended by adding at the end the following new paragraph:

“(4) clarification.—

“(A) prohibitions.—The Secretary is prohibited from—

“(i) approving or disapproving a revised plan submitted under subsection (a)(1);

“(ii) considering a revised plan under subsection (a)(1) as a request for amendment under section 236.1021 of title 49, Code of Federal Regulations; or

“(iii) requiring the submission, as part of the revised plan under subsection (a)(1), of—

“(I) only a schedule and sequence under subsection (a)(2)(A)(iii)(VII); or

“(II) both a schedule and sequence under subsection (a)(2)(A)(iii)(VII) and an alternative schedule and sequence under subsection (a)(2)(B).

“(B) civil penalty authority.—Except as provided in paragraph (2) and this paragraph, nothing in this subsection shall be construed to limit the Secretary’s authority to assess civil penalties pursuant to subsection (e), consistent with the requirements of this section.

“(C) retained review authority.—The Secretary retains the authority to review revised plans submitted under subsection (a)(1) and is authorized to require modifications of those plans to the extent necessary to ensure that such plans include the descriptions under subsection (a)(2)(A)(i), the contents under subsection (a)(2)(A)(ii), and the year or years, totals, and summary under subsection (a)(2)(A)(iii)(I) through (VI).”.

(2) conforming amendment.—Section 20157(g)(3) of title 49, United States Code, is amended by striking “by paragraph (2) and subsection (k)” and inserting “to conform with this section”.

23 USC 322 note.
SEC. 11316. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ASSISTANCE TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking “phone number” and inserting “telephone number”;

(2) in subsection (a)(2), by striking “post trauma communication with families” and inserting “post-trauma communication with families”; and

(3) in subsection (j), by striking “railroad passenger accident” each place it appears and inserting “rail passenger accident”.

(b) SOLID WASTE RAIL TRANSFER FACILITY LAND-USE EXEMPTION.—Section 10909 of title 49, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “Clean Railroad Act of 2008” and inserting “Clean Railroads Act of 2008”; and

(2) in subsection (e), by striking “Upon the granting of petition from the State” and inserting “Upon the granting of a petition from the State”.

(c) RULEMAKING PROCESS.—Section 20116 of title 49, United States Code, is amended—

(1) by inserting “(2)” before “the code, rule, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part.” and indenting accordingly;

(2) by inserting “(1)” after “unless” and indenting accordingly;

(3) in paragraph (1), as redesignated, by striking “order, or” and inserting “order; or”;

(4) in the matter preceding paragraph (1), as redesignated, by striking “unless” and inserting “unless——”.

(d) ENFORCEMENT REPORT.—Section 20120(a) of title 49, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “website” and inserting “Web site”;

(2) in paragraph (1), by striking “accident and incidence reporting” and inserting “accident and incident reporting”;

(3) in paragraph (2)(G), by inserting “and” at the end; and

(4) in paragraph (5)(B), by striking “Administrative Hearing Officer or Administrative Law Judge” and inserting “administrative hearing officer or administrative law judge”.

(e) RAILROAD SAFETY RISK REDUCTION PROGRAM.—Section 20156 of title 49, United States Code, is amended—

(1) in subsection (c), by inserting a comma after “In developing its railroad safety risk reduction program”; and

(2) in subsection (g)(1)—

(A) by inserting a comma after “good faith”; and

(B) by striking “non-profit” and inserting “nonprofit”.

(f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.—Section 20159 of title 49, United States Code, is amended by striking “the Secretary” and inserting “the Secretary of Transportation”.

(g) NATIONAL CROSSING INVENTORY.—Section 20160 of title 49, United States Code, is amended—
(1) in subsection (a)(1), by striking “concerning each previously unreported crossing through which it operates or with respect to the trackage over which it operates” and inserting “concerning each previously unreported crossing through which it operates with respect to the trackage over which it operates”;

and

(2) in subsection (b)(1)(A), by striking “concerning each crossing through which it operates or with respect to the trackage over which it operates” and inserting “concerning each crossing through which it operates with respect to the trackage over which it operates”.

(h) MINIMUM TRAINING STANDARDS AND PLANS.—Section 20162(a)(3) of title 49, United States Code, is amended by striking “railroad compliance with Federal standards” and inserting “railroad carrier compliance with Federal standards”.

(i) DEVELOPMENT AND USE OF RAIL SAFETY TECHNOLOGY.—Section 20164(a) of title 49, United States Code, is amended by striking “after enactment of the Railroad Safety Enhancement Act of 2008” and inserting “after the date of enactment of the Rail Safety Improvement Act of 2008”.

(j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

(1) TABLE OF CONTENTS.—Section 1(b) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4848) is amended—

(A) in the item relating to section 307 by striking “website” and inserting “Web site”;

(B) in the item relating to title VI by striking “solid waste facilities” and inserting “solid waste rail transfer facilities”;

and

(C) in the item relating to section 602 by striking “solid waste transfer facilities” and inserting “solid waste rail transfer facilities”.

(2) DEFINITIONS.—Section 2(a)(1) of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4849) is amended in the matter preceding subparagraph (A), by inserting a comma after “at grade”.

(3) RAILROAD SAFETY STRATEGY.—Section 102(a)(6) of title I of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20101 note) is amended by striking “Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic failures and other bridge and tunnel failures.” and inserting “Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic and other failures of such infrastructure.”.

(4) OPERATION LIFESAVER.—Section 206(a) of title II of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note) is amended by striking “Public Service Announcements” and inserting “public service announcements”.

(5) UPDATE OF FEDERAL RAILROAD ADMINISTRATION’S WEBSITE.—Section 307 of title III of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 103 note) is amended—

(A) in the heading by striking “FEDERAL RAILROAD ADMINISTRATION’S WEBSITE” and inserting “FEDERAL RAILROAD ADMINISTRATION WEB SITE”;

49 USC 20102 note.
(B) by striking “website” each place it appears and inserting “Web site”; and
(C) by striking “website’s” and inserting “Web site’s”.

6. Alcohol and Controlled Substance Testing for Maintenance-Of-Way Employees.—Section 412 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20140 note) is amended by striking “Secretary of Transportation” and inserting “Secretary”.

7. Tunnel Information.—Section 414 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—
(A) by striking “parts 171.8, 173.115” and inserting “sections 171.8, 173.115”; and
(B) by striking “part 1520.5” and inserting “section 1520.5”.

8. Safety Inspections In Mexico.—Section 416 of title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—
(A) in the matter preceding paragraph (1), by striking “Secretary of Transportation” and inserting “Secretary”; and
(B) in paragraph (4), by striking “subsection” and inserting “section”.

9. Heading of Title VI.—The heading of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking “SOLID WASTE FACILITIES” and inserting “SOLID WASTE RAIL TRANSFER FACILITIES”.

10. Heading of Section 602.—The heading of section 602 of title VI of division A of the Rail Safety Improvement Act of 2008 (122 Stat. 4900) is amended by striking “SOLID WASTE RAIL TRANSFER FACILITIES”.

(k) Contingent Interest Recoveries.—Section 22106(b) of title 49, United States Code, is amended by striking “interest thereof” and inserting “interest thereon”.

(l) Mission.—Section 24101(b) of title 49, United States Code, is amended by striking “of subsection (d)” and inserting “set forth in subsection (c)”.

(m) Table of Contents Amendment.—The table of contents for chapter 243 of title 49, United States Code, is amended by striking the item relating to section 24316 and inserting the following:

“24316. Plans to address the needs of families of passengers involved in rail passenger accidents.”.

(n) Amtrak.—Chapter 247 of title 49, United States Code, is amended—
(1) in section 24706—
(A) in subsection (a)—
(i) in paragraph (1) by striking “a discontinuance under section 24704 or or”; and
(ii) in paragraph (2) by striking “section 24704 or”; and
(B) in subsection (b) by striking “section 24704 or”; and
Section 11401. HIGHWAY-RAIL GRADE CROSSING SAFETY.

(a) Model State Highway-Rail Grade Crossing Action Plan.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall develop a model of a State-specific highway-rail grade crossing action plan and distribute the plan to each State.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) methodologies, tools, and data sources for identifying and evaluating highway-rail grade crossing safety risks, including the public safety risks posed by blocked highway-rail grade crossings due to idling trains;

(B) best practices to reduce the risk of highway-rail grade crossing accidents or incidents and to alleviate the blockage of highway-rail grade crossings due to idling trains, including strategies for—

(i) education, including model stakeholder engagement plans or tools;

(ii) engineering, including the benefits and costs of different designs and technologies used to mitigate highway-rail grade crossing safety risks; and

(iii) enforcement, including the strengths and weaknesses associated with different enforcement methods;

(C) for each State, a customized list and data set of the highway-rail grade crossing accidents or incidents in that State over the past 3 years, including the location, number of deaths, and number of injuries for each accident or incident, and a list of highway-rail grade crossings in that State that have experienced multiple accidents or incidents over the past 3 years; and

(D) contact information of a Department of Transportation safety official available to assist the State in adapting the model plan to satisfy the requirements under subsection (b).

(b) State Highway-Rail Grade Crossing Action Plans.—

(1) REQUIREMENTS.—Not later than 18 months after the Administrator develops and distributes the model plan under
subsection (a), the Administrator shall promulgate a rule that requires—

(A) each State, except the 10 States identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note), to develop and implement a State highway-rail grade crossing action plan; and

(B) each State identified under section 202 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note) to—

(i) update the State action plan under such section; and

(ii) submit to the Administrator—

(I) the updated State action plan; and

(II) a report describing what the State did to implement its previous State action plan under such section and how the State will continue to reduce highway-rail grade crossing safety risks.

(2) CONTENTS.—Each State plan required under this subsection shall—

(A) identify highway-rail grade crossings that have experienced recent highway-rail grade crossing accidents or incidents or multiple highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents;

(B) identify specific strategies for improving safety at highway-rail grade crossings, including highway-rail grade crossing closures or grade separations; and

(C) designate a State official responsible for managing implementation of the State action plan under subparagraph (A) or (B) of paragraph (1), as applicable.

(3) ASSISTANCE.—The Administrator shall provide assistance to each State in developing and carrying out, as appropriate, the State action plan under this subsection.

(4) PUBLIC AVAILABILITY.—Each State shall submit a final State plan under this subsection to the Administrator for publication. The Administrator shall make each approved State plan publicly available on an official Internet Web site.

(5) CONDITIONS.—The Secretary may condition the awarding of a grant to a State under chapter 244 of title 49, United States Code, on that State submitting an acceptable State action plan under this subsection.

(6) REVIEW OF ACTION PLANS.—Not later than 60 days after the date of receipt of a State action plan under this subsection, the Administrator shall—

(A) if the State action plan is approved, notify the State and publish the State action plan under paragraph (4); and

(B) if the State action plan is incomplete or deficient, notify the State of the specific areas in which the plan is deficient and allow the State to complete the plan or correct the deficiencies and resubmit the plan under paragraph (1).

(7) DEADLINE.—Not later than 60 days after the date of a notice under paragraph (6)(B), a State shall complete the plan or correct the deficiencies and resubmit the plan.
(8) Failure to Complete or Correct Plan.—If a State fails to meet the deadline under paragraph (7), the Administrator shall post on the Web site under paragraph (4) a notice that the State has an incomplete or deficient highway-rail grade crossing action plan.

(c) Report.—Not later than the date that is 3 years after the Administrator publishes the final rule under subsection (b)(1), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the specific strategies identified by States to improve safety at highway-rail grade crossings, including crossings with multiple accidents or incidents; and

(2) the progress each State described under subsection (b)(1)(B) has made in implementing its action plan.

(d) Railway-Highway Crossings Funds.—The Secretary may use funds made available to carry out section 130 of title 23, United States Code, to provide States with funds to develop a State highway-rail grade crossing action plan under subsection (b)(1)(A) or to update a State action plan under subsection (b)(1)(B).

(e) Definitions.—In this section:

(1) Highway-Rail Grade Crossing.—The term “highway-rail grade crossing” means a location within a State, other than a location where 1 or more railroad tracks cross 1 or more railroad tracks at grade, where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses 1 or more railroad tracks either at grade or grade-separated.

(2) State.—The term “State” means a State of the United States or the District of Columbia.

SEC. 11402. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.

(a) In General.—The Secretary, in consultation with railroad carriers, shall conduct a study to—

(1) determine whether limitations or weaknesses exist regarding the availability and usefulness for safety purposes of data on private highway-rail grade crossings; and

(2) evaluate existing engineering practices on private highway-rail grade crossings.

(b) Contents.—In conducting the study under subsection (a), the Secretary shall make recommendations as necessary to improve—

(1) the utility of the data on private highway-rail grade crossings; and

(2) the implementation of private highway-rail crossing safety measures, including signage and warning systems.

(c) Report.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on
Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House ofRepresentatives a report of the findings of the study and any recommendations for further action.

SEC. 11403. STUDY ON USE OF LOCOMOTIVE HORNS AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) Study.—The Comptroller General of the United States shall submit a report to Congress containing the results of a study evaluating the final rule issued on August 17, 2006, entitled “Use of Locomotive Horns at Highway-Rail Grade Crossings” (71 Fed. Reg. 47614), including—

(1) the effectiveness of such final rule;
(2) the benefits and costs of establishing quiet zones; and
(3) any barriers to establishing quiet zones.

(b) Savings Clause.—Nothing in this section shall be construed to limit or preclude any planned retrospective review by the Secretary of the final rule described in subsection (a).

SEC. 11404. POSITIVE TRAIN CONTROL AT GRADE CROSSINGS EFFECTIVENESS STUDY.

After the Secretary certifies that each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation is in compliance with the positive train control requirements under section 20157(a) of title 49, United States Code, the Secretary shall—

(1) conduct a study of the possible effectiveness of positive train control and related technologies on reducing collisions at highway-rail grade crossings; and

(2) submit a report containing the results of the study conducted under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 11405. BRIDGE INSPECTION REPORTS.

Section 417(d) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20103 note) is amended—

(1) by striking “The Secretary” and inserting the following:
“(1) IN GENERAL.—The Secretary”; and
(2) by adding at the end the following:
“(2) AVAILABILITY OF BRIDGE CONDITION.—
“(A) IN GENERAL.—A State or political subdivision of a State may file a request with the Secretary for a public version of a bridge inspection report generated under subsection (b)(5) for a bridge located in such State or political subdivision’s jurisdiction.
“(B) PUBLIC VERSION OF REPORT.—If the Secretary determines that the request is reasonable, the Secretary shall require a railroad to submit a public version of the most recent bridge inspection report, such as a summary form, for a bridge subject to a request under subparagraph (A). The public version of a bridge inspection report shall include the date of last inspection, length of bridge, location of bridge, type of bridge, type of structure, feature crossed by bridge, and railroad contact information, along with a general statement on the condition of the bridge.
“(C) Provision of Report.—The Secretary shall provide to a State or political subdivision of a State a public version of a bridge inspection report submitted under subparagraph (B).

“(D) Technical Assistance.—The Secretary, upon the reasonable request of State or political subdivision of a State, shall provide technical assistance to such State or political subdivision of a State to facilitate the understanding of a bridge inspection report.”.

SEC. 11406. SPEED LIMIT ACTION PLANS.

(a) In General.—Not later than 90 days after the date of enactment of this Act, each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, shall survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel.

(b) Action Plans.—Not later than 120 days after the date that the survey under subsection (a) is complete, a railroad carrier described in subsection (a) shall submit to the Secretary an action plan that—

(1) identifies each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel;

(2) describes appropriate actions to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified under paragraph (1), including—

(A) modification to automatic train control systems, if applicable, or other signal systems;

(B) increased crew size;

(C) installation of signage alerting train crews of the maximum authorized speed for passenger trains in each location identified under paragraph (1);

(D) installation of alerters;

(E) increased crew communication; and

(F) other practices;

(3) contains milestones and target dates for implementing each appropriate action described under paragraph (2); and

(4) ensures compliance with the maximum authorized speed at each location identified under paragraph (1).

(c) Approval.—Not later than 90 days after the date on which an action plan is submitted under subsection (b), the Secretary shall approve, approve with conditions, or disapprove the action plan.

(d) Alternative Safety Measures.—The Secretary may exempt from the requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.
(e) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the actions railroad carriers have taken in response to Safety Advisory 2013–08, entitled “Operational Tests and Inspections for Compliance With Maximum Authorized Train Speeds and Other Speed Restrictions”;

(2) the actions railroad carriers have taken in response to Safety Advisory 2015–03, entitled “Operational and Signal Modifications for Compliance with Maximum Authorized Passenger Train Speeds and Other Speed Restrictions”; and

(3) the actions the Federal Railroad Administration has taken to evaluate or incorporate the information and findings arising from the safety advisories referred to in paragraphs (1) and (2) into the development of regulatory action and oversight activities.

(f) Savings Clause.—Nothing in this section shall prohibit the Secretary from applying the requirements of this section to other segments of track at high risk of overspeed derailment.

SEC. 11407. ALERTERS.

(a) In General.—The Secretary shall promulgate a rule to require a working alerter in the controlling locomotive of each passenger train in intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code) or commuter rail passenger transportation (as defined in section 24102 of title 49, United States Code).

(b) Rulemaking.—

(1) In General.—The Secretary may promulgate a rule to specify the essential functionalities of a working alerter, including the manner in which the alerter can be reset.

(2) Alternate Practice or Technology.—The Secretary may require or allow a technology or practice in lieu of a working alerter if the Secretary determines that the technology or practice would achieve an equivalent or greater level of safety in enhancing or ensuring appropriate locomotive control.

SEC. 11408. SIGNAL PROTECTION.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Secretary shall initiate a rulemaking to require that on-track safety regulations, whenever practicable and consistent with other safety requirements and operational considerations, include requiring implementation of redundant signal protection for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection.

(b) Alternative Safety Measures.—The Secretary shall consider exempting from any final requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in providing additional signal protection.

SEC. 11409. COMMUTER RAIL TRACK INSPECTIONS.

(a) In General.—The Secretary shall evaluate track inspection regulations to determine if a railroad carrier providing commuter
rail passenger transportation on high density commuter railroad
lines should be required to inspect the lines in the same manner
as is required for other commuter railroad lines.

(b) RULEMAKING.—Considering safety, including railroad carrier
employee and contractor safety, system capacity, and other relevant
factors, the Secretary may promulgate a rule for high density com-
muter railroad lines. If, after the evaluation under subsection (a),
the Secretary determines that it is necessary to promulgate a rule,
the Secretary shall specifically consider the following regulatory
requirements for high density commuter railroad lines:

(1) At least once every 2 weeks—
(A) traverse each main line by vehicle; or
(B) inspect each main line on foot.

(2) At least once each month, traverse and inspect each
siding by vehicle or by foot.

(c) REPORT.—If, after the evaluation under subsection (a), the
Secretary determines it is not necessary to revise the regulations
under this section, the Secretary, not later than 18 months after
the date of enactment of this Act, shall transmit to the Committee
on Commerce, Science, and Transportation of the Senate and the
Committee on Transportation and Infrastructure of the House of
Representatives a report explaining the reasons for not revising
the regulations.

(d) CONSTRUCTION.—Nothing in this section may be construed
to limit the authority of the Secretary to promulgate regulations
or issue orders under any other law.

SEC. 11410. POST-ACCIDENT ASSESSMENT.

(a) IN GENERAL.—The Secretary, in cooperation with the
National Transportation Safety Board and Amtrak, shall conduct
a post-accident assessment of the Amtrak Northeast Regional Train
#188 crash on May 12, 2015.

(b) ELEMENTS.—The assessment conducted pursuant to sub-
section (a) shall include—

(1) a review of Amtrak’s compliance with the plan for
addressing the needs of the families of passengers involved
in any rail passenger accident, which was submitted pursuant
to section 24316 of title 49, United States Code;

(2) a review of Amtrak’s compliance with the emergency
preparedness plan required under section 239.101(a) of title
49, Code of Federal Regulations;

(3) a determination of any additional action items that
should be included in the plans referred to in paragraphs
(1) and (2) to meet the needs of the passengers involved in
the crash and their families, including—

(A) notification of emergency contacts;

(B) dedicated and trained staff to manage family assist-
ance;

(C) the establishment of a family assistance center
at the accident locale or other appropriate location;

(D) a system for identifying and recovering items
belonging to passengers that were lost in the crash; and

(E) the establishment of a single customer service
entity within Amtrak to coordinate the response to the
needs of the passengers involved in the crash and their
families; and
(4) recommendations for any additional training needed by Amtrak staff to better implement the plans referred to in paragraphs (1) and (2), including the establishment of a regular schedule for training drills and exercises.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, Amtrak shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) Amtrak’s plan to achieve the recommendations referred to in subsection (b)(4); and

(2) any steps that have been taken to address any deficiencies identified through the assessment.

SEC. 11411. RECORDING DEVICES.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

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§ 20168. Installation of audio and image recording devices

(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall promulgate regulations to require each railroad carrier that provides regularly scheduled intercity rail passenger or commuter rail passenger transportation to the public to install inward- and outward-facing image recording devices in all controlling locomotive cabs and cab car operating compartments in such passenger trains.

(b) DEVICE STANDARDS.—Each inward- and outward-facing image recording device shall—

(1) have a minimum 12-hour continuous recording capability;

(2) have crash and fire protections for any in-cab image recordings that are stored only within a controlling locomotive cab or cab car operating compartment; and

(3) have recordings accessible for review during an accident or incident investigation.

(c) REVIEW.—The Secretary shall establish a process to review and approve or disapprove an inward- or outward-facing image recording device for compliance with the standards described in subsection (b).

(d) USES.—A railroad carrier subject to the requirements of subsection (a) that has installed an inward- or outward-facing image recording device approved under subsection (c) may use recordings from that inward- or outward-facing image recording device for the following purposes:

(1) Verifying that train crew actions are in accordance with applicable safety laws and the railroad carrier’s operating rules and procedures, including a system-wide program for such verification.

(2) Assisting in an investigation into the causation of a reportable accident or incident.

(3) Documenting a criminal act or monitoring unauthorized occupancy of the controlling locomotive cab or car operating compartment.

(4) Other purposes that the Secretary considers appropriate.

(e) DISCRETION.—
“(1) IN GENERAL.—The Secretary may—
“A) require in-cab audio recording devices for the purposes described in subsection (d); and
“B) define in appropriate technical detail the essential features of the devices required under subparagraph (A).
“(2) EXEMPTIONS.—The Secretary may exempt any railroad carrier subject to the requirements of subsection (a) or any part of the carrier’s operations from the requirements under subsection (a) if the Secretary determines that the carrier has implemented an alternative technology or practice that provides an equivalent or greater safety benefit or that is better suited to the risks of the operation.
“(f) TAMPERING.—A railroad carrier subject to the requirements of subsection (a) may take appropriate enforcement or administrative action against any employee that tampers with or disables an audio or inward- or outward-facing image recording device installed by the railroad carrier.
“(g) PRESERVATION OF DATA.—Each railroad carrier subject to the requirements of subsection (a) shall preserve recording device data for 1 year after the date of a reportable accident or incident.
“(h) INFORMATION PROTECTIONS.—The Secretary may not disclose publicly any part of an in-cab audio or image recording or transcript of oral communications by or among train employees or other operating employees responsible for the movement and direction of the train, or between such operating employees and company communication centers, related to an accident or incident investigated by the Secretary. The Secretary may make public any part of a transcript or any written depiction of visual information that the Secretary determines is relevant to the accident at the time a majority of the other factual reports on the accident or incident are released to the public.
“(i) PROHIBITED USE.—An in-cab audio or image recording obtained by a railroad carrier under this section may not be used to retaliate against an employee.
“(j) SAVINGS CLAUSE.—Nothing in this section may be construed as requiring a railroad carrier to cease or restrict operations upon a technical failure of an inward- or outward-facing image recording device or in-cab audio device. Such railroad carrier shall repair or replace the failed inward- or outward-facing image recording device as soon as practicable.”.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

“20168. Installation of audio and image recording devices.”.

SEC. 11412. RAILROAD POLICE OFFICERS.

(a) IN GENERAL.—Section 28101 of title 49, United States Code, is amended—

(1) by striking “employed by” each place it appears and inserting “directly employed by or contracted by”;

(2) in subsection (b), by inserting “or agent, as applicable,” after “an employee”; and

(3) by adding at the end the following:

“(c) TRANSFERS.—
“(1) IN GENERAL.—If a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State
transfers primary employment or residence from the certifying or commissioning State to another State or jurisdiction, the railroad police officer, not later than 1 year after the date of transfer, shall apply to be certified or commissioned as a police officer under the laws of the State of new primary employment or residence.

“(2) INTERIM PERIOD.—During the period beginning on the date of transfer and ending 1 year after the date of transfer, a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State may enforce the laws of the new jurisdiction in which the railroad police officer resides, to the same extent as provided in subsection (a).

“(d) TRAINING.—

“(1) IN GENERAL.—A State may recognize as meeting that State’s basic police officer certification or commissioning requirements for qualification as a rail police officer under this section any individual who successfully completes a program at a State-recognized police training academy in another State or at a Federal law enforcement training center and who is certified or commissioned as a police officer by that other State.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as superseding or affecting any State training requirements related to criminal law, criminal procedure, motor vehicle code, any other State law, or State-mandated comparative or annual in-service training academy or Federal law enforcement training center.”.

(b) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the regulations in part 207 of title 49, Code of Federal Regulations (relating to railroad police officers), to permit a railroad to designate an individual, who is commissioned in the individual’s State of legal residence or State of primary employment and directly employed by or contracted by a railroad to enforce State laws for the protection of railroad property, personnel, passengers, and cargo, to serve in the States in which the railroad owns property.

(c) CONFORMING AMENDMENTS.—

(1) AMTRAK RAIL POLICE.—Section 24305(e) of title 49, United States Code, is amended—

(A) by striking “may employ” and inserting “may directly employ or contract with”;

(B) by striking “employed by” and inserting “directly employed by or contracted by”; and

(C) by striking “employed without” and inserting “directly employed or contracted without”.

(2) EXCEPTIONS.—Section 922(z)(2)(B) of title 18, United States Code, is amended by striking “employed by” and inserting “directly employed by or contracted by”.

SEC. 11413. REPAIR AND REPLACEMENT OF DAMAGED TRACK INSPECTION EQUIPMENT.

(a) IN GENERAL.—Subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following:
"§ 20121. Repair and replacement of damaged track inspection equipment

"The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government-owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration and shall remain available until expended for the repair, operation, and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program."

(b) CONFORMING AMENDMENT.—The table of contents for subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

"20121. Repair and replacement of damaged track inspection equipment."

SEC. 11414. REPORT ON VERTICAL TRACK DEFLECTION.

(a) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing research conducted or procured by the Federal Railroad Administration on developing a system that measures vertical track deflection (in this section referred to as "VTD") from a moving rail car, including the ability of such system to identify poor track support from fouled ballast, deteriorated cross ties, or other conditions.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) the findings and results of testing of VTD instrumentation during field trials on revenue service track;

(2) the findings and results of subsequent testing of VTD instrumentation on a Federal Railroad Administration automated track inspection program geometry car;

(3) if considered appropriate by the Secretary based on the report and related research, a plan for developing quantitative inspection criteria for poor track support using existing VTD instrumentation on Federal Railroad Administration automated track inspection program geometry cars; and

(4) if considered appropriate by the Secretary based on the report and related research, a plan for installing VTD instrumentation on all remaining Federal Railroad Administration automated track inspection program geometry cars not later than 3 years after the date of enactment of this Act.

SEC. 11415. RAIL PASSENGER LIABILITY.

(a) AMTRAK INCIDENT.—Notwithstanding any other provision of law, the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident involving Amtrak occurring on May 12, 2015, shall not exceed $295,000,000.

(b) ADJUSTMENT BASED ON CONSUMER PRICE INDEX.—The liability cap under section 28103(a)(2) of title 49, United States Code, shall be adjusted on the date of enactment of this Act to
reflect the change in the Consumer Price Index—All Urban Consumers between such date and December 2, 1997, and the Secretary shall provide appropriate public notice of such adjustment. The adjustment of the liability cap shall be effective 30 days after such notice. Every fifth year after the date of enactment of this Act, the Secretary shall adjust such liability cap to reflect the change in the Consumer Price Index—All Urban Consumers since the last adjustment. The Secretary shall provide appropriate public notice of each such adjustment, and the adjustment shall become effective 30 days after such notice.

Subtitle E—Project Delivery

SEC. 11501. SHORT TITLE.

This subtitle may be cited as the “Track, Railroad, and Infrastructure Network Act” or the “TRAIN Act”.

SEC. 11502. TREATMENT OF IMPROVEMENTS TO RAIL AND TRANSIT UNDER PRESERVATION REQUIREMENTS.

(a) Title 23 Amendment.—Section 138 of title 23, United States Code, is further amended by adding at the end the following:

“(f) RAIL AND TRANSIT.—

“(1) IN GENERAL.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements thereof that are in use or were historically used for the transportation of goods or passengers shall not be considered a use of a historic site under subsection (a), regardless of whether the railroad or rail transit line or element thereof is listed on, or eligible for listing on, the National Register of Historic Places.

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to—

“(i) stations; or

“(ii) bridges or tunnels located on—

“(I) railroad lines that have been abandoned; or

“(II) transit lines that are not in use.

“(B) CLARIFICATION WITH RESPECT TO CERTAIN BRIDGES AND TUNNELS.—The bridges and tunnels referred to in subparagraph (A)(ii) do not include bridges or tunnels located on railroad or transit lines—

“(i) over which service has been discontinued; or

“(ii) that have been railbanked or otherwise reserved for the transportation of goods or passengers.”.

(b) Title 49 Amendment.—Section 303 of title 49, United States Code, is further amended—

(1) in subsection (c), in the matter preceding paragraph (1), by striking “subsection (d)” and inserting “subsections (d) and (h)”;

and

(2) by adding at the end the following:

“(h) RAIL AND TRANSIT.—

“(1) IN GENERAL.—Improvements to, or the maintenance, rehabilitation, or operation of, railroad or rail transit lines or elements thereof that are in use or were historically used
for the transportation of goods or passengers shall not be considered a use of a historic site under subsection (c), regardless of whether the railroad or rail transit line or element thereof is listed on, or eligible for listing on, the National Register of Historic Places.

(2) EXCEPTIONS.—

(A) IN GENERAL.—Paragraph (1) shall not apply to—

(i) stations; or

(ii) bridges or tunnels located on—

(I) railroad lines that have been abandoned; or

(II) transit lines that are not in use.

(B) CLARIFICATION WITH RESPECT TO CERTAIN BRIDGES AND TUNNELS.—The bridges and tunnels referred to in subparagraph (A)(ii) do not include bridges or tunnels located on railroad or transit lines—

(i) over which service has been discontinued; or

(ii) that have been railbanked or otherwise reserved for the transportation of goods or passengers.

SEC. 11503. EFFICIENT ENVIRONMENTAL REVIEWS.

(a) AMENDMENT.—Title 49, United States Code, is amended by inserting after chapter 241 the following new chapter:

"CHAPTER 242—PROJECT DELIVERY

§ 24201. Efficient environmental reviews

(a) EFFICIENT ENVIRONMENTAL REVIEWS.—

(1) IN GENERAL.—The Secretary of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 139 of title 23 to any railroad project that requires the approval of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) REGULATIONS AND PROCEDURES.—In carrying out paragraph (1), the Secretary shall incorporate into agency regulations and procedures pertaining to railroad projects described in paragraph (1) aspects of such project development procedures, or portions thereof, determined appropriate by the Secretary in a manner consistent with this section, that increase the efficiency of the review of railroad projects.

(3) DISCRETION.—The Secretary may choose not to incorporate into agency regulations and procedures pertaining to railroad projects described in paragraph (1) such project development procedures that could only feasibly apply to highway projects, public transportation capital projects, and multimodal projects.

(4) APPLICABILITY.—Subsection (l) of section 139 of title 23 shall apply to railroad projects described in paragraph (1), except that the limitation on claims of 150 days shall be 2 years.

(b) ADDITIONAL CATEGORICAL EXCLUSIONS.—Not later than 6 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall—
“(1) survey the use by the Federal Railroad Administration of categorical exclusions in transportation projects since 2005; and

“(2) publish in the Federal Register for notice and public comment a review of the survey that includes a description of—

“(A) the types of actions categorically excluded; and

“(B) any actions the Secretary is considering for new categorical exclusions, including those that would conform to those of other modal administrations.

“(c) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall publish a notice of proposed rulemaking to propose new and existing categorical exclusions for railroad projects that require the approval of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including those identified under subsection (b), and develop a process for considering new categorical exclusions to the extent that the categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations.

“(d) TRANSPARENCY.—The Secretary shall maintain and make publicly available, including on the Internet, a database that identifies project-specific information on the use of a categorical exclusion on any railroad project carried out under this title.

“(e) PROTECTIONS FOR EXISTING AGREEMENTS AND NEPA.—Nothing in subtitle E of the Passenger Rail Reform and Investment Act of 2015, or any amendment made by such subtitle, shall affect any existing environmental review process, program, agreement, or funding arrangement approved by the Secretary under title 49, as that title was in effect on the day preceding the date of enactment of such subtitle.”.

42 USC 4370m note.

(b) SAVINGS CLAUSE.—Except as expressly provided in section 41003(f) and subsection (o) of section 139 of title 23, United States Code, the requirements and other provisions of title 41 of this Act shall not apply to—

(1) programs administered now and in the future by the Department of Transportation or its operating administrations under title 23, 46, or 49, United States Code, including direct loan and loan guarantee programs, or other Federal statutes or programs or projects administered by an agency pursuant to their authority under title 49, United States Code; or

(2) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

(c) TABLE OF CHAPTERS AMENDMENT.—The table of chapters of subtitle V of title 49, United States Code, is amended by inserting after the item relating to chapter 241 the following:

“242. Project delivery .................................................................24201”.

SEC. 11504. RAILROAD RIGHTS-OF-WAY.

(a) AMENDMENT.—Chapter 242 of title 49, United States Code, (as added by this Act) is amended by adding at the end the following:

“§ 24202. Railroad rights-of-way

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall submit a proposed exemption of railroad
rights-of-way from the review under section 306108 of title 54 to the Advisory Council on Historic Preservation for consideration, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

(b) **Final Exemption.**—Not later than 180 days after the date on which the Secretary submits the proposed exemption under subsection (a) to the Council, the Council shall issue a final exemption of railroad rights-of-way from review under chapter 3061 of title 54 consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

(b) **Conforming Amendment.**—The table of contents for chapter 242 of title 49, United States Code, (as added by this Act) is amended by adding at the end the following:

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24202. Railroad rights-of-way.
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**Subtitle F—Financing**

**SEC. 11601. SHORT TITLE; REFERENCES.**

(a) **Short Title.**—This subtitle may be cited as the “Railroad Infrastructure Financing Improvement Act”.

(b) **References to the Railroad Revitalization and Regulatory Reform Act of 1976.**—Except as otherwise expressly provided, wherever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.).

**SEC. 11602. DEFINITIONS.**

Section 501 (45 U.S.C. 821) is amended—

(1) by redesignating paragraph (8) as paragraph (10);

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (5) the following:

“(6) The term ‘investment-grade rating’ means a rating of BBB minus, Baa 3, bb minus, BBB(low), or higher assigned by a rating agency.”;

(4) by inserting after paragraph (8), as redesignated, the following:

“(9) The term ‘master credit agreement’ means an agreement to make 1 or more direct loans or loan guarantees at future dates for a program of related projects on terms acceptable to the Secretary.”; and

(5) by adding at the end the following:

“(11) The term ‘project obligation’ means a note, bond, debenture, or other debt obligation issued by a borrower in connection with the financing of a project, other than a direct loan or loan guarantee under this title.

“(12) The term ‘railroad’ has the meaning given the term ‘railroad carrier’ in section 20102 of title 49, United States Code.

“(13) The term ‘rating agency’ means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

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49 USC 801 note.

Railroad Infrastructure Financing Improvement Act.

45 USC 801 note.

prec. 24201.
“(14) The term ‘substantial completion’ means—
   “(A) the opening of a project to passenger or freight traffic; or
   “(B) a comparable event, as determined by the Secretary and specified in the terms of the direct loan or loan guarantee provided by the Secretary.”.

SEC. 11603. ELIGIBLE APPLICANTS.

Section 502(a) (45 U.S.C. 822(a)) is amended—
   (1) in paragraph (5), by striking “one railroad” and inserting “1 of the entities described in paragraph (1), (2), (3), (4), or (6)”; and
   (2) by amending paragraph (6) to read as follows:
      “(6) solely for the purpose of constructing a rail connection between a plant or facility and a railroad, limited option freight shippers that own or operate a plant or other facility.”.

SEC. 11604. ELIGIBLE PURPOSES.

(a) In General.—Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amended—
   (1) in subparagraph (A), by inserting “, and costs related to these activities, including pre-construction costs” after “shops”;
   (2) in subparagraph (B), by striking “subparagraph (A); or” and inserting “subparagraph (A) or (C);”;
   (3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and
   (4) by adding at the end the following:
      “(D) reimburse planning and design expenses relating to activities described in subparagraph (A) or (C); or
      “(E) finance economic development, including commercial and residential development, and related infrastructure and activities, that—
         “(i) incorporates private investment;
         “(ii) is physically or functionally related to a passenger rail station or multimodal station that includes rail service;
         “(iii) has a high probability of the applicant commencing the contracting process for construction not later than 90 days after the date on which the direct loan or loan guarantee is obligated for the project under this title; and
         “(iv) has a high probability of reducing the need for financial assistance under any other Federal program for the relevant passenger rail station or service by increasing ridership, tenant lease payments, or other activities that generate revenue exceeding costs.”.

(b) Required Non-Federal Match for Transit-Oriented Development Projects.—Section 502(h) (45 U.S.C. 822(h)) is amended by adding at the end the following:
   “(4) The Secretary shall require each recipient of a direct loan or loan guarantee under this section for a project described in subsection (b)(1)(E) to provide a non-Federal match of not less than 25 percent of the total amount expended by the recipient for such project.”.

(c) Sunset.—Section 502(b) (45 U.S.C. 822(b)) is amended by adding at the end the following:
“(3) SUNSET.—The Secretary may provide a direct loan or loan guarantee under this section for a project described in paragraph (1)(E) only during the 4-year period beginning on the date of enactment of the Passenger Rail Reform and Investment Act of 2015.”.

SEC. 11605. PROGRAM ADMINISTRATION.

(a) APPLICATION PROCESSING PROCEDURES.—Section 502(i) (45 U.S.C. 822(i)) is amended to read as follows:

“(i) APPLICATION PROCESSING PROCEDURES.—

“(1) APPLICATION STATUS NOTICES.—Not later than 30 days after the date that the Secretary receives an application under this section, or additional information and material under paragraph (2)(B), the Secretary shall provide the applicant written notice as to whether the application is complete or incomplete.

“(2) INCOMPLETE APPLICATIONS.—If the Secretary determines that an application is incomplete, the Secretary shall—

“(A) provide the applicant with a description of all of the specific information or material that is needed to complete the application, including any information required by an independent financial analyst; and

“(B) allow the applicant to resubmit the application with the information and material described under subparagraph (A) to complete the application.

“(3) APPLICATION APPROVALS AND DISAPPROVALS.—

“(A) IN GENERAL.—Not later than 60 days after the date the Secretary notifies an applicant that an application is complete under paragraph (1), the Secretary shall provide the applicant written notice as to whether the Secretary has approved or disapproved the application.

“(B) ACTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—In order to enable compliance with the time limit under subparagraph (A), the Office of Management and Budget shall take any action required with respect to the application within that 60-day period.

“(4) EXPEDITED PROCESSING.—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining an approval or a disapproval of an application for a direct loan or loan guarantee under this title.

“(5) DASHBOARD.—The Secretary shall post on the Department of Transportation’s Internet Web site a monthly report that includes, for each application—

“(A) the applicant type;

“(B) the location of the project;

“(C) a brief description of the project, including its purpose;

“(D) the requested direct loan or loan guarantee amount;

“(E) the date on which the Secretary provided application status notice under paragraph (1); and

“(F) the date that the Secretary provided notice of approval or disapproval under paragraph (3).”.

(b) ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.—Section 503 (45 U.S.C. 823) is amended—
(1) in subsection (a) by striking the period at the end and inserting “, including a program guide, a standard term sheet, and specific timetables,”;

(2) by redesignating subsections (c) through (l) as subsections (d) through (m), respectively;

(3) by striking “(b) ASSIGNMENT OF LOAN GUARANTEES.—” and inserting “(c) ASSIGNMENT OF LOAN GUARANTEES.—”;

(4) in subsection (d), as so redesignated—

(A) in paragraph (1) by striking “; and” and inserting a semicolon;

(B) in paragraph (2) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(3) the modification cost has been covered under section 502(f).”; and

(5) by striking subsection (l), as so redesignated, and inserting the following:

“(l) CHARGES AND LOAN SERVICING.—

“(1) PURPOSES.—The Secretary may collect from each applicant, obligor, or loan party a reasonable charge for—

“(A) the cost of evaluating the application, amendments, modifications, and waivers, including for evaluating project viability, applicant creditworthiness, and the appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings;

“(B) the cost of award management and project management oversight;

“(C) the cost of services from expert firms, including counsel, and independent financial advisors to assist in the underwriting, auditing, servicing, and exercise of rights with respect to direct loans and loan guarantees; and

“(D) the cost of all other expenses incurred as a result of a breach of any term or condition or any event of default on a direct loan or loan guarantee.

“(2) STANDARDS.—The Secretary may charge different amounts under this subsection based on the different costs incurred under paragraph (1).

“(3) SERVICER.—

“(A) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing a direct loan or loan guarantee under this title.

“(B) DUTIES.—A servicer appointed under subparagraph (A) shall act as the agent of the Secretary in serving a direct loan or loan guarantee under this title.

“(C) FEES.—A servicer appointed under subparagraph (A) shall receive a servicing fee from the obligor or other loan party, subject to approval by the Secretary.

“(4) SAFETY AND OPERATIONS ACCOUNT.—Amounts collected under this subsection shall—

“(A) be credited directly to the Safety and Operations account of the Federal Railroad Administration; and

“(B) remain available until expended to pay for the costs described in this subsection.”.
SEC. 11606. LOAN TERMS AND REPAYMENT.

(a) Prerequisites for Assistance.—Section 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking “35 years from the date of its execution” and inserting the following: “the lesser of—

(A) 35 years after the date of substantial completion of the project; or

(B) the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established”.

(b) Repayment Schedules.—Section 502(j) (45 U.S.C. 822(j)) is amended—

(1) in paragraph (1) by striking “the sixth anniversary date of the original loan disbursement” and inserting “5 years after the date of substantial completion”; and

(2) by adding at the end the following:

“(3) Deferred Payments.—

(A) In general.—If at any time after the date of substantial completion the obligor is unable to pay the scheduled loan repayments of principal and interest on a direct loan provided under this section, the Secretary, subject to subparagraph (B), may allow, for a maximum aggregate time of 1 year over the duration of the direct loan, the obligor to add unpaid principal and interest to the outstanding balance of the direct loan.

(B) Interest.—A payment deferred under subparagraph (A) shall—

(i) continue to accrue interest under paragraph (2) until the loan is fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan.

(4) Prepayments.—

(A) Use of excess revenues.—With respect to a direct loan provided by the Secretary under this section, any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the direct loan without penalty.

(B) Use of proceeds of refinancing.—The direct loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.”.

(c) Sale of Direct Loans.—Section 502 (45 U.S.C. 822) is amended by adding at the end the following:

“(k) Sale of Direct Loans.—

“(1) In general.—Subject to paragraph (2) and as soon as practicable after substantial completion of a project, the Secretary, after notifying the obligor, may sell to another entity or reoffer into the capital markets a direct loan for the project if the Secretary determines that the sale or reoffering has a high probability of being made on favorable terms.

“(2) Consent of obligor.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the prior written consent of the obligor.”.
(d) Nonsubordination.—Section 502 (45 U.S.C. 822) is further amended by adding at the end the following:

“(1) Nonsubordination.—

“(1) In general.—Except as provided in paragraph (2), a direct loan provided by the Secretary under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

“(2) Preexisting indentures.—

“(A) In general.—The Secretary may waive the requirement under paragraph (1) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture if—

“(i) the direct loan is rated in the A category or higher;
“(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a tax-based revenue pledge or a system-backed pledge of project revenues; and
“(iii) the program share, under this title, of eligible project costs is 50 percent or less.

“(B) Limitation.—The Secretary may impose limitations for the waiver of the nonsubordination requirement under this paragraph if the Secretary determines that such limitations would be in the financial interest of the Federal Government.”.

SEC. 11607. CREDIT RISK PREMIUMS.

(a) Infrastructure Partners.—Section 502(f) (45 U.S.C. 822(f)) is amended—

(1) in paragraph (1) by striking the first sentence and inserting the following: “In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification thereof, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source, including a State or local government or agency or public benefit corporation or public authority thereof, to fund in whole or in part credit risk premiums and modification costs with respect to the loan that is the subject of the application or modification.”;

(2) in paragraph (2)—

(A) in subparagraph (D), by adding “and” after the semicolon;
(B) by striking subparagraph (E); and
(C) by redesignating subparagraph (F) as subparagraph (E);

(3) by striking paragraph (4);

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

“(3) Creditworthiness.—An applicant may propose and the Secretary shall accept as a basis for determining the amount of the credit risk premium under paragraph (2) any of the following in addition to the value of any tangible asset:
“(A) The net present value of a future stream of State or local subsidy income or other dedicated revenues to secure the direct loan or loan guarantee.

“(B) Adequate coverage requirements to ensure repayment, on a non-recourse basis, from cash flows generated by the project or any other dedicated revenue source, including—

“(i) tolls;
“(ii) user fees; or
“(iii) payments owing to the obligor under a public-private partnership.

“(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, except that if the total amount of the direct loan or loan guarantee is greater than $75,000,000, the applicant shall have an investment-grade rating from at least 2 rating agencies on the direct loan or loan guarantee.”; and

(6) in paragraph (4), as redesignated, by striking “amounts” and inserting “amounts (and in the case of a modification, before the modification is executed), to the extent appropriations are not available to the Secretary to meet the costs of direct loans and loan guarantees, including costs of modifications thereof”.

(b) SAVINGS CLAUSE.—All provisions under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.) as they existed on the day before enactment of this Act shall apply to direct loans provided by the Secretary prior to the date of enactment of this Act, and nothing in this title may be construed to limit the payback of a credit risk premium, with interest accrued thereon, if a direct loan provided by the Secretary under such sections has been paid back in full, prior to the date of enactment of this Act.

SEC. 11608. MASTER CREDIT AGREEMENTS.

Section 502 (45 U.S.C. 822) is further amended by adding at the end the following:

“(m) MASTER CREDIT AGREEMENTS.—

“(1) IN GENERAL.—Subject to subsection (d) and paragraph (2) of this subsection, the Secretary may enter into a master credit agreement that is contingent on all of the conditions for the provision of a direct loan or loan guarantee, as applicable, under this title and other applicable requirements being satisfied prior to the issuance of the direct loan or loan guarantee.

“(2) CONDITIONS.—Each master credit agreement shall—

“(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee;

“(B) identify 1 or more dedicated non-Federal revenue sources that will secure the repayment of each applicable direct loan or loan guarantee;

“(C) provide for the obligation of funds for the direct loans or loan guarantees contingent on and after all requirements have been met for the projects subject to the master credit agreement; and

“(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results
in each of the direct loans or loan guarantees or in the release of the master credit agreement.”.

SEC. 11609. PRIORITIES AND CONDITIONS.

(a) PRIORITY PROJECTS.—Section 502(c) (45 U.S.C. 822(c)) is amended—

(1) in paragraph (1), by inserting “, including projects for the installation of a positive train control system (as defined in section 20157(i) of title 49, United States Code)” after “public safety”;

(2) by moving paragraph (3) to appear before paragraph (2), and redesignating those paragraphs accordingly;

(3) in paragraph (5), by inserting “or chapter 227 of title 49” after “section 135 of title 23”;

(4) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(5) by inserting after paragraph (5) the following:

“(6) improve railroad stations and passenger facilities and increase transit-oriented development;”.

(b) CONDITIONS OF ASSISTANCE.—Section 502(h)(2) (45 U.S.C. 822(h)(2)) is amended by inserting “, if applicable” after “project”.

SEC. 11610. SAVINGS PROVISIONS.

(a) IN GENERAL.—Except as provided in subsection (b) and section 11607(b), this subtitle, and the amendments made by this subtitle, shall not affect any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act. Any such transaction entered into before the date of enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(b) MODIFICATION COSTS.—At the discretion of the Secretary, the authority to accept modification costs on behalf of an applicant under section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)), as amended by section 11607 of this Act, may apply with respect to any direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) that was in effect prior to the date of enactment of this Act.

SEC. 11611. REPORT ON LEVERAGING RRIF.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that analyzes how the Railroad Rehabilitation and Improvement Financing Program can be used to improve passenger rail infrastructure.

(b) REPORT CONTENTS.—The report required under subsection (a) shall include—

(1) illustrative examples of projects that could be financed under such Program;

(2) potential repayment sources for such projects, including tax-increment financing, user fees, tolls, and other dedicated revenue sources; and

(3) estimated costs and benefits of using the Program relative to other options, including a comparison of the length
Dividing Fed credit assistance.

DIVISION B—COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

TITLE XXIV—MOTOR VEHICLE SAFETY

Subtitle A—Vehicle Safety

SEC. 24101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the Secretary to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, amounts as follows:

1. $132,730,000 for fiscal year 2016.
5. $144,235,466 for fiscal year 2020.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS IF A CERTIFICATION IS MADE.—

1. IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a) to carry out chapter 301 of title 49, and part C of subtitle VI of title 49, United States Code, if the certification described in paragraph (2) is made during a fiscal year there is authorized to be appropriated to the Secretary for that purpose for that fiscal year and subsequent fiscal years an additional amount as follows:

   A. $46,270,000 for fiscal year 2016.
   C. $57,296,336 for fiscal year 2018.
   E. $69,837,974 for fiscal year 2020.

2. CERTIFICATION DESCRIBED.—The certification described in this paragraph is a certification made by the Secretary and submitted to Congress that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063). As part of the certification, the Secretary shall review the actions the National Highway Traffic Safety Administration has taken to implement the recommendations and issue a report to Congress detailing how the recommendations were implemented. The Secretary shall not delegate or assign the responsibility under this paragraph.

SEC. 24102. INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, the Department of Transportation Inspector General shall report to the appropriate committees of Congress on whether and what progress has been made to implement the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063).
(b) IMPLEMENTATION PROGRESS.—The Administrator of the National Highway Traffic Safety Administration shall—

(1) not later than 90 days after the date of enactment of this Act, and periodically thereafter until the completion date, provide a briefing to the appropriate committees of Congress on the actions the Administrator has taken to implement the recommendations in the audit report described in subsection (a), including a plan for implementing any remaining recommendations; and

(2) not later than 1 year after the date of enactment of this Act, issue a final report to the appropriate committees of Congress on the implementation of all of the recommendations in the audit report described in subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) COMPLETION DATE.—The term “completion date” means the date that the National Highway Traffic Safety Administration has implemented all of the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST–2015–063).

SEC. 24103. IMPROVEMENTS IN AVAILABILITY OF RECALL INFORMATION.

(a) VEHICLE RECALL INFORMATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the Federal website is readily accessible and easy to use, including—

(1) by improving the organization, availability, readability, and functionality of the website;

(2) by accommodating high-traffic volume; and

(3) by establishing best practices for scheduling routine website maintenance.

(b) GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC AWARENESS REPORT.—

(1) IN GENERAL.—The Comptroller General shall study the current use by consumers, dealers, and manufacturers of the safety recall information made available to the public, including the usability and content of the Federal and manufacturers' websites and the National Highway Traffic Safety Administration’s efforts to publicize and educate consumers about safety recall information.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall issue a report with the findings of the study under paragraph (1), including recommending any actions the Secretary can take to improve public awareness and use of the websites for safety recall information.

(c) PROMOTION OF PUBLIC AWARENESS.—Section 31301(c) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30166 note) is amended to read as follows:
“(c) Promotion of Public Awareness.—The Secretary shall improve public awareness of safety recall information made publicly available by periodically updating the method of conveying that information to consumers, dealers, and manufacturers, such as through public service announcements.”.

(d) Consumer Guidance.—Not later than 1 year after the date of enactment of this Act, the Secretary shall make available to the public on the Internet detailed guidance for consumers submitting safety complaints, including—

(I) a detailed explanation of what information a consumer should include in a complaint; and

(2) a detailed explanation of the possible actions the National Highway Traffic Safety Administration can take to address a complaint and respond to the consumer, including—

(A) the consumer records, such as photographs and police reports, that could assist with an investigation; and

(B) the length of time a consumer should retain the records described in subparagraph (A).

(e) VIN Search.—

(1) In General.—The Secretary, in coordination with industry, including manufacturers and dealers, shall study—

(A) the feasibility of searching multiple vehicle identification numbers at a time to retrieve motor vehicle safety recall information; and

(B) the feasibility of making the search mechanism described under subparagraph (A) publicly available.

(2) Considerations.—In conducting the study under paragraph (1), the Secretary shall consider the potential costs, and potential risks to privacy and security in implementing such a search mechanism.

SEC. 24104. RECALL PROCESS.

(a) Notification Improvement.—

(1) In General.—Not later than 270 days after the date of enactment of this Act, the Secretary shall prescribe a final rule revising the regulations under section 577.7 of title 49, Code of Federal Regulations, to include notification by electronic means in addition to notification by first class mail.

(2) Definition of Electronic Means.—In this subsection, the term “electronic means” includes electronic mail and may include such other means of electronic notification, such as social media or targeted online campaigns, as determined by the Secretary.

(b) Notification by Manufacturer.—Section 30118(c) of title 49, United States Code, is amended by inserting “or electronic mail” after “certified mail”.

(c) Recall Completion Rates Report.—

(1) In General.—Not later than 1 year after the date of enactment of this Act, and biennially thereafter for 4 years, the Secretary shall—

(A) conduct an analysis of vehicle safety recall completion rates to assess potential actions by the National Highway Traffic Safety Administration to improve vehicle safety recall completion rates; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on
Energy and Commerce of the House of Representatives

(2) CONTENTS.—Each report shall include—

(A) the annual recall completion rate by manufacturer, model year, component (such as brakes, fuel systems, and air bags), and vehicle type (passenger car, sport utility vehicle, passenger van, and pick-up truck) for each of the 5 years before the year the report is submitted;

(B) the methods by which the Secretary has conducted analyses of these recall completion rates to determine trends and identify risk factors associated with lower recall rates; and

(C) the actions the Secretary has planned to improve recall completion rates based on the results of this data analysis.

(d) INSPECTOR GENERAL AUDIT OF VEHICLE RECALLS.—

(1) IN GENERAL.—The Department of Transportation Inspector General shall conduct an audit of the National Highway Traffic Safety Administration's management of vehicle safety recalls.

(2) CONTENTS.—The audit shall include a determination of whether the National Highway Traffic Safety Administration—

(A) appropriately monitors recalls to ensure the appropriateness of scope and adequacy of recall completion rates and remedies;

(B) ensures manufacturers provide safe remedies, at no cost to consumers;

(C) is capable of coordinating recall remedies and processes; and

(D) can improve its policy on consumer notice to combat effects of recall fatigue.

SEC. 24105. PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF MOTOR VEHICLE RECALL STATUS.

(a) IN GENERAL.—Not later than October 1, 2016, the Secretary shall implement a 2-year pilot program to evaluate the feasibility and effectiveness of a State process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the State.

(b) GRANTS.—To carry out this program, the Secretary may make a grant to each eligible State, but not more than 6 eligible States in total, that agrees to comply with the requirements under subsection (c). Funds made available to a State under this section shall be used by the State for the pilot program described in subsection (a).

(c) ELIGIBILITY.—To be eligible for a grant, a State shall—

(1) submit an application in such form and manner as the Secretary prescribes;

(2) agree to notify, at the time of registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;

(3) provide the open motor vehicle recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State; and

(4) provide such other information as the Secretary may require.
(d) AwarDs.—In selecting an applicant for an award under this section, the Secretary shall consider the State's methodology for determining open recalls on a motor vehicle, for informing consumers of the open recalls, and for determining performance.

(e) Performance PerioD.—Each grant awarded under this section shall require a 2-year performance period.

(f) Report.—Not later than 90 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance containing such information as the Secretary considers necessary to evaluate the extent to which open recalls have been remedied.

(g) Evaluation.—Not later than 180 days after the completion of the pilot program, the Secretary shall evaluate the extent to which open recalls identified have been remedied.

(h) Definitions.—In this section:

(1) Consumer.—The term “consumer” includes owner and lessee.

(2) Motor Vehicle.—The term “motor vehicle” has the meaning given the term under section 30102(a) of title 49, United States Code.

(3) Open Recall.—The term “open recall” means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

(4) Registration.—The term “registration” means the process for registering motor vehicles in the State.

(5) State.—The term “State” has the meaning given the term under section 101(a) of title 23, United States Code.

SEC. 24106. Recall Obligations Under Bankruptcy.

Section 30120A of title 49, United States Code, is amended by striking “chapter 11 of title 11,” and inserting “chapter 7 or chapter 11 of title 11”.

SEC. 24107. Dealer Requirement to Check For Open Recall.

Section 30120(f) of title 49, United States Code, is amended—

(1) by inserting “(1) IN GENERAL. A manufacturer” and indenting appropriately;

(2) in paragraph (1), as redesignated, by striking the period at the end and inserting the following: “if—

“A. at the time of providing service for each of the manufacturer’s motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall; and

“B. the notification requirement under subparagraph (A) is specified in a franchise, operating, or other agreement between the dealer and the manufacturer.”; and

(3) by adding at the end the following:

“(2) Definition of Open Recall.—In this subsection, the term ‘open recall’ means a recall for which a notification by a manufacturer has been provided under section 30119 and that has not been remedied under this section.”.


Section 30120(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “60 days” and inserting “180 days”; and
(2) in paragraph (2), by striking “60-day” each place it appears and inserting “180-day”.

SEC. 24109. RENTAL CAR SAFETY.

(a) SHORT TITLE.—This section may be cited as the “Raechel and Jacqueline Houck Safe Rental Car Act of 2015”.

(b) DEFINITIONS.—Section 30102(a) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;

(2) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘covered rental vehicle’ means a motor vehicle that—

“(A) has a gross vehicle weight rating of 10,000 pounds or less;

“(B) is rented without a driver for an initial term of less than 4 months; and

“(C) is part of a motor vehicle fleet of 35 or more motor vehicles that are used for rental purposes by a rental company.”; and

(4) by inserting after paragraph (10), as redesignated, the following:

“(11) ‘rental company’ means a person who—

“(A) is engaged in the business of renting covered rental vehicles; and

“(B) uses for rental purposes a motor vehicle fleet of 35 or more covered rental vehicles, on average, during the calendar year.”.

(c) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(i) of title 49, United States Code, is amended—

(1) in the subsection heading, by adding “, OR RENTAL” at the end;

(2) in paragraph (1)—

(A) by striking “(1) If notification” and inserting the following:

“(1) IN GENERAL.—If notification”;

(B) by indenting subparagraphs (A) and (B) four ems from the left margin;

(C) by inserting “or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company’s possession at the time of notification” after “time of notification”;

(D) by striking “the dealer may sell or lease,” and inserting “the dealer or rental company may sell, lease, or rent”; and

(E) in subparagraph (A), by striking “sale or lease” and inserting “sale, lease, or rental agreement”;

(3) by amending paragraph (2) to read as follows:

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent.”; and

(4) by adding at the end the following:

“(3) SPECIFIC RULES FOR RENTAL COMPANIES.—
“(A) IN GENERAL.—Except as otherwise provided under this paragraph, a rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 24 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

“(B) SPECIAL RULE FOR LARGE VEHICLE FLEETS.—Notwithstanding subparagraph (A), if a rental company receives a notice to owner covering more than 5,000 motor vehicles in its fleet, the rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

“(C) SPECIAL RULE FOR WHEN REMEDIES NOT IMMEDIATELY AVAILABLE.—If a notification required under subsection (b) or (c) of section 30118 indicates that the remedy for the defect or noncompliance is not immediately available and specifies actions to temporarily alter the vehicle that eliminate the safety risk posed by the defect or noncompliance, the rental company, after causing the specified actions to be performed, may rent (but may not sell or lease) the motor vehicle. Once the remedy for the rental vehicle becomes available to the rental company, the rental company may not rent the vehicle until the vehicle has been remedied, as provided in subsection (a).

“(D) INAPPLICABILITY TO JUNK AUTOMOBILES.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle if such vehicle—

“(i) meets the definition of a junk automobile under section 201 of the Anti-Car Theft Act of 1992 (49 U.S.C. 30501);

“(ii) is retitled as a junk automobile pursuant to applicable State law; and

“(iii) is reported to the National Motor Vehicle Information System, if required under section 204 of such Act (49 U.S.C. 30504).”

(d) MAKING SAFETY DEVICES AND ELEMENTS INOPERATIVE.—Section 30122(b) of title 49, United States Code, is amended by inserting “rental company,” after “dealer,” each place such term appears.

(e) INSPECTIONS, INVESTIGATIONS, AND RECORDS.—Section 30166 of title 49, United States Code, is amended—

(1) in subsection (c)(2), by striking “or dealer” each place such term appears and inserting “dealer, or rental company”;

(2) in subsection (e), by striking “or dealer” each place such term appears and inserting “dealer, or rental company”; and

(3) in subsection (f), by striking “or to owners” and inserting “, rental companies, or other owners”.

(f) **Research Authority.**—The Secretary of Transportation may conduct a study of—

1. the effectiveness of the amendments made by this section; and

2. other activities of rental companies (as defined in section 30102(a)(11) of title 49, United States Code) related to their use and disposition of motor vehicles that are the subject of a notification required under section 30118 of title 49, United States Code.

(g) **Study.**—

1. **Additional Requirement.**—Section 32206(b)(2) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 785) is amended—
   
   A. in subparagraph (E), by striking “and” at the end;
   
   B. by redesignating subparagraph (F) as subparagraph (G); and
   
   C. by inserting after subparagraph (E) the following: “(F) evaluate the completion of safety recall remedies on rental trucks; and”.

2. **Report.**—Section 32206(c) of such Act is amended—
   
   A. in paragraph (1), by striking “subsection (b)” and inserting “subparagraphs (A) through (E) and (G) of subsection (b)(2)”;
   
   B. by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;
   
   C. by striking “REPORT. Not later” and inserting the following:

   “(c) **Reports.**—

   1. **Initial Report.**—Not later”; and

   D. by adding at the end the following:

   “2. **Safety Recall Remedy Report.**—Not later than 1 year after the date of the enactment of the ‘Raechel and Jacqueline Houck Safe Rental Car Act of 2015’, the Secretary shall submit a report to the congressional committees set forth in paragraph (1) that contains—

   (A) the findings of the study conducted pursuant to subsection (b)(2)(F); and

   (B) any recommendations for legislation that the Secretary determines to be appropriate.”.

(h) **Public Comments.**—The Secretary shall solicit comments regarding the implementation of this section from members of the public, including rental companies, consumer organizations, automobile manufacturers, and automobile dealers.

(i) **Rule of Construction.**—Nothing in this section or the amendments made by this section—

1. may be construed to create or increase any liability, including for loss of use, for a manufacturer as a result of having manufactured or imported a motor vehicle subject to a notification of defect or noncompliance under subsection (b) or (c) of section 30118 of title 49, United States Code; or

2. shall supersede or otherwise affect the contractual obligations, if any, between such a manufacturer and a rental company (as defined in section 30102(a) of title 49, United States Code).

(j) **Rulemaking.**—The Secretary may promulgate rules, as appropriate, to implement this section and the amendments made by this section.
(k) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 24110. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY.

(a) INCREASE IN CIVIL PENALTIES.—Section 30165(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “$5,000” and inserting “$21,000”; and

(B) by striking “$35,000,000” and inserting “$105,000,000”; and

(2) in paragraph (3)—

(A) by striking “$5,000” and inserting “$21,000”; and

(B) by striking “$35,000,000” and inserting “$105,000,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section take effect on the date that the Secretary certifies to Congress that the National Highway Traffic Safety Administration has issued the final rule required by section 31203(b) of the Moving Ahead for Progress In the 21st Century Act (Public Law 112–141; 126 Stat. 758; 49 U.S.C. 30165 note).

(c) PUBLICATION OF EFFECTIVE DATE.—The Secretary shall publish notice of the effective date under subsection (b) of this section in the Federal Register.

SEC. 24111. ELECTRONIC ODOMETER DISCLOSURES.

Section 32705(g) of title 49, United States Code, is amended—

(1) by inserting “(1)” before “Not later than” and indenting appropriately; and

(2) by adding at the end the following:

“(2) Notwithstanding paragraph (1) and subject to paragraph (3), a State, without approval from the Secretary under subsection (d), may allow for written disclosures or notices and related matters to be provided electronically if—

“(A) in compliance with—

“(i) the requirements of subchapter 1 of chapter 96 of title 15; or

“(ii) the requirements of a State law under section 7002(a) of title 15; and

“(B) the disclosures or notices otherwise meet the requirements under this section, including appropriate authentication and security measures.

“(3) Paragraph (2) ceases to be effective on the date the regulations under paragraph (1) become effective.”.

SEC. 24112. CORPORATE RESPONSIBILITY FOR NHTSA REPORTS.

Section 30166(o) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “may” and inserting “shall”; and

(2) by adding at the end the following:

“(3) DEADLINE.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary shall issue a final rule under paragraph (1).”.
SEC. 24113. DIRECT VEHICLE NOTIFICATION OF RECALLS.

(a) Recall Notification Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a report on the feasibility of a technical system that would operate in each new motor vehicle to indicate when the vehicle is subject to an open recall.

(b) Definition of Open Recall.—In this section the term “open recall” means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

SEC. 24114. UNATTENDED CHILDREN WARNING.

Section 31504(a) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30111 note) is amended by striking “may” and inserting “shall”.

SEC. 24115. TIRE PRESSURE MONITORING SYSTEM.

(a) Proposed Rule.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a proposed rule that—

(1) updates the standards pertaining to tire pressure monitoring systems to ensure that a tire pressure monitoring system that is installed in a new motor vehicle after the effective date of such updated standards cannot be overridden, reset, or recalibrated in such a way that the system will no longer detect when the inflation pressure in one or more of the vehicle’s tires has fallen to or below a significantly underinflated pressure level; and

(2) does not contain any provision that has the effect of prohibiting the availability of direct or indirect tire pressure monitoring systems that meet the requirements of the standards updated pursuant to paragraph (1).

(b) Final Rule.—Not later than 2 years after the date of enactment of this Act, after providing the public with sufficient opportunity for notice and comment on the proposed rule published pursuant to subsection (a), the Secretary shall issue a final rule based on the proposed rule described in subsection (a) that—

(1) allows a manufacturer to install a tire pressure monitoring system that can be reset or recalibrated to accommodate—

(A) the repositioning of tire sensor locations on vehicles with split inflation pressure recommendations;

(B) tire rotation; or

(C) replacement tires or wheels of a different size than the original equipment tires or wheels; and

(2) to address the accommodations described in subparagaphs (A), (B), and (C) of paragraph (1), ensures that a tire pressure monitoring system that is reset or recalibrated according to the manufacturer’s instructions would illuminate the low tire pressure warning telltale when a tire is significantly underinflated until the tire is no longer significantly underinflated.

(c) Significantly Underinflated Pressure Level Defined.—In this section, the term “significantly underinflated pressure level” means a pressure level that is—
(1) below the level at which the low tire pressure warning telltale must illuminate, consistent with the TPMS detection requirements contained in S4.2(a) of section 571.138 of title 49, Code of Federal Regulations, or any corresponding similar or successor regulation or ruling (as determined by the Secretary); and

(2) in the case of a replacement wheel or tire, below the recommended cold inflation pressure of the wheel or tire manufacturer.

SEC. 24116. INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL.

Section 30119 of title 49, United States Code, is amended by adding at the end the following:

"(g) INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL.—A manufacturer that is required to furnish a report under section 573.6 of title 49, Code of Federal Regulations (or any successor regulation) for a defect or noncompliance in a motor vehicle or in an item of original or replacement equipment shall, if such defect or noncompliance involves a specific component or components, include in such report, with respect to such component or components, the following information:

"(1) The name of the component or components.

"(2) A description of the component or components.

"(3) The part number of the component or components, if any."

Subtitle B—Research And Development And Vehicle Electronics

SEC. 24201. REPORT ON OPERATIONS OF THE COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies established under section 31401 of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 105 note). The report shall include information about the accomplishments of the Council, the role of the Council in integrating and aggregating electronic and emerging technologies expertise across the National Highway Traffic Safety Administration, the role of the Council in coordinating with other Federal agencies, and the priorities of the Council over the next 5 years.

SEC. 24202. COOPERATION WITH FOREIGN GOVERNMENTS.

(a) TITLE 49 AMENDMENT.—Section 30182(b) of title 49, United States Code, is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (5) the following:
“(6) in coordination with Department of State, enter into cooperative agreements and collaborative research and development agreements with foreign governments.”.

(b) TITLE 23 AMENDMENT.—Section 403 of title 23, United States Code, is amended—

(1) in subsection (b)(2)(C), by inserting “foreign government (in coordination with the Department of State)” after “institution,”; and

(2) in subsection (c)(1)(A), by inserting “foreign governments,” after “local governments,”.

(c) AUDIT.—The Department of Transportation Inspector General shall conduct an audit of the Secretary of Transportation’s management and oversight of cooperative agreements and collaborative research and development agreements, including any cooperative agreements between the Secretary of Transportation and foreign governments under section 30182(b)(6) of title 49, United States Code, and subsections (b)(2)(C) and (c)(1)(A) of title 23, United States Code.

Subtitle C—Miscellaneous Provisions

PART I—DRIVER PRIVACY ACT OF 2015

SEC. 24301. SHORT TITLE.

This part may be cited as the “Driver Privacy Act of 2015”.

SEC. 24302. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE EVENT DATA RECORDERS.

(a) OWNERSHIP OF DATA.—Any data retained by an event data recorder (as defined in section 563.5 of title 49, Code of Federal Regulations), regardless of when the motor vehicle in which it is installed was manufactured, is the property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

(b) PRIVACY.—Data recorded or transmitted by an event data recorder described in subsection (a) may not be accessed by a person other than an owner or a lessee of the motor vehicle in which the event data recorder is installed unless—

(1) a court or other judicial or administrative authority having jurisdiction—

(A) authorizes the retrieval of the data; and

(B) to the extent that there is retrieved data, the data is subject to the standards for admission into evidence required by that court or other administrative authority;

(2) an owner or a lessee of the motor vehicle provides written, electronic, or recorded audio consent to the retrieval of the data for any purpose, including the purpose of diagnosing, servicing, or repairing the motor vehicle, or by agreeing to a subscription that describes how data will be retrieved and used;

(3) the data is retrieved pursuant to an investigation or inspection authorized under section 1131(a) or 30166 of title 49, United States Code, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data, except that the vehicle identification number may be disclosed to the certifying manufacturer;
(4) the data is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash; or
(5) the data is retrieved for traffic safety research, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data.

SEC. 24303. VEHICLE EVENT DATA RECORDER STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall submit to Congress a report that contains the results of a study conducted by the Administrator to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record for retrieval vehicle-related data in conjunction with an event in order to provide sufficient information to investigate the cause of motor vehicle crashes.

(b) RULEMAKING.—Not later than 2 years after submitting the report required under subsection (a), the Administrator of the National Highway Traffic Safety Administration shall promulgate regulations to establish the appropriate period during which event data recorders installed in passenger motor vehicles may capture and record for retrieval vehicle-related data to the time necessary to provide accident investigators with vehicle-related information pertinent to crashes involving such motor vehicles.

PART II—SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

SEC. 24321. SHORT TITLE.

This part may be cited as the “Safety Through Informed Consumers Act of 2015”.

SEC. 24322. PASSENGER MOTOR VEHICLE INFORMATION.

Section 32302 of title 49, United States Code, is amended by inserting after subsection (b) the following:

“(c) CRASH AVOIDANCE.—Not later than 1 year after the date of enactment of the Safety Through Informed Consumers Act of 2015, the Secretary shall promulgate a rule to ensure that crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers.”.

PART III—TIRE EFFICIENCY, SAFETY, AND REGISTRATION ACT OF 2015

SEC. 24331. SHORT TITLE.

This part may be cited as the “Tire Efficiency, Safety, and Registration Act of 2015” or the “TESR Act”.

SEC. 24332. TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.

Section 32304A of title 49, United States Code, is amended—
(1) in the section heading, by inserting “AND STANDARDS” after “CONSUMER TIRE INFORMATION”; 
(2) in subsection (a)—
(A) in the heading, by striking “Rulemaking” and inserting “Consumer Tire Information”; and

(B) in paragraph (1), by inserting “(referred to in this section as the ‘Secretary’)” after “Secretary of Transportation”;

(3) by redesignating subsections (b) through (e) as subsections (e) through (h), respectively; and

(4) by inserting after subsection (a) the following:

“(b) PROMULGATION OF REGULATIONS FOR TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

“(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall promulgate regulations for tire fuel efficiency minimum performance standards for—

“(A) passenger car tires with a maximum speed capability equal to or less than 149 miles per hour or 240 kilometers per hour; and

“(B) passenger car tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

“(2) TIRE FUEL EFFICIENCY MINIMUM PERFORMANCE STANDARDS.—

“(A) STANDARD BASIS AND TEST PROCEDURES.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of the rolling resistance coefficient measured using the test procedure specified in section 575.106 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

“(B) NO DISPARATE EFFECT ON HIGH PERFORMANCE TIRES.—The Secretary shall ensure that the minimum performance standards promulgated under paragraph (1) will not have a disproportionate effect on passenger car high performance tires with a maximum speed capability greater than 149 miles per hour or 240 kilometers per hour.

“(C) APPLICABILITY.—

“(i) IN GENERAL.—This subsection applies to new pneumatic tires for use on passenger cars.

“(ii) EXCEPTIONS.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

“(c) PROMULGATION OF REGULATIONS FOR TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations for tire wet traction minimum performance standards to ensure that passenger tire wet traction capability is not reduced to achieve improved tire fuel efficiency.

“(2) TIRE WET TRACTION MINIMUM PERFORMANCE STANDARDS.—

“(A) BASIS OF STANDARD.—The minimum performance standards promulgated under paragraph (1) shall be expressed in terms of peak coefficient of friction.

“(B) TEST PROCEDURES.—Any test procedure promulgated under this subsection shall be consistent with any test procedure promulgated under subsection (a).
“(C) Benchmarking.—The Secretary shall conduct testing to benchmark the wet traction performance of tire models available for sale in the United States as of the date of enactment of this Act to ensure that the minimum performance standards promulgated under paragraph (1) are tailored to—

“(i) tires sold in the United States; and
“(ii) the needs of consumers in the United States.

“(D) Applicability.—
“(i) In General.—This subsection applies to new pneumatic tires for use on passenger cars.
“(ii) Exceptions.—This subsection does not apply to light truck tires, deep tread tires, winter-type snow tires, space-saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less.

“(d) Coordination Among Regulations.—
“(1) Compatibility.—The Secretary shall ensure that the test procedures and requirements promulgated under subsections (a), (b), and (c) are compatible and consistent.
“(2) Combined Effect of Rules.—The Secretary shall evaluate the regulations promulgated under subsections (b) and (c) to ensure that compliance with the minimum performance standards promulgated under subsection (b) will not diminish wet traction performance of affected tires.
“(3) Rulemaking Deadlines.—The Secretary shall promulgate—

“(A) the regulations under subsections (b) and (c) not later than 24 months after the date of enactment of this Act; and
“(B) the regulations under subsection (c) not later than the date of promulgation of the regulations under subsection (b).”.

SEC. 24333. TIRE REGISTRATION BY INDEPENDENT SELLERS.

Paragraph (3) of section 30117(b) of title 49, United States Code, is amended to read as follows:

“(3) Rulemaking.—

“(A) In General.—The Secretary shall initiate a rulemaking to require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to maintain records of—

“(i) the name and address of tire purchasers and lessors;
“(ii) information identifying the tire that was purchased or leased; and
“(iii) any additional records the Secretary considers appropriate.

“(B) Electronic Transmission.—The rulemaking carried out under subparagraph (A) shall require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to electronically transmit the records described in clauses (i), (ii), and (iii) of subparagraph (A) to the manufacturer of the tires or the designee of the manufacturer by secure means at no cost to tire purchasers or lessors.
“(C) SATISFACTION OF REQUIREMENTS.—A regulation promulgated under subparagraph (A) may be considered to satisfy the requirements of paragraph (2)(B).”.

SEC. 24334. TIRE IDENTIFICATION STUDY AND REPORT.

(a) STUDY.—The Secretary shall conduct a study to examine the feasibility of requiring all manufacturers of tires subject to section 30117(b) of title 49, United States Code, to—

(1) include electronic identification on every tire that reflects all of the information currently required in the tire identification number; and

(2) ensure that the same type and format of electronic information technology is used on all tires.

(b) REPORT.—The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1).

SEC. 24335. TIRE RECALL DATABASE.

(a) IN GENERAL.—The Secretary shall establish a publicly available and searchable electronic database of tire recall information that is reported to the Administrator of the National Highway Traffic Safety Administration.

(b) TIRE IDENTIFICATION NUMBER.—The database established under subsection (a) shall be searchable by Tire Identification Number (TIN) and any other criteria that assists consumers in determining whether a tire is subject to a recall.

PART IV—ALTERNATIVE FUEL VEHICLES

SEC. 24341. REGULATORY PARITY FOR NATURAL GAS VEHICLES.

The Administrator of the Environmental Protection Agency shall revise the regulations issued in sections 600.510-12(c)(2)(vi) and 600.510-12(c)(2)(vii)(A) of title 40, Code of Federal Regulations, to replace references to the year “2019” with the year “2016”.

PART V—MOTOR VEHICLE SAFETY WHISTLEBLOWER ACT

SEC. 24351. SHORT TITLE.

This part may be cited as the “Motor Vehicle Safety Whistleblower Act”.

SEC. 24352. MOTOR VEHICLE SAFETY WHISTLEBLOWER INCENTIVES AND PROTECTIONS.

(a) IN GENERAL.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§ 30172. Whistleblower incentives and protections

“(a) DEFINITIONS.—In this section:

“(1) COVERED ACTION.—The term ‘covered action’ means any administrative or judicial action, including any related administrative or judicial action, brought by the Secretary or the Attorney General under this chapter that in the aggregate results in monetary sanctions exceeding $1,000,000.”
“(2) MONETARY SANCTIONS.—The term ‘monetary sanctions’ means monies, including penalties and interest, ordered or agreed to be paid.

“(3) ORIGINAL INFORMATION.—The term ‘original information’ means information that—

“(A) is derived from the independent knowledge or analysis of an individual;

“(B) is not known to the Secretary from any other source, unless the individual is the original source of the information; and

“(C) is not exclusively derived from an allegation made in a judicial or an administrative action, in a governmental report, a hearing, an audit, or an investigation, or from the news media, unless the individual is a source of the information.

“(4) PART SUPPLIER.—The term ‘part supplier’ means a manufacturer of motor vehicle equipment.

“(5) SUCCESSFUL RESOLUTION.—The term ‘successful resolution’, with respect to a covered action, includes any settlement or adjudication of the covered action.

“(6) WHISTLEBLOWER.—The term ‘whistleblower’ means any employee or contractor of a motor vehicle manufacturer, part supplier, or dealership who voluntarily provides to the Secretary original information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter, which is likely to cause unreasonable risk of death or serious physical injury.

“(b) AWARDS.—

“(1) IN GENERAL.—If the original information that a whistleblower provided to the Secretary leads to the successful resolution of a covered action, the Secretary, subject to subsection (c), may pay an award or awards to one or more whistleblowers in an aggregate amount of—

“(A) not less than 10 percent, in total, of collected monetary sanctions; and

“(B) not more than 30 percent, in total, of collected monetary sanctions.

“(2) PAYMENT OF AWARDS.—Any amount payable under paragraph (1) shall be paid from the monetary sanctions collected, and any monetary sanctions so collected shall be available for such payment.

“(c) DETERMINATION OF AWARDS; DENIAL OF AWARDS.—

“(1) DETERMINATION OF AWARDS.—

“(A) DISCRETION.—The determination of whether, to whom, or in what amount to make an award shall be in the discretion of the Secretary subject to the provisions in subsection (b)(1).

“(B) CRITERIA.—In determining an award made under subsection (b), the Secretary shall take into consideration—

“(i) if appropriate, whether a whistleblower reported or attempted to report the information internally to an applicable motor vehicle manufacturer, part supplier, or dealership;

“(ii) the significance of the original information provided by the whistleblower to the successful resolution of the covered action;
“(iii) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in the covered action; and

“(iv) such additional factors as the Secretary considers relevant.

“(2) DENIAL OF AWARDS.—No award under subsection (b) shall be made—

“(A) to any whistleblower who is convicted of a criminal violation related to the covered action for which the whistleblower otherwise could receive an award under this section;

“(B) to any whistleblower who, acting without direction from an applicable motor vehicle manufacturer, parts supplier, or dealership, or agent thereof, deliberately causes or substantially contributes to the alleged violation of a requirement of this chapter;

“(C) to any whistleblower who submits information to the Secretary that is based on the facts underlying the covered action submitted previously by another whistleblower;

“(D) to any whistleblower who fails to provide the original information to the Secretary in such form as the Secretary may require by regulation; or

“(E) if the applicable motor vehicle manufacturer, parts supplier, or dealership has an internal reporting mechanism in place to protect employees from retaliation, to any whistleblower who fails to report or attempt to report the information internally through such mechanism, unless—

“(i) the whistleblower reasonably believed that such an internal report would have resulted in retaliation, notwithstanding section 30171(a);

“(ii) the whistleblower reasonably believed that the information—

“(I) was already internally reported;

“(II) was already subject to or part of an internal inquiry or investigation; or

“(III) was otherwise already known to the motor vehicle manufacturer, part supplier, or dealership; or

“(iii) the Secretary has good cause to waive this requirement.

“(d) REPRESENTATION.—A whistleblower may be represented by counsel.

“(e) NO CONTRACT NECESSARY.—No contract with the Secretary is necessary for any whistleblower to receive an award under subsection (b).

“(f) PROTECTION OF WHISTLEBLOWERS; CONFIDENTIALITY.—

“(1) IN GENERAL.—Notwithstanding section 30167, and except as provided in paragraphs (4) and (5) of this subsection, the Secretary, and any officer or employee of the Department of Transportation, shall not disclose any information, including information provided by a whistleblower to the Secretary, which could reasonably be expected to reveal the identity of a whistleblower, except in accordance with the provisions of section 552a of title 5, unless—

“(A) required to be disclosed to a defendant or respondent in connection with a public proceeding
instituted by the Secretary or any entity described in paragraph (5);

“(B) the whistleblower provides prior written consent for the information to be disclosed; or

“(C) the Secretary, or other officer or employee of the Department of Transportation, receives the information through another source, such as during an inspection or investigation under section 30166, and has authority under other law to release the information.

“(2) REDACTION.—The Secretary, and any officer or employee of the Department of Transportation, shall take reasonable measures to not reveal the identity of the whistleblower when disclosing any information under paragraph (1).

“(3) SECTION 552(B)(3)(B).—For purposes of section 552 of title 5, paragraph (1) of this subsection shall be considered a statute described in subsection (b)(3)(B) of that section.

“(4) EFFECT.—Nothing in this subsection is intended to limit the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

“(5) AVAILABILITY TO GOVERNMENT AGENCIES.—

“(A) IN GENERAL.—Without the loss of its status as confidential in the hands of the Secretary, all information referred to in paragraph (1) may, in the discretion of the Secretary, when determined by the Secretary to be necessary or appropriate to accomplish the purposes of this chapter and in accordance with subparagraph (B), be made available to the following:

“(i) The Department of Justice.

“(ii) An appropriate department or agency of the Federal Government, acting within the scope of its jurisdiction.

“(B) MAINTENANCE OF INFORMATION.—Each entity described in subparagraph (A) shall maintain information described in that subparagraph as confidential, in accordance with the requirements in paragraph (1).

“(g) PROVISION OF FALSE INFORMATION.—A whistleblower who knowingly and intentionally makes any false, fictitious, or fraudulent statement or representation, or who makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall not be entitled to an award under this section and shall be subject to prosecution under section 1001 of title 18.

“(h) APPEALS.—

“(1) IN GENERAL.—Any determination made under this section, including whether, to whom, or in what amount to make an award, shall be in the discretion of the Secretary.

“(2) APPEALS.—Any determination made by the Secretary under this section may be appealed by a whistleblower to the appropriate court of appeals of the United States not later than 30 days after the determination is issued by the Secretary.

“(3) REVIEW.—The court shall review the determination made by the Secretary in accordance with section 706 of title 5.
“(i) **Regulation.**—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations on the requirements of this section, consistent with this section.”

(b) **Rule of Construction.**—

(1) **Original Information.**—Information submitted to the Secretary of Transportation by a whistleblower in accordance with the requirements of section 30172 of title 49, United States Code, shall not lose its status as original information solely because the whistleblower submitted the information prior to the effective date of the regulations issued under subsection (i) of that section if that information was submitted after the date of enactment of this Act.

(2) **Awards.**—A whistleblower may receive an award under section 30172 of title 49, United States Code, regardless of whether the violation underlying the covered action occurred prior to the date of enactment of this Act, and may receive an award prior to the Secretary of Transportation promulgating the regulations under subsection (i) of that section.

(c) **Conforming Amendments.**—The table of contents of subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“30172. Whistleblower incentives and protections.”

### Subtitle D—Additional Motor Vehicle Provisions

#### SEC. 24401. REQUIRED REPORTING OF NHTSA AGENDA.

Not later than December 1 of the year beginning after the date of enactment of this Act, and each year thereafter, the Administrator of the National Highway Traffic Safety Administration shall publish on the public website of the Administration, and file with the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual plan for the following calendar year detailing the Administration’s projected activities, including—

1. the Administrator’s policy priorities;
2. any rulemakings projected to be commenced;
3. any plans to develop guidelines;
4. any plans to restructure the Administration or to establish or alter working groups;
5. any planned projects or initiatives of the Administration, including the working groups and advisory committees of the Administration; and
6. any projected dates or timetables associated with any of the items described in paragraphs (1) through (5).

#### SEC. 24402. APPLICATION OF REMEDIES FOR DEFECTS AND NON-COMPLIANCE.

Section 30120(g)(1) of title 49, United States Code, is amended by striking “10 calendar years” and inserting “15 calendar years”.

#### SEC. 24403. RETENTION OF SAFETY RECORDS BY MANUFACTURERS.

(a) **Rule.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue a
final rule pursuant to section 30117 of title 49, United States Code, requiring each manufacturer of motor vehicles or motor vehicle equipment to retain all motor vehicle safety records required to be maintained by manufacturers under section 576.6 of title 49, Code of Federal Regulations, for a period of not less than 10 calendar years from the date on which they were generated or acquired by the manufacturer.

(b) APPLICATION.—The rule required by subsection (a) shall apply with respect to any record described in such subsection that is in the possession of a manufacturer on the effective date of such rule.

SEC. 24404. NONAPPLICATION OF PROHIBITIONS RELATING TO NON-COMPLYING MOTOR VEHICLES TO VEHICLES USED FOR TESTING OR EVALUATION.

Section 30112(b) of title 49, United States Code, is amended—
1. in paragraph (8), by striking "'; or' and inserting a semicolon;
2. in paragraph (9), by striking the period at the end and inserting "'; or'; and
3. by adding at the end the following new paragraph:
   "(10) the introduction of a motor vehicle in interstate commerce solely for purposes of testing or evaluation by a manufacturer that agrees not to sell or offer for sale the motor vehicle at the conclusion of the testing or evaluation and that prior to the date of enactment of this paragraph—
   "(A) has manufactured and distributed motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards;
   "(B) has submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and
   "(C) if applicable, has identified an agent for service of process in accordance with part 551 of such title.".

SEC. 24405. TREATMENT OF LOW-VOLUME MANUFACTURERS.

(a) Exemption From Vehicle Safety Standards for Low-Volume Manufacturers.—Section 30114 of title 49, United States Code, is amended—
1. by striking "The" and inserting "(A) VEHICLES USED FOR PARTICULAR PURPOSES. The"; and
2. by adding at the end the following new subsection:
   "(b) Exemption for Low-Volume Manufacturers.—
   "(1) In General.—The Secretary shall—
   "(A) exempt from section 30112(a) of this title not more than 325 replica motor vehicles per year that are manufactured or imported by a low-volume manufacturer; and
   "(B) except as provided in paragraph (4) of this subsection, limit any such exemption to the Federal Motor Vehicle Safety Standards applicable to motor vehicles and not motor vehicle equipment.

   (2) Registration Requirement.—To qualify for an exemption under paragraph (1), a low-volume manufacturer shall register with the Secretary at such time, in such manner, and under such terms that the Secretary determines appropriate. The Secretary shall establish terms that ensure that no person may register as a low-volume manufacturer if the
person is registered as an importer under section 30141 of this title.

“(3) PERMANENT LABEL REQUIREMENT.—

“(A) IN GENERAL.—The Secretary shall require a low-volume manufacturer to affix a permanent label to a motor vehicle exempted under paragraph (1) that identifies the specified standards and regulations for which such vehicle is exempt from section 30112(a), states that the vehicle is a replica, and designates the model year such vehicle replicates.

“(B) WRITTEN NOTICE.—The Secretary may require a low-volume manufacturer of a motor vehicle exempted under paragraph (1) to deliver written notice of the exemption to—

“(i) the dealer; and

“(ii) the first purchaser of the motor vehicle, if the first purchaser is not an individual that purchases the motor vehicle for resale.

“(C) REPORTING REQUIREMENT.—A low-volume manufacturer shall annually submit a report to the Secretary including the number and description of the motor vehicles exempted under paragraph (1) and a list of the exemptions described on the label affixed under subparagraph (A).

“(4) EFFECT ON OTHER PROVISIONS.—Any motor vehicle exempted under this subsection shall also be exempted from sections 32304, 32502, and 32902 of this title and from section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

“(5) LIMITATION AND PUBLIC NOTICE.—The Secretary shall have 90 days to review and approve or deny a registration submitted under paragraph (2). If the Secretary determines that any such registration submitted is incomplete, the Secretary shall have an additional 30 days for review. Any registration not approved or denied within 90 days after initial submission, or 120 days if the registration submitted is incomplete, shall be deemed approved. The Secretary shall have the authority to revoke an existing registration based on a failure to comply with requirements set forth in this subsection or a finding by the Secretary of a safety-related defect or unlawful conduct under this chapter that poses a significant safety risk. The registrant shall be provided a reasonable opportunity to correct all deficiencies, if such are correctable based on the sole discretion of the Secretary. An exemption granted by the Secretary to a low-volume manufacturer under this subsection may not be transferred to any other person, and shall expire at the end of the calendar year for which it was granted with respect to any volume authorized by the exemption that was not applied by the low-volume manufacturer to vehicles built during that calendar year. The Secretary shall maintain an up-to-date list of registrants and a list of the make and model of motor vehicles exempted under paragraph (1) on at least an annual basis and publish such list in the Federal Register or on a website operated by the Secretary.

“(6) LIMITATION OF LIABILITY FOR ORIGINAL MANUFACTURERS, LICENSORS OR OWNERS OF PRODUCT CONFIGURATION, TRADE DRESS, OR DESIGN PATENTS.—The original manufacturer, its successor or assignee, or current owner, who grants a license
or otherwise transfers rights to a low-volume manufacturer shall incur no liability to any person or entity under Federal or State statute, regulation, local ordinance, or under any Federal or State common law for such license or assignment to a low-volume manufacturer.

"(7) DEFINITIONS.—In this subsection:

"(A) LOW-VOLUME MANUFACTURER.—The term ‘low-volume manufacturer’ means a motor vehicle manufacturer, other than a person who is registered as an importer under section 30141 of this title, whose annual worldwide production, including by a parent or subsidiary of the manufacturer, if applicable, is not more than 5,000 motor vehicles.

"(B) REPLICA MOTOR VEHICLE.—The term ‘replica motor vehicle’ means a motor vehicle produced by a low-volume manufacturer and that—

“(i) is intended to resemble the body of another motor vehicle that was manufactured not less than 25 years before the manufacture of the replica motor vehicle; and

“(ii) is manufactured under a license for the product configuration, trade dress, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assignees, or current owner of such product configuration, trade dress, trademark, or patent rights.

“(8) CONSTRUCTION.—Except as provided in paragraphs (1) and (4), a registrant shall be considered a motor vehicle manufacturer for purposes of parts A and C of subtitle VI of this title. Nothing shall be construed to exempt a registrant from complying with the requirements under sections 30116 through 30120A of this title if the motor vehicle excepted under paragraph (1) contains a defect related to motor vehicle safety.

“(9) STATE REGISTRATION.—Nothing in this subsection shall be construed to preempt, affect, or supersede any State titling or registration law or regulation for a replica motor vehicle, or exempt a person from complying with such law or regulation.”.

(b) VEHICLE EMISSION COMPLIANCE STANDARDS FOR LOW-VOLUME MOTOR VEHICLE MANUFACTURERS.—Section 206(a) of the Clean Air Act (42 U.S.C. 7525(a)) is amended by adding at the end the following new paragraph:

“(5)(A) A motor vehicle engine (including all engine emission controls) may be installed in an exempted specially produced motor vehicle if the motor vehicle engine is from a motor vehicle that is covered by a certificate of conformity issued by the Administrator for the model year in which the exempted specially produced motor vehicle is produced, or the motor vehicle engine is covered by an Executive order subject to regulations promulgated by the California Air Resources Board for the model year in which the exempted specially produced motor vehicle is produced, and—

“(i) the manufacturer of the engine supplies written instructions to the Administrator and the manufacturer of the exempted specially produced motor vehicle explaining how to install the engine and maintain functionality of the engine’s emission control system
and the on-board diagnostic system (commonly known as ‘OBD’), except with respect to evaporative emissions;

“(ii) the manufacturer of the exempted specially produced motor vehicle installs the engine in accordance with such instructions and certifies such installation in accordance with subparagraph (E);

“(iii) the installation instructions include emission control warranty information from the engine manufacturer in compliance with section 207, including where warranty repairs can be made, emission control labels to be affixed to the vehicle, and the certificate of conformity number for the applicable vehicle in which the engine was originally intended or the applicable Executive order number for the engine; and

“(iv) the manufacturer of the exempted specially produced motor vehicle does not produce more than 325 such vehicles in the calendar year in which the vehicle is produced.

“(B) A motor vehicle containing an engine compliant with the requirements of subparagraph (A) shall be treated as meeting the requirements of section 202 applicable to new vehicles produced or imported in the model year in which the exempted specially produced motor vehicle is produced or imported.

“(C) Engine installations that are not performed in accordance with installation instructions provided by the manufacturer and alterations to the engine not in accordance with the installation instructions shall—

“(i) be treated as prohibited acts by the installer under section 203 and any applicable regulations; and

“(ii) subject to civil penalties under section 205(a), civil actions under section 205(b), and administrative assessment of penalties under section 205(c).

“(D) The manufacturer of an exempted specially produced motor vehicle that has an engine compliant with the requirements of subparagraph (A) shall provide to the purchaser of such vehicle all information received by the manufacturer from the engine manufacturer, including information regarding emissions warranties from the engine manufacturer and all emissions-related recalls by the engine manufacturer.

“(E) To qualify to install an engine under this paragraph, and sell, offer for sale, introduce into commerce, deliver for introduction into commerce or import an exempted specially produced motor vehicle, a manufacturer of exempted specially produced motor vehicles shall register with the Administrator at such time and in such manner as the Administrator determines appropriate. The manufacturer shall submit an annual report to the Administrator that includes—

“(i) a description of the exempted specially produced motor vehicles and engines installed in such vehicles;

“(ii) the certificate of conformity number issued to the motor vehicle in which the engine was originally intended or the applicable Executive order number for the engine; and
“(iii) a certification that it produced all exempted specially produced motor vehicles according to the written instructions from the engine manufacturer, and otherwise that the engine conforms in all material respects to the description in the application for the applicable certificate of conformity or Executive order.

“(F) Exempted specially produced motor vehicles compliant with this paragraph shall be exempted from—

“(i) motor vehicle certification testing under this section; and

“(ii) vehicle emission control inspection and maintenance programs required under section 110.

“(G)(i) Except as provided in subparagraphs (A) through (F), a person engaged in the manufacturing or assembling of exempted specially produced motor vehicles shall be considered a manufacturer for purposes of this Act.

“(ii) Nothing in this paragraph shall be construed to exempt any person from the prohibitions in section 203(a)(3) or the requirements in sections 208, 206(c), or 202(m)(5).

“(H) In this paragraph:

“(i) The term ‘exempted specially produced motor vehicle’ means a light-duty vehicle or light-duty truck produced by a low-volume manufacturer and that—

“(I) is intended to resemble the body of another motor vehicle that was manufactured not less than 25 years before the manufacture of the exempted specially produced motor vehicle; and

“(II) is manufactured under a license for the product configuration, trade dress, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assignees, or current owner of such product configuration, trade dress, trademark, or patent rights.

“(ii) The term ‘low-volume manufacturer’ means a motor vehicle manufacturer, other than a person who is registered as an importer under section 30141 of title 49, United States Code, whose annual worldwide production, including by a parent or subsidiary of the manufacturer, if applicable, is not more than 5,000 motor vehicles.”.

(c) IMPLEMENTATION.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation and the Administrator of the Environmental Protection Agency shall issue such regulations as may be necessary to implement the amendments made by subsections (a) and (b), respectively.

SEC. 24406. MOTOR VEHICLE SAFETY GUIDELINES.

Section 30111 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(f) MOTOR VEHICLE SAFETY GUIDELINES.—

“(I) IN GENERAL.—No guidelines issued by the Secretary with respect to motor vehicle safety shall confer any rights on any person, State, or locality, nor shall operate to bind the Secretary or any person to the approach recommended 42 USC 7525 note.
in such guidelines. In any enforcement action with respect to motor vehicle safety, the Secretary shall allege a violation of a provision of this subtitle, a motor vehicle safety standard issued under this subtitle, or another relevant statute or regulation. The Secretary may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidelines, unless the practices allegedly violate a provision of this subtitle, a motor vehicle safety standard issued under this subtitle, or another relevant statute or regulation.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer any authority upon or negate any authority of the Secretary to issue guidelines under this chapter.”.

SEC. 24407. IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPANTS IN VEHICLE CRASHES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall revise the crash investigation data collection system of the National Highway Traffic Safety Administration to include the collection of the following data in connection with vehicle crashes whenever a child restraint system was in use in a vehicle involved in a crash:

(1) The type or types of child restraint systems in use during the crash in any vehicle involved in the crash, including whether a five-point harness or belt-positioning booster.

(2) If a five-point harness child restraint system was in use during the crash, whether the child restraint system was forward-facing or rear-facing in the vehicle concerned.

(b) CONSULTATION.—In implementing subsection (a), the Secretary shall work with law enforcement officials, safety advocates, the medical community, and research organizations to improve the recordation of data described in subsection (a) in police and other applicable incident reports.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on child occupant crash data collection in the crash investigation data collection system of the National Highway Traffic Safety Administration pursuant to the revision required by subsection (a).

DIVISION C—FINANCE

TITLE XXXI—HIGHWAY TRUST FUND AND RELATED TAXES

Subtitle A—Extension of Trust Fund Expenditure Authority and Related Taxes

SEC. 31101. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—
(1) by striking “December 5, 2015” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “October 1, 2020”; and
(2) by striking “Surface Transportation Extension Act of 2015, Part II” in subsections (c)(1) and (e)(3) and inserting “FAST Act”.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking “Surface Transportation Extension Act of 2015, Part II” each place it appears in subsection (b)(2) and inserting “FAST Act”, and

(2) by striking “December 5, 2015” in subsection (d)(2) and inserting “October 1, 2020”.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) of such Code is amended by striking “December 5, 2015” and inserting “October 1, 2020”.

SEC. 31102. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “September 30, 2016” and inserting “September 30, 2022”:

(A) Section 4041(a)(1)(C)(iii)(I).
(B) Section 4041(m)(1)(B).
(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking “October 1, 2016” and inserting “October 1, 2022”:

(A) Section 4041(m)(1)(A).
(B) Section 4051(c).
(C) Section 4071(d).
(D) Section 4081(d)(3).

(b) Extension of Tax, Etc., on Use of Certain Heavy Vehicles.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “2017” each place it appears and inserting “2023”:

(1) Section 4481(f).
(2) Subsections (c)(4) and (d) of section 4482.

(c) Floor Stocks Refunds.—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “October 1, 2016” each place it appears and inserting “October 1, 2022”; and
(2) by striking “March 31, 2017” each place it appears and inserting “March 31, 2023”; and
(3) by striking “January 1, 2017” and inserting “January 1, 2023”.

(d) Extension of Certain Exemptions.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking “October 1, 2016” and inserting “October 1, 2022”.

(2) Section 4483(i) of such Code is amended by striking “October 1, 2017” and inserting “October 1, 2023”.

(e) Extension of Transfers of Certain Taxes.—

(1) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking “October 1, 2016” each place it appears in paragraphs (1) and (2) and inserting “October 1, 2022”;

26 USC 4481.
26 USC 4482.
26 USC 4483.
26 USC 4221.
26 USC 4483.
(ii) by striking “OCTOBER 1, 2016” in the heading of paragraph (2) and inserting “OCTOBER 1, 2022”;
(iii) by striking “September 30, 2016” in paragraph (2) and inserting “September 30, 2022”; and
(iv) by striking “July 1, 2017” in paragraph (2) and inserting “July 1, 2023”; and
(B) in subsection (c)(2), by striking “July 1, 2017” and inserting “July 1, 2023”.
(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—
(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking “October 1, 2016” and inserting “October 1, 2022”.
(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—
(i) by striking “October 1, 2017” each place it appears and inserting “October 1, 2023”; and
(ii) by striking “October 1, 2016” and inserting “October 1, 2022”.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2016.

Subtitle B—Additional Transfers to Highway Trust Fund

SEC. 31201. FURTHER ADDITIONAL TRANSFERS TO TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (8) as paragraph (10) and inserting after paragraph (7) the following new paragraphs:
“(8) FURTHER TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—
“(A) $51,900,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and
“(B) $18,100,000,000 to the Mass Transit Account in the Highway Trust Fund.
“(9) ADDITIONAL INCREASE IN FUND BALANCE.—There is hereby transferred to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(4)).”.

SEC. 31202. TRANSFER TO HIGHWAY TRUST FUND OF CERTAIN MOTOR VEHICLE SAFETY PENALTIES.

(a) IN GENERAL.—Paragraph (5) of section 9503(b) of the Internal Revenue Code of 1986 is amended—
(1) by striking “There are hereby” and inserting the following:
“(A) IN GENERAL.—There are hereby”, and
(2) by adding at the end the following new paragraph:
“(B) PENALTIES RELATED TO MOTOR VEHICLE SAFETY.—
“(i) IN GENERAL.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to covered motor vehicle safety penalty collections.
“(ii) COVERED MOTOR VEHICLE SAFETY PENALTY COLLECTIONS.—For purposes of this subparagraph, the term ‘covered motor vehicle safety penalty collections’ means any amount collected in connection with a civil penalty under section 30165 of title 49, United States Code, reduced by any award authorized by the Secretary of Transportation to be paid to any person in connection with information provided by such person related to a violation of chapter 301 of such title which is a predicate to such civil penalty.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts collected after the date of the enactment of this Act.

SEC. 31203. APPROPRIATION FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND.

(a) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated—

“A) on the date of the enactment of the FAST Act, $100,000,000,

“B) on October 1, 2016, $100,000,000, and

“C) on October 1, 2017, $100,000,000,

[to be transferred under section 9503(f)(9) to the Highway Account (as defined in section 9503(e)(5)(B)) in the Highway Trust Fund].”.

(b) CONFORMING AMENDMENT.—Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended by striking “paragraphs (2) and (3)” and inserting “paragraphs (2), (3), and (4)”.

TITLE XXXII—OFFSETS

SEC. 32101. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES.

“(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that an individual has a seriously delinquent tax debt, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 32101 of the FAST Act.

“(b) SERIOUSLY DELINQUENT TAX DEBT.—

“(1) IN GENERAL.—For purposes of this section, the term ‘seriously delinquent tax debt’ means an unpaid, legally enforceable Federal tax liability of an individual—

“(A) which has been assessed,
“(B) which is greater than $50,000, and
“(C) with respect to which—
“(i) a notice of lien has been filed pursuant to section 6323 and the administrative rights under section 6320 with respect to such filing have been exhausted or have lapsed, or
“(ii) a levy is made pursuant to section 6331.
“(2) EXCEPTIONS.—Such term shall not include—
“(A) a debt that is being paid in a timely manner pursuant to an agreement to which the individual is party under section 6159 or 7122, and
“(B) a debt with respect to which collection is suspended with respect to the individual—
“(i) because a due process hearing under section 6330 is requested or pending, or
“(ii) because an election under subsection (b) or (c) of section 6015 is made or relief under subsection (f) of such section is requested.
“(c) REVERSAL OF CERTIFICATION.—
“(1) IN GENERAL.—In the case of an individual with respect to whom the Commissioner makes a certification under subsection (a), the Commissioner shall notify the Secretary (and the Secretary shall subsequently notify the Secretary of State) if such certification is found to be erroneous or if the debt with respect to such certification is fully satisfied or ceases to be a seriously delinquent tax debt by reason of subsection (b)(2).
“(2) TIMING OF NOTICE.—
“(A) FULL SATISFACTION OF DEBT.—In the case of a debt that has been fully satisfied or has become legally unenforceable, such notification shall be made not later than the date required for issuing the certificate of release of lien with respect to such debt under section 6325(a).
“(B) INNOCENT SPOUSE RELIEF.—In the case of an individual who makes an election under subsection (b) or (c) of section 6015, or requests relief under subsection (f) of such section, such notification shall be made not later than 30 days after any such election or request.
“(C) INSTALLMENT AGREEMENT OR OFFER-IN-COMPROMISE.—In the case of an installment agreement under section 6159 or an offer-in-compromise under section 7122, such notification shall be made not later than 30 days after such agreement is entered into or such offer is accepted by the Secretary.
“(D) ERRONEOUS CERTIFICATION.—In the case of a certification found to be erroneous, such notification shall be made as soon as practicable after such finding.
“(d) CONTEMPORANEOUS NOTICE TO INDIVIDUAL.—The Commissioner shall contemporaneously notify an individual of any certification under subsection (a), or any reversal of certification under subsection (c), with respect to such individual. Such notice shall include a description in simple and nontechnical terms of the right to bring a civil action under subsection (e).
“(e) JUDICIAL REVIEW OF CERTIFICATION.—
“(1) IN GENERAL.—After the Commissioner notifies an individual under subsection (d), the taxpayer may bring a civil action against the United States in a district court of the
United States or the Tax Court to determine whether the certification was erroneous or whether the Commissioner has failed to reverse the certification.

"(2) Determination.—If the court determines that such certification was erroneous, then the court may order the Secretary to notify the Secretary of State that such certification was erroneous.

"(f) Adjustment for Inflation.—In the case of a calendar year beginning after 2016, the dollar amount in subsection (a) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2015’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(g) Delegation of Certification.—A certification under subsection (a) or reversal of certification under subsection (c) may only be delegated by the Commissioner of Internal Revenue to the Deputy Commissioner for Services and Enforcement, or the Commissioner of an operating division, of the Internal Revenue Service.”

(b) Information Included in Notice of Lien and Levy.—

(1) Notice of Lien.—Section 6320(a)(3) of such Code is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “; and”, and by adding at the end the following new subparagraph:

“(E) the provisions of section 7345 relating to the certification of seriously delinquent tax debts and the denial, revocation, or limitation of passports of individuals with such debts pursuant to section 32101 of the FAST Act.”.

(2) Notice of Levy.—Section 6331(d)(4) of such Code is amended by striking “and” at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting “; and”, and by adding at the end the following new subparagraph:

“(G) the provisions of section 7345 relating to the certification of seriously delinquent tax debts and the denial, revocation, or limitation of passports of individuals with such debts pursuant to section 32101 of the FAST Act.”.

(c) Authority for Information Sharing.—

(1) In general.—Section 6103(k) of such Code is amended by adding at the end the following new paragraph:

“(11) Disclosure of return information to Department of State for purposes of passport revocation under section 7345.—

“(A) In general.—The Secretary shall, upon receiving a certification described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

“(i) the taxpayer identity information with respect to such taxpayer, and
“(ii) the amount of such seriously delinquent tax debt.

“(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of section 32101 of the FAST Act.”.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code is amended by striking “or (10)” each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting “; (10), or (11)”.

(d) TIME FOR CERTIFICATION OF SERIOUSLY DELINQUENT TAX DEBT POSTPONED BY REASON OF SERVICE IN COMBAT ZONE.—Section 7508(a) of such Code is amended by striking the period at the end of paragraph (2) and inserting “; and” and by adding at the end the following new paragraph:

“(3) Any certification of a seriously delinquent tax debt under section 7345.”.

(e) AUTHORITY TO DENY OR REVOKE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State shall not issue a passport to any individual who has a seriously delinquent tax debt described in such section.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in such subparagraph.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(3) HOLD HARMLESS.—The Secretary of the Treasury, the Secretary of State, and any of their designees shall not be liable to an individual for any action with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(f) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an application for a passport from an individual that either—

(i) does not include the social security account number issued to that individual, or
(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual, the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(g) REMOVAL OF CERTIFICATION FROM RECORD WHEN DEBT CEASES TO BE SERIOUSLY DELINQUENT.—If pursuant to subsection (c) or (e) of section 7345 of the Internal Revenue Code of 1986 the Secretary of State receives from the Secretary of the Treasury a notice that an individual ceases to have a seriously delinquent tax debt, the Secretary of State shall remove from the individual's record the certification with respect to such debt.

(h) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies."

(i) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on the date of the enactment of this Act.

SEC. 32102. REFORM OF RULES RELATING TO QUALIFIED TAX COLLECTION CONTRACTS.

(a) REQUIREMENT TO COLLECT CERTAIN INACTIVE TAX RECEIVABLES UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986 is amended by redesignating subsections (c) through (f) as subsections (d) through (g), respectively, and by inserting after subsection (b) the following new subsection:

"(c) COLLECTION OF INACTIVE TAX RECEIVABLES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall enter into one or more qualified tax collection contracts for the collection of all outstanding inactive tax receivables.

"(2) INACTIVE TAX RECEIVABLES.—For purposes of this section—

"(A) IN GENERAL.—The term ‘inactive tax receivable’ means any tax receivable if—
“(i) at any time after assessment, the Internal Revenue Service removes such receivable from the active inventory for lack of resources or inability to locate the taxpayer,

“(ii) more than 1⁄3 of the period of the applicable statute of limitation has lapsed and such receivable has not been assigned for collection to any employee of the Internal Revenue Service, or

“(iii) in the case of a receivable which has been assigned for collection, more than 365 days have passed without interaction with the taxpayer or a third party for purposes of furthering the collection of such receivable.

“(B) TAX RECEIVABLE.—The term ‘tax receivable’ means any outstanding assessment which the Internal Revenue Service includes in potentially collectible inventory.”.

(b) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTION CONTRACTS.—Section 6306 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by redesignating subsections (d) through (g) as subsections (e) through (h), respectively, and by inserting after subsection (c) the following new subsection:

“(d) CERTAIN TAX RECEIVABLES NOT ELIGIBLE FOR COLLECTION UNDER QUALIFIED TAX COLLECTION CONTRACTS.—A tax receivable shall not be eligible for collection pursuant to a qualified tax collection contract if such receivable—

“(1) is subject to a pending or active offer-in-compromise or installment agreement,

“(2) is classified as an innocent spouse case,

“(3) involves a taxpayer identified by the Secretary as being—

“(A) deceased,

“(B) under the age of 18,

“(C) in a designated combat zone, or

“(D) a victim of tax-related identity theft,

“(4) is currently under examination, litigation, criminal investigation, or levy, or

“(5) is currently subject to a proper exercise of a right of appeal under this title.”.

(c) CONTRACTING PRIORITY.—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

“(h) CONTRACTING PRIORITY.—In contracting for the services of any person under this section, the Secretary shall utilize private collection contractors and debt collection centers on the schedule required under section 3711(g) of title 31, United States Code, including the technology and communications infrastructure established therein, to the extent such private collection contractors and debt collection centers are appropriate to carry out the purposes of this section.”.

(d) DISCLOSURE OF RETURN INFORMATION.—Section 6103(k) of the Internal Revenue Code of 1986, as amended by section 32101, is amended by adding at the end the following new paragraph:

“(12) QUALIFIED TAX COLLECTION CONTRACTORS.—Persons providing services pursuant to a qualified tax collection contract

26 USC 6103.
under section 6306 may, if speaking to a person who has identified himself or herself as having the name of the taxpayer to which a tax receivable (within the meaning of such section) relates, identify themselves as contractors of the Internal Revenue Service and disclose the business name of the contractor, and the nature, subject, and reason for the contact. Disclosures under this paragraph shall be made only in such situations and under such conditions as have been approved by the Secretary.”

(e) **Taxpayers Affected by Federally Declared Disasters.**—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

“(i) **Taxpayers in Presidentially Declared Disaster Areas.**—The Secretary may prescribe procedures under which a taxpayer determined to be affected by a Federally declared disaster (as defined by section 165(i)(5)) may request—

“(1) relief from immediate collection measures by contractors under this section, and

“(2) a return of the inactive tax receivable to the inventory of the Internal Revenue Service to be collected by an employee thereof.”

(f) **Report to Congress.**—

(1) **In General.**—Section 6306 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this section, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

“(j) **Report to Congress.**—Not later than 90 days after the last day of each fiscal year (beginning with the first such fiscal year ending after the date of the enactment of this subsection), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report with respect to qualified tax collection contracts under this section which shall include—

“(1) annually, with respect to such fiscal year—

“(A) the total number and amount of tax receivables provided to each contractor for collection under this section,

“(B) the total amounts collected (and amounts of installment agreements entered into under subsection (b)(1)(B)) with respect to each contractor and the collection costs incurred (directly and indirectly) by the Internal Revenue Service with respect to such amounts,

“(C) the impact of such contracts on the total number and amount of unpaid assessments, and on the number and amount of assessments collected by Internal Revenue Service personnel after initial contact by a contractor,

“(D) the amount of fees retained by the Secretary under subsection (e) and a description of the use of such funds, and

“(E) a disclosure safeguard report in a form similar to that required under section 6103(p)(5), and

“(2) biannually (beginning with the second report submitted under this subsection)—

“(A) an independent evaluation of contractor performance, and
“(B) a measurement plan that includes a comparison of the best practices used by the private collectors to the collection techniques used by the Internal Revenue Service and mechanisms to identify and capture information on successful collection techniques used by the contractors that could be adopted by the Internal Revenue Service.”.

(2) REPEAL OF EXISTING REPORTING REQUIREMENTS WITH RESPECT TO QUALIFIED TAX COLLECTION CONTRACTS.—Section 881 of the American Jobs Creation Act of 2004 is amended by striking subsection (e).

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall apply to tax receivables identified by the Secretary after the date of the enactment of this Act.

(2) CONTRACTING PRIORITY.—The Secretary shall begin entering into contracts and agreements as described in the amendment made by subsection (c) within 3 months after the date of the enactment of this Act.

(3) DISCLOSURES.—The amendment made by subsection (d) shall apply to disclosures made after the date of the enactment of this Act.

(4) PROCEDURES; REPORT TO CONGRESS.—The amendments made by subsections (e) and (f) shall take effect on the date of the enactment of this Act.

SEC. 32103. SPECIAL COMPLIANCE PERSONNEL PROGRAM.

(a) IN GENERAL.—Subsection (e) of section 6306 of the Internal Revenue Code of 1986, as redesignated by section 52106, is amended by striking “for collection enforcement activities of the Internal Revenue Service” in paragraph (2) and inserting “to fund the special compliance personnel program account under section 6307”.

(b) SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—Subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 6307. SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.

“(a) ESTABLISHMENT OF A SPECIAL COMPLIANCE PERSONNEL PROGRAM ACCOUNT.—The Secretary shall establish an account within the Department for carrying out a program consisting of the hiring, training, and employment of special compliance personnel, and shall transfer to such account from time to time amounts retained by the Secretary under section 6306(e)(2).

“(b) RESTRICTIONS.—The program described in subsection (a) shall be subject to the following restrictions:

“(1) No funds shall be transferred to such account except as described in subsection (a).

“(2) No other funds from any other source shall be expended for special compliance personnel employed under such program, and no funds from such account shall be expended for the hiring of any personnel other than special compliance personnel.

“(3) Notwithstanding any other authority, the Secretary is prohibited from spending funds out of such account for any purpose other than for costs under such program associated with the employment of special compliance personnel and the retraining and reassignment of current noncollections personnel as special compliance personnel, and to reimburse the Internal Revenue Service or other government agencies for the cost
of administering qualified tax collection contracts under section 6306.

(c) REPORTING.—Not later than March of each year, the Commissioner of Internal Revenue shall submit a report to the Committees on Finance and Appropriations of the Senate and the Committees on Ways and Means and Appropriations of the House of Representatives consisting of the following:

“(1) For the preceding fiscal year, all funds received in the account established under subsection (a), administrative and program costs for the program described in such subsection, the number of special compliance personnel hired and employed under the program, and the amount of revenue actually collected by such personnel.

“(2) For the current fiscal year, all actual and estimated funds received or to be received in the account, all actual and estimated administrative and program costs, the number of all actual and estimated special compliance personnel hired and employed under the program, and the actual and estimated revenue actually collected or to be collected by such personnel.

“(3) For the following fiscal year, an estimate of all funds to be received in the account, all estimated administrative and program costs, the estimated number of special compliance personnel hired and employed under the program, and the estimated revenue to be collected by such personnel.

(d) DEFINITIONS.—For purposes of this section—

“(1) SPECIAL COMPLIANCE PERSONNEL.—The term ‘special compliance personnel’ means individuals employed by the Internal Revenue Service as field function collection officers or in a similar position, or employed to collect taxes using the automated collection system or an equivalent replacement system.

“(2) PROGRAM COSTS.—The term ‘program costs’ means—

“A) total salaries (including locality pay and bonuses), benefits, and employment taxes for special compliance personnel employed or trained under the program described in subsection (a), and

“B) direct overhead costs, salaries, benefits, and employment taxes relating to support staff, rental payments, office equipment and furniture, travel, data processing services, vehicle costs, utilities, telecommunications, postage, printing and reproduction, supplies and materials, lands and structures, insurance claims, and indemnities for special compliance personnel hired and employed under this section.

For purposes of subparagraph (B), the cost of management and supervision of special compliance personnel shall be taken into account as direct overhead costs to the extent such costs, when included in total program costs under this paragraph, do not represent more than 10 percent of such total costs.”

(c) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 64 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6306 the following new item:

“Sec. 6307. Special compliance personnel program account.”.
(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected and retained by the Secretary after the date of the enactment of this Act.

SEC. 32104. REPEAL OF MODIFICATION OF AUTOMATIC EXTENSION OF RETURN DUE DATE FOR CERTAIN EMPLOYEE BENEFIT PLANS.

(a) IN GENERAL.—Section 2006(b) of the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns for taxable years beginning after December 31, 2015.

Subtitle B—Fees and Receipts

SEC. 32201. ADJUSTMENT FOR INFLATION OF FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

“(l) ADJUSTMENT FOR INFLATION.—
“(1) IN GENERAL.—The Secretary of the Treasury shall adjust the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), on April 1, 2016, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2014.

“(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In adjusting under paragraph (1) the amount of the fees established under subsection (a), and the limitations on such fees under paragraphs (2), (3), (5), (6), (8), and (9) of subsection (b), the Secretary—
“(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and
“(B) may ignore any such increase of less than 1 percent.

“(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term ‘Consumer Price Index’ means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”.

(b) USE OF FEES.—The fees collected as a result of the amendments made by this section shall be deposited in the Customs User Fee Account, shall be available for reimbursement of customs services and inspections costs, and shall be available only to the extent provided in appropriations Acts.

(c) CONFORMING AMENDMENTS.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c), as amended by subsections (a) and (b), is further amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “(subject to adjustment under subsection (l))” after “following fees”; and

(2) in subsection (b)—
(A) in paragraph (2), by inserting “(subject to adjustment under subsection (l))” after “in fees”;
(B) in paragraph (3), by inserting “(subject to adjustment under subsection (l))” after “in fees”;
(C) in paragraph (5)(A), by inserting “(subject to adjustment under subsection (l))” after “in fees”;
(D) in paragraph (6), by inserting “(subject to adjustment under subsection (l))” after “in fees”;
(E) in paragraph (8)(A)—
   (i) in clause (i), by inserting “or (l)” after “sub-
section (a)(9)(B)”;
   (ii) in clause (ii), by inserting “(subject to adjust-
ment under subsection (l))” after “$3”; and
(F) in paragraph (9)—
   (i) in subparagraph (A)—
      (I) in the matter preceding clause (i), by
inserting “and subject to adjustment under sub-
section (l)” after “Tariff Act of 1930”; and
      (II) in clause (ii)(I), by inserting “(subject to
adjustment under subsection (l))” after “bill of
lading”; and
   (ii) in subparagraph (B)(i), by inserting “(subject
to adjustment under subsection (l))” after “bill of
lading”.

SEC. 32202. LIMITATION ON SURPLUS FUNDS OF FEDERAL RESERVE BANKS.

Section 7(a) of the Federal Reserve Act (12 U.S.C. 289(a)) is amended by adding at the end the following:

“(3) LIMITATION ON SURPLUS FUNDS.—
   (A) IN GENERAL.—The aggregate amount of the sur-
plus funds of the Federal reserve banks may not exceed
$10,000,000,000.
   (B) TRANSFER TO THE GENERAL FUND.—Any amounts
of the surplus funds of the Federal reserve banks that
exceed, or would exceed, the limitation under subparagraph
(A) shall be transferred to the Board of Governors of the
Federal Reserve System for transfer to the Secretary of
the Treasury for deposit in the general fund of the
Treasury.”.

SEC. 32203. DIVIDENDS OF FEDERAL RESERVE BANKS.

(a) In General.—Section 7(a)(1) of the Federal Reserve Act
(12 U.S.C. 289(a)(1)) is amended—
(1) by amending subparagraph (A) to read as follows:
   “(A) DIVIDEND AMOUNT.—After all necessary expenses
of a Federal reserve bank have been paid or provided
for, the stockholders of the bank shall be entitled to receive
an annual dividend on paid-in capital stock of—
   “(i) in the case of a stockholder with total consoli-
dated assets of more than $10,000,000,000, the smaller
of—
      “(I) the rate equal to the high yield of the
10-year Treasury note auctioned at the last auction
held prior to the payment of such dividend; and
      “(II) 6 percent; and
“(iii) in the case of a stockholder with total consolidated assets of $10,000,000,000 or less, 6 percent.”; and

(2) by adding at the end the following:

“(C) INFLATION ADJUSTMENT.—The Board of Governors of the Federal Reserve System shall annually adjust the dollar amounts of total consolidated assets specified under subparagraph (A) to reflect the change in the Gross Domestic Product Price Index, published by the Bureau of Economic Analysis.”.

SEC. 32204. STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE.

(a) DRAWDOWN AND SALE.—

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall drawdown and sell from the Strategic Petroleum Reserve—

(A) the quantity of barrels of crude oil that the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers for each of fiscal years 2016 and 2017;

(B) 16,000,000 barrels of crude oil during fiscal year 2023;

(C) 25,000,000 barrels of crude oil during fiscal year 2024; and

(D) 25,000,000 barrels of crude oil during fiscal year 2025.

(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

(b) EMERGENCY PROTECTION.—The Secretary shall not drawdown and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under section 161(h) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)) in the full quantity authorized by that subsection.

(c) INCREASE; LIMITATION.—

(1) INCREASE.—The Secretary of Energy may increase the drawdown and sales under subparagraphs (A) through (I) of subsection (a)(1) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

(2) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of $6,200,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.

SEC. 32205. REPEAL.

Effective as of November 2, 2015, the date of the enactment of the Bipartisan Budget Act of 2015 (Public Law 114–74), section 201 of such Act and the amendments made by such section are repealed, and the provisions of law amended by such section are hereby restored to appear as if such section had not been enacted into law.
Subtitle C—Outlays

SEC. 32301. INTEREST ON OVERPAYMENT.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended—

(1) by striking subsections (h) and (i);

(2) by redesignating subsections (j) through (l) as subsections (h) through (j), respectively; and

(3) in subsection (h) (as so redesignated), by striking the fourth sentence.

Subtitle D—Budgetary Effects

SEC. 32401. BUDGETARY EFFECTS.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

DIVISION D—MISCELLANEOUS

TITLE XLI—FEDERAL PERMITTING IMPROVEMENT

SEC. 41001. DEFINITIONS.

In this title:

(1) AGENCY.—The term “agency” has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY CERPO.—The term “agency CERPO” means the chief environmental review and permitting officer of an agency, as designated by the head of the agency under section 41002(b)(2)(A)(iii)(I).

(3) AUTHORIZATION.—The term “authorization” means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project administered by a Federal agency or, in the case of a State that chooses to participate in the environmental review and authorization process in accordance with section 41003(c)(3)(A), a State agency.

(4) COOPERATING AGENCY.—The term “cooperating agency” means any agency with—

(A) jurisdiction under Federal law; or

(B) special expertise as described in section 1501.6 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) COUNCIL.—The term “Council” means the Federal Infrastructure Permitting Improvement Steering Council established under section 41002(a).

(6) COVERED PROJECT.—

(A) IN GENERAL.—The term “covered project” means any activity in the United States that requires authorization or environmental review by a Federal agency involving...
construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that—

(i)(I) is subject to NEPA;

(II) is likely to require a total investment of more than $200,000,000; and

(III) does not qualify for abbreviated authorization or environmental review processes under any applicable law; or

(ii) is subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require—

(I) authorization from or environmental review involving more than 2 Federal agencies; or

(II) the preparation of an environmental impact statement under NEPA.

(B) EXCLUSION.—The term “covered project” does not include—

(i) any project subject to section 139 of title 23, United States Code; or

(ii) any project subject to section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348).

(7) DASHBOARD.—The term “Dashboard” means the Permitting Dashboard required under section 41003(b).

(8) ENVIRONMENTAL ASSESSMENT.—The term “environmental assessment” means a concise public document for which a Federal agency is responsible under section 1508.9 of title 40, Code of Federal Regulations (or successor regulations).

(9) ENVIRONMENTAL DOCUMENT.—

(A) IN GENERAL.—The term “environmental document” means an environmental assessment, finding of no significant impact, notice of intent, environmental impact statement, or record of decision.

(B) INCLUSIONS.—The term “environmental document” includes—

(i) any document that is a supplement to a document described in subparagraph (A); and

(ii) a document prepared pursuant to a court order.

(10) ENVIRONMENTAL IMPACT STATEMENT.—The term “environmental impact statement” means the detailed written statement required under section 102(2)(C) of NEPA.

(11) ENVIRONMENTAL REVIEW.—The term “environmental review” means the agency procedures and processes for applying a categorical exclusion or for preparing an environmental assessment, an environmental impact statement, or other document required under NEPA.

(12) EXECUTIVE DIRECTOR.—The term “Executive Director” means the Executive Director appointed by the President under section 41002(b)(1)(A).

(13) FACILITATING AGENCY.—The term “facilitating agency” means the agency that receives the initial notification from the project sponsor required under section 41003(a).
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(14) INVENTORY.—The term “inventory” means the inventory of covered projects established by the Executive Director under section 41002(c)(1)(A).

(15) LEAD AGENCY.—The term “lead agency” means the agency with principal responsibility for an environmental review of a covered project under NEPA and parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations).

(16) NEPA.—The term “NEPA” means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(17) PARTICIPATING AGENCY.—The term “participating agency” means an agency participating in an environmental review or authorization for a covered project in accordance with section 41003.

(18) PROJECT SPONSOR.—The term “project sponsor” means an entity, including any private, public, or public-private entity, seeking an authorization for a covered project.

SEC. 41002. FEDERAL PERMITTING IMPROVEMENT COUNCIL.

(a) ESTABLISHMENT.—There is established the Federal Permitting Improvement Steering Council.

(b) COMPOSITION.—

(1) CHAIR.—The Executive Director shall—

(A) be appointed by the President; and

(B) serve as Chair of the Council.

(2) COUNCIL MEMBERS.—

(A) IN GENERAL.—

(i) DESIGNATION BY HEAD OF AGENCY.—Each individual listed in subparagraph (B) shall designate a member of the agency in which the individual serves to serve on the Council.

(ii) QUALIFICATIONS.—A councilmember described in clause (i) shall hold a position in the agency of deputy secretary (or the equivalent) or higher.

(iii) SUPPORT.—

(I) IN GENERAL.—Consistent with guidance provided by the Director of the Office of Management and Budget, each individual listed in subparagraph (B) shall designate 1 or more appropriate members of the agency in which the individual serves to serve as an agency CERPO.

(II) REPORTING.—In carrying out the duties of the agency CERPO under this title, an agency CERPO shall report directly to a deputy secretary (or the equivalent) or higher.

(B) HEADS OF AGENCIES.—The individuals that shall each designate a councilmember under this subparagraph are as follows:

(i) The Secretary of Agriculture.

(ii) The Secretary of the Army.

(iii) The Secretary of Commerce.

(iv) The Secretary of the Interior.

(v) The Secretary of Energy.

(vi) The Secretary of Transportation.

(vii) The Secretary of Defense.

(viii) The Administrator of the Environmental Protection Agency.

(x) The Chairman of the Nuclear Regulatory Commission.

(xi) The Secretary of Homeland Security.

(xii) The Secretary of Housing and Urban Development.


(xiv) Any other head of a Federal agency that the Executive Director may invite to participate as a member of the Council.

(3) ADDITIONAL MEMBERS.—In addition to the members listed in paragraphs (1) and (2), the Chairman of the Council on Environmental Quality and the Director of the Office of Management and Budget shall also be members of the Council.

(c) DUTIES.—

(1) EXECUTIVE DIRECTOR.—

(A) INVENTORY DEVELOPMENT.—The Executive Director, in consultation with the Council, shall—

(i) not later than 180 days after the date of enactment of this Act, establish an inventory of covered projects that are pending the environmental review or authorization of the head of any Federal agency;

(ii)(I) categorize the projects in the inventory as appropriate, based on sector and project type; and

(II) for each category, identify the types of environmental reviews and authorizations most commonly involved; and

(iii) add a covered project to the inventory after receiving a notice described in section 41003(a)(1).

(B) FACILITATING AGENCY DESIGNATION.—The Executive Director, in consultation with the Council, shall—

(i) designate a facilitating agency for each category of covered projects described in subparagraph (A)(ii); and

(ii) publish the list of designated facilitating agencies for each category of projects in the inventory on the Dashboard in an easily accessible format.

(C) PERFORMANCE SCHEDULES.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Executive Director, in consultation with the Council, shall develop recommended performance schedules, including intermediate and final completion dates, for environmental reviews and authorizations most commonly required for each category of covered projects described in subparagraph (A)(ii).

(ii) REQUIREMENTS.—

(I) IN GENERAL.—The performance schedules shall reflect employment of the use of the most efficient applicable processes, including the alignment of Federal reviews of projects and reduction of permitting and project delivery time.

(II) LIMIT.—

(aa) IN GENERAL.—The final completion dates in any performance schedule for the
completion of an environmental review or authorization under clause (i) shall not exceed the average time to complete an environmental review or authorization for a project within that category.

(bb) Calculation of average time.—The average time referred to in item (aa) shall be calculated on the basis of data from the preceding 2 calendar years and shall run from the period beginning on the date on which the Executive Director must make a specific entry for the project on the Dashboard under section 41003(b)(2) (except that, for projects initiated before that duty takes effect, the period beginning on the date of filing of a completed application), and ending on the date of the issuance of a record of decision or other final agency action on the review or authorization.

(cc) Completion date.—Each performance schedule shall specify that any decision by an agency on an environmental review or authorization must be issued not later than 180 days after the date on which all information needed to complete the review or authorization (including any hearing that an agency holds on the matter) is in the possession of the agency.

(iii) Review and revision.—Not later than 2 years after the date on which the performance schedules are established under this subparagraph, and not less frequently than once every 2 years thereafter, the Executive Director, in consultation with the Council, shall review and revise the performance schedules.

(D) Guidance.—The Executive Director, in consultation with the Council, may recommend to the Director of the Office of Management and Budget or to the Council on Environmental Quality, as appropriate, that guidance be issued as necessary for agencies—

(i) to carry out responsibilities under this title; and

(ii) to effectuate the adoption by agencies of the best practices and recommendations of the Council described in paragraph (2).

(2) Council.—

(A) Recommendations.—

(i) In general.—The Council shall make recommendations to the Executive Director with respect to the designations under paragraph (1)(B) and the performance schedules under paragraph (1)(C).

(ii) Update.—The Council may update the recommendations described in clause (i).

(B) Best practices.—Not later than 1 year after the date of enactment of this Act, and not less frequently than annually thereafter, the Council shall issue recommendations on the best practices for—
(i) enhancing early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project;

(ii) ensuring timely decisions regarding environmental reviews and authorizations, including through the development of performance metrics;

(iii) improving coordination between Federal and non-Federal governmental entities, including through the development of common data standards and terminology across agencies;

(iv) increasing transparency;

(v) reducing information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties;

(vi) developing and making available to applicants appropriate geographic information systems and other tools;

(vii) creating and distributing training materials useful to Federal, State, tribal, and local permitting officials; and

(viii) addressing other aspects of infrastructure permitting, as determined by the Council.

(C) MEETINGS.—The Council shall meet not less frequently than annually with groups or individuals representing State, tribal, and local governments that are engaged in the infrastructure permitting process.

(3) AGENCY CERPOS.—An agency CERPO shall—

(A) advise the respective agency councilmember on matters related to environmental reviews and authorizations;

(B) provide technical support, when requested to facilitate efficient and timely processes for environmental reviews and authorizations for covered projects under the jurisdictional responsibility of the agency, including supporting timely identification and resolution of potential disputes within the agency or between the agency and other Federal agencies;

(C) analyze agency environmental review and authorization processes, policies, and authorities and make recommendations to the respective agency councilmember for ways to standardize, simplify, and improve the efficiency of the processes, policies, and authorities, including by implementing guidance issued under paragraph (1)(D) and other best practices, including the use of information technology and geographic information system tools within the agency and across agencies, to the extent consistent with existing law; and

(D) review and develop training programs for agency staff that support and conduct environmental reviews or authorizations.

(d) ADMINISTRATIVE SUPPORT.—The Director of the Office of Management and Budget shall designate a Federal agency, other than an agency that carries out or provides support only for projects that are not covered projects, to provide administrative support for the Executive Director, and the designated agency shall, as
reasonably necessary, provide support and staff to enable the Executive Director to fulfill the duties of the Executive Director under this title.

SEC. 41003. PERMITTING PROCESS IMPROVEMENT.

(a) Project Initiation and Designation of Participating Agencies.—

(1) Notice.—

(A) In General.—A project sponsor of a covered project shall submit to the Executive Director and the facilitating agency notice of the initiation of a proposed covered project.

(B) Default Designation.—If, at the time of submission of the notice under subparagraph (A), the Executive Director has not designated a facilitating agency under section 41002(c)(1)(B) for the categories of projects noticed, the agency that receives the notice under subparagraph (A) shall be designated as the facilitating agency.

(C) Contents.—Each notice described in subparagraph (A) shall include—

(i) a statement of the purposes and objectives of the proposed project;

(ii) a concise description, including the general location of the proposed project and a summary of geospatial information, if available, illustrating the project area and the locations, if any, of environmental, cultural, and historic resources;

(iii) a statement regarding the technical and financial ability of the project sponsor to construct the proposed project;

(iv) a statement of any Federal financing, environmental reviews, and authorizations anticipated to be required to complete the proposed project; and

(v) an assessment that the proposed project meets the definition of a covered project under section 41001 and a statement of reasons supporting the assessment.

(2) Invitation.—

(A) In General.—Not later than 45 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating agency or lead agency, as applicable, shall—

(i) identify all Federal and non-Federal agencies and governmental entities likely to have financing, environmental review, authorization, or other responsibilities with respect to the proposed project; and

(ii) invite all Federal agencies identified under clause (i) to become a participating agency or a cooperating agency, as appropriate, in the environmental review and authorization management process described in section 41005.

(B) Deadlines.—Each invitation made under subparagraph (A) shall include a deadline for a response to be submitted to the facilitating or lead agency, as applicable.

(3) Participating and Cooperating Agencies.—

(A) In General.—An agency invited under paragraph (2) shall be designated as a participating or cooperating agency for a covered project, unless the agency informs

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the facilitating or lead agency, as applicable, in writing before the deadline under paragraph (2)(B) that the agency—

(i) has no jurisdiction or authority with respect to the proposed project; or

(ii) does not intend to exercise authority related to, or submit comments on, the proposed project.

(B) CHANGED CIRCUMSTANCES.—On request and a showing of changed circumstances, the Executive Director may designate an agency that has opted out under subparagraph (A)(ii) to be a participating or cooperating agency, as appropriate.

(4) EFFECT OF DESIGNATION.—The designation described in paragraph (3) shall not—

(A) give the participating agency authority or jurisdiction over the covered project; or

(B) expand any jurisdiction or authority a cooperating agency may have over the proposed project.

(5) LEAD AGENCY DESIGNATION.—

(A) IN GENERAL.—On establishment of the lead agency, the lead agency shall assume the responsibilities of the facilitating agency under this title.

(B) REDESIGNATION OF FACILITATING AGENCY.—If the lead agency assumes the responsibilities of the facilitating agency under subparagraph (A), the facilitating agency may be designated as a cooperative or participating agency.

(6) CHANGE OF FACILITATING OR LEAD AGENCY.—

(A) IN GENERAL.—On the request of a participating agency or project sponsor, the Executive Director may designate a different agency as the facilitating or lead agency, as applicable, for a covered project, if the facilitating or lead agency or the Executive Director receives new information regarding the scope or nature of a covered project that indicates that the project should be placed in a different category under section 41002(c)(1)(B).

(B) RESOLUTION OF DISPUTE.—The Chairman of the Council on Environmental Quality shall resolve any dispute over designation of a facilitating or lead agency for a particular covered project.

(b) PERMITTING DASHBOARD.—

(1) REQUIREMENT TO MAINTAIN.—

(A) IN GENERAL.—The Executive Director, in coordination with the Administrator of General Services, shall maintain an online database to be known as the “Permitting Dashboard” to track the status of Federal environmental reviews and authorizations for any covered project in the inventory described in section 41002(c)(1)(A).

(B) SPECIFIC AND SEARCHABLE ENTRY.—The Dashboard shall include a specific and searchable entry for each covered project.

(2) ADDITIONS.—

(A) IN GENERAL.—

(i) EXISTING PROJECTS.—Not later than 14 days after the date on which the Executive Director adds a project to the inventory under section 41002(c)(1)(A), the Executive Director shall create a specific entry on the Dashboard for the covered project.
(ii) NEW PROJECTS.—Not later than 14 days after the date on which the Executive Director receives a notice under subsection (a)(1), the Executive Director shall create a specific entry on the Dashboard for the covered project, unless the Executive Director, facilitating agency, or lead agency, as applicable, determines that the project is not a covered project.

(B) EXPLANATION.—If the facilitating agency or lead agency, as applicable, determines that the project is not a covered project, the project sponsor may submit a further explanation as to why the project is a covered project not later than 14 days after the date of the determination under subparagraph (A).

(C) FINAL DETERMINATION.—Not later than 14 days after receiving an explanation described in subparagraph (B), the Executive Director shall—

(i) make a final and conclusive determination as to whether the project is a covered project; and

(ii) if the Executive Director determines that the project is a covered project, create a specific entry on the Dashboard for the covered project.

(3) POSTINGS BY AGENCIES.—

(A) IN GENERAL.—For each covered project added to the Dashboard under paragraph (2), the facilitating or lead agency, as applicable, and each cooperating and participating agency shall post to the Dashboard—

(i) a hyperlink that directs to a website that contains, to the extent consistent with applicable law—

(I) the notification submitted under subsection (a)(1);

(II)(aa) where practicable, the application and supporting documents, if applicable, that have been submitted by a project sponsor for any required environmental review or authorization; or

(bb) a notice explaining how the public may obtain access to such documents;

(III) a description of any Federal agency action taken or decision made that materially affects the status of a covered project;

(IV) any significant document that supports the action or decision described in subclause (III); and

(V) a description of the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court; and

(ii) any document described in clause (i) that is not available by hyperlink on another website.

(B) DEADLINE.—The information described in subparagraph (A) shall be posted to the website made available by hyperlink on the Dashboard not later than 5 business days after the date on which the Federal agency receives the information.
(4) POSTINGS BY THE EXECUTIVE DIRECTOR.—The Executive Director shall publish to the Dashboard—
   (A) the permitting timetable established under subparagraph (A) or (C) of subsection (c)(2);
   (B) the status of the compliance of each agency with the permitting timetable;
   (C) any modifications of the permitting timetable;
   (D) an explanation of each modification described in subparagraph (C); and
   (E) any memorandum of understanding established under subsection (c)(3)(B).

(c) COORDINATION AND TIMETABLES.—
   (1) COORDINATED PROJECT PLAN.—
      (A) IN GENERAL.—Not later than 60 days after the date on which the Executive Director must make a specific entry for the project on the Dashboard under subsection (b)(2)(A), the facilitating or lead agency, as applicable, in consultation with each coordinating and participating agency, shall establish a concise plan for coordinating public and agency participation in, and completion of, any required Federal environmental review and authorization for the project.
      (B) REQUIRED INFORMATION.—The Coordinated Project Plan shall include the following information and be updated by the facilitating or lead agency, as applicable, at least once per quarter:
         (i) A list of, and roles and responsibilities for, all entities with environmental review or authorization responsibility for the project.
         (ii) A permitting timetable, as described in paragraph (2), setting forth a comprehensive schedule of dates by which all environmental reviews and authorizations, and to the maximum extent practicable, State permits, reviews and approvals must be made.
         (iii) A discussion of potential avoidance, minimization, and mitigation strategies, if required by applicable law and known.
         (iv) Plans and a schedule for public and tribal outreach and coordination, to the extent required by applicable law.
      (C) MEMORANDUM OF UNDERSTANDING.—The coordinated project plan described in subparagraph (A) may be incorporated into a memorandum of understanding.
   (2) PERMITTING TIMETABLE.—
      (A) ESTABLISHMENT.—As part of the coordination project plan under paragraph (1), the facilitating or lead agency, as applicable, in consultation with each cooperating and participating agency, the project sponsor, and any State in which the project is located, and, subject to subparagraph (C), with the concurrence of each cooperating agency, shall establish a permitting timetable that includes intermediate and final completion dates for action by each participating agency on any Federal environmental review or authorization required for the project.
(B) FACTORS FOR CONSIDERATION.—In establishing the
permitting timetable under subparagraph (A), the facilitat-
ing or lead agency shall follow the performance sched-
ules established under section 41002(c)(1)(C), but may vary
the timetable based on relevant factors, including—
(i) the size and complexity of the covered project;
(ii) the resources available to each participating
agency;
(iii) the regional or national economic significance
of the project;
(iv) the sensitivity of the natural or historic
resources that may be affected by the project;
(v) the financing plan for the project; and
(vi) the extent to which similar projects in
geographic proximity to the project were recently sub-
ject to environmental review or similar procedures
under State law.
(C) DISPUTE RESOLUTION.—
(i) IN GENERAL.—The Executive Director, in con-
sultation with appropriate agency CERPOs and the
project sponsor, shall, as necessary, mediate any dis-
putes regarding the permitting timetable referred to
under subparagraph (A).
(ii) DISPUTES.—If a dispute remains unresolved
30 days after the date on which the dispute was sub-
mitted to the Executive Director, the Director of the
Office of Management and Budget, in consultation with
the Chairman of the Council on Environmental
Quality, shall facilitate a resolution of the dispute and
direct the agencies party to the dispute to resolve
the dispute by the end of the 60-day period beginning
on the date of submission of the dispute to the Execu-
tive Director.
(iii) FINAL RESOLUTION.—Any action taken by the
Director of the Office of Management and Budget in
the resolution of a dispute under clause (ii) shall—
(I) be final and conclusive; and
(II) not be subject to judicial review.
(D) MODIFICATION AFTER APPROVAL.—
(i) IN GENERAL.—The facilitating or lead agency,
as applicable, may modify a permitting timetable estab-
lished under subparagraph (A) only if—
(I) the facilitating or lead agency, as
applicable, and the affected cooperating agencies,
after consultation with the participating agencies
and the project sponsor, agree to a different
completion date;
(II) the facilitating agency or lead agency, as
applicable, or the affected cooperating agency pro-
vides a written justification for the modification;
and
(III) in the case of a modification that would
necessitate an extension of a final completion date
under a permitting timetable established under
subparagraph (A) to a date more than 30 days
after the final completion date originally estab-
lished under subparagraph (A), the facilitating or
lead agency submits a request to modify the
permitting timetable to the Executive Director,
who shall consult with the project sponsor and
make a determination on the record, based on
consideration of the relevant factors described
under subparagraph (B), whether to grant the
facilitating or lead agency, as applicable, authority
to make such modification.

(ii) COMPLETION DATE.—A completion date in the
permitting timetable may not be modified within 30
days of the completion date.

(iii) LIMITATION ON LENGTH OF MODIFICATIONS.—

(1) IN GENERAL.—Except as provided in sub-
clause (II), the total length of all modifications
to a permitting timetable authorized or made
under this subparagraph, other than for reasons
outside the control of Federal, State, local, or tribal
governments, may not extend the permitting time-
table for a period of time greater than half of
the amount of time from the establishment of the
permitting timetable under subparagraph (A) to
the last final completion date originally established
under subparagraph (A).

(II) ADDITIONAL EXTENSIONS.—The Director of
the Office of Management and Budget, after con-
sultation with the project sponsor, may permit the
Executive Director to authorize additional exten-
sions of a permitting timetable beyond the limit
prescribed by subclause (I). In such a case, the
Director of the Office of Management and Budget
shall transmit, not later than 5 days after making
determinations to grant an authorization of
extension under this subclause, a report to Con-
gress explaining why such modification is required.
Such report shall explain to Congress with speci-
ficity why the original permitting timetable and
the modifications authorized by the Executive
Director failed to be adequate. The lead or facili-
tating agency, as applicable, shall transmit to Con-
gress, the Director of the Office of Management
and Budget, and the Executive Director a supple-
mental report on progress toward the final comple-
tion date each year thereafter, until the permit
review is completed or the project sponsor with-
draws its notice or application or other request
to which this title applies under section 41010.

(iv) LIMITATION ON JUDICIAL REVIEW.—The fol-
lowing shall not be subject to judicial review:

(1) A determination by the Executive Director
under clause (i)(II).

(II) A determination under clause (iii)(II) by
the Director of the Office of Management and
Budget to authorize extensions of a permitting timetable.

(E) CONSISTENCY WITH OTHER TIME PERIODS.—A
permitting timetable established under subparagraph (A)
shall be consistent with any other relevant time periods
established under Federal law and shall not prevent any cooperating or participating agency from discharging any obligation under Federal law in connection with the project.

(F) CONFORMING TO PERMITTING TIMETABLES.—

(i) IN GENERAL.—Each Federal agency shall conform to the completion dates set forth in the permitting timetable established under subparagraph (A), or with any completion date modified under subparagraph (D).

(ii) FAILURE TO CONFORM.—If a Federal agency fails to conform with a completion date for agency action on a covered project or is at significant risk of failing to conform with such a completion date, the agency shall—

(I) promptly submit to the Executive Director for publication on the Dashboard an explanation of the specific reasons for failing or significantly risking failing to conform to the completion date and a proposal for an alternative completion date;

(II) in consultation with the facilitating or lead agency, as applicable, establish an alternative completion date; and

(III) each month thereafter until the agency has taken final action on the delayed authorization or review, submit to the Executive Director for posting on the Dashboard a status report describing any agency activity related to the project.

(G) ABANDONMENT OF COVERED PROJECT.—

(i) IN GENERAL.—If the facilitating or lead agency, as applicable, has a reasonable basis to doubt the continuing technical or financial ability of the project sponsor to construct the covered project, the facilitating or lead agency may request the project sponsor provide an updated statement regarding the ability of the project sponsor to complete the project.

(ii) FAILURE TO RESPOND.—If the project sponsor fails to respond to a request described in clause (i) by the date that is 30 days after receiving the request, the lead or facilitating agency, as applicable, shall notify the Executive Director, who shall publish an appropriate notice on the Dashboard.

(iii) PUBLICATION TO DASHBOARD.—On publication of a notice under clause (ii), the completion dates in the permitting timetable shall be tolled and agencies shall be relieved of the obligation to comply with subparagraph (F) until such time as the project sponsor submits to the facilitating or lead agency, as applicable, an updated statement regarding the technical and financial ability of the project sponsor to construct the project.

(3) COOPERATING STATE, LOCAL, OR TRIBAL GOVERNMENTS.—

(A) STATE AUTHORITY.—If the Federal environmental review is being implemented within the boundaries of a State, the State, consistent with State law, may choose to participate in the environmental review and authorization process under this subsection and to make subject to the process all State agencies that—
(i) have jurisdiction over the covered project;
(ii) are required to conduct or issue a review, analysis, opinion, or statement for the covered project; or
(iii) are required to make a determination on issuing a permit, license, or other approval or decision for the covered project.

(B) COORDINATION.—To the maximum extent practicable under applicable law, the facilitating or lead agency, as applicable, shall coordinate the Federal environmental review and authorization processes under this subsection with any State, local, or tribal agency responsible for conducting any separate review or authorization of the covered project to ensure timely and efficient completion of environmental reviews and authorizations.

(C) MEMORANDUM OF UNDERSTANDING.—
(i) In general.—Any coordination plan between the facilitating or lead agency, as applicable, and any State, local, or tribal agency shall, to the maximum extent practicable, be included in a memorandum of understanding.
(ii) Submission to Executive Director.—The facilitating or lead agency, as applicable, shall submit to the Executive Director each memorandum of understanding described in clause (i).

(D) APPLICABILITY.—The requirements under this title shall only apply to a State or an authorization issued by a State if the State has chosen to participate in the environmental review and authorization process pursuant to this paragraph.

(d) EARLY CONSULTATION.—The facilitating or lead agency, as applicable, shall provide an expeditious process for project sponsors to confer with each cooperating and participating agency involved and, not later than 60 days after the date on which the project sponsor submits a request under this subsection, to have each such agency provide to the project sponsor information concerning—

(1) the availability of information and tools, including pre-application toolkits, to facilitate early planning efforts;
(2) key issues of concern to each agency and to the public; and
(3) issues that must be addressed before an environmental review or authorization can be completed.

(e) COOPERATING AGENCY.—
(1) In general.—A lead agency may designate a participating agency as a cooperating agency in accordance with part 1501 of title 40, Code of Federal Regulations (or successor regulations).
(2) Effect on other designation.—The designation described in paragraph (1) shall not affect any designation under subsection (a)(3).
(3) Limitation on designation.—Any agency not designated as a participating agency under subsection (a)(3) shall not be designated as a cooperating agency under paragraph (1).

(f) REPORTING STATUS OF OTHER PROJECTS ON DASHBOARD.—
(1) In general.—On request of the Executive Director, the Secretary and the Secretary of the Army shall use best efforts to provide information for inclusion on the Dashboard
on projects subject to section 139 of title 23, United States Code, and section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) likely to require—

(A) a total investment of more than $200,000,000; and

(B) an environmental impact statement under NEPA.

(2) EFFECT OF INCLUSION ON DASHBOARD.—Inclusion on the Dashboard of information regarding projects subject to section 139 of title 23, United States Code, or section 2045 of the Water Resources Development Act of 2007 (33 U.S.C. 2348) shall not subject those projects to any requirements of this title.

SEC. 41004. INTERSTATE COMPACTS.

(a) IN GENERAL.—The consent of Congress is given for 3 or more contiguous States to enter into an interstate compact establishing regional infrastructure development agencies to facilitate authorization and review of covered projects, under State law or in the exercise of delegated permitting authority described under section 41006, that will advance infrastructure development, production, and generation within the States that are parties to the compact.

(b) REGIONAL INFRASTRUCTURE.—For the purpose of this title, a regional infrastructure development agency referred to in subsection (a) shall have the same authorities and responsibilities of a State agency.

SEC. 41005. COORDINATION OF REQUIRED REVIEWS.

(a) CONCURRENT REVIEWS.—To integrate environmental reviews and authorizations, each agency shall, to the maximum extent practicable—

(1) carry out the obligations of the agency with respect to a covered project under any other applicable law concurrently, and in conjunction with, other environmental reviews and authorizations being conducted by other cooperating or participating agencies, including environmental reviews and authorizations required under NEPA, unless the agency determines that doing so would impair the ability of the agency to carry out the statutory obligations of the agency; and

(2) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(b) ADOPTION, INCORPORATION BY REFERENCE, AND USE OF DOCUMENTS.—

(1) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

(A) USE OF EXISTING DOCUMENTS.—

(i) IN GENERAL.—On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt or incorporate by reference, the analysis and documentation that has been prepared for a covered project under State laws and procedures as the documentation, or part of the documentation, required to complete an environmental review for the covered project, if the analysis and documentation were, as determined by the lead agency in consultation with the Council on Environmental Quality, prepared under circumstances that allowed for opportunities for public
participation and consideration of alternatives, environmental consequences, and other required analyses that are substantially equivalent to what would have been available had the documents and analysis been prepared by a Federal agency pursuant to NEPA.

(ii) Guidance by CEQ.—The Council on Environmental Quality may issue guidance to carry out this subsection.

(B) NEPA Obligations.—An environmental document adopted under subparagraph (A) or a document that includes documentation incorporated under subparagraph (A) may serve as the documentation required for an environmental review or a supplemental environmental review required to be prepared by a lead agency under NEPA.

(C) Supplementation of State Documents.—If the lead agency adopts or incorporates analysis and documentation described in subparagraph (A), the lead agency shall prepare and publish a supplemental document if the lead agency determines that during the period after preparation of the analysis and documentation and before the adoption or incorporation—

(i) a significant change has been made to the covered project that is relevant for purposes of environmental review of the project; or

(ii) there has been a significant circumstance or new information has emerged that is relevant to the environmental review for the covered project.

(D) Comments.—If a lead agency prepares and publishes a supplemental document under subparagraph (C), the lead agency shall solicit comments from other agencies and the public on the supplemental document for a period of not more than 45 days, beginning on the date on which the supplemental document is published, unless—

(i) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(ii) the lead agency extends the deadline for good cause.

(E) Notice of Outcome of Environmental Review.—A lead agency shall issue a record of decision or finding of no significant impact, as appropriate, based on the document adopted under subparagraph (A) and any supplemental document prepared under subparagraph (C).

(c) Alternatives Analysis.—

(1) Participation.—

(A) In General.—As early as practicable during the environmental review, but not later than the commencement of scoping for a project requiring the preparation of an environmental impact statement, the lead agency shall engage the cooperating agencies and the public to determine the range of reasonable alternatives to be considered for a covered project.

(B) Determination.—The determination under subparagraph (A) shall be completed not later than the completion of scoping.

(2) Range of Alternatives.—
(A) In General.—Following participation under paragraph (1) and subject to subparagraph (B), the lead agency shall determine the range of reasonable alternatives for consideration in any document that the lead agency is responsible for preparing for the covered project.

(B) Alternatives Required by Law.—In determining the range of alternatives under subparagraph (A), the lead agency shall include all alternatives required to be considered by law.

(3) Methodologies.—

(A) In General.—The lead agency shall determine, in collaboration with each cooperating agency at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a covered project.

(B) Environmental Review.—A cooperating agency shall use the methodologies referred to in subparagraph (A) when conducting any required environmental review, to the extent consistent with existing law.

(4) Preferred Alternative.—With the concurrence of the cooperating agencies with jurisdiction under Federal law and at the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of the higher level of detail will not prevent—

(A) the lead agency from making an impartial decision as to whether to accept another alternative that is being considered in the environmental review; and

(B) the public from commenting on the preferred and other alternatives.

(d) Environmental Review Comments.—

(1) Comments on Draft Environmental Impact Statement.—For comments by an agency or the public on a draft environmental impact statement, the lead agency shall establish a comment period of not less than 45 days and not more than 60 days after the date on which a notice announcing availability of the environmental impact statement is published in the Federal Register, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency, in consultation with each cooperating agency, extends the deadline for good cause.

(2) Other Review and Comment Periods.—For all other review or comment periods in the environmental review process described in parts 1500 through 1508 of title 40, Code of Federal Regulations (or successor regulations), the lead agency shall establish a comment period of not more than 45 days after the date on which the materials on which comment is requested are made available, unless—

(A) the lead agency, the project sponsor, and any cooperating agency agree to a longer deadline; or

(B) the lead agency extends the deadline for good cause.

(e) Issue Identification and Resolution.—

(1) Cooperation.—The lead agency and each cooperating and participating agency shall work cooperatively in accordance
with this section to identify and resolve issues that could delay completion of an environmental review or an authorization required for the project under applicable law or result in the denial of any approval under applicable law.

(2) Lead agency responsibilities.—

(A) In general.—The lead agency shall make information available to each cooperating and participating agency and project sponsor as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(B) Sources of information.—The information described in subparagraph (A) may be based on existing data sources, including geographic information systems mapping.

(3) Cooperating and participating agency responsibilities.—Each cooperating and participating agency shall—

(A) identify, as early as practicable, any issues of concern regarding any potential environmental impacts of the covered project, including any issues that could substantially delay or prevent an agency from completing any environmental review or authorization required for the project; and

(B) communicate any issues described in subparagraph (A) to the project sponsor.

(f) Categories of projects.—The authorities granted under this section may be exercised for an individual covered project or a category of covered projects.

SEC. 41006. Delegated State Permitting Programs.

(a) In general.—If a Federal statute permits a Federal agency to delegate to or otherwise authorize a State to issue or otherwise administer a permit program in lieu of the Federal agency, the Federal agency with authority to carry out the statute shall—

(1) on publication by the Council of best practices under section 41002(c)(2)(B), initiate a national process, with public participation, to determine whether and the extent to which any of the best practices are generally applicable on a delegation- or authorization-wide basis to permitting under the statute; and

(2) not later than 2 years after the date of enactment of this Act, make model recommendations for State modifications of the applicable permit program to reflect the best practices described in section 41002(c)(2)(B), as appropriate.

(b) Best practices.—Lead and cooperating agencies may share with State, tribal, and local authorities best practices involved in review of covered projects and invite input from State, tribal, and local authorities regarding best practices.


(a) Limitations on claims.—

(1) In general.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of any authorization issued by a Federal agency for a covered project shall be barred unless—

(A) the action is filed not later than 2 years after the date of publication in the Federal Register of the final
record of decision or approval or denial of a permit, unless a shorter time is specified in the Federal law under which judicial review is allowed; and

(B) in the case of an action pertaining to an environmental review conducted under NEPA—

(i) the action is filed by a party that submitted a comment during the environmental review; and

(ii) any commenter filed a sufficiently detailed comment so as to put the lead agency on notice of the issue on which the party seeks judicial review, or the lead agency did not provide a reasonable opportunity for such a comment on that issue.

(2) NEW INFORMATION.—

(A) IN GENERAL.—The head of a lead agency or participating agency shall consider new information received after the close of a comment period if the information satisfies the requirements under regulations implementing NEPA.

(B) SEPARATE ACTION.—If Federal law requires the preparation of a supplemental environmental impact statement or other supplemental environmental document, the preparation of such document shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the agency action shall be 2 years after the date on which a notice announcing the final agency action is published in the Federal Register, unless a shorter time is specified in the Federal law under which judicial review is allowed.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of an authorization.

(b) PRELIMINARY INJUNCTIVE RELIEF.—In addition to considering any other applicable equitable factors, in any action seeking a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with review or authorization of a covered project, the court shall—

(1) consider the potential effects on public health, safety, and the environment, and the potential for significant negative effects on jobs resulting from an order or injunction; and

(2) not presume that the harms described in paragraph (1) are reparable.

(c) JUDICIAL REVIEW.—Except as provided in subsection (a), nothing in this title affects the reviewability of any final Federal agency action in a court of competent jurisdiction.

(d) SAVINGS CLAUSE.—Nothing in this title—

(1) supersedes, amends, or modifies any Federal statute or affects the responsibility of any Federal officer to comply with or enforce any statute; or

(2) creates a presumption that a covered project will be approved or favorably reviewed by any agency.

(e) LIMITATIONS.—Nothing in this section preempts, limits, or interferes with—

(1) any practice of seeking, considering, or responding to public comment; or

(2) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, metropolitan planning organization, Indian tribe, or project sponsor has with
SEC. 41008. REPORTS.

(a) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than April 15 of each year for 10 years beginning on the date of enactment of this Act, the Executive Director shall submit to Congress a report detailing the progress accomplished under this title during the previous fiscal year.

(2) CONTENTS.—The report described in paragraph (1) shall assess the performance of each participating agency and lead agency based on the best practices described in section 41002(c)(2)(B), including—

(A) agency progress in making improvements consistent with those best practices; and

(B) agency compliance with the performance schedules established under section 41002(c)(1)(C).

(3) OPPORTUNITY TO INCLUDE COMMENTS.—Each councilmember, with input from the respective agency CERPO, shall have the opportunity to include comments concerning the performance of the agency in the report described in paragraph (1).

(b) COMPTROLLER GENERAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes—

(1) agency progress in making improvements consistent with the best practices issued under section 41002(c)(2)(B); and

(2) agency compliance with the performance schedules established under section 41002(c)(1)(C).

SEC. 41009. FUNDING FOR GOVERNANCE, OVERSIGHT, AND PROCESSING OF ENVIRONMENTAL REVIEWS AND PERMITS.

(a) IN GENERAL.—The heads of agencies listed in section 41002(b)(2)(B), with the guidance of the Director of the Office of Management and Budget and in consultation with the Executive Director, may, after public notice and opportunity for comment, issue regulations establishing a fee structure for project proponents to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects.

(b) REASONABLE COSTS.—As used in this section, the term “reasonable costs” shall include costs to implement the requirements and authorities required under sections 41002 and 41003, including the costs to agencies and the costs of operating the Council.

(c) FEE STRUCTURE.—The fee structure established under subsection (a) shall—

(1) be developed in consultation with affected project proponents, industries, and other stakeholders;

(2) exclude parties for which the fee would impose an undue financial burden or is otherwise determined to be inappropriate; and

(3) be established in a manner that ensures that the aggregate amount of fees collected for a fiscal year is estimated not to exceed 20 percent of the total estimated costs for the fiscal year for the resources allocated for the conduct of the
environmental reviews and authorizations covered by this title, as determined by the Director of the Office of Management and Budget.

(d) **ENVIRONMENTAL REVIEW AND PERMITTING IMPROVEMENT FUND.**—

(1) **IN GENERAL.**—All amounts collected pursuant to this section shall be deposited into a separate fund in the Treasury of the United States to be known as the “Environmental Review Improvement Fund” (referred to in this section as the “Fund”).

(2) **AVAILABILITY.**—Amounts in the Fund shall be available to the Executive Director, without appropriation or fiscal year limitation, solely for the purposes of administering, implementing, and enforcing this title, including the expenses of the Council.

(3) **TRANSFER.**—The Executive Director, with the approval of the Director of the Office of Management and Budget, may transfer amounts in the Fund to other agencies to facilitate timely and efficient environmental reviews and authorizations for proposed covered projects.

(e) **EFFECT ON PERMITTING.**—The regulations adopted pursuant to subsection (a) shall ensure that the use of funds accepted under subsection (d) will not impact impartial decision-making with respect to environmental reviews or authorizations, either substantively or procedurally.

(f) **TRANSFER OF APPROPRIATED FUNDS.**—

(1) **IN GENERAL.**—The heads of agencies listed in section 41002(b)(2)(B) shall have the authority to transfer, in accordance with section 1535 of title 31, United States Code, funds appropriated to those agencies and not otherwise obligated to other affected Federal agencies for the purpose of implementing the provisions of this title.

(2) **LIMITATION.**—Appropriations under title 23, United States Code and appropriations for the civil works program of the Army Corps of Engineers shall not be available for transfer under paragraph (1).

SEC. 41010. APPLICATION.

This title applies to any covered project for which—

(1) a notice is filed under section 41003(a)(1); or

(2) an application or other request for a Federal authorization is pending before a Federal agency 90 days after the date of enactment of this Act.

SEC. 41011. GAO REPORT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of whether the provisions of this title could be adapted to streamline the Federal permitting process for smaller projects that are not covered projects.

SEC. 41012. SAVINGS PROVISION.

Nothing in this title amends the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 41013. SUNSET.

This title shall terminate 7 years after the date of enactment of this Act.
SEC. 41014. PLACEMENT.

The Office of the Law Revision Counsel is directed to place sections 41001 through 41013 of this title in chapter 55 of title 42, United States Code, as subchapter IV.

TITLE XLII—ADDITIONAL PROVISIONS

SEC. 42001. GAO REPORT ON REFUNDS TO REGISTERED VENDORS OF KEROSENE USED IN NONCOMMERCIAL AVIATION.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study regarding payments made to vendors of kerosene used in noncommercial aviation under section 6427(l)(4)(C)(ii) of the Internal Revenue Code of 1986; and

(2) submit to the appropriate committees of Congress a report describing the results of such study, which shall include estimates of—

(A) the number of vendors of kerosene used in non-commercial aviation who are registered under section 4101 of such Code;

(B) the number of vendors of kerosene used in non-commercial aviation who are not so registered;

(C) the number of vendors described in subparagraph (A) who receive payments under section 6427(l)(4)(C)(ii) of such Code;

(D) the excess of—

(i) the amount of payments which would be made under section 6427(l)(4)(C)(ii) of such Code if all vendors of kerosene used in noncommercial aviation were registered and filed claims for such payments, over

(ii) the amount of payments actually made under such section; and

(E) the number of cases of diesel truck operators fraudulently using kerosene taxed for use in aviation.

TITLE XLIII—PAYMENTS TO CERTIFIED STATES AND INDIAN TRIBES

SEC. 43001. PAYMENTS FROM ABANDONED MINE RECLAMATION FUND.

Section 411(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)) is amended—

(1) in paragraph (1)(C)—

(A) by striking “Payments” and inserting the following:

“(i) IN GENERAL.—Payments”; and

(B) by adding at the end the following:

“(ii) CERTAIN PAYMENTS REQUIRED.—Not withstanding any other provision of this Act, as soon as practicable, but not later than December 10, 2015, of the 7 equal installments referred to in clause (i), the Secretary shall pay to any certified State or Indian tribe to which the total annual payment under this subsection was limited to $15,000,000 in 2013 and $28,000,000 in fiscal year 2014—
“(I) the final 2 installments in 2 separate payments of $82,700,000 each; and
“(II) 2 separate payments of $38,250,000 each.”; and
(2) by striking paragraphs (5) and (6).

DIVISION E—EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 50001. SHORT TITLE.

This division may be cited as the “Export-Import Bank Reform and Reauthorization Act of 2015”.

TITLE LI—TAXPAYER PROTECTION PROVISIONS AND INCREASED ACCOUNTABILITY

SEC. 51001. REDUCTION IN AUTHORIZED AMOUNT OF OUTSTANDING LOANS, GUARANTEES, AND INSURANCE.

Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended—
(1) by redesignating paragraph (3) as paragraph (4); and
(2) by striking paragraph (2) and inserting the following:
“(2) APPLICABLE AMOUNT DEFINED.—In this subsection, the term ‘applicable amount’, for each of fiscal years 2015 through 2019, means $135,000,000,000.
“(3) FREEZING OF LENDING CAP IF DEFAULT RATE IS 2 PERCENT OR MORE.—If the rate calculated under section 8(g)(1) is 2 percent or more for a quarter, the Bank may not exceed the amount of loans, guarantees, and insurance outstanding on the last day of that quarter until the rate calculated under section 8(g)(1) is less than 2 percent.”.

SEC. 51002. INCREASE IN LOSS RESERVES.

(a) IN GENERAL.—Section 6 of the Export-Import Bank Act of 1945 (12 U.S.C. 635e) is amended—
(1) by redesignating subsection (b) as subsection (c); and
(2) by inserting after subsection (a) the following:
“(b) RESERVE REQUIREMENT.—The Bank shall build to and hold in reserve, to protect against future losses, an amount that is not less than 5 percent of the aggregate amount of disbursed and outstanding loans, guarantees, and insurance of the Bank.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 51003. REVIEW OF FRAUD CONTROLS.

Section 17(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–6(b)) is amended to read as follows:
“(b) REVIEW OF FRAUD CONTROLS.—Not later than 4 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and every 4 years thereafter, the Comptroller General of the United States shall—
“(1) review the adequacy of the design and effectiveness of the controls used by the Export-Import Bank of the United States to prevent, detect, and investigate fraudulent applications for loans and guarantees and the compliance by the Bank with the controls, including by auditing a sample of Bank transactions; and

“(2) submit a written report regarding the findings of the review and providing such recommendations with respect to the controls described in paragraph (1) as the Comptroller General deems appropriate to—

“(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate; and

“(B) the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.”.

SEC. 51004. OFFICE OF ETHICS.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

“(k) Office of Ethics.—

“(1) Establishment.—There is established an Office of Ethics within the Bank, which shall oversee all ethics issues within the Bank.

“(2) Head of Office.—

“(A) In General.—The head of the Office of Ethics shall be the Chief Ethics Officer, who shall report to the Board of Directors.

“(B) Appointment.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Ethics Officer shall be—

“(i) appointed by the President of the Bank from among persons—

“(I) with a background in law who have experience in the fields of law and ethics; and

“(II) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Ethics Officer; and

“(ii) approved by the Board.

“(C) Designated Agency Ethics Official.—The Chief Ethics Officer shall serve as the designated agency ethics official for the Bank pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.).

“(3) Duties.—The Office of Ethics has jurisdiction over all employees of, and ethics matters relating to, the Bank. With respect to employees of the Bank, the Office of Ethics shall—

“(A) recommend administrative actions to establish or enforce standards of official conduct;

“(B) refer to the Office of the Inspector General of the Bank alleged violations of—

“(i) the standards of ethical conduct applicable to employees of the Bank under parts 2635 and 6201 of title 5, Code of Federal Regulations;

“(ii) the standards of ethical conduct established by the Chief Ethics Officer; and
“(iii) any other laws, rules, or regulations governing the performance of official duties or the discharge of official responsibilities that are applicable to employees of the Bank;
“(C) report to appropriate Federal or State authorities substantial evidence of a violation of any law applicable to the performance of official duties that may have been disclosed to the Office of Ethics; and
“(D) render advisory opinions regarding the propriety of any current or proposed conduct of an employee or contractor of the Bank, and issue general guidance on such matters as necessary.”.

SEC. 51005. CHIEF RISK OFFICER.

Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by section 91004, is further amended by adding at the end the following:
“(l) CHIEF RISK OFFICER.—
“(1) IN GENERAL.—There shall be a Chief Risk Officer of the Bank, who shall—
“(A) oversee all issues relating to risk within the Bank; and
“(B) report to the President of the Bank.
“(2) APPOINTMENT.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Chief Risk Officer shall be—
“(A) appointed by the President of the Bank from among persons—
“(i) with a demonstrated ability in the general management of, and knowledge of and extensive practical experience in, financial risk evaluation practices in large governmental or business entities; and
“(ii) who are not serving in a position requiring appointment by the President of the United States before being appointed to be Chief Risk Officer; and
“(B) approved by the Board.
“(3) DUTIES.—The duties of the Chief Risk Officer are—
“(A) to be responsible for all matters related to managing and mitigating all risk to which the Bank is exposed, including the programs and operations of the Bank;
“(B) to establish policies and processes for risk oversight, the monitoring of management compliance with risk limits, and the management of risk exposures and risk controls across the Bank;
“(C) to be responsible for the planning and execution of all Bank risk management activities, including policies, reporting, and systems to achieve strategic risk objectives;
“(D) to develop an integrated risk management program that includes identifying, prioritizing, measuring, monitoring, and managing internal control and operating risks and other identified risks;
“(E) to ensure that the process for risk assessment and underwriting for individual transactions considers how each such transaction considers the effect of the transaction on the concentration of exposure in the overall portfolio of the Bank, taking into account fees, collateralization, and historic default rates; and
“(F) to review the adequacy of the use by the Bank of qualitative metrics to assess the risk of default under various scenarios.”.

SEC. 51006. RISK MANAGEMENT COMMITTEE.

(a) In General.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a), as amended by sections 91004 and 91005, is further amended by adding at the end the following:

“(m) RISK MANAGEMENT COMMITTEE.—

“(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Risk Management Committee'.

“(2) MEMBERSHIP.—The membership of the Risk Management Committee shall be the members of the Board of Directors, with the President and First Vice President of the Bank serving as ex officio members.

“(3) DUTIES.—The duties of the Risk Management Committee shall be—

“(A) to oversee, in conjunction with the Office of the Chief Financial Officer of the Bank—

“(i) periodic stress testing on the entire Bank portfolio, reflecting different market, industry, and macroeconomic scenarios, and consistent with common practices of commercial and multilateral development banks; and

“(ii) the monitoring of industry, geographic, and obligor exposure levels; and

“(B) to review all required reports on the default rate of the Bank before submission to Congress under section 8(g).”.

(b) TERMINATION OF AUDIT COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Board of Directors of the Export-Import Bank of the United States shall revise the bylaws of the Bank to terminate the Audit Committee established by section 7 of the bylaws.

SEC. 51007. INDEPENDENT AUDIT OF BANK PORTFOLIO.

(a) AUDIT.—The Inspector General of the Export-Import Bank of the United States shall conduct an audit or evaluation of the portfolio risk management procedures of the Bank, including a review of the implementation by the Bank of the duties assigned to the Chief Risk Officer under section 3(l) of the Export-Import Bank Act of 1945, as amended by section 51005.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, and not less frequently than every 3 years thereafter, the Inspector General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a written report containing all findings and determinations made in carrying out subsection (a).

SEC. 51008. PILOT PROGRAM FOR REINSURANCE.

(a) In General.—Notwithstanding any provision of the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.), the Export-Import Bank of the United States (in this section referred to as the “Bank”) may establish a pilot program under which the Bank may enter into contracts and other arrangements to share risks associated with the provision of guarantees, insurance, or credit,
or the participation in the extension of credit, by the Bank under
that Act.

(b) Limitations on Amount of Risk-Sharing.—

(1) Per Contract or Other Arrangement.—The aggre-
gate amount of liability the Bank may transfer through risk-
sharing pursuant to a contract or other arrangement entered
into under subsection (a) may not exceed $1,000,000,000.

(2) Per Year.—The aggregate amount of liability the Bank
may transfer through risk-sharing during a fiscal year pursuant
to contracts or other arrangements entered into under sub-
section (a) during that fiscal year may not exceed
$10,000,000,000.

(c) Annual Reports.—Not later than 1 year after the date
of the enactment of this Act, and annually thereafter through
2019, the Bank shall submit to Congress a written report that
contains a detailed analysis of the use of the pilot program carried
out under subsection (a) during the year preceding the submission
of the report.

(d) Rule of Construction.—Nothing in this section shall be
construed to affect, impede, or revoke any authority of the Bank.

(e) Termination.—The pilot program carried out under sub-
section (a) shall terminate on September 30, 2019.

TITLE LII—PROMOTION OF SMALL
BUSINESS EXPORTS

SEC. 52001. INCREASE IN SMALL BUSINESS LENDING REQUIREMENTS.

(a) In General.—Section 2(b)(1)(E)(v) of the Export-Import
“20 percent” and inserting “25 percent”.

(b) Effective Date.—The amendment made by subsection (a)
shall apply with respect to fiscal year 2016 and each fiscal year
thereafter.

SEC. 52002. REPORT ON PROGRAMS FOR SMALL- AND MEDIUM-SIZED
BUSINESSES.

(a) In General.—Section 8 of the Export-Import Bank Act
of 1945 (12 U.S.C. 635g) is amended by adding at the end the
following:

“(k) Report on Programs for Small- and Medium-Sized
Businesses.—The Bank shall include in its annual report to Con-
gress under subsection (a) a report on the programs of the Bank
for United States businesses with less than $250,000,000 in annual
sales.”

(b) Effective Date.—The amendment made by subsection (a)
shall apply with respect to the report of the Export-Import Bank
of the United States submitted to Congress under section 8 of
the Export-Import Bank Act of 1945 (12 U.S.C. 635g) for the first
year that begins after the date of the enactment of this Act.
TITLE LIII—MODERNIZATION OF OPERATIONS

SEC. 53001. ELECTRONIC PAYMENTS AND DOCUMENTS.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

“(M) Not later than 2 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the Bank shall implement policies—

“(i) to accept electronic documents with respect to transactions whenever possible, including copies of bills of lading, certifications, and compliance documents, in such manner so as not to undermine any potential civil or criminal enforcement related to the transactions; and

“(ii) to accept electronic payments in all of its programs.”.

SEC. 53002. REAUTHORIZATION OF INFORMATION TECHNOLOGY UPDATING.

Section 3(j) of the Export-Import Act of 1945 (12 U.S.C. 635a(j)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “2012, 2013, and 2014” and inserting “2015 through 2019”;

(2) in paragraph (2)(B), by striking “(I) the funds” and inserting “(i) the funds”; and

(3) in paragraph (3), by striking “2012, 2013, and 2014” and inserting “2015 through 2019”.

TITLE LIV—GENERAL PROVISIONS

SEC. 54001. EXTENSION OF AUTHORITY.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “2014” and inserting “2019”.

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note) is amended by striking “September 30, 2014” and inserting “the date on which the authority of the Export-Import Bank of the United States expires under section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f)”.

(c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking “September 30, 2014” and inserting “the date on which the authority of the Bank expires under section 7”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of the enactment of this Act or June 30, 2015.

SEC. 54002. CERTAIN UPDATED-loAN TERMS AND AMOUNTS.

(a) Loan Terms for Medium-Term Financing.—Section 2(a)(2)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(2)(A)) is amended—

(1) in clause (i), by striking “; and” and inserting a semicolon; and

(2) by adding at the end the following:
“(iii) with principal amounts of not more than $25,000,000; and”.

(b) COMPETITIVE OPPORTUNITIES RELATING TO INSURANCE.—Section 2(d)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(d)(2)) is amended by striking “$10,000,000” and inserting “$25,000,000”.

(c) EXPORT AMOUNTS FOR SMALL BUSINESS LOANS.—Section 3(g)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(g)(3)) is amended by striking “$10,000,000” and inserting “$25,000,000”.

(d) CONSIDERATION OF ENVIRONMENTAL EFFECTS.—Section 11(a)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–5(a)(1)(A)) is amended by striking “$10,000,000 or more” and inserting the following: “$25,000,000 (or, if less than $25,000,000, the threshold established pursuant to international agreements, including the Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence, as adopted by the Organisation for Economic Co-operation and Development Council on June 28, 2012, and the risk-management framework adopted by financial institutions for determining, assessing, and managing environmental and social risk in projects (commonly referred to as the ‘Equator Principles’)) or more”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2016 and each fiscal year thereafter.

TITLE LV—OTHER MATTERS

SEC. 55001. PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.

Section 2 of the Export-Import Bank Act of 1945 (6 U.S.C. 635 et seq.) is amended by adding at the end the following:

“(k) PROHIBITION ON DISCRIMINATION BASED ON INDUSTRY.—

“(1) IN GENERAL.—Except as provided in this Act, the Bank may not—

“(A) deny an application for financing based solely on the industry, sector, or business that the application concerns; or

“(B) promulgate or implement policies that discriminate against an application based solely on the industry, sector, or business that the application concerns.

“(2) APPLICABILITY.—The prohibitions under paragraph (1) apply only to applications for financing by the Bank for projects concerning the exploration, development, production, or export of energy sources and the generation or transmission of electrical power, or combined heat and power, regardless of the energy source involved.”.

SEC. 55002. NEGOTIATIONS TO END EXPORT CREDIT FINANCING.

(a) IN GENERAL.—Section 11 of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Secretary of the Treasury (in this section referred to as the ‘Secretary’)” and inserting “President”; and

(B) in paragraph (1)—

(i) by striking “(OECD)” and inserting “(in this section referred to as the ‘OECD’)”; and

12 USC 635 note.
(ii) by striking “ultimate goal of eliminating” and inserting “possible goal of eliminating, before the date that is 10 years after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015.”;

(2) in subsection (b), by striking “Secretary” each place it appears and inserting “President”; and

(3) by adding at the end the following:

“(c) REPORT ON STRATEGY.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, the President shall submit to Congress a proposal, and a strategy for achieving the proposal, that the United States Government will pursue with other major exporting countries, including OECD members and non-OECD members, to eliminate over a period of not more than 10 years subsidized export-financing programs, tied aid, export credits, and all other forms of government-supported export subsidies.

“(d) NEGOTIATIONS WITH NON-OECD MEMBERS.—The President shall initiate and pursue negotiations with countries that are not OECD members to bring those countries into a multilateral agreement establishing rules and limitations on officially supported export credits.

“(e) ANNUAL REPORTS ON PROGRESS OF NEGOTIATIONS.—Not later than 180 days after the date of the enactment of the Export-Import Bank Reform and Reauthorization Act of 2015, and annually thereafter through calendar year 2019, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the progress of any negotiations described in subsection (d)).”.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of subsection (a) shall apply with respect to reports required to be submitted under section 11(b) of the Export-Import Bank Reauthorization Act of 2012 (12 U.S.C. 635a–5(b)) after the date of the enactment of this Act.

SEC. 55003. STUDY OF FINANCING FOR INFORMATION AND COMMUNICATIONS TECHNOLOGY SYSTEMS.

(a) ANALYSIS OF INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRY USE OF BANK PRODUCTS.—The Export-Import Bank of the United States (in this section referred to as the “Bank”) shall conduct a study of the extent to which the products offered by the Bank are available and used by companies that export information and communications technology services and related goods.

(b) ELEMENTS.—In conducting the study required by subsection (a), the Bank shall examine the following:

(1) The number of jobs in the United States that are supported by the export of information and communications technology services and related goods, and the degree to which access to financing will increase exports of such services and related goods.

(2) The reduction in the financing by the Bank of exports of information and communications technology services from 2003 through 2014.
(3) The activities of foreign export credit agencies to facilitate the export of information and communications technology services and related goods.

(4) Specific proposals for how the Bank could provide additional financing for the exportation of information and communications technology services and related goods through risk-sharing with other export credit agencies and other third parties.

(5) Proposals for new products the Bank could offer to provide financing for exports of information and communications technology services and related goods, including—

(A) the extent to which the Bank is authorized to offer new products;

(B) the extent to which the Bank would need additional authority to offer new products to meet the needs of the information and communications technology industry;

(C) specific proposals for changes in law that would enable the Bank to provide increased financing for exports of information and communications technology services and related goods in compliance with the credit and risk standards of the Bank;

(D) specific proposals that would enable the Bank to provide increased outreach to the information and communications technology industry about the products the Bank offers; and

(E) specific proposals for changes in law that would enable the Bank to provide the financing to build information and communications technology infrastructure, in compliance with the credit and risk standards of the Bank, to allow for market access opportunities for United States information and communications technology companies to provide services on the infrastructure being financed by the Bank.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Bank shall submit to Congress a report that contains the results of the study required by subsection (a).

DIVISION F—ENERGY SECURITY

SEC. 61001. EMERGENCY PREPAREDNESS FOR ENERGY SUPPLY DISRUPTIONS.

(a) FINDING.—Congress finds that recent natural disasters have underscored the importance of having resilient oil and natural gas infrastructure and effective ways for industry and government to communicate to address energy supply disruptions.

(b) AUTHORIZATION FOR ACTIVITIES TO ENHANCE EMERGENCY PREPAREDNESS FOR NATURAL DISASTERS.—The Secretary of Energy shall develop and adopt procedures to—

(1) improve communication and coordination between the Department of Energy’s energy response team, Federal partners, and industry;

(2) leverage the Energy Information Administration’s subject matter expertise within the Department’s energy response team to improve supply chain situation assessments;
(3) establish company liaisons and direct communication with the Department’s energy response team to improve situation assessments;

(4) streamline and enhance processes for obtaining temporary regulatory relief to speed up emergency response and recovery;

(5) facilitate and increase engagement among States, the oil and natural gas industry, and the Department in developing State and local energy assurance plans;

(6) establish routine education and training programs for key government emergency response positions with the Department and States; and

(7) involve States and the oil and natural gas industry in comprehensive drill and exercise programs.

(c) COOPERATION.—The activities carried out under subsection (b) shall include collaborative efforts with State and local government officials and the private sector.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the effectiveness of the activities authorized under this section.

SEC. 61002. RESOLVING ENVIRONMENTAL AND GRID RELIABILITY CONFLICTS.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—Section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) is amended—

(1) by inserting “(1)” after “(c)”;

(2) by adding at the end the following:

“(2) With respect to an order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

“(3) To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, including any omission or action taken to voluntarily comply with such order, results in noncompliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

“(4)(A) An order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation shall expire not later than 90 days after it is issued. The Commission may renew or reissue such order pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Commission determines necessary to meet the emergency and serve the public interest.

“(B) In renewing or reissuing an order under subparagraph (A), the Commission shall consult with the primary Federal agency
with expertise in the environmental interest protected by such law or regulation, and shall include in any such renewed or reissued order such conditions as such Federal agency determines necessary to minimize any adverse environmental impacts to the extent practicable. The conditions, if any, submitted by such Federal agency shall be made available to the public. The Commission may exclude such a condition from the renewed or reissued order if it determines that such condition would prevent the order from adequately addressing the emergency necessitating such order and provides in the order, or otherwise makes publicly available, an explanation of such determination.

“(5) If an order issued under this subsection is subsequently stayed, modified, or set aside by a court pursuant to section 313 or any other provision of law, any omission or action previously taken by a party that was necessary to comply with the order while the order was in effect, including any omission or action taken to voluntarily comply with the order, shall remain subject to paragraph (3).”.

(b) TEMPORARY CONNECTION OR CONSTRUCTION BY MUNICIPALITIES.—Section 202(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting “or municipality” before “engaged in the transmission or sale of electric energy”.

SEC. 61003. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

(a) CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding after section 215 the following new section:

“SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

“(a) DEFINITIONS.—For purposes of this section:

“(1) BULK-POWER SYSTEM; ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms ‘bulk-power system’, ‘Electric Reliability Organization’, and ‘regional entity’ have the meanings given such terms in paragraphs (1), (2), and (7) of section 215(a), respectively.

“(2) CRITICAL ELECTRIC INFRASTRUCTURE.—The term ‘critical electric infrastructure’ means a system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters.

“(3) CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—The term ‘critical electric infrastructure information’ means information related to critical electric infrastructure, or proposed critical electrical infrastructure, generated by or provided to the Commission or other Federal agency, other than classified national security information, that is designated as critical electric infrastructure information by the Commission or the Secretary pursuant to subsection (d). Such term includes information that qualifies as critical energy infrastructure information under the Commission’s regulations.

“(4) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—The term ‘defense critical electric infrastructure’ means any electric infrastructure located in any of the 48 contiguous States or the District of Columbia that serves a facility designated by the Secretary pursuant to subsection (c), but is not owned or operated by the owner or operator of such facility.
“(5) **ELECTROMAGNETIC PULSE.**—The term ‘electromagnetic pulse’ means 1 or more pulses of electromagnetic energy emitted by a device capable of disabling or disrupting operation of, or destroying, electronic devices or communications networks, including hardware, software, and data, by means of such a pulse.

“(6) **GEOMAGNETIC STORM.**—The term ‘geomagnetic storm’ means a temporary disturbance of the Earth’s magnetic field resulting from solar activity.

“(7) **GRID SECURITY EMERGENCY.**—The term ‘grid security emergency’ means the occurrence or imminent danger of—

“(A)(i) a malicious act using electronic communication or an electromagnetic pulse, or a geomagnetic storm event, that could disrupt the operation of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of critical electric infrastructure or of defense critical electric infrastructure; and

“(ii) disruption of the operation of such devices or networks, with significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure, as a result of such act or event; or

“(B)(i) a direct physical attack on critical electric infrastructure or on defense critical electric infrastructure; and

“(ii) significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure as a result of such physical attack.

“(8) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Energy.

“(b) **AUTHORITY TO ADDRESS GRID SECURITY EMERGENCY.**—

“(1) **AUTHORITY.**—Whenever the President issues and provides to the Secretary a written directive or determination identifying a grid security emergency, the Secretary may, with or without notice, hearing, or report, issue such orders for emergency measures as are necessary in the judgment of the Secretary to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure during such emergency. As soon as practicable but not later than 180 days after the date of enactment of this section, the Secretary shall, after notice and opportunity for comment, establish rules of procedure that ensure that such authority can be exercised expeditiously.

“(2) **NOTIFICATION OF CONGRESS.**—Whenever the President issues and provides to the Secretary a written directive or determination under paragraph (1), the President shall promptly notify congressional committees of relevant jurisdiction, including the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, of the contents of, and justification for, such directive or determination.

“(3) **CONSULTATION.**—Before issuing an order for emergency measures under paragraph (1), the Secretary shall, to the extent practicable in light of the nature of the grid security emergency and the urgency of the need for action, consult with appropriate governmental authorities in Canada and Mexico, entities described in paragraph (4), the Electricity Sub-sector Coordinating Council, the Commission, and other appropriate Federal
agencies regarding implementation of such emergency measures.

“(4) APPLICATION.—An order for emergency measures under this subsection may apply to—

“(A) the Electric Reliability Organization;
“(B) a regional entity; or
“(C) any owner, user, or operator of critical electric infrastructure or of defense critical electric infrastructure within the United States.

“(5) EXPIRATION AND REISSUANCE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an order for emergency measures issued under paragraph (1) shall expire no later than 15 days after its issuance.

“(B) EXTENSIONS.—The Secretary may reissue an order for emergency measures issued under paragraph (1) for subsequent periods, not to exceed 15 days for each such period, provided that the President, for each such period, issues and provides to the Secretary a written directive or determination that the grid security emergency identified under paragraph (1) continues to exist or that the emergency measure continues to be required.

“(6) COST RECOVERY.—

“(A) CRITICAL ELECTRIC INFRASTRUCTURE.—If the Commission determines that owners, operators, or users of critical electric infrastructure have incurred substantial costs to comply with an order for emergency measures issued under this subsection and that such costs were prudently incurred and cannot reasonably be recovered through regulated rates or market prices for the electric energy or services sold by such owners, operators, or users, the Commission shall, consistent with the requirements of section 205, after notice and an opportunity for comment, establish a mechanism that permits such owners, operators, or users to recover such costs.

“(B) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—To the extent the owner or operator of defense critical electric infrastructure is required to take emergency measures pursuant to an order issued under this subsection, the owners or operators of a critical defense facility or facilities designated by the Secretary pursuant to subsection (c) that rely upon such infrastructure shall bear the full incremental costs of the measures.

“(7) TEMPORARY ACCESS TO CLASSIFIED INFORMATION.—The Secretary, and other appropriate Federal agencies, shall, to the extent practicable and consistent with their obligations to protect classified information, provide temporary access to classified information related to a grid security emergency for which emergency measures are issued under paragraph (1) to key personnel of any entity subject to such emergency measures to enable optimum communication between the entity and the Secretary and other appropriate Federal agencies regarding the grid security emergency.

“(c) DESIGNATION OF CRITICAL DEFENSE FACILITIES.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with other appropriate Federal agencies and appropriate owners, users, or operators of infrastructure that
may be defense critical electric infrastructure, shall identify and
designate facilities located in the 48 contiguous States and the
District of Columbia that are—
“(1) critical to the defense of the United States; and
“(2) vulnerable to a disruption of the supply of electric
energy provided to such facility by an external provider.
The Secretary may, in consultation with appropriate Federal agen-
cies and appropriate owners, users, or operators of defense critical
electric infrastructure, periodically revise the list of designated
facilities as necessary.
“(d) Protection and Sharing of Critical Electric Infra-
structure Information.—
“(1) Protection of Critical Electric Infrastructure
Information.—Critical electric infrastructure information—
“(A) shall be exempt from disclosure under section
552(b)(3) of title 5, United States Code; and
“(B) shall not be made available by any Federal, State,
political subdivision or tribal authority pursuant to any
Federal, State, political subdivision or tribal law requiring
public disclosure of information or records.
“(2) Designation and Sharing of Critical Electric
Infrastructure Information.—Not later than one year after
the date of enactment of this section, the Commission, after
consultation with the Secretary, shall promulgate such regulations
as necessary to—
“(A) establish criteria and procedures to designate
information as critical electric infrastructure information;
“(B) prohibit the unauthorized disclosure of critical
electric infrastructure information;
“(C) ensure there are appropriate sanctions in place
for Commissioners, officers, employees, or agents of the
Commission or the Department of Energy who knowingly
and willfully disclose critical electric infrastructure
information in a manner that is not authorized under this
section; and
“(D) taking into account standards of the Electric Reli-
ability Organization, facilitate voluntary sharing of critical
electric infrastructure information with, between, and by—
“(i) Federal, State, political subdivision, and tribal
authorities;
“(ii) the Electric Reliability Organization;
“(iii) regional entities;
“(iv) information sharing and analysis centers
established pursuant to Presidential Decision Directive
63;
“(v) owners, operators, and users of critical electric
infrastructure in the United States; and
“(vi) other entities determined appropriate by the
Commission.
“(3) Authority to Designate.—Information may be des-
ignated by the Commission or the Secretary as critical electric
infrastructure information pursuant to the criteria and proce-
dures established by the Commission under paragraph (2)(A).
“(4) CONSIDERATIONS.—In exercising their respective authorities under this subsection, the Commission and the Secretary shall take into consideration the role of State commissions in reviewing the prudence and cost of investments, determining the rates and terms of conditions for electric services, and ensuring the safety and reliability of the bulk-power system and distribution facilities within their respective jurisdictions.

“(5) PROTOCOLS.—The Commission and the Secretary shall, in consultation with Canadian and Mexican authorities, develop protocols for the voluntary sharing of critical electric infrastructure information with Canadian and Mexican authorities and owners, operators, and users of the bulk-power system outside the United States.

“(6) NO REQUIRED SHARING OF INFORMATION.—Nothing in this section shall require a person or entity in possession of critical electric infrastructure information to share such information with Federal, State, political subdivision, or tribal authorities, or any other person or entity.

“(7) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall permit or authorize the withholding of information from Congress, any committee or subcommittee thereof, or the Comptroller General.

“(8) DISCLOSURE OF NONPROTECTED INFORMATION.—In implementing this section, the Commission and the Secretary shall segregate critical electric infrastructure information or information that reasonably could be expected to lead to the disclosure of the critical electric infrastructure information within documents and electronic communications, wherever feasible, to facilitate disclosure of information that is not designated as critical electric infrastructure information.

“(9) DURATION OF DESIGNATION.—Information may not be designated as critical electric infrastructure information for longer than 5 years, unless specifically re-designated by the Commission or the Secretary, as appropriate.

“(10) REMOVAL OF DESIGNATION.—The Commission or the Secretary, as appropriate, shall remove the designation of critical electric infrastructure information, in whole or in part, from a document or electronic communication if the Commission or the Secretary, as appropriate, determines that the unauthorized disclosure of such information could no longer be used to impair the security or reliability of the bulk-power system or distribution facilities.

“(11) JUDICIAL REVIEW OF DESIGNATIONS.—Notwithstanding section 313(b), with respect to a petition filed by a person to which an order under this section applies, any determination by the Commission or the Secretary concerning the designation of critical electric infrastructure information under this subsection shall be subject to review under chapter 7 of title 5, United States Code, except that such review shall be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia. In such a case the court shall examine in camera the contents of documents or electronic communications that are the subject of the determination under review to determine whether such documents or any part thereof were improperly designated or not designated as critical electric infrastructure information.
“(e) Security Clearances.—The Secretary shall facilitate and, to the extent practicable, expedite the acquisition of adequate security clearances by key personnel of any entity subject to the requirements of this section, to enable optimum communication with Federal agencies regarding threats to the security of the critical electric infrastructure. The Secretary, the Commission, and other appropriate Federal agencies shall, to the extent practicable and consistent with their obligations to protect classified and critical electric infrastructure information, share timely actionable information regarding grid security with appropriate key personnel of owners, operators, and users of the critical electric infrastructure.

“(f) Clarifications of Liability.—

“(1) Compliance with or violation of this Act.—Except as provided in paragraph (4), to the extent any action or omission taken by an entity that is necessary to comply with an order for emergency measures issued under subsection (b)(1), including any action or omission taken to voluntarily comply with such order, results in noncompliance with, or causes such entity not to comply with any rule, order, regulation, or provision of this Act, including any reliability standard approved by the Commission pursuant to section 215, such action or omission shall not be considered a violation of such rule, order, regulation, or provision.

“(2) Relation to Section 202(c).—Except as provided in paragraph (4), an action or omission taken by an owner, operator, or user of critical electric infrastructure to comply with an order for emergency measures issued under subsection (b)(1) shall be treated as an action or omission taken to comply with an order issued under section 202(c) for purposes of such section.

“(3) Sharing or Receipt of Information.—No cause of action shall lie or be maintained in any Federal or State court for the sharing or receipt of information under, and that is conducted in accordance with, subsection (d).

“(4) Rule of Construction.—Nothing in this subsection shall be construed to require dismissal of a cause of action against an entity that, in the course of complying with an order for emergency measures issued under subsection (b)(1) by taking an action or omission for which they would be liable but for paragraph (1) or (2), takes such action or omission in a grossly negligent manner.”.

(b) Conforming Amendments.—


(2) Public Utility.—Section 201(e) of the Federal Power Act (16 U.S.C. 824(e)) is amended by inserting “215A,” after “215,”.

(c) Enhanced Grid Security.—

(1) Definitions.—In this subsection:

(A) Critical Electric Infrastructure; Critical Electric Infrastructure Information.—The terms “critical electric infrastructure” and “critical electric infrastructure information” have the meanings given those terms in section 215A of the Federal Power Act.
(B) Sector-specific Agency.—The term “Sector-Specific Agency” has the meaning given that term in the Presidential Policy Directive entitled “Critical Infrastructure Security and Resilience”, numbered 21, and dated February 12, 2013.

(2) Sector-specific Agency for Cybersecurity for the Energy Sector.—
   (A) In general.—The Department of Energy shall be the lead Sector-Specific Agency for cybersecurity for the energy sector.
   (B) Duties.—As head of the designated Sector-Specific Agency for cybersecurity, the duties of the Secretary of Energy shall include—
      (i) coordinating with the Department of Homeland Security and other relevant Federal departments and agencies;
      (ii) collaborating with—
         (I) critical electric infrastructure owners and operators; and
         (II) as appropriate—
            (aa) independent regulatory agencies; and
            (bb) State, local, tribal, and territorial entities;
            (cc) serving as a day-to-day Federal interface for the dynamic prioritization and coordination of sector-specific activities;
            (dd) carrying out incident management responsibilities consistent with applicable law (including regulations) and other appropriate policies or directives;
            (ee) providing, supporting, or facilitating technical assistance and consultations for the energy sector to identify vulnerabilities and help mitigate incidents, as appropriate; and
            (ff) supporting the reporting requirements of the Department of Homeland Security under applicable law by providing, on an annual basis, sector-specific critical electric infrastructure information.

SEC. 61004. STRATEGIC TRANSFORMER RESERVE.
   (a) Finding.—Congress finds that the storage of strategically located spare large power transformers and emergency mobile substations will reduce the vulnerability of the United States to multiple risks facing electric grid reliability, including physical attack, cyber attack, electromagnetic pulse, geomagnetic disturbances, severe weather, and seismic events.
   (b) Definitions.—In this section:
      (1) Bulk-power system.—The term “bulk-power system” has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).
      (2) Critically damaged large power transformer.—The term “critically damaged large power transformer” means a large power transformer that—
         (A) has sustained extensive damage such that—
            (i) repair or refurbishment is not economically viable; or
(ii) the extensive time to repair or refurbish the large power transformer would create an extended period of instability in the bulk-power system; and (B) prior to sustaining such damage, was part of the bulk-power system.

(3) CRITICAL ELECTRIC INFRASTRUCTURE.—The term “critical electric infrastructure” has the meaning given that term in section 215A of the Federal Power Act.

(4) ELECTRIC RELIABILITY ORGANIZATION.—The term “Electric Reliability Organization” has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(5) EMERGENCY MOBILE SUBSTATION.—The term “emergency mobile substation” means a mobile substation or mobile transformer that is—

(A) assembled and permanently mounted on a trailer that is capable of highway travel and meets relevant Department of Transportation regulations; and

(B) intended for express deployment and capable of being rapidly placed into service.

(6) LARGE POWER TRANSFORMER.—The term “large power transformer” means a power transformer with a maximum nameplate rating of 100 megavolt-amperes or higher, including related critical equipment, that is, or is intended to be, a part of the bulk-power system.

(7) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(8) SPARE LARGE POWER TRANSFORMER.—The term “spare large power transformer” means a large power transformer that is stored within the Strategic Transformer Reserve to be available to temporarily replace a critically damaged large power transformer.

c) STRATEGIC TRANSFORMER RESERVE PLAN.—

(1) PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Office of Electricity Delivery and Energy Reliability, shall, in consultation with the Federal Energy Regulatory Commission, the Electricity Sub-sector Coordinating Council, the Electric Reliability Organization, and owners and operators of critical electric infrastructure and defense and military installations, prepare and submit to Congress a plan to establish a Strategic Transformer Reserve for the storage, in strategically located facilities, of spare large power transformers and emergency mobile substations in sufficient numbers to temporarily replace critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations.

(2) INCLUSIONS.—The Strategic Transformer Reserve plan shall include a description of—

(A) the appropriate number and type of spare large power transformers necessary to provide or restore sufficient resiliency to the bulk-power system, critical electric infrastructure, and defense and military installations to mitigate significant impacts to the electric grid resulting from—

(i) physical attack;

(ii) cyber attack;

(iii) electromagnetic pulse attack;
(iv) geomagnetic disturbances;
(v) severe weather; or
(vi) seismic events;
(B) other critical electric grid equipment for which an inventory of spare equipment, including emergency mobile substations, is necessary to provide or restore sufficient resiliency to the bulk-power system, critical electric infrastructure, and defense and military installations;
(C) the degree to which utility sector actions or initiatives, including individual utility ownership of spare equipment, joint ownership of spare equipment inventory, sharing agreements, or other spare equipment reserves or arrangements, satisfy the needs identified under subparagraphs (A) and (B);
(D) the potential locations for, and feasibility and appropriate number of, strategic storage locations for reserve equipment, including consideration of—
   (i) the physical security of such locations;
   (ii) the protection of the confidentiality of such locations; and
   (iii) the proximity of such locations to sites of potentially critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations, so as to enable efficient delivery of equipment to such sites;
(E) the necessary degree of flexibility of spare large power transformers to be included in the Strategic Transformer Reserve to conform to different substation configurations, including consideration of transformer—
   (i) power and voltage rating for each winding;
   (ii) overload requirements;
   (iii) impedance between windings;
   (iv) configuration of windings; and
   (v) tap requirements;
(F) an estimate of the direct cost of the Strategic Transformer Reserve, as proposed, including—
   (i) the cost of storage facilities;
   (ii) the cost of the equipment; and
   (iii) management, maintenance, and operation costs;
(G) the funding options available to establish, stock, manage, and maintain the Strategic Transformer Reserve, including consideration of fees on owners and operators of bulk-power system facilities, critical electric infrastructure, and defense and military installations relying on the Strategic Transformer Reserve, use of Federal appropriations, and public-private cost-sharing options;
(H) the ease and speed of transportation, installation, and energization of spare large power transformers to be included in the Strategic Transformer Reserve, including consideration of factors such as—
   (i) transformer transportation weight;
   (ii) transformer size;
   (iii) topology of critical substations;
   (iv) availability of appropriate transformer mounting pads;
(v) flexibility of the spare large power transformers as described in subparagraph (E); and
(vi) ability to rapidly transition a spare large power transformer from storage to energization;

(I) eligibility criteria for withdrawal of equipment from the Strategic Transformer Reserve;

(J) the process by which owners or operators of critically damaged large power transformers or substations that are critical electric infrastructure or serve defense and military installations may apply for a withdrawal from the Strategic Transformer Reserve;

(K) the process by which equipment withdrawn from the Strategic Transformer Reserve is returned to the Strategic Transformer Reserve or is replaced;

(L) possible fees to be paid by users of equipment withdrawn from the Strategic Transformer Reserve;

(M) possible fees to be paid by owners and operators of large power transformers and substations that are critical electric infrastructure or serve defense and military installations to cover operating costs of the Strategic Transformer Reserve;

(N) the domestic and international large power transformer supply chain;

(O) the potential reliability, cost, and operational benefits of including emergency mobile substations in any Strategic Transformer Reserve established under this section; and

(P) other considerations for designing, constructing, stocking, funding, and managing the Strategic Transformer Reserve.

(d) Disclosure of Information.—Any information included in the Strategic Transformer Reserve plan, or shared in the preparation and development of such plan, the disclosure of which could cause harm to critical electric infrastructure, shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records.

SEC. 61005. ENERGY SECURITY VALUATION.

(a) Establishment of Energy Security Valuation Methods.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall develop and transmit, after public notice and comment, to the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Foreign Relations of the Senate a report that includes recommended United States energy security valuation methods. In developing the report, the Secretaries may consider the recommendations of the Administration's Quadrennial Energy Review released on April 21, 2015. The report shall—

(1) evaluate and define United States energy security to reflect modern domestic and global energy markets and the collective needs of the United States and its allies and partners;

(2) identify transparent and uniform or coordinated procedures and criteria to ensure that energy-related actions that significantly affect the supply, distribution, or use of energy
are evaluated with respect to their potential impact on energy security, including their impact on—
   (A) consumers and the economy;
   (B) energy supply diversity and resiliency;
   (C) well-functioning and competitive energy markets;
   (D) United States trade balance; and
   (E) national security objectives; and

(3) include a recommended implementation strategy that identifies and aims to ensure that the procedures and criteria referred to in paragraph (2) are—
   (A) evaluated consistently across the Federal Government; and
   (B) weighed appropriately and balanced with environmental considerations required by Federal law.

(b) PARTICIPATION.—In developing the report referred to in subsection (a), the Secretaries may consult with relevant Federal, State, private sector, and international participants, as appropriate and consistent with applicable law.

DIVISION G—FINANCIAL SERVICES

TITLE LXXI—IMPROVING ACCESS TO CAPITAL FOR EMERGING GROWTH COMPANIES

SEC. 71001. FILING REQUIREMENT FOR PUBLIC FILING PRIOR TO PUBLIC OFFERING.

Section 6(e)(1) of the Securities Act of 1933 (15 U.S.C. 77f(e)(1)) is amended by striking “21 days” and inserting “15 days”.

SEC. 71002. GRACE PERIOD FOR CHANGE OF STATUS OF EMERGING GROWTH COMPANIES.

Section 6(e)(1) of the Securities Act of 1933 (15 U.S.C. 77f(e)(1)) is further amended by adding at the end the following: “An issuer that was an emerging growth company at the time it submitted a confidential registration statement or, in lieu thereof, a publicly filed registration statement for review under this subsection but ceases to be an emerging growth company thereafter shall continue to be treated as an emerging market growth company for the purposes of this subsection through the earlier of the date on which the issuer consummates its initial public offering pursuant to such registrations statement or the end of the 1-year period beginning on the date the company ceases to be an emerging growth company.”

SEC. 71003. SIMPLIFIED DISCLOSURE REQUIREMENTS FOR EMERGING GROWTH COMPANIES.

Section 102 of the Jumpstart Our Business Startups Act (Public Law 112–106) is amended by adding at the end the following: “(d) SIMPLIFIED DISCLOSURE REQUIREMENTS.—With respect to an emerging growth company (as such term is defined under section 2 of the Securities Act of 1933):

   (1) REQUIREMENT TO INCLUDE NOTICE ON FORMS S–1 AND F–1.—Not later than 30 days after the date of enactment of this subsection, the Securities and Exchange Commission shall
revise its general instructions on Forms S–1 and F–1 to indicate that a registration statement filed (or submitted for confidential review) by an issuer prior to an initial public offering may omit financial information for historical periods otherwise required by regulation S–X (17 CFR 210.1–01 et seq.) as of the time of filing (or confidential submission) of such registration statement, provided that—

“(A) the omitted financial information relates to a historical period that the issuer reasonably believes will not be required to be included in the Form S–1 or F–1 at the time of the contemplated offering; and

“(B) prior to the issuer distributing a preliminary prospectus to investors, such registration statement is amended to include all financial information required by such regulation S–X at the date of such amendment.

“(2) RELIANCE BY ISSUERS.—Effective 30 days after the date of enactment of this subsection, an issuer filing a registration statement (or submitting the statement for confidential review) on Form S–1 or Form F–1 may omit financial information for historical periods otherwise required by regulation S–X (17 CFR 210.1–01 et seq.) as of the time of filing (or confidential submission) of such registration statement, provided that—

“(A) the omitted financial information relates to a historical period that the issuer reasonably believes will not be required to be included in the Form S–1 or Form F–1 at the time of the contemplated offering; and

“(B) prior to the issuer distributing a preliminary prospectus to investors, such registration statement is amended to include all financial information required by such regulation S–X at the date of such amendment.”.

TITLE LXXII—DISCLOSURE
MODERNIZATION AND SIMPLIFICATION

SEC. 72001. SUMMARY PAGE FOR FORM 10–K.

Not later than the end of the 180-day period beginning on the date of the enactment of this Act, the Securities and Exchange Commission shall issue regulations to permit issuers to submit a summary page on form 10–K (17 CFR 249.310), but only if each item on such summary page includes a cross-reference (by electronic link or otherwise) to the material contained in form 10–K to which such item relates.

SEC. 72002. IMPROVEMENT OF REGULATION S–K.

Not later than the end of the 180-day period beginning on the date of the enactment of this Act, the Securities and Exchange Commission shall take all such actions to revise regulation S–K (17 CFR 229.10 et seq.)—

(1) to further scale or eliminate requirements of regulation S–K, in order to reduce the burden on emerging growth companies, accelerated filers, smaller reporting companies, and other smaller issuers, while still providing all material information to investors;

(2) to eliminate provisions of regulation S–K, required for all issuers, that are duplicative, overlapping, outdated, or unnecessary; and
SEC. 72003. STUDY ON MODERNIZATION AND SIMPLIFICATION OF REGULATION S–K.

(a) STUDY.—The Securities and Exchange Commission shall carry out a study of the requirements contained in regulation S–K (17 CFR 229.10 et seq.). Such study shall—

(1) determine how best to modernize and simplify such requirements in a manner that reduces the costs and burdens on issuers while still providing all material information;

(2) emphasize a company by company approach that allows relevant and material information to be disseminated to investors without boilerplate language or static requirements while preserving completeness and comparability of information across registrants; and

(3) evaluate methods of information delivery and presentation and explore methods for discouraging repetition and the disclosure of immaterial information.

(b) CONSULTATION.—In conducting the study required under subsection (a), the Commission shall consult with the Investor Advisory Committee and the Advisory Committee on Small and Emerging Companies.

(c) REPORT.—Not later than the end of the 360-day period beginning on the date of enactment of this Act, the Commission shall issue a report to the Congress containing—

(1) all findings and determinations made in carrying out the study required under subsection (a);

(2) specific and detailed recommendations on modernizing and simplifying the requirements in regulation S–K in a manner that reduces the costs and burdens on companies while still providing all material information; and

(3) specific and detailed recommendations on ways to improve the readability and navigability of disclosure documents and to discourage repetition and the disclosure of immaterial information.

(d) RULEMAKING.—Not later than the end of the 360-day period beginning on the date that the report is issued to the Congress under subsection (c), the Commission shall issue a proposed rule to implement the recommendations of the report issued under subsection (c).

(e) RULE OF CONSTRUCTION.—Revisions made to regulation S–K by the Commission under section 202 shall not be construed as satisfying the rulemaking requirements under this section.

TITLE LXXIII—BULLION AND COLLECTIBLE COIN PRODUCTION EFFICIENCY AND COST SAVINGS

SEC. 73001. TECHNICAL CORRECTIONS.

Title 31, United States Code, is amended—

(1) in section 5112—

(A) in subsection (q)—

(i) by striking paragraphs (3) and (8); and
(ii) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively; and
(B) in subsection (t)(6)(B), by striking “90 percent silver and 10 percent copper” and inserting “not less than 90 percent silver”; and
(C) in subsection (v)—
(i) in paragraph (1), by striking “Subject to” and all that follows through “the Secretary shall” and inserting “The Secretary”;
(ii) in paragraph (2)(A), by striking “The Secretary” and inserting “To the greatest extent possible, the Secretary”;
(iii) in paragraph (5), by inserting after “may issue” the following: “collectible versions of”; and
(iv) by striking paragraph (8); and
(2) in section 5132(a)(2)(B)(i), by striking “90 percent silver and 10 percent copper” and inserting “not less than 90 percent silver”.

SEC. 73002. AMERICAN EAGLE SILVER BULLION 30TH ANNIVERSARY.

Proof and uncirculated versions of coins issued by the Secretary of the Treasury pursuant to subsection (e) of section 5112 of title 31, United States Code, during calendar year 2016 shall have a smooth edge incused with a designation that notes the 30th anniversary of the first issue of coins under such subsection.

TITLE LXXIV—SBIC ADVISERS RELIEF

SEC. 74001. ADVISERS OF SBICS AND VENTURE CAPITAL FUNDS.

Section 203(l) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(l)) is amended—
(1) by striking “No investment adviser” and inserting the following:
“(1) IN GENERAL.—No investment adviser”; and
(2) by adding at the end the following:
“(2) ADVISERS OF SBICS.—For purposes of this subsection, a venture capital fund includes an entity described in subparagraph (A), (B), or (C) of subsection (b)(7) (other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940).”.

SEC. 74002. ADVISERS OF SBICS AND PRIVATE FUNDS.

Section 203(m) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(m)) is amended by adding at the end the following:
“(3) ADVISERS OF SBICS.—For purposes of this subsection, the assets under management of a private fund that is an entity described in subparagraph (A), (B), or (C) of subsection (b)(7) (other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940) shall be excluded from the limit set forth in paragraph (1).”.

SEC. 74003. RELATIONSHIP TO STATE LAW.

Section 203A(b)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a(1)) is amended—
(1) in subparagraph (A), by striking “or” at the end;
(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and
(3) by adding at the end the following:
   “(C) that is not registered under section 203 because that person is exempt from registration as provided in subsection (b)(7) of such section, or is a supervised person of such person.”.

**TITLE LXXV—ELIMINATE PRIVACY NOTICE CONFUSION**

**SEC. 75001. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.**

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

“(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution that—
   “(1) provides nonpublic personal information only in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b), and
   “(2) has not changed its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this section, shall not be required to provide an annual disclosure under this section until such time as the financial institution fails to comply with any criteria described in paragraph (1) or (2).”.

**TITLE LXXVI—REFORMING ACCESS FOR INVESTMENTS IN STARTUP ENTERPRISES**

**SEC. 76001. EXEMPTED TRANSACTIONS.**

(a) EXEMPTED TRANSACTIONS.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—
   (1) in subsection (a), by adding at the end the following new paragraph:
      “(7) transactions meeting the requirements of subsection (d),”;
   (2) by redesignating the second subsection (b) (relating to securities offered and sold in compliance with Rule 506 of Regulation D) as subsection (c); and
   (3) by adding at the end the following:
      “(d) CERTAIN ACCREDITED INVESTOR TRANSACTIONS.—The transactions referred to in subsection (a)(7) are transactions meeting the following requirements:
         “(1) ACCREDITED INVESTOR REQUIREMENT.—Each purchaser is an accredited investor, as that term is defined in section 230.501(a) of title 17, Code of Federal Regulations (or any successor regulation).
         “(2) PROHIBITION ON GENERAL SOLICITATION OR ADVERTISING.—Neither the seller, nor any person acting on the seller’s
behalf, offers or sells securities by any form of general solicita-
tion or general advertising.

“(3) INFORMATION REQUIREMENT.—In the case of a trans-
action involving the securities of an issuer that is neither
subject to section 13 or 15(d) of the Securities Exchange Act
of 1934 (15 U.S.C. 78m; 78o(d)), nor exempt from reporting
pursuant to section 240.12g3–2(b) of title 17, Code of Federal
Regulations, nor a foreign government (as defined in section
230.405 of title 17, Code of Federal Regulations) eligible to
register securities under Schedule B, the seller and a prospec-
tive purchaser designated by the seller obtain from the issuer,
upon request of the seller, and the seller in all cases makes
available to a prospective purchaser, the following information
(which shall be reasonably current in relation to the date of
resale under this section):

“(A) The exact name of the issuer and the issuer's
predecessor (if any).

“(B) The address of the issuer's principal executive
offices.

“(C) The exact title and class of the security.

“(D) The par or stated value of the security.

“(E) The number of shares or total amount of the
securities outstanding as of the end of the issuer's most
recent fiscal year.

“(F) The name and address of the transfer agent, cor-
porate secretary, or other person responsible for transfer-
ring shares and stock certificates.

“(G) A statement of the nature of the business of the
issuer and the products and services it offers, which shall
be presumed reasonably current if the statement is as
of 12 months before the transaction date.

“(H) The names of the officers and directors of the
issuer.

“(I) The names of any persons registered as a broker,
dealer, or agent that shall be paid or given, directly or
indirectly, any commission or remuneration for such per-
son's participation in the offer or sale of the securities.

“(J) The issuer's most recent balance sheet and profit
and loss statement and similar financial statements, which
shall—

“(i) be for such part of the 2 preceding fiscal years
as the issuer has been in operation;

“(ii) be prepared in accordance with generally
accepted accounting principles or, in the case of a
foreign private issuer, be prepared in accordance with
generally accepted accounting principles or the Inter-
national Financial Reporting Standards issued by the
International Accounting Standards Board;

“(iii) be presumed reasonably current if—

“(I) with respect to the balance sheet, the bal-
ance sheet is as of a date less than 16 months
before the transaction date; and

“(II) with respect to the profit and loss state-
ment, such statement is for the 12 months pre-
ceeding the date of the issuer's balance sheet; and
“(iv) if the balance sheet is not as of a date less than 6 months before the transaction date, be accompanied by additional statements of profit and loss for the period from the date of such balance sheet to a date less than 6 months before the transaction date.

(K) To the extent that the seller is a control person with respect to the issuer, a brief statement regarding the nature of the affiliation, and a statement certified by such seller that they have no reasonable grounds to believe that the issuer is in violation of the securities laws or regulations.

“(4) ISSUERS DISQUALIFIED.—The transaction is not for the sale of a security where the seller is an issuer or a subsidiary, either directly or indirectly, of the issuer.

“(5) BAD ACTOR PROHIBITION.—Neither the seller, nor any person that has been or will be paid (directly or indirectly) remuneration or a commission for their participation in the offer or sale of the securities, including solicitation of purchasers for the seller is subject to an event that would disqualify an issuer or other covered person under Rule 506(d)(1) of Regulation D (17 CFR 230.506(d)(1)) or is subject to a statutory disqualification described under section 3(a)(39) of the Securities Exchange Act of 1934.

“(6) BUSINESS REQUIREMENT.—The issuer is engaged in business, is not in the organizational stage or in bankruptcy or receivership, and is not a blank check, blind pool, or shell company that has no specific business plan or purpose or has indicated that the issuer’s primary business plan is to engage in a merger or combination of the business with, or an acquisition of, an unidentified person.

“(7) UNDERWRITER PROHIBITION.—The transaction is not with respect to a security that constitutes the whole or part of an unsold allotment to, or a subscription or participation by, a broker or dealer as an underwriter of the security or a redistribution.

“(8) OUTSTANDING CLASS REQUIREMENT.—The transaction is with respect to a security of a class that has been authorized and outstanding for at least 90 days prior to the date of the transaction.

“(e) ADDITIONAL REQUIREMENTS.—

“(1) IN GENERAL.—With respect to an exempted transaction described under subsection (a)(7):

“(A) Securities acquired in such transaction shall be deemed to have been acquired in a transaction not involving any public offering.

“(B) Such transaction shall be deemed not to be a distribution for purposes of section 2(a)(11).

“(C) Securities involved in such transaction shall be deemed to be restricted securities within the meaning of Rule 144 (17 CFR 230.144).

“(2) RULE OF CONSTRUCTION.—The exemption provided by subsection (a)(7) shall not be the exclusive means for establishing an exemption from the registration requirements of section 5.”

(b) EXEMPTION IN CONNECTION WITH CERTAIN EXEMPT OFFERINGS.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—
(1) by redesignating the second subparagraph (D) and subparagraph (E) as subparagraphs (E) and (F), respectively;
(2) in subparagraph (E), as so redesignated, by striking “; or” and inserting a semicolon;
(3) in subparagraph (F), as so redesignated, by striking the period and inserting “; or”; and
(4) by adding at the end the following new subparagraph:
“(G) section 4(a)(7).”.

TITLE LXXVII—PRESERVATION ENHANCEMENT AND SAVINGS OPPORTUNITY

SEC. 77001. DISTRIBUTIONS AND RESIDUAL RECEIPTS.

Section 222 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4112) is amended by adding at the end the following new subsection:
“(e) DISTRIBUTION AND RESIDUAL RECEIPTS.—
“(1) AUTHORITY.—After the date of the enactment of this subsection, the owner of a property subject to a plan of action or use agreement pursuant to this section shall be entitled to distribute—
“(A) annually, all surplus cash generated by the property, but only if the owner is in material compliance with such use agreement including compliance with prevailing physical condition standards established by the Secretary; and
“(B) notwithstanding any conflicting provision in such use agreement, any funds accumulated in a residual receipts account, but only if the owner is in material compliance with such use agreement and has completed, or set aside sufficient funds for completion of, any capital repairs identified by the most recent third party capital needs assessment.
“(2) OPERATION OF PROPERTY.—An owner that distributes any amounts pursuant to paragraph (1) shall—
“(A) continue to operate the property in accordance with the affordability provisions of the use agreement for the property for the remaining useful life of the property;
“(B) as required by the plan of action for the property, continue to renew or extend any project-based rental assistance contract for a term of not less than 20 years; and
“(C) if the owner has an existing multi-year project-based rental assistance contract for less than 20 years, have the option to extend the contract to a 20-year term.”.

SEC. 77002. FUTURE REFINANCINGS.

Section 214 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4104) is amended by adding at the end the following new subsection:
“(c) FUTURE FINANCING.—Neither this section, nor any plan of action or use agreement implementing this section, shall restrict an owner from obtaining a new loan or refinancing an existing loan secured by the project, or from distributing the proceeds of such a loan; except that, in conjunction with such refinancing—
“(1) the owner shall provide for adequate rehabilitation pursuant to a capital needs assessment to ensure long-term sustainability of the property satisfactory to the lender or bond issuance agency;

“(2) any resulting budget-based rent increase shall include debt service on the new financing, commercially reasonable debt service coverage, and replacement reserves as required by the lender; and

“(3) for tenants of dwelling units not covered by a project- or tenant-based rental subsidy, any rent increases resulting from the refinancing transaction may not exceed 10 percent per year, except that—

“(A) any tenant occupying a dwelling unit as of time of the refinancing may not be required to pay for rent and utilities, for the duration of such tenancy, an amount that exceeds the greater of—

“(i) 30 percent of the tenant’s income; or

“(ii) the amount paid by the tenant for rent and utilities immediately before such refinancing; and

“(B) this paragraph shall not apply to any tenant who does not provide the owner with proof of income.

Paragraph (3) may not be construed to limit any rent increases resulting from increased operating costs for a project.”.

SEC. 77003. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall issue any guidance that the Secretary considers necessary to carry out the provisions added by the amendments made by this title not later than the expiration of the 120-day period beginning on the date of the enactment of this Act.

TITLE LXXVIII—TENANT INCOME VERIFICATION RELIEF

SEC. 78001. REVIEWS OF FAMILY INCOMES.

(a) IN GENERAL.—The second sentence of paragraph (1) of section 3(a) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(1)) is amended by inserting before the period at the end the following: “; except that, in the case of any family with a fixed income, as defined by the Secretary, after the initial review of the family’s income, the public housing agency or owner shall not be required to conduct a review of the family’s income for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, which shall include policies to adjust for inflation-based income changes, that 90 percent or more of the income of the family consists of fixed income, and that the sources of such income have not changed since the previous year, except that the public housing agency or owner shall conduct a review of each such family’s income not less than once every 3 years”.

(b) HOUSING CHOICE VOUCHER PROGRAM.—Subparagraph (A) of section 8(o)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(5)(A)) is amended by striking “not less than annually” and inserting “as required by section 3(a)(1) of this Act”.

12 USC 4104 note.
TITLE LXXIX—HOUSING ASSISTANCE EFFICIENCY

SEC. 79001. AUTHORITY TO ADMINISTER RENTAL ASSISTANCE.

Subsection (g) of section 423 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11383(g)) is amended by inserting “private nonprofit organization,” after “unit of general local government.”.

SEC. 79002. REALLOCATION OF FUNDS.

Paragraph (1) of section 414(d) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11373(d)(1)) is amended by striking “twice” and inserting “once”.

TITLE LXXX—CHILD SUPPORT ASSISTANCE

SEC. 80001. REQUESTS FOR CONSUMER REPORTS BY STATE OR LOCAL CHILD SUPPORT ENFORCEMENT AGENCIES.

Paragraph (4) of section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(4)) is amended—

(1) in subparagraph (A), by striking “or determining the appropriate level of such payments” and inserting “, determining the appropriate level of such payments, or enforcing a child support order, award, agreement, or judgment”;

(2) in subparagraph (B)—

(A) by striking “paternity” and inserting “parentage”;

and

(B) by adding “and” at the end;

(3) by striking subparagraph (C); and

(4) by redesignating subparagraph (D) as subparagraph (C).

TITLE LXXXI—PRIVATE INVESTMENT IN HOUSING

SEC. 81001. BUDGET-NEUTRAL DEMONSTRATION PROGRAM FOR ENERGY AND WATER CONSERVATION IMPROVEMENTS AT MULTIFAMILY RESIDENTIAL UNITS.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) shall establish a demonstration program under which the Secretary may execute budget-neutral, performance-based agreements in fiscal years 2016 through 2019 that result in a reduction in energy or water costs with such entities as the Secretary determines to be appropriate under which the entities shall carry out projects for energy or water conservation improvements at not more than 20,000 residential units in multifamily buildings participating in—

(1) the project-based rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), other than assistance provided under section 8(o) of that Act;
(2) the supportive housing for the elderly program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q); or

(3) the supportive housing for persons with disabilities program under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)).

(b) REQUIREMENTS.—

(1) PAYMENTS CONTINGENT ON SAVINGS.—

(A) IN GENERAL.—The Secretary shall provide to an entity a payment under an agreement under this section only during applicable years for which an energy or water cost savings is achieved with respect to the applicable multifamily portfolio of properties, as determined by the Secretary, in accordance with subparagraph (B).

(B) PAYMENT METHODOLOGY.—

(i) IN GENERAL.—Each agreement under this section shall include a pay-for-success provision that—

(I) shall serve as a payment threshold for the term of the agreement; and

(II) requires that payments shall be contingent on realized cost savings associated with reduced utility consumption in the participating properties.

(ii) LIMITATIONS.—A payment made by the Secretary under an agreement under this section—

(I) shall be contingent on documented utility savings; and

(II) shall not exceed the utility savings achieved by the date of the payment, and not previously paid, as a result of the improvements made under the agreement.

(C) THIRD-PARTY VERIFICATION.—Savings payments made by the Secretary under this section shall be based on a measurement and verification protocol that includes at least—

(i) establishment of a weather-normalized and occupancy-normalized utility consumption baseline established pre-retrofit;

(ii) annual third-party confirmation of actual utility consumption and cost for utilities;

(iii) annual third-party validation of the tenant utility allowances in effect during the applicable year and vacancy rates for each unit type; and

(iv) annual third-party determination of savings to the Secretary.

An agreement under this section with an entity shall provide that the entity shall cover costs associated with third-party verification under this subparagraph.

(2) TERMS OF PERFORMANCE-BASED AGREEMENTS.—A performance-based agreement under this section shall include—

(A) the period that the agreement will be in effect and during which payments may be made, which may not be longer than 12 years;

(B) the performance measures that will serve as payment thresholds during the term of the agreement;

(C) an audit protocol for the properties covered by the agreement;
(D) a requirement that payments shall be contingent on realized cost savings associated with reduced utility consumption in the participating properties; and

(E) such other requirements and terms as determined to be appropriate by the Secretary.

(3) ENTITY ELIGIBILITY.—The Secretary shall—

(A) establish a competitive process for entering into agreements under this section; and

(B) enter into such agreements only with entities that, either jointly or individually, demonstrate significant experience relating to—

(i) financing or operating properties receiving assistance under a program identified in subsection (a);

(ii) oversight of energy or water conservation programs, including oversight of contractors; and

(iii) raising capital for energy or water conservation improvements from charitable organizations or private investors.

(4) GEOGRAPHICAL DIVERSITY.—Each agreement entered into under this section shall provide for the inclusion of properties with the greatest feasible regional and State variance.

(5) PROPERTIES.—A property may only be included in the demonstration under this section only if the property is subject to affordability restrictions for at least 15 years after the date of the completion of any conservation improvements made to the property under the demonstration program. Such restrictions may be made through an extended affordability agreement for the property under a new housing assistance payments contract with the Secretary of Housing and Urban Development or through an enforceable covenant with the owner of the property.

(c) PLAN AND REPORTS.—

(1) PLAN.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Financial Services of the House of Representatives and the Committees on Appropriations and Banking, Housing, and Urban Affairs of the Senate a detailed plan for the implementation of this section.

(2) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall—

(A) conduct an evaluation of the program under this section; and

(B) submit to Congress a report describing each evaluation conducted under subparagraph (A).

(d) FUNDING.—For each fiscal year during which an agreement under this section is in effect, the Secretary may use to carry out this section any funds appropriated to the Secretary for the renewal of contracts under a program described in subsection (a).
SEC. 82001. PRIVATELY INSURED CREDIT UNIONS AUTHORIZED TO BECOME MEMBERS OF A FEDERAL HOME LOAN BANK.

(a) In General.—Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended by adding at the end the following new paragraph:

"(5) CERTAIN PRIVATELY INSURED CREDIT UNIONS.—

"(A) IN GENERAL.—Subject to the requirements of subparagraph (B), a credit union shall be treated as an insured depository institution for purposes of determining the eligibility of such credit union for membership in a Federal home loan bank under paragraphs (1), (2), and (3).

"(B) CERTIFICATION BY APPROPRIATE SUPERVISOR.—

"(i) IN GENERAL.—For purposes of this paragraph and subject to clause (ii), a credit union which lacks Federal deposit insurance and which has applied for membership in a Federal home loan bank may be treated as meeting all the eligibility requirements for Federal deposit insurance only if the appropriate supervisor of the State in which the credit union is chartered has determined that the credit union meets all the eligibility requirements for Federal deposit insurance as of the date of the application for membership.

"(ii) CERTIFICATION DEEMED VALID.—If, in the case of any credit union to which clause (i) applies, the appropriate supervisor of the State in which such credit union is chartered fails to make a determination pursuant to such clause by the end of the 6-month period beginning on the date of the application, the credit union shall be deemed to have met the requirements of clause (i).

"(C) SECURITY INTERESTS OF FEDERAL HOME LOAN BANK NOT AVOIDABLE.—Notwithstanding any provision of State law authorizing a conservator or liquidating agent of a credit union to repudiate contracts, no such provision shall apply with respect to—

"(i) any extension of credit from any Federal home loan bank to any credit union which is a member of any such bank pursuant to this paragraph; or

"(ii) any security interest in the assets of such credit union securing any such extension of credit.

(D) PROTECTION FOR CERTAIN FEDERAL HOME LOAN BANK ADVANCES.—Notwithstanding any State law to the contrary, if a Bank makes an advance under section 10 to a State-chartered credit union that is not federally insured—

"(i) the Bank’s interest in any collateral securing such advance has the same priority and is afforded the same standing and rights that the security interest
would have had if the advance had been made to a federally insured credit union; and
“(ii) the Bank has the same right to access such collateral that the Bank would have had if the advance had been made to a federally insured credit union.”.

(b) COPIES OF AUDITS OF PRIVATE INSURERS OF CERTAIN DEPOSITORY INSTITUTIONS REQUIRED TO BE PROVIDED TO SUPERVISORY AGENCIES.—Section 43(a)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(a)(2)(A)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”;

(3) by inserting at the end the following new clause:

“(iii) in the case of depository institutions described in subsection (e)(2)(A) the deposits of which are insured by the private insurer which are members of a Federal home loan bank, to the Federal Housing Finance Agency, not later than 7 days after the audit is completed.”.

SEC. 82002. GAO REPORT.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to Congress—

(1) on the adequacy of insurance reserves held by a private deposit insurer that insures deposits in an entity described in section 43(e)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(e)(2)(A)); and

(2) for an entity described in paragraph (1) the deposits of which are insured by a private deposit insurer, information on the level of compliance with Federal regulations relating to the disclosure of a lack of Federal deposit insurance.

TITLE LXXXIII—SMALL BANK EXAM CYCLE REFORM

SEC. 83001. SMALLER INSTITUTIONS QUALIFYING FOR 18-MONTH EXAMINATION CYCLE.

Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking “$500,000,000” and inserting “$1,000,000,000”; and

(B) in subparagraph (C)(ii), by striking “$100,000,000” and inserting “$200,000,000”; and

(2) in paragraph (10)—

(A) by striking “$100,000,000” and inserting “$200,000,000”; and

(B) by striking “$500,000,000” and inserting “$1,000,000,000”.

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TITLE LXXXIV—SMALL COMPANY SIMPLE REGISTRATION

SEC. 84001. FORWARD INCORPORATION BY REFERENCE FOR FORM S–1.

Not later than 45 days after the date of the enactment of this Act, the Securities and Exchange Commission shall revise Form S–1 so as to permit a smaller reporting company (as defined in section 230.405 of title 17, Code of Federal Regulations) to incorporate by reference in a registration statement filed on such form any documents that such company files with the Commission after the effective date of such registration statement.

TITLE LXXXV—HOLDING COMPANY REGISTRATION THRESHOLD EQUALIZATION

SEC. 85001. REGISTRATION THRESHOLD FOR SAVINGS AND LOAN HOLDING COMPANIES.


(1) in section 12(g)—

(A) in paragraph (1)(B), by inserting after “is a bank” the following: “, a savings and loan holding company (as defined in section 10 of the Home Owners’ Loan Act),”; and

(B) in paragraph (4), by inserting after “case of a bank” the following: “, a savings and loan holding company (as defined in section 10 of the Home Owners’ Loan Act),”; and

(2) in section 15(d), by striking “case of bank” and inserting the following: “case of a bank, a savings and loan holding company (as defined in section 10 of the Home Owners’ Loan Act),”.

TITLE LXXXVI—REPEAL OF INDEMNIFICATION REQUIREMENTS

SEC. 86001. REPEAL.

(a) DERIVATIVES CLEARING ORGANIZATIONS.—Section 5b(k)(5) of the Commodity Exchange Act (7 U.S.C. 7a–1(k)(5)) is amended to read as follows:

“(5) CONFIDENTIALITY AGREEMENT.—Before the Commission may share information with any entity described in paragraph (4), the Commission shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided.”.

(b) SWAP DATA REPOSITORIES.—Section 21 of the Commodity Exchange Act (7 U.S.C. 24a(d)) is amended—

(1) in subsection (c)(7)—
(A) in the matter preceding subparagraph (A), by striking “all” and inserting “swap”; and
(B) in subparagraph (E)—
    (i) in clause (ii), by striking “and” at the end; and
    (ii) by adding at the end the following:
        “(iv) other foreign authorities; and”; and
(2) by striking subsection (d) and inserting the following:
    “(d) CONFIDENTIALITY AGREEMENT.—Before the swap data repository may share information with any entity described in subsection (c)(7), the swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided.”.
(c) SECURITY-BASED SWAP DATA REPOSITORIES.—Section 13(n)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(n)(5)) is amended—
    (1) in subparagraph (G)—
        (A) in the matter preceding clause (i), by striking “all” and inserting “security-based swap”; and
        (B) in clause (v)—
            (i) in subclause (II), by striking “; and” and inserting a semicolon;
            (ii) in subclause (III), by striking the period at the end and inserting “; and”;
            (iii) by adding at the end the following:
                “(IV) other foreign authorities.”; and
(2) by striking subparagraph (H) and inserting the following:
    “(H) CONFIDENTIALITY AGREEMENT.—Before the security-based swap data repository may share information with any entity described in subparagraph (G), the security-based swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 24 relating to the information on security-based swap transactions that is provided.”.
(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203).

TITLE LXXXVII—TREATMENT OF DEBT OR EQUITY INSTRUMENTS OF SMALLER INSTITUTIONS

SEC. 87001. DATE FOR DETERMINING CONSOLIDATED ASSETS.

TITLE LXXXVIII—STATE LICENSING EFFICIENCY

SEC. 88001. SHORT TITLE.
This title may be cited as the “State Licensing Efficiency Act of 2015”.

SEC. 88002. BACKGROUND CHECKS.
Section 1511(a) of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5110(a)) is amended—
(1) by inserting “and other financial service providers” after “State-licensed loan originators”; and
(2) by inserting “or other financial service providers” before the period at the end.

TITLE LXXXIX—HELPING EXPAND LENDING PRACTICES IN RURAL COMMUNITIES

SEC. 89001. SHORT TITLE.
This title may be cited as the “Helping Expand Lending Practices in Rural Communities Act of 2015” or the “HELP Rural Communities Act of 2015”.

SEC. 89002. DESIGNATION OF RURAL AREA.
(a) APPLICATION.—Not later than 90 days after the date of the enactment of this Act, the Bureau of Consumer Financial Protection shall establish an application process under which a person who lives or does business in a State may, with respect to an area identified by the person in such State that has not been designated by the Bureau as a rural area for purposes of a Federal consumer financial law (as defined under section 1002 of the Consumer Financial Protection Act of 2010), apply for such area to be so designated.

(b) EVALUATION CRITERIA.—When evaluating an application submitted under subsection (a), the Bureau shall take into consideration the following factors:
(1) Criteria used by the Director of the Bureau of the Census for classifying geographical areas as rural or urban.
(2) Criteria used by the Director of the Office of Management and Budget to designate counties as metropolitan or micropolitan or neither.
(3) Criteria used by the Secretary of Agriculture to determine property eligibility for rural development programs.
(4) The Department of Agriculture rural-urban commuting area codes.
(5) A written opinion provided by the State’s bank supervisor, as defined under section 3(r) of the Federal Deposit Insurance Act (12 U.S.C. 1813(r)).
(6) Population density.
(c) RULE OF CONSTRUCTION.—If, at any time prior to the submission of an application under subsection (a), the area subject to review has been designated as nonrural by any Federal agency described under subsection (b) using any of the criteria described
under subsection (b), the Bureau shall not be required to consider such designation in its evaluation.

(d) PUBLIC COMMENT PERIOD.—

(1) IN GENERAL.—Not later than 60 days after receiving an application submitted under subsection (a), the Bureau shall—

(A) publish such application in the Federal Register; and

(B) make such application available for public comment for not fewer than 90 days.

(2) LIMITATION ON ADDITIONAL APPLICATIONS.—Nothing in this section shall be construed to require the Bureau, during the public comment period with respect to an application submitted under subsection (a), to accept an additional application with respect to the area that is the subject of the initial application.

(e) DECISION ON DESIGNATION.—Not later than 90 days after the end of the public comment period under subsection (d)(1) for an application, the Bureau shall—

(1) grant or deny such application, in whole or in part; and

(2) publish such grant or denial in the Federal Register, along with an explanation of what factors the Bureau relied on in making such determination.

(f) SUBSEQUENT APPLICATIONS.—A decision by the Bureau under subsection (e) to deny an application for an area to be designated as a rural area shall not preclude the Bureau from accepting a subsequent application submitted under subsection (a) for such area to be so designated, so long as such subsequent application is made after the end of the 90-day period beginning on the date that the Bureau denies the application under subsection (e).

(g) SUNSET.—This section shall cease to have any force or effect after the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 89003. OPERATIONS IN RURAL AREAS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended—
(1) in section 129C(b)(2)(E)(iv)(I), by striking “predominantly”; and
(2) in section 129D(c)(1), by striking “predominantly”.

Approved December 4, 2015.

LEGISLATIVE HISTORY—H.R. 22:
HOUSE REPORTS: No. 114–357 (Comm. of Conference).
SENATE REPORTS: No. 114–3 (Comm. on Finance).
Jan. 6, considered and passed House.
July 24, 26–30, considered and passed Senate, amended.
Nov. 3–5, House concurred in certain Senate amendment and in another with
an amendment.
Dec. 3, House and Senate agreed to conference report.
FEDERAL AND STATE REQUIREMENTS AND SPECIAL CONDITIONS for OPERATIONS and MANAGEMENT CONTRACTS

1. General

The work performed under this contract will be financed, in part, by grants provided under programs of the Federal Transit Administration. Citations to federal law, regulation, and guidance references include, but are not limited to, the Master Agreement, FTA MA (23), dated October 1, 2016; FTA Circular 4220.1F, dated November 1, 2008; "Best Practices Procurement & Lessons Learned Manual", October 2016; Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 C.F.R. Part 200, dated December 26, 2014, will supersede and apply in lieu of U.S. DOT’s common grant rules, 49 C.F.R. parts 18 and 19, State and Local Governments and Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and any subsequent amendments or revisions thereto.

THE FOLLOWING MAY BE USED SYNONYMously:
“BIDDER” AND “CONTRACTOR”
“PURCHASER”, “PROCURING AGENCY” AND “OWNER”

2. Federal Changes

Contractor shall at all times comply with all applicable Federal Transit Administration (FTA) regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

1. FTA’s new authorizing legislation, 49 U.S.C. chapter 53, as amended, by the following:

   a. The Fixing America’s Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015,
   b. The Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law No. 112-141, July 6, 2012, as amended by the “Surface Transportation and Veterans Health Care Choice Improvement Act of 2015,” Public La No. 114-41, July 31, 2015, and other authorizing legislation to be enacted and

2. Continuing resolutions or other Appropriations Resolutions or Acts funding the Department of Transportation during Fiscal Year 2016.
3. Title 23, U.S.C. (Highways)
4. Other federal legislation FTA administers, as FTA so determines.
3. **Notification of Federal Participation**

To the extent required by Federal law, the State of North Carolina agrees that, in administering any Federal assistance Program or Project supported by the underlying Grant Agreement or Cooperative Agreement, any request for proposals, solicitation, grant application, form, notification, press release, or other publication involving the distribution of FTA assistance for the Program or the Project that it will identify the FTA grant source by listing the Catalog of Federal Domestic Assistance Number of the program. The following FTA grant programs will be eligible to participate in this bid, 20.500, 20.505, 20.507, 20.509, 20.513, 20.514, 20.516, 20.518, 20.519, 20.521, 20.522, 20.523, 20.525, 20.526, 20.527, 20.528, 20.529, 20.530, and 20.531. Federal funding assistance up to eighty (80%) percent may be provided.

4. **Definitions**

*Third Party Agreement*, in accordance with the Master Agreement unless FTA determines otherwise in writing, includes all of the following agreements, such as:

- (1) Third party contracts,
- (2) Leases,
- (3) Third party subcontracts; and
- (4) Other similar arrangements or agreements.

*Third Party Participant*, in accordance with the Master Agreement unless FTA determines otherwise in writing, includes all of the following participants, such as:

- (1) Third party contractors,
- (2) Lessees,
- (3) Third party subcontractors, and
- (4) Other participants in the Project

5. **Conflict of Interest**

No employee, officer, board member, or agent of the Owner shall participate in the selection, award, or administration of a contract supported by Federal Transit Administration (FTA) funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer, board member, or agent, any member of his or her immediate family, his or her partner, or an organization that employs, or is about to employ any of the above, has a financial or other interest in the firm selected for award.

6. **Lobbying**

The requisite “Lobbying Certification” is included as ATTACHMENT A (attach Standard Form-LLL if necessary) and must be executed for contracts of $100,000 or more and prior to the award of the contract.

7. Civil Rights Laws and Regulations

The following Federal Civil Right laws and regulations apply to all contracts and flow down to all third party contractors and their contracts at every tier.

(1) Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 et seq., section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex (including gender identity), disability, or age. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

   (a) The third party contractor and all lower tiers shall comply with all provisions of FTA Circular 4702.1 “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”, issued October 1, 2012.

(2) Equal Employment Opportunity - Federal Equal Employment Opportunity (EEO) Requirements include, but are not limited to:

   (a) Race, Color, Religion, National Origin, Disability, Age, Sexual Origin, Gender Identity, or Status as a Parent - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, Title VI of the Civil Rights Act, 28 C.F.R. § 50.3, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note, and as further amended by Executive Order 13672, “Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity,” July 21, 2014, and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, sex (including gender identity), disability, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue. The Contractor agrees to comply with FTA Circular 4704.1A Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients, dated October 31, 2016.

   (b) Equal Employment Opportunity Requirements for Construction Activities. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part,


(4) **Nondiscrimination on the Basis of Sex** - The Contractor agrees to comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., and with implementing U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 C.F.R. Part 25, that prohibit discrimination on the basis of sex.

(5) **Access for Individuals with Disabilities** - The Contractor agrees to comply with 49 U.S.C. § 5301(d), which states the Federal policy that elderly individuals and individuals with disabilities have the same right as other individuals to use public transportation services and facilities, and that special efforts shall be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly individuals and individuals with disabilities. The Contractor also agrees to comply with all applicable provisions of section 504 of the Rehabilitation Act of 1973, as amended, with 29 U.S.C. § 794, which prohibits discrimination on the basis of disability; with the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12101 et seq., which requires that accessible facilities and services be made available to individuals with disabilities; and with the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 et seq., which requires that buildings and public accommodations be accessible to individuals with disabilities. In addition, the Contractor agrees to comply with applicable Federal regulations and directives and any subsequent amendments thereto, except to the extent the Federal Government determines otherwise in writing, as follows:

(1) U.S. DOT regulations “Transportation Services for Individuals with Disabilities (ADA)” 49 C.F.R. Part 37;

(2) U.S. DOT regulations “Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance,” 49 C.F.R. Part 27;


U.S. DOJ regulations “Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities.” 28 C.F.R. Part 36;

U.S. GSA regulations “Accommodations for the Physically Handicapped,” 41 C.F.R. Subpart 101-19;


FTA regulations, "Transportation of Elderly and Handicapped Persons," 49 C.F.R. part 609; and

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; and

FTA Circular 4701.1, Americans with Disabilities Act (ADA) Guidance, dated November 4, 2015.

Federal civil rights and nondiscrimination directives implementing the foregoing Federal laws and regulations, except to the extent the Federal Government determines otherwise in writing.


Environmental Justice. (According to the Master Agreement, this section is now under Environmental and applicable for Environmental Studies)

Drug or Alcohol Abuse-Confidentiality and Other Civil Rights Protections. To the extent applicable, the Contractor agrees to comply with the confidentiality and other civil rights protections of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1101 et seq., with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4541 et seq., and with the Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 290dd through 290dd-2, and any amendments thereto.

Other Nondiscrimination Laws. The Contractor agrees to comply with applicable provisions of other Federal laws and regulations, and follow applicable directives prohibiting discrimination, except to the extent that the Federal Government determines otherwise in writing.
(10) The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

(11) Remedies for failure to comply with applicable Federal Civil Rights laws and Federal regulations may be enforced as provided in those Federal laws or Federal regulations.

8. Contracting with Disadvantaged Business Enterprises

The newest version on the Department of Transportation’s Disadvantaged Business Enterprise (DBE) program became effective October 1, 2004.


The NC Department of Transportation/Public Transportation Division’s overall goal for DBE participation is 6.1%.

b. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Procuring Agency deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

The successful bidder/offeror will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.

c. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor’s receipt of payment for that work from the Procuring Agency. In addition, these may apply:

- the contractor may not hold retainage from its subcontractors; or
- is required to return any retainage payments to those subcontractors within 30 days after the subcontractor’s work related to this contract is satisfactorily completed; or
- is required to return any retainage payments to those subcontractors within 30 days after incremental acceptance of the subcontractor’s work by the Procuring Agency and contractor’s receipt of the partial retainage payment related to the subcontractor’s work.

d. The contractor must promptly notify the Procuring Agency whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE
subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of the **Procuring Agency.**

9. **Clean Air Act and Federal Water Pollution Control Act**

The Clean Air and Clean Water Act requirements apply to each contract and subcontract exceeding $150,000. The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387) and 2 C.F.R. Part 200, Appendix II (g). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

The Contractor also agrees to include these requirements in each subcontract exceeding $150,000 financed in whole or in part with Federal Assistance provided by FTA.

The Contractor agrees:

1) It will not use any violating facilities;
2) It will report the use of facilities placed on or likely to be placed on the U.S. EPA “List of Violating Facilities;”
3) It will report violations of use of prohibited facilities to FTA; and
4) It will comply with the inspection and other requirements of the Clean Air Act, as amended, (42 U.S.C. §§ 7401–7671q); and the Federal Water Pollution Control Act as amended, (33 U.S.C. §§ 1251-1387) and 2 C.F.R. Part 200, Appendix II (g).

10. **Energy Conservation**

The Contractor agrees to comply with mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plans issued in compliance with the Energy Policy and Conservation Act, as amended, 42 U.S.C. § 6321 et seq., and perform an energy assessment for any building constructed, reconstructed, or modified with federal assistance as required under FTA regulations, “Requirements for Energy Assessments,” 49 C.F.R. part 622, subpart C. These requirements extend to all third party contractors and their contracts at every tier and their subcontracts at every tier.

11. **Environmental Protection**

12. **Recycled Products**

The Recycled Products requirement applies to all contracts for items designated by the EPA, when the purchaser or contractor procures $10,000 or more of one of these items during the fiscal year, or has procured $10,000 or more of such items in the previous fiscal year, using Federal funds. New requirements for "recovered materials" will become effective May 1, 1996. These regulations apply to all procurement actions involving items designated by the EPA, where the procuring agency purchases $10,000 or more of one of these items in a fiscal year, or when the cost of such items purchased during the previous fiscal year was $10,000. These requirements extend to all contractors and their subcontracts at every tier where the value of an EPA designated item exceeds $10,000.

To the extent possible the contractor agrees to comply with U. S. Environmental Protection Agency (U.S. EPA), “Comprehensive Procurement Guidelines for Products Containing Recovered Materials,” 40 CFR Part 247, which implements section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6962 and 2 C.F.R. part § 200.322. The contractor agrees to provide competitive preference for products and services that conserve natural resources, protect the environment and are energy efficient, except to the extent that the Federal Government determines otherwise in writing. These items include, but may not be limited to:

**Paper and paper products**, excluding building and construction paper grades.

**Vehicular products:**
(a) Lubricating oils containing re-refined oil, including engine lubricating oils, hydraulic fluids, and gear oils, excluding marine and aviation oils.
(b) Tires, excluding airplane tires.
(c) Reclaimed engine coolants, excluding coolants used in non-vehicular applications.
(d) Rebuilt vehicular parts.

**Transportation products:**
(a) Traffic barricades and traffic cones used in controlling or restricting vehicular traffic.
(b) Parking stops made from concrete or containing recovered plastic or rubber.
(c) Channelizers containing recovered plastic or rubber.
(d) Delineators containing recovered plastic, rubber, or steel.
(e) Flexible delineators containing recovered plastic.

**Miscellaneous products:**
(a) Pallets containing recovered wood, plastic, or paperboard.
(b) Sorbents containing recovered materials for use in oil and solvent clean-ups and as animal bedding.
(c) Industrial drums containing recovered steel, plastic, or paper.
(d) Awards and plaques containing recovered glass, wood, paper, or plastic.
(e) Mats containing recovered rubber and/or plastic.
(f) (1) Non-road signs containing recovered plastic or aluminum and road signs containing recovered aluminum.
   (2) Sign supports and posts containing recovered plastic or steel.
(g) Manual-grade strapping containing recovered steel or plastic.
(h) Bike racks containing recovered steel or plastic.
(i) Blasting grit containing recovered steel, coal and metal slag, bottom ash, glass, plastic, fused alumina oxide, or walnut shells.

**Park and recreation products:**
(a) Playground surfaces and running tracks containing recovered rubber or plastic.
(b) Plastic fencing containing recovered plastic for use in controlling snow or sand drifting and as a warning/safety barrier in construction or other applications.
(c) Park benches and picnic tables containing recovered steel, aluminum, plastic, or concrete.
(d) Playground equipment containing recovered plastic, steel, or aluminum.

**Landscaping products:**
(a) Hydraulic mulch products containing recovered paper or recovered wood used for hydroseeding and as an over-spray for straw mulch in landscaping, erosion control, and soil reclamation.
(b) Compost made from yard trimmings, leaves, grass clippings, and/or food waste for use in landscaping, seeding of grass or other plants on roadsides and embankments, as a nutritious mulch under trees and shrubs, and in erosion control and soil reclamation.
(c) Garden and soaker hoses containing recovered plastic or rubber.
(d) Lawn and garden edging containing recovered plastic or rubber.
(e) Plastic lumber landscaping timbers and posts containing recovered materials.

**Non-paper office products:**
(a) Office recycling containers and office waste receptacles.
(b) Plastic desktop accessories.
(c) Toner cartridges.
(d) Plastic-covered binders containing recovered plastic; chipboard and pressboard binders containing recovered paper; and solid plastic binders containing recovered plastic.
(e) Plastic trash bags.
(f) Printer ribbons.
(g) Plastic envelopes.
(h) Plastic clipboards containing recovered plastic.
(i) Plastic file folders containing recovered plastic.
(j) Plastic clip portfolios containing recovered plastic.
(k) Plastic presentation folders containing recovered plastic.
(l) Office furniture containing recovered steel, aluminum, wood, agricultural fiber, or plastic.

13. **Buy America**

If the Contractor is purchasing vehicles as part of the operations or service agreement, the vehicles must meet the Buy America requirement.

FTA’s Buy America law and regulations apply to projects that involve the purchase of more than $150,000 of iron, steel, manufactured goods, or rolling stock to be delivered to the recipient to be used in an FTA assisted project. The Buy America regulation at 49 C.F.R. § 661.13 requires notification of the Buy America requirements in a Procuring Agency bid or request for proposal for FTA funded contracts.

The contractor agrees to comply with 49 U.S.C. 5323(j), 49 C.F.R. part 661, and the FAST Act Section 3011, effective date October 1, 2015, which provide that Federal funds may not be obligated unless all steel, iron, and manufactured products used in FTA funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed
in 49 C.F.R. § 661.7. Appendix A grants a general public interest waiver from the Buy America requirements that apply to microprocessors, computers, microcomputers, or software, or other such devices, which are used solely for the purpose of processing or storing data. This general waiver does not extend to a product or device which merely contains a microprocessor or microcomputer and is not used solely for the purpose of processing or storing data.

Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. § 661.11. Train Control, Communication and Traction Power Equipment. For purposes of Buy America, rolling stock includes train control, communication, and traction power equipment (49 U.S.C. 5323(j)(2)(C)). See also 49 CFR 661.11(t), (u), and (v). The domestic content requirement in effect on the date a contract was signed for train control, communication, and traction power equipment will control. If the contract is signed in FY2016 or FY2017, the contract shall require an overall domestic content that exceeds 60 percent; if a contract is signed in FYs 2018 or 2019, the contract must include an overall domestic content percentage that exceeds 65 percent; and if a contract is signed in FY2020 or beyond, the domestic content must exceed 70 percent.

For purchase orders placed against State schedules on or after October 1, 2015, for rolling stock that will be delivered in FY 2016 or 2017, the domestic content requirement must exceed 60%. For purchase orders placed against State schedules for rolling stock that will be delivered in FYs 2018 or 2019, the domestic content must exceed 65%, and for purchase orders placed against State schedules for rolling stock that will be delivered in FY 2020 or beyond, the domestic content must exceed 70%.

The bidder or offeror must submit to the Procuring Agency the appropriate Buy America certification in the bid or offer. Bids or offers that are not accompanied by a completed Buy America certification will be rejected as nonresponsive.

The Buy America requirements flow down from FTA to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance.

Effective October 1, 2015 small purchases (under the $150,000 threshold) made with FTA funds, will not be subject to the Buy America requirement. The value of small purchases should be determined by using the "contract price" and not "unit price". This provision of the FAST Act applies to all purchases for capital, operating, or planning funds.

BIDS OR OFFERS THAT ARE SUBMITTED WITHOUT THE COMPLETED BUY AMERICA CERTIFICATION MUST BE REJECTED AS NONRESPONSIVE. BIDDERS ARE ADVISED THAT SUBMISSION OF BOTH CERTIFICATIONS WITH THE BID IS ALSO CONSIDERED NONRESPONSIVE AND WILL RESULT IN REJECTION OF THE BID; ONLY ONE CERTIFICATION (either C or D) SHALL BE SUBMITTED. The certification requirement does not apply to lower tier subcontractors.

14. Pre-Award and Post-Delivery Audits of Rolling Stock Purchases

If the Contractor is purchasing vehicles as part of the operations or service agreement, the vehicles must meet the requirements of the Pre-Award and Post-Delivery Audits for Rolling Stock.

The Contractor agrees to comply with 49 U.S.C. § 5323(m) and FTA's implementing regulation at 49 C.F.R. part 663. The Contractor shall comply with the Buy America certification(s) submitted with its proposal/bid. The Contractor agrees to participate and
cooperate in any pre-award and post-delivery audits performed pursuant to 49 C.F.R. part 663 and related FTA guidance.

Pre-Award Audit:
Pre-award information may also be submitted with the bid.

1. **Buy America Requirements: (for contracts of $150,000 and more)**
   The Contractor shall complete and submit a declaration certifying either compliance or noncompliance with Buy America (see Section 13. Buy America). If the Contractor certifies compliance with Buy America, it shall provide supporting documentation that indicates that the applicable* cost of all components are manufactured in the United States and that final assembly takes place in the United States. The documentation shall include:
   a) the component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin and costs;
   b) the location of the final assembly point for the rolling stock, including a description of the activities that will take place at the final assembly point and the cost of the final assembly; and
   c) a copy of the letter from FTA granting a waiver on the vehicle(s) for all or part of the Buy America requirement under section 165(b)(1), (b)(2), or (b)(4) of the Surface Transportation Assistance Act (STAA) of 1982, as amended;

   *For rolling stock that will be delivered in FY 2016 or 2017, the domestic content requirement must exceed 60%. For rolling stock that will be delivered in FYs 2018 or 2019, the domestic content must exceed 65%, and for rolling stock that will be delivered in FY 2020 or beyond, the domestic content must exceed 70%.

2. **Federal Motor Vehicle Safety Standards (FMVSS) Certification: (must be completed for all purchases)**
   The Contractor shall submit:
   a) the manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS regulations; or
   b) the manufacturer’s certified statement that the contracted vehicles will not be subject to the FMVSS regulations.

3. **Solicitation Specification Requirements:**
   The Contractor shall submit evidence that it will be capable of meeting the bid specifications.

Post-Delivery Audit:

Upon completion of the vehicle(s), and prior to filing of the title, the successful bidder shall provide the information indicated in 1-3 above. This post-delivery audit is required to ensure that the vehicle(s) were manufactured as intended. Failure to comply with this requirement or inability to certify Buy America compliance shall be cause for rejection of the vehicle(s).

Upon delivery and acceptance of the equipment, the vehicle(s) shall undergo a thorough visual inspection and road test to assure compliance to contract specifications.

15. **Fly America**

The Fly America requirements apply to the transportation of persons or property, by air, between a place in the U.S. and a place outside the U.S., or between places outside the U.S., when the FTA will participate in the costs of such air transportation. First tier
contractors who are responsible for ensuring that lower tier contractors and subcontractors are in compliance.

a) **Definitions.** As used in this clause--

- “International air transportation” means transportation by air between a place in the United States and a place outside the United States or between two places both of which are outside the United States.
- “United States” means the 50 States, the District of Columbia, and outlying areas.
- “U.S.-flag air carrier” means an air carrier holding a certificate under 49 U.S.C. Chapter 411.

b) When Federal funds are used to fund travel, Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118) (Fly America Act) requires contractors, recipients, and others use U.S.-flag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. It requires the Comptroller General of the United States, in the absence of satisfactory proof of the necessity for foreign-flag air transportation, to disallow expenditures from funds, appropriated or otherwise established for the account of the United States, for international air transportation secured aboard a foreign-flag air carrier if a U.S.-flag air carrier is available to provide such services.

c) If available, the Contractor, in performing work under this contract, shall use U.S.-flag carriers for international air transportation of personnel (and their personal effects) or property.

d) In the event that the Contractor selects a carrier other than a U.S.-flag air carrier for international air transportation, the Contractor shall include a statement on vouchers involving such transportation essentially as follows:

**Statement of Unavailability of U.S.-Flag Air Carriers**

International air transportation of persons (and their personal effects) or property by U.S.-flag air carrier was not available or it was necessary to use foreign-flag air carrier service for the following reasons. See FAR § 47.403. [State reasons]:

______________________________________________________________________
______________________________________________________________________
______________________________________________________________________


e) The Contractor shall include the substance of this clause, including this paragraph (e), in each subcontract or purchase under this contract that may involve international air transportation.

16. **Debarment, Suspension, Ineligibility, and Voluntary Exclusion**

The Contractor shall comply and facilitate compliance with U.S. DOT regulations, “Nonprocurement Suspension and Debarment,” 2 C.F.R. part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) “Guidelines to
Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” 2 C.F.R. part 180, 2 C.F.R. § 200.213, and 2 C.F.R. Part 200 Appendix II (I). These provisions apply to each contract at any tier of $25,000 or more, and to each contract at any tier for a federally required audit (irrespective of the contract amount), and to each contract at any tier that must be approved by an FTA official irrespective of the contract amount. As such, the Contractor shall verify that its principals, affiliates, and subcontractors are eligible to participate in this federally funded contract and are not presently declared by any Federal department or agency to be:

a) Debarred from participation in any federally assisted Award;
b) Suspended from participation in any federally assisted Award;
c) Proposed for debarment from participation in any federally assisted Award;
d) Declared ineligible to participate in any federally assisted Award;
e) Voluntarily excluded from participation in any federally assisted Award; or
f) Disqualified from participation in any federally assisted Award.

A contract award (of any tier) in an amount expected to equal or exceed $25,000 or a contract award at any tier for a federally required audit (irrespective of the contract amount) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), at https://www.sam.gov/ in accordance with the OMB guidelines at 2 C.F.R. part 180 that implement Executive Orders 12549 and 12689. The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

The Procuring Agency will be reviewing all third party contractors under the “System for Award Management” at https://www.sam.gov/ before entering into any contracts.

If the Procuring Agency or NCDOT suspends, debars, or takes similar action against a Contractor or subcontractor, the NCDOT will provide immediate written notice to the:

(a) FTA Regional Counsel for the Region in which the NCDOT is located or implements the Project,
(b) FTA Headquarters Manager that administers the Grant, or
(c) FTA Chief Counsel, and
(d) NCDOT/Public Transportation Division.

The requisite Debarment and Suspension Certification is included as ATTACHMENT B (attach additional statement if necessary) and must be executed for contracts of $25,000 or more and prior to the award of the contract.

17. Termination or Cancellation of Contract

For all contracts in excess of $10,000, the Termination clause extends to all third party contractors and their contracts at every tier and their subcontracts at every tier, as referenced in 2 C.F.R. § 200.339 and 2 C.F.R. Part 200, Appendix II (B).

Termination for Convenience - The Owner may terminate this contract, in whole or in part, at any time by written notice to the Contractor when it is in the Owner’s best interest. The Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the Owner to be paid the Contractor. If the Contractor has
any property in its possession belonging to Owner, the Contractor will account for the
same, and dispose of it in the manner the Owner directs.

**Termination for Default (Breach or Cause)** - If the Contractor does not deliver
services in accordance with the contract delivery schedule, or if the Contractor fails to
perform in the manner called for in the contract, or if the Contractor fails to comply with
any other provisions of the contract, the Owner may terminate this contract for default.
Termination shall be effected by serving a Notice of Termination on the Contractor
setting forth the manner in which the Contractor is in default. The Contractor will be paid
only the contract price for supplies delivered and accepted, or services performed in
accordance with the manner of performance set forth in the contract.

If it is later determined by the Owner that the Contractor had an excusable reason for
not performing, such as a strike, fire, or flood, events which are not the fault of or are
beyond the control of the Contractor, the Owner, after setting up a new delivery of
performance schedule, may allow the Contractor to continue work, or treat the
termination as a Termination for Convenience.

**Opportunity to Cure** - The Owner, in its sole discretion may, in the case of a
termination for breach or default, allow the Contractor [an appropriately short period of
time] in which to cure the defect. In such case, the Notice of Termination will state the
time period in which cure is permitted and other appropriate conditions. If Contractor
fails to remedy to Owner's satisfaction the breach or default of any of the terms,
covenants, or conditions of this Contract within [10 days] after receipt by Contractor of
written notice from Owner setting forth the nature of said breach or default, Owner shall
have the right to terminate the contract without any further obligation to Contractor. Any
such termination for default shall not in any way operate to preclude Owner from also
pursuing all available remedies against Contractor and its sureties for said breach or
default.

**Waiver of Remedies for any Breach** - In the event that Owner elects to waive its
remedies for any breach by Contractor of any covenant, term or condition of this
contract, such waiver by Owner shall not limit Owner's remedies for any succeeding
breach of that or of any other covenant, term, or condition of this contract.

**Termination for Default (Construction)** - If the Contractor refuses or fails to prosecute
the work or any separable part, with the diligence that will ensure its completion within
the time specified in this contract or any extension or fails to complete the work within
this time, or if the Contractor fails to comply with any other provision of this contract, the
Owner may terminate this contract for default. The Owner shall terminate by delivering
to the Contractor a Notice of Termination specifying the nature of the default. In this
event, the Owner may take over the work and compete it by contract or otherwise, and
may take possession of and use any materials, appliances, and plant on the work site
necessary for completing the work. The Contractor and its sureties shall be liable for any
damage to the Owner resulting from the Contractor’s refusal or failure to complete the
work within specified time, whether or not the Contractor's right to proceed with the work
is terminated. This liability includes any increased costs incurred by the Owner in
completing the work.

The Contractor’s right to proceed shall not be terminated nor shall the Contractor be
charged with damages under this clause if:

1. The delay in completing the work arises from unforeseeable causes beyond the
control and without the fault or negligence of the Contractor. Examples of such
causes include: acts of God, acts of Owner, acts of another contractor in the
performance of a contract with Owner, epidemics, quarantine restrictions, strikes, freight embargoes; and

2. The Contractor, within [10] days from the beginning of any delay, notifies Owner in writing of the causes of delay. If, in the judgment of Owner, the delay is excusable, the time for completing the work shall be extended. The judgment of Owner shall be final and conclusive for the parties, but subject to appeal under the Disputes clause(s) of this contract.

If, after termination of the Contractor's right to proceed, it is determined that the Contractor was not in default, or that the delay was excusable, the rights and obligations of the parties will be the same as if the termination had been issued for the convenience of the Owner.

18. **Violation and Breach of Contract, Rights and Remedies**

All contracts in excess of $150,000 shall contain administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate as provided in 2 C.F.R. § 200.326 and 2 C.F.R. part 200, Appendix II (A). The Violations and Breach of Contracts clause flow down to all third party contractors and their contracts at every tier.

**Rights and Remedies of the Owner** - The Owner shall have the following rights in the event that the Owner deems the Contractor guilty of a breach of any term under the Contract.

1. The right to take over and complete the work or any part thereof as agency for and at the expense of the Contractor, either directly or through other contractors;
2. The right to cancel this Contract as to any or all of the work yet to be performed;
3. The right to specific performance, an injunction or any other appropriate equitable remedy; and
4. The right to money damages.

For purposes of this Contract, breach shall include the Contractor and any subsequent named subcontractor.

**Rights and Remedies of the Contractor** - Inasmuch as the Contractor can be adequately compensated by money damages for any breach of this Contract, which may be committed by the Owner, the Contractor expressly agrees that no default, act or omission of the Owner shall constitute a material breach of this Contract, entitling Contractor to cancel or rescind the Contract (unless the Owner directs Contractor to do so) or to suspend or abandon performance.

**Remedies** - Substantial failure of the Contractor to complete the Project in accordance with the terms of this Agreement will be a default of this Agreement. In the event of a default, the Owner will have all remedies in law and equity, including the right to specific performance, without further assistance, and the rights to termination or suspension as provided herein. The Contractor recognizes that in the event of a breach of this Agreement by the Contractor before the Owner takes action contemplated herein, the Owner will provide the Contractor with sixty (60) days written notice that the Owner considers that such a breach has occurred and will provide the Contractor a reasonable period of time to respond and to take necessary corrective action.

If there is credible evidence that a Third Party Participant (Contractor) has submitted a false claim under the False Claims Act, 31 U.S.C. § 3729 *et seq.*, or has committed a
criminal or civil violation of law pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Federal funding, notification of FTA is required.

If a legal matter as described above emerges, the Owner must promptly notify the NCDOT, which in turn will notify the U.S. DOT Inspector General, in addition to the FTA Chief Counsel or FTA Regional Counsel for the Region in which the Project is located. All contracts in excess of $150,000 shall contain administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate as provided in 2 C.F.R. § 200.326 and 2 C.F.R. part 200, Appendix II (A). The Violations and Breach of Contracts clause flow down to all third party contractors and their contracts at every tier.

**Rights and Remedies of the Owner** - The Owner shall have the following rights in the event that the Owner deems the Contractor guilty of a breach of any term under the Contract.

1. The right to take over and complete the work or any part thereof as agency for and at the expense of the Contractor, either directly or through other contractors;
2. The right to cancel this Contract as to any or all of the work yet to be performed;
3. The right to specific performance, an injunction or any other appropriate equitable remedy; and
4. The right to money damages.

For purposes of this Contract, breach shall include the Contractor and any subsequent named subcontractor.

**Rights and Remedies of the Contractor** - Inasmuch as the Contractor can be adequately compensated by money damages for any breach of this Contract, which may be committed by the Owner, the Contractor expressly agrees that no default, act or omission of the Owner shall constitute a material breach of this Contract, entitling Contractor to cancel or rescind the Contract (unless the Owner directs Contractor to do so) or to suspend or abandon performance.

**Remedies** - Substantial failure of the Contractor to complete the Project in accordance with the terms of this Agreement will be a default of this Agreement. In the event of a default, the Owner will have all remedies in law and equity, including the right to specific performance, without further assistance, and the rights to termination or suspension as provided herein. The Contractor recognizes that in the event of a breach of this Agreement by the Contractor before the Owner takes action contemplated herein, the Owner will provide the Contractor with sixty (60) days written notice that the Owner considers that such a breach has occurred and will provide the Contractor a reasonable period of time to respond and to take necessary corrective action.

If there is credible evidence that a Third Party Participant (Contractor) has submitted a false claim under the False Claims Act, 31 U.S.C. § 3729 et seq., or has committed a criminal or civil violation of law pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Federal funding, notification of FTA is required.

If a legal matter as described above emerges, the Owner must promptly notify the NCDOT, which in turn will notify the U.S. DOT Inspector General, in addition to the FTA Chief Counsel or FTA Regional Counsel for the Region in which the Project is located.
Resolution of Disputes

All contracts in excess of $150,000 shall contain contractual dispute and remedies as appropriate as provided in 2 C.F.R. § 200.326 and 2 C.F.R. part 200, Appendix II (A). The Violations and Breach of Contracts clause flow down to all third party contractors and their contracts at every tier.

Disputes - Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of the Owner. This decision shall be final and conclusive unless within ten (10) days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the authorized representative of the Owner. In connection with any such appeal, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the authorized representative of the Owner shall be binding upon the Contractor and the Contractor shall abide be the decision.

Alternative Dispute Resolution – The Owner and the Contractor intend to resolve all disputes under this Agreement to the best of their abilities in an informal manner. To accomplish this end, the parties will use an Alternative Dispute Resolution process to resolve disputes in a manner designed to avoid litigation. In general, the parties contemplate that the Alternative Dispute Resolution process will include, at a minimum, an attempt to resolve disputes through communications between their staffs, and, if resolution is not reached at that level, a procedure for review and action on such disputes by appropriate management level officials within the Owner and the Contractor’s organization.

In the event that a resolution of the dispute is not mutually agreed upon, the parties can agree to mediate the dispute or proceed with litigation. Notwithstanding any provision of this section, or any other provision of this Contract, it is expressly agreed and understood that any court proceeding arising out of a dispute under the Contract shall be heard by a Court de novo and the court shall not be limited in such proceeding to the issue of whether the Authority acted in an arbitrary, capricious or grossly erroneous manner.

Pending final settlement of any dispute, the parties shall proceed diligently with the performance of the Contract, and in accordance with the Owner’s direction or decisions made thereof.

Performance during Dispute - Unless otherwise directed by the Owner, the Contractor shall continue performance under this Contract while matters in dispute are being resolved.

Claims for Damages - Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents or others for whose acts he is legally liable, a claim for damages therefor shall be made in writing to such other party within a reasonable time after the first observance of such injury of damage.

Remedies - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the Owner and the Contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the Owner is located.

Rights and Remedies - The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a
limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the Owner, Architect or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

20. **Protest Procedures**

To ensure that protests are received and processed effectively the Owner shall provide written bid protest procedures upon request. In all instances information regarding the protest shall be disclosed to the N.C. Department of Transportation (NCDOT). All protest requests and decisions must be in writing. A protester must exhaust all administrative remedies with the Owner before pursuing remedies through the NCDOT. Reviews of protests by the NCDOT will be limited to the Owner’s failure to have or follow its protest procedures, or its failure to review a complaint or protest. An appeal to the NCDOT must be received by the Department within three (3) working days of the date the protester knew or should have known of the violation.

The protester must deliver its appeal to the FTA Regional Administrator for the region administering its project or the FTA Associate Administrator for the program office administering its project within five (5) working days of the date when the protestor has received actual or constructive notice of NCDOT’s final decision. Likewise, the protester must provide its appeal to the FTA Regional Administrator for the region administering its project or the FTA Associate Administrator for the program office administering its project within five (5) working days of the date when the protester has identified other grounds for appeal to FTA. For example, other grounds for appeal include the PROCUREMENT AGENCY’s failure to have or failure to comply with its protest procedures or failure to review the protest.

Violations of Federal law or regulation will be handled by the complaint process stated within that law or regulation. Violations of State or local law or regulations will be under the jurisdiction of State or local authorities.

21. **No Federal Government Obligations to Third Parties**

The No Obligation clause extends to all third party contractors and their contracts at every tier.

The Owner and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the Owner, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

22. **Contract Work Hours and Safety Standards**

For all contracts in excess of $100,000 the Contractor shall comply with all federal laws, regulations, and requirements providing wage and hour protections for non-construction employees, in accordance with 40 U.S.C. § 3702, Contract Work Hours and Safety

The Contractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three (3) years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid.

Such records maintained under this paragraph shall be made available by the Contractor for inspection, copying, or transcription by authorized representatives of the FTA and the Department of Labor, and the Contractor will permit such representatives to interview employees during working hours on the job.

The contractor shall require the inclusion of the language of this clause within subcontracts of all tiers.

23. Program Fraud and False or Fraudulent Statements or Claims and Related Acts

The Program Fraud clause requirements extend to all third party contractors and their sub-contracts at every tier.

(1) The Contractor acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its activities in connection with this Project. Upon execution of the underlying contract, the Contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may apply, the Contractor also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986, as amended, on the Contractor to the extent the Federal Government deems appropriate.

(2) The Contractor also acknowledges that if it makes a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. chapter 53, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5323(l) on the Contractor, to the extent the Federal Government deems appropriate.

(3) The Contractor agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.
24. Access to Records and Reports and Record Retention

The record keeping and access requirements extend to all third party contractors and their contracts at every tier. Under 49 U.S.C. § 5325(g) and 2 C.F.R. § 200.336, FTA has the right to examine and inspect all records, documents, and papers, including contracts, related to any FTA project financed with Federal assistance authorized by 49 U.S.C. Chapter 53.

a. Record Retention. The Contractor will retain, and will require its subcontractors of all tiers to retain, complete and readily accessible records related in whole or in part to the contract, including, but not limited to, data, documents, reports, statistics, sub-agreements, leases, subcontracts, arrangements, other third party agreements of any type, and supporting materials related to those records.

b. Retention Period. The Contractor agrees to comply with the record retention requirements in accordance with 2 C.F.R. § 200.333. The Contractor shall maintain all books, records, accounts and reports required under this Contract for a period of at not less than three (3) years after the date of termination or expiration of this Contract, except in the event of litigation or settlement of claims arising from the performance of this Contract, in which case records shall be maintained until the disposition of all such litigation, appeals, claims or exceptions related thereto.

c. Access to Records. The Contractor agrees to provide sufficient access to FTA and its contractors to inspect and audit records and information related to performance of this contract as reasonably may be required.

d. Access to the Sites of Performance. The Contractor agrees to permit FTA and its contractors access to the sites of performance under this contract as reasonably may be required.

The Contractor agrees to permit, and require its subcontractors to permit, the U.S. Secretary of Transportation, and the Comptroller General of the United States, and, to the extent appropriate, the State, or their authorized representatives, upon their request to inspect all Project work, materials, payrolls, invoices, and other data, and to audit the books, records, and accounts of the Contractor and its subcontractors pertaining to the Project, as required by 49 U.S.C. § 5325(g) and 2 C.F.R. § 200.336.

Contractor also agrees, pursuant to 49 C.F.R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor’s records and construction sites pertaining to a major capital project, defined at 49 U.S. D. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5303, 5307, 5309, 5339, 5310, 5311, 5316, or 5317.

The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

The State of North Carolina, Office of the State Auditor, now requires that all records now be retained for a period of five (5) years after that date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives have disposed of all such litigation, appeals, claims or exceptions related thereto.
25. **Privacy**

To the extent that the Contractor, or its subcontractors, if any, or any to their respective employees administer any system of records on behalf of the Federal Government, Contractor agrees to comply with, and assure the compliance of its subcontractors, if any, with the information restrictions and other applicable requirements of the Privacy Act of 1974, as amended, 5 U.S.C. Sect. 552, (the Privacy Act).

The Contractor shall obtain the express consent of the Department and the Federal Government before the Contractor, and any subcontractors, or any of their respective employees operate a system of records on behalf of the Federal Government. Failure to do so may result in termination of the Contract and civil and criminal penalties for violation of the Privacy Act.

The Contractor also agrees to include these requirements in each subcontract to administer any system of records on behalf of the Federal Government financed in whole or in part with Federal assistance provided by FTA.

26. **Public Transportation Employee Protective Arrangements**

The Public Transportation Employee Protective Arrangements apply to each contract for transit operations performed by employees of a Contractor recognized by FTA to be a transit operator. The employee protective arrangements clause flows down to all third party contractors and their contracts at every tier.

The Contractor agrees to comply with the following employee protective arrangements of 49 U.S.C. § 5333(b):

1. **U.S. DOL Certification.** Under this Contract or any Amendments thereto that involve public transportation operations that are supported with federal assistance, a certification issued by U.S. DOL is a condition of the Contract.

2. **Special Warranty.** When the Contract involves public transportation operations and is supported with federal assistance appropriated or made available for 49 U.S.C. § 5311, U.S. DOL will provide a Special Warranty for its Award, including its Award of federal assistance under the Tribal Transit Program. The U.S. DOL Special Warranty is a condition of the Contract.

3. **Special Arrangements.** The conditions of 49 U.S.C. § 5333(b) do not apply to Contractors providing public transportation operations pursuant to 49 U.S.C. § 5310. FTA reserves the right to make case-by-case determinations of the applicability of 49 U.S.C. § 5333(b) for all transfers of funding authorized under title 23, United States Code (flex funds), and make other exceptions as it deems appropriate, and, in those instances, any special arrangements required by FTA will be incorporated herein as required.

27. **Project Labor Agreements (formerly Neutrality in Labor Relations)**

As a condition of contract award, the Owner may require a third party contractor or subcontractor to have an affiliation with a labor organization such as a project labor agreement, consistent with Executive Order No. 13502, “Use of Project Labor Agreements [PLA] for Federal Construction Projects,” February 6, 2009, 41 U.S.C. ch. 39, Refs & Annos., except as the Federal Government determines otherwise in writing.
28. **Federal Motor Carrier Safety Administration**

The Contractor and its subcontractors will comply with the applicable provisions of the following promulgated U.S. Federal Motor Carrier Safety Administration (FMCSA) regulations.

**Financial Responsibility.**
1. To extent that the Contractor or its subcontractor is engaged in interstate commerce and not within a defined commercial zone, the Contractor agrees to comply with U.S. FMCSA regulations, “Minimum Level of Financial Responsibility for Motor Carriers”, 49 U.S.C. Part 387, Dealing with economic registration and insurance requirements.
   a) The provisions of 49 U.S. C. § 31138(e)(4), which supersede inconsistent provisions of 49 U.S.C. Part 387, and also reduce the amount of insurance the Procuring Agency must obtain to the highest amount required by any state in which the public transportation provider operates, if it operates within a public transportation service area located in more than one state, and receives federal assistance under 49 U.S.C. §§ 5307, 5310 and 5311.

2. To extent that the Contractor or its subcontractor is engaged in interstate commerce and not within a defined commercial zone, and the Procuring Agency is not a unit of government (defined as Federal Government, a state, any political subdivision of a state or any agency established under a compact between states), the Contractor agrees to comply with U.S. FMCSA regulations, Subpart B, “Federal Motor Carrier Safety Regulation”, at 49 CFR Parts 390 through 397.

**Driver Qualifications.**

2. The Contractor or its subcontractor agree to comply with U.S. FMCSA’s regulations, “State Compliance with Commercial Driver’s License”, 49 CFR Part 384.

**Substance Abuse Rules for Motor Carriers**
1. The Contractor or its subcontractor agree to comply with U.S. FMCSA’s regulations, “Drug and Alcohol Use and Testing Requirements” 49 CFR Part 382, which apply to transit providers that operate a commercial motor vehicle that has a gross vehicle weight rating over 26,001 pounds or is designed to transport sixteen (16) or more passengers, including the driver.

29. **National Intelligent Transportation Systems Architecture and Standards** *(applicable to ITS projects)*


30. **Charter Service**

The Charter Bus requirements apply to contracts for operating public transportation service. The Charter Bus requirements flow down from Procuring Agency to first tier service contractors.
The contractor agrees to comply with 49 U.S.C. 5323(d), 5323(r), and 49 C.F.R. part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except as permitted under:

1. Federal transit laws, specifically 49 U.S.C. § 5323(d);
2. FTA regulations, “Charter Service,” 49 C.F.R. part 604;
3. Any other federal Charter Service regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

The contractor agrees that if it engages in a pattern of violations of FTA’s Charter Service regulations, FTA may require corrective measures or impose remedies on it. These corrective measures and remedies may include:

1. Barring it or any subcontractor operating public transportation under its Award that has provided prohibited charter service from receiving federal assistance from FTA;
2. Withholding an amount of federal assistance as provided by Appendix D to part 604 of FTA’s Charter Service regulations; or
3. Any other appropriate remedy that may apply.

The contractor should also include the substance of this clause in each subcontract that may involve operating public transit services.

31. **School Bus Operations**

The School Bus requirements apply to contracts for operating public transportation service. The School Bus requirements flow down from Procuring Agency to first tier service contractors.

The contractor agrees to comply with 49 U.S.C. 5323(f), and 49 C.F.R. part 604, and not engage in school bus operations using federally funded equipment or facilities in competition with private operators of school buses, except as permitted under:

1. Federal transit laws, specifically 49 U.S.C. § 5323(f);
3. Any other Federal School Bus regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

If Contractor violates this School Bus Agreement, FTA may:

1. Bar the Contractor from receiving Federal assistance for public transportation; or
2. Require the contractor to take such remedial measures as FTA considers appropriate.

When operating exclusive school bus service under an allowable exemption, the contractor may not use federally funded equipment, vehicles, or facilities.

The Contractor should include the substance of this clause in each subcontract or purchase under this contract that may operate public transportation services.

32. **Substance Abuse Requirements**

Contractors who perform *safety-sensitive functions* must comply with FTA’s substance abuse management program under 49 C.F.R. Part 655, “Prevention of Alcohol Misuse
and Prohibited Drug Use in Transit Operations.” Under 49 C.F.R. § 655.4, Safety-sensitive function means any of the following duties, when performed by employees of operators or contractors:

1. Operating a revenue service vehicle, including when not in revenue service;
2. Operating a nonrevenue service vehicle, when required to be operated by a holder of a Commercial Driver’s License;
3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service. This section does not apply to the following: an employer who receives funding under 49 U.S.C. § 5307 or § 5309, is in an area less than 200,000 in population, and contracts out such services; or an employer who receives funding under 49 U.S.C. § 5311 and contracts out such services;
5. Carrying a firearm for security purposes.

Additionally, Contractors providing testing services involving the performance of safety sensitive activities must also comply with 49 C.F.R. Part 40, “Procedures for Transportation Workplace Drug and Alcohol Testing Programs.”

The Substance Abuse requirements flow down to all contractors at every tier who perform a safety-sensitive function for the Procuring Agency.

FTA’s drug and alcohol rules, 49 C.F.R. Part 655, are unique among the regulations issued by FTA. First, they require grant recipients to ensure that any entity performing a safety-sensitive function on the recipient’s behalf (usually subrecipients and/or contractors) implement a complex drug and alcohol testing program that complies with part 655. Second, the rules condition the receipt of certain kinds of FTA funding on the recipient’s compliance with the rules; thus, the recipient is not in compliance with the rules unless every entity that performs a safety-sensitive function on the recipient’s behalf is in compliance with the rules. Third, the rules do not specify how a recipient ensures that its subrecipients and/or contractors comply with them.

How a recipient does so depends on several factors, including whether the contractor is covered independently by the drug and alcohol rules of another Department of Transportation operating administration, the nature of the relationship that the recipient has with the contractor, and the financial resources available to the recipient to oversee the contractor’s drug and alcohol testing program. In short, there are a variety of ways a recipient can ensure that its subrecipients and contractors comply with the rules.

FTA has developed three model contract provisions for recipients to use “as is” or to modify to fit their particular situations.

DRUG & ALCOHOL COMPLIANCE

☐ Option 1

The PROCURING AGENCY ensures the contractor’s compliance with the rules by requiring the contractor to participate in a drug and alcohol program administered by the PROCURING AGENCY. The advantages of doing this are obvious: the PROCURING AGENCY maintains total control over its compliance with 49 C.F.R. Part 655. The disadvantage is that the PROCURING AGENCY, which may not directly employ any safety-sensitive employees, has to implement a complex testing program. Therefore, this may be a practical option for only those PROCURING AGENCYs that have a testing program for their employees, and can add the contractor’s safety-sensitive employees to that program.
Option 2

The PROCURING AGENCY relies on the contractor to implement a drug and alcohol testing program that complies with 49 C.F.R. Part 655, but retains the ability to monitor the contractor's testing program; thus, the PROCURING AGENCY has less control over its compliance with the drug and alcohol testing rules than it does under Option 1. The advantage of this approach is that it places the responsibility for complying with the rules on the entity that is actually performing the safety-sensitive function. Moreover, it reserves to the PROCURING AGENCY the power to ensure that the contractor complies with the program. The disadvantage of Option 2 is that, without adequate monitoring of the contractor's program, the PROCURING AGENCY may find itself out of compliance with the rules.

Option 3

The PROCURING AGENCY specifies some or all of the specific features of a contractor's drug and alcohol compliance program. Thus, it requires the PROCURING AGENCY to decide what it wants to do and how it wants to do it. The advantage of this option is that the PROCURING AGENCY has more control over the contractor's drug and alcohol testing program, yet it is not actually administering the testing program. The disadvantage is that the PROCURING AGENCY has to specify and understand clearly what it wants to do and why.

SUBSTANCE ABUSE TESTING

Option 1

The Contractor agrees to participate in AGENCY’s drug and alcohol program established in compliance with 49 C.F.R. Part 655.

Option 2

The Contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 C.F.R. parts 655, produce any documentation necessary to establish its compliance with part 655, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of [name of State], or AGENCY, to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 C.F.R. part 655 and review the testing process. The Contractor agrees further to certify annually its compliance with parts 655 before [insert date] and to submit the Management Information System (MIS) reports before [insert date before March 15] to [insert title and address of person responsible for receiving information]. To certify compliance, the Contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register.

Option 3

The Contractor agrees to establish and implement a drug and alcohol testing program that complies with 49 C.F.R. part 655, produce any documentation necessary to establish its compliance with part 655, and permit any authorized representative of the United States Department of Transportation or its operating administrations, the State Oversight Agency of [name of State], or AGENCY, to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 C.F.R. part 655 and review the testing
process. The Contractor agrees further to certify annually its compliance with parts 655 before [insert date] and to submit the Management Information System (MIS) reports before [insert date before March 15] to [insert title and address of person responsible for receiving information]. To certify compliance the Contractor shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register. The Contractor agrees further to [Select a, b, or c] (a) submit before [insert date or upon request] a copy of the Policy Statement developed to implement its drug and alcohol testing program; OR (b) adopt [insert title of the Policy Statement the PROCURING AGENCY wishes the contractor to use] as its policy statement as required under 49 C.F.R. part 655; OR (c) submit for review and approval before [insert date or upon request] a copy of its Policy Statement developed to implement its drug and alcohol testing program. In addition, the Contractor agrees to: [to be determined by the PROCURING AGENCY, but may address areas such as: the selection of the certified laboratory, substance abuse professional, or Medical Review Officer, or the use of a consortium].

33. **State and Local Disclaimer**

The Owner does not warrant or make any representation as to the accuracy or completeness of the information, text, graphics, links and other items contained in this document or on this server or any other server. Such materials have been compiled from a variety of sources and are subject to change without notice from the State and FTA.

34. **Geographic Preference**

Procurements shall be conducted in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in evaluation or award of bids or proposals, except where applicable Federal statutes expressly mandate or encourage geographic preference. This does not preempt State licensing laws.

35. **Incorporation of Federal Transit Administration (FTA) Terms**

The preceding provisions include, in part, certain Standard Terms and Conditions required by USDOT, whether or not expressly set forth in the preceding contract provisions. In order to comply with the requirements of 49 U.S.C. chapter 53 and other applicable federal laws, regulations, and requirements in effect now or later that affect its third party procurements, all contractual provisions required by USDOT, as set forth in FTA Circular 4220.1F, dated November 1, 2008, the current Master Agreement, and 2 C.F.R 200 are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement.

The Contractor shall not perform any act, fail to perform any act, or refuse to comply with any requests which would cause the Procuring Agency to be in violation of the FTA terms and conditions.

36. **Hold Harmless**

Except as prohibited or otherwise limited by State law, the Contractor agrees to indemnify, save, and hold harmless the Owner of this Contract and its officers, agents, and employees acting within the scope of their official duties against any liability, including all claims, losses, costs and expenses accruing or resulting to any other
person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the contractor or subcontractor in the performance of this contract and that are attributable to the negligence or intentionally tortuous acts of the contractor.

The Contractor represents and warrants that it shall make no claim of any kind or nature against the Owner or its agents who are involved in the delivery or processing of contractor goods to the Owner. The representation and warranty in the preceding sentence shall survive the termination or expiration of this contract.

37. **Safe Operation of Motor Vehicles**


**Seat Belt Use** - The Contractor is encouraged to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned, rented, or personally-operated vehicles. The terms “company-owned” and “company-leased” refer to vehicles owned or leased either by the Contractor or Owner.

**Distracted Driving** - The Contractor agrees to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a vehicle Contractor owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the work performed under this agreement.

38. **Exclusionary or Discriminatory Specifications or Requirements**

The Contractor agrees that it will comply with the requirements of 49 U.S.C. Sect. 5325(h) by refraining from using any funds derived from FTA in performance of this Contract to support any sub-contracts that use exclusionary or discriminatory specifications or requirements.

39. **North Carolina State Ethic’s Requirement**

Pursuant to Executive Order # 24, this section should be included in the terms and conditions of all contracts let by the Governor's Cabinet Agencies and the Office of the Governor:

1) “By Executive Order 24 and N.C. G.S.§ 133-32, it is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor’s Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

(1) have a contract with a governmental agency; or
(2) have performed under such a contract within the past year; or
(3) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24."

To be added near the signature portion of all contracts let by the Governor’s Cabinet Agencies and the Office of the Governor:

“N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.”

40. Sensitive Security Information


41. NC E-Verify Requirements

To ensure compliance with the E-Verify requirements of the General Statutes of North Carolina, all contractors, including any subcontractors employed by the contractor(s), by submitting a bid, proposal or any other response, or by providing any construction, material, equipment, supplies and/or services or installation, attest and affirm that they are aware and in full compliance with Article 2 of Chapter 64, (NCGS64-26(a)) relating to the E-Verify requirements by executing and submitting the E-verify Affidavit included in this Invitation for Bids as Attachment E. (Must be completed for all bids/quotes requiring service.)

42. Iran Divestment Act

N.C.G.S. 147-86.59 requires that all bids or contracts or renewals with the State of North Carolina, North Carolina local governments, or any other political subdivision of the State of North Carolina have a certification that the contractor is not on the Final Divestment List as created by the NC State Treasurer pursuant to N.C.G.S. § 147-86.58. In compliance with the requirements of the Iran Divestment Act 2015 and N.C.G.S. § 147-86.55 and 147-86.59, the Contractor shall not utilize the performance of the contract any subcontractor that is identified on the Final Divestment List. The State Treasurer’s Final Divestment List can be found on the State Treasurer’s website: www.nctreasurer.com/Iran and will be updated every 180 days. Effective February 26, 2016. (See Attachment F – Must be completed with all contracts over $1,000)
ATTACHMENT A

CERTIFICATION REGARDING LOBBYING

(To be submitted with all bids or offers exceeding $100,000; must be executed prior to Award)

The undersigned _________ certifies, to the best of his or her knowledge and belief, that:

(Contractor)

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding to any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.)]

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transactions imposed by 31, U.S.C. 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than $10,000 for each such expenditure or failure.]

The Contractor, __________________, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Section A 3801 et seq., apply to this certification and disclosure, if any.

______________________________
Date

______________________________
Signature of Contractor’s Authorized Official

______________________________
Name and Title of Contractor’s Authorized Official

Subscribed and sworn to before me this ___ day of ______, 20__, in the State of ___________; and the County of _______________.

______________________________
Notary Public

My Appointment Expires ___________________
CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY and VOLUNTARY EXCLUSION
LOWER TIER COVERED TRANSACTION

(To be submitted with all bids or offers exceeding $25,000.)

(1) The prospective lower tier participant (Bidder/Contractor) certifies, by submission of this bid or proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) The prospective Bidder/Contractor also certifies by submission of this bid or proposal that all subcontractors and suppliers (this requirement flows down to all subcontracts at all levels) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(3) Where the prospective lower tier participant (Bidder/Contractor) is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this bid or proposal.

The lower tier participant (Bidder/Contractor), ______________________, certifies or affirms the truthfulness and accuracy of this statement of its certification and disclosure, if any.

SIGNATURE ______________________
TITLE ______________________
COMPANY ______________________
DATE ______________________

State of ______________________
County of ______________________
Subscribed and sworn to before me this ___ day of ______________________, 20__.

Notary Public ______________________
My Appointment Expires ______________________
ATTACHMENT C
CERTIFICATE OF COMPLIANCE
WITH BUY AMERICA ROLLING STOCK REQUIREMENTS

(To be submitted with all bids/proposals of $150,000 or more. A bid, which does not include this certification or the certification under Attachment D, will not be eligible for award.)

The bidder hereby certifies that it will comply with the requirements of 49 U.S.C. Section 5323(j), and the regulations in 49 CFR Part 661.11.

DATE ____________________________
SIGNATURE _______________________
TITLE _____________________________
COMPANY __________________________

State of ___________________________
County of __________________________
Subscribed and sworn to before me this ___ day of ___________________, 20__.

Notary Public _______________________
My Appointment Expires _______________
ATTACHMENT D

CERTIFICATE OF NON-COMPLIANCE
WITH BUY AMERICA ROLLING STOCK REQUIREMENTS

(To be submitted with all bids/proposals of $150,000 or more. A bid, which does not include this certification or the certification under Attachment C, will not be eligible for award.)

The bidder hereby certifies that it cannot comply with the requirements of 49 U.S.C. Section 5323(j), but may qualify for an exception to the requirement consistent with 49 U.S.C. Section 5323(j)(2)(C), and regulations in 49 CFR 661.7.

DATE __________________________
SIGNATURE ________________________
TITLE _____________________________
COMPANY __________________________

State of ___________________________
County of __________________________

Subscribed and sworn to before me this ___ day of _________________, 20__.

Notary Public ________________________
My Appointment Expires ______________

32
ATTACHMENT E

STATE OF NORTH CAROLINA
COUNTY OF ______________

AFFIDAVIT OF COMPLIANCE WITH N.C. E-VERIFY STATUTES
(Must be completed and submitted for all bids/quotes requiring service)

I, ______________________________ (hereinafter the “Affiant”), duly authorized by and on behalf of ______________________________ (hereinafter the “Employer”) after being first duly sworn deposes and says as follows:

1. I am the ______________________ (President, Manager, CEO, etc.) of the Employer and possess the full authority to speak for and on behalf of the Employer identified above.

2. Employer understands that “E-Verify” means the federal E-Verify program operated by the United States Dept. of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

3. ☐ Employer employs 25 or more employees, and is in compliance with the provisions of N.C. General Statute §64-26. Employer has verified the work authorization of its employees through E-Verify and shall retain the records of verification for a period of at least one year.

☐ Employer employs fewer than 25 Employees and is therefore not subject to the provisions of N.C. General Statute §64-26.

4. All subcontractors engaged by or to be engaged by Employer have or will have likewise complied with the provisions of N.C. General Statute §64-26.

5. Employer shall keep the State of North Carolina informed of any change in its status pursuant to Article 2 of Chapter 64 of the North Carolina Statutes.

This _____ day of ______________, 20____.

____________________________________
Signature of Affiant

____________________________________
Printed Name and Title

State of ______________________________

County of ______________________________

Subscribed and sworn to before me this ___ day of ______________, 20____.

Notary Public ______________________________

(SEAL)

My Appointment Expires ______________________________
Carolina Yellow Cab, Inc  
1610 North 6th St  
Wilmington, NC 28401

5-13-2015

RE: Non-Emergency Transportation  
RFP 15-0325/ Financial Statements

New Hanover County,

Please find enclosed the above referenced RFP. Carolina Yellow Cab, Inc is requesting that the Company's Financial Statements remain private and confidential.

Carolina Yellow Cab, Inc, which is a privately held company, is requesting that the Financial Statements do not become part of the public record at the conclusion of the process. Additionally, Yellow Cab is requesting that all five (5) copies of the Financial Statements be returned to the Company. We have included a pre-addressed stamped envelope for the Counties convenience.

Thank you for your time and consideration of our proposal. We look forward to our continued business relationship with New Hanover County.

Sincerely,

[Signature]

Mark A. Pacheco  
President
4-23-2015

Section 4

A. Letter of Transmittal

Carolina Yellow Cab, Inc has read and understands the requirements of RFP 15-0326 published by New Hanover County on April 15th, 2015.

Mark A. Pacheco is the President of Carolina Yellow Cab, Inc and has the sole authority to sign and execute contracts. Mark Pacheco can be reached at:

Carolina Yellow Cab, Inc
1610 N. 6th Street
Wilmington, NC 28401
Office: 910-762-4404
Fax: 910-762-4405
markapacheco@gmail.com

The information contained in this proposal or any part thereof, including any exhibits, schedules, and other documents and instruments delivered or to be delivered to New Hanover County, are true, accurate, and complete. This proposal includes all information necessary to ensure that the statements therein do not in whole or part mislead New Hanover County as to any material facts.

B. Minimum Requirements

a. Evidence of Insurance – see Attachment A
b. Not applicable
c. Articles of Incorporation –see Attachment B
d. Operating Permit –see Attachment C
e. E-Verify – see attached
f. Overdue Tax Letter – see attached
g. Certification Regarding Lobbying – see attached
h. Certification Regarding Debarment – see attached
i. Financial Statements – see Attachment D
j. Not applicable

C. Financial Information

1. PNC Bank – Bill Stalsitz, AVP Branch Manager,
   William.stalsitz@pnc.com, 910-772-8861, 2015 S. 17th Street
   Wilmington, NC 28401
2. Carolina Yellow Cab, Inc has never filed for bankruptcy

3. Carolina Yellow Cab, Inc does not have any past or pending legal proceeding. Therefore nothing of this nature will affect the company’s financial position or ability to provide and complete it’s service to New Hanover County.

4. No reports, bulletins, or published statements have been issued by these agencies.

5. Carolina Yellow Cab currently does not have any plans for a divestiture, acquisition, or spin-off of any of its business segments. Additionally no of the above-mentioned have occurred in the past two (2) years.

6. See Attachment D

D. Company Information

1. Executive Summary

Yellow Cab has been serving New Hanover County for approximately 65 years. The current owner Mark Pacheco has been operating Carolina Yellow Cab, Inc since 2010 and has been contracted by the County during this time.

The Management team at Yellow Cab includes: Mark Pacheco – President, Diana Peterson – Office Manager, Winfred Meeks – Operations Manager, and Suzanne Hyatt – Dispatch Supervisor. All members of management have experience driving a taxicab. This experience provides management with a comprehensive understanding of client / driver relationships. As a result, Yellow Cab a distinct advantage in resolving any issues which may arise between the Agency, client, and or drivers.

The Company’s prime objective is to provide safe, clean, courteous, and on-time transportation to the County’s Agencies and its clients. The company prides itself on identifying and taking care of all clients
needs including those with special requirements. Currently Yellow Cab is serving clients for DSS, the Senior Resource Center and New Hanover County Schools.

Carolina Yellow Cab and its associated company Lett’s Taxi operate the largest fleet of taxis in the County with a total of 59 vehicles, including and A.D.A compliant Handicap Accessible Van. The Company serves New Hanover and surrounding Counties 24 hours a day, 365 days a year.

In order to better serve the New Hanover County and the Company’s clients “state of the art” dispatch software was purchased in 2015. The software enables the Company to communicate with customers and drivers on a real time basis via a mobile data terminal installed in each vehicle. The new GPS based software creates efficiencies resulting in reduced late pick-ups, drop-offs, and the vehicles non-productive time. All vehicles are GPS tracked in real time.

Customer service begins with customer safety. All customers are treated with respect and integrity. All complaints are handled immediately by management. Communication with the County Agencies and their clients is of prime importance. In calendar year 2014 Yellow Cab vehicles travelled approximately 1.3 million miles and recorded only 3 at-fault accidents. Customer complaints were less than .005% of total trips completed.

Yellow Cab operates a fully staffed maintenance facility at its business office. All vehicles receive regularly scheduled service at 4,000, and 24,000 miles. Vehicles are cleaned and inspected daily.

Yellow Cab’s computerized dispatch facility is located at Wilmington International Airport. It is important to note that in the event of a power failure the Company will continue serve it’s clients without interruption due to the power supplied by ILM’s backup generators.

In conclusion, we look forward to continuing to serve New Hanover County and their Agencies during the contract period. Please contact us if you have any questions or concerns.

2. Carolina Yellow Cab, Inc (d.b.a. Yellow Cab) has been under current ownership and management since 2010. Woody Pridgen originally founded the Yellow Cab Company in New Hanover County in approximately 1945. The company has been serving customers in New Hanover County for approximately 70 years.
3. Carolina Yellow Cab, Inc is a corporation domiciled in North Carolina. The company currently has 15 full and part-time employees. The company's vehicles consist of 31 taxicabs and 1 Wheel-Chair accessible van, making it the largest privately held transportation company in New Hanover County. Carolina Yellow additionally has a sister company, EFM Group, Inc. (d.b.a. Lett's Taxi & Limousine). Lett's Taxi has an additional 28 taxicabs.

4. Carolina Yellow Cab, Inc is a privately held corporation wholly owned by Mark Pacheco. Lett's Taxi & Limousine is also owned by Mark Pacheco.

5. Yellow Cab will continue use the current process in place with both New Hanover County DSS and the Senior Center, unless each agency individually or jointly requests changes. Currently that process for DSS is for them to email Yellow Cab with the client information, pick up location and pick up time with a destination address. Additionally, DSS may call or fax us the information. The Senior Resource Center currently faxes the information. All transportation requests during normal business hours are received and entered into the software by our Dispatch Supervisor.

6. Carolina Yellow Cab is managed in three basic business divisions. All divisions report to Mark Pacheco the President of the company.

   Office Manager - Diana Peterson is responsible for handling customer and vendor requests and requirements as well as all customer billing. In addition she has the responsibility of working with our Dispatch Supervisor in hiring office staff and dispatchers.

   Operations Manager - Winfred Meeks is responsible for hiring drivers, and mechanics. His responsibilities include ensuring all preventative maintenance, repairs, inspections are completed in a timely manner on all vehicles.

   Dispatch Supervisor – Suzanne Hyatt’s, responsibilities include hiring and scheduling of dispatchers and call takers. She is also responsible for scheduling future customer pick-ups.

7. Carolina Yellow Cab currently does not have any plans for a divestiture, acquisition, or spin-off of any of its business segments. None of the above-mentioned or organizational changes have occurred in the past two (2) years.

8. The Company's business office and maintenance facility is located at 1610 North 6th Street Wilmington, NC 28401.
The Company's dispatch office is located inside the Wilmington International Airport located at 1740 Airport Blvd Ste 1 Wilmington, NC 28405.

E. Background and Experience

1. Yellow Cab has been successfully providing transportation for persons with special needs since 1990 (25 yrs). We work hard to customize the transportation based on the individual's requirements. In most instances the company pair's drivers who are familiar with the individual customers special needs.

2. The majority of communication between the county will be routed through the Office Manager, Diana Peterson, and or Suzanne Hyatt the Dispatch Supervisor. Mark Pacheco the President is always available to anyone from New Hanover County. All forms of communication are available via phone, email, fax, mail, and hand delivery.

3. PTI, Rachel Casey, rcasey@unitedevy.com, 812-485-3542, 3700 East Morgan Ave Evansville, IN 47715

Mulligan Epstein Attorneys at Law, Pat Mulligan, pmulligan@mulliganepstein.com, 910-763-1100, 2802 Market St Wilmington, NC 28412

New Hanover County Schools, Ann Mason, ann.mason@nhcs.net, 910-254-4445, 6410 Carolina Beach Rd Wilmington, NC 28412

4. Carolina Yellow Cab has been under contract with New Hanover County DSS for at least 10 years. The Company has also been under contract with the New Hanover County Senior Resource Center for the past 4 years. Additionally we have been contracted to provide transportation service for the following companies: PTI (CSX Railroad), Atlantic Southeast, Atlantic Surgicenter, Cypress Pointe Rehab, Davis Health Care, Delta Airlines, Disability Resource Center, Elderhaus Pace, Express Care, Fairfield Inn, Fannie Norwood, General Electric, Holiday Inn, Holiday Inn Express, Key Risk Management, Liberty Commons, Mast Long Term Care Pharmacy, New Hanover County Health Department, Neil Medical Group, Northchase Nursing & Rehabilitation Center, Patient Care Resources, Pender County Memorial Hospital, Scotland Memorial Hospital, New Hanover County Hospital, PPD, Rehabilitation Hospital, Silver Stream Health & Rehabilitation, Sterling Courier Systems, UNCW, Wilmington Health & Rehabilitation, Wilmington Health Associates.
5. The most prominent risk associated with any transportation contract would be accidents and timely service. These risks are mitigated with protocols for any such incident. We have a set procedure in place to maintain 24-hour continual contact between Management, Dispatch, and Drivers. We attempt to manage the risk of terrorism by having procedures in place should such an event occur. These plans include, having the ability move our Dispatch Office from the ILM to our Operations Facility, or any other location deemed necessary. Accessing our dispatch software and two-way radio without interruption are vital, in order to effectively communicate with our customers, County Agencies, and law enforcement emergency personal.

6. We do not foresee any major obstacles in the implementation of this transportation contract. We view this as a continuation of the service currently being provided to New Hanover County and the individual Agencies. Management will continue to consult the Agencies on a daily basis to ensure a continued high level of service is being delivered. We currently have procedures in place to ensure timely and safe service. Yellow Cab will continue to use these procedures unless an Agency requests a change.

F. Staffing / Organization

1 Mark Pacheco – President, all staff and employees report to the President

Diana Peterson – Office Manager, Dispatch Supervisor and all dispatch employees report to the Office Manager

Winfred Meeks – Operations Manager, all mechanics and drivers report to the Operations Manager

Suzanne Hyatt – Dispatch Supervisor, all dispatch employees report to the Dispatch Supervisor
2. The following staff will be the Counties main contacts in regards to transportation being provided by Yellow Cab.

Diana Peterson, Office Manager will be responsible for all billing and complaints involving transportation for New Hanover County. Ms. Peterson has over 20 years experience in the transportation business with 10 years of that experience as the Office Manager of Yellow Cab.

Suzanne Hyatt, Dispatch Supervisor will be the contact point and have the responsibility of scheduling and ensuring on-time service for all New Hanover County transportation needs. Ms. Hyatt has 8 years of experience in the transportation industry with 6 years of experience as Yellow Cabs Dispatch Supervisor.

3. Mark Pacheco, President will be responsible for the overall management of the RFP.

Diana Peterson, Office Manager. Her responsibilities will include billing the agencies for services and acting as the liaison between the agencies and Yellow Cab.

Suzanne Hyatt, Dispatch Supervisor. Her responsibilities will include coordinating trips and communicating with drivers and agency staff as needed.
Winfred Meeks, Operation Manager. His responsibilities will include management of the drivers and the overall maintenance of the vehicles.

4. Yellow Cab recruits its staff and drivers through all forms of advertising media, as well as word of mouth recommendations. Dispatch and Call Takers must have basic computer skills, the ability to multi-task with an emphasis on good customer service phone skills. Additionally, they must be able to type a minimum of 45 words per minute. All office employees are subjected to a background check and random drug testing.

All driver applicants must consent to be fingerprinted and subjected to a criminal history check through the North Carolina Department of Justice and a national criminal history records check through the Federal Bureau of Investigation. If an applicant has been convicted of any of the following federal or state statutes within the past five (5) years they shall be disqualified from employment:

1. Any felony
2. Manslaughter by automobile
3. Reckless Driving
4. Operation of automobile under the influence of an intoxicant
5. A violation of any law relating to prostitution
6. A violation of any law relating to possession, sale, or transportation of intoxicating liquors or controlled substances
7. Any applicant with an accumulation of more than 12 points within a 3-year period shall be disqualified.

5. Yellow Cab continually works to improve its quality service both internally and externally to the clients it serves. Internally we are always looking for ways to improve our processes and procedures in an effort to increase efficiencies and reduce cost.

In February of 2015 Yellow Cab purchased state of the art dispatch software. The new software has numerous custom features, which enable the company to effectively manage its overall business on a real time basis. The software allows Yellow Cab to GPS track it’s fleet at all times. The software does the majority of the vehicle dispatching depending on the dispatch variables set by management, i.e. dispatching the closest vehicle, dispatching the vehicle on stand-by the longest or dispatching a particular driver. In addition, the software sends an automatic text message to the customer once the
vehicle is on-route and again once the vehicle arrives to the pick up location. Thus keeping the client better informed on the status of their ride. The software also provides many reporting tools for management, i.e. dispatch performance, vehicle on-time reporting, trip details, trip histories, future trip bookings, daily and weekly job counts to name a few.

6. Yellow Cab and its sister company Lett's Taxi both owned by Mark Pacheco are the leaders in the local transportation business in changing and applying new technologies to the industry. When Mark Pacheco first purchased Lett's Taxi in 2008, he immediately began implementing a new computerized GPS dispatch system. Lett's Taxi was the first company in New Hanover County to implement such technologies to the taxi industry. Lett's Taxi was the only company using such technologies. Other major taxi companies in New Hanover County were all still limited to the two-way radio technology. In 2010, when Mark Pacheco purchased Yellow Cab, new technology was again implemented. Within one year other major taxi companies followed suite in procuring the technology that Lett's Taxi had deployed back in 2008. Yellow Cab and Lett's Taxi continually looks at and evaluates emerging technologies to gain efficiencies and the ability to deliver timely and quality transportation to all of it's customers.

7. Yellow Cab and its management team driven by Mark Pacheco, strive to hire and retain quality individuals in an effort to better serve its clients. Management believes that we must take care of each individual customer and their needs. Priorities are customer first, employee second, and company third. Yellow Cab has never been involved in a dispute or strike by organized labor.

8. Quality assurance is managed through the use of the latest software reporting tools. Management reviews reports on daily basis for on-time pick ups, the number of calls received by dispatch per shift, the number of jobs completed, number of jobs cancelled and the number of jobs that no show, as well as taxi availability.

G. **Customer Service**

1. Customer Service begins first and foremost with customer safety. We strive to delivery fast, friendly, and on-time service. This is communicated daily to all, by management. Our philosophy is that all customers are to be treated with respect and integrity equally. We do place an emphasis on account customers with priority dispatch and pick up.
2. Customer complaints are immediately logged and addressed by management. We attempt to contact the customer prior to addressing the individual within the company. We have a formal process and complaint form in every vehicle for the customer to fill out, in the event that the complaint involves dispatch. Resolutions to the complaint can vary and are based on the nature of the complaint. Resolution can include, refunding the customer, future rides at no charge, and up to and including termination of the staff member.

3. The minimum standards on contracts are as follows:
   a. No more than 10 minutes late on drop offs.
   b. No more than 5 minutes late on pick ups.
   c. The most direct route between the pick up and drop off point in order to minimize travel time.
   d. No shows do not occur due to our real time GPS tracked vehicles and the size of our fleet.

H. **Employee Training**

1. Yellow Cab does all of it's training on a one on one individual basis. Dispatcher and call taker training takes place in our dispatch office with Suzanne Hyatt the Dispatch Supervisor. This training is done in a live setting with actual customers and pick up requests. The training typically will last for approximately 40 hrs. The training also includes a systems training manual. Please see Attachment E.

   Driver Training occurs in a similar manner. Each new driver will spend a day inside the office with the Operations Manager learning company systems and protocols. Once this portion of the training is completed, the driver will spend anywhere from 1 to 3 days riding with a training driver performing the duties of the position. The training period is based on the trainee's comfort and the trainer's opinion of the potential driver candidate's ability. The training also includes a driver systems training manual. Please see Attachment F.

2. Yellow Cab's safety and security program begins with ensuring all vehicles are maintained and serviced at appropriate intervals. Each vehicle is inspected daily by the driver for tire wear, tire pressure, properly functioning brakes, fluid levels, and that windshield and wipers are in good working order. We have a formalized written process to address all vehicle maintenance concerns. During driver training special attention is paid to the importance of safe operation of the vehicle. A quarterly staff and driver meetings are held to review all safety and maintenance policies and procedures. Should an accident or incident occur the dispatcher is required to notify law enforcement and or EMS if necessary. They are requested
to go to the scene in every case. Secondly the dispatcher must notify the Operations Manager of the incident immediately. The Operations Manager then notifies the President and one or both will then immediately proceed to the location of the incident. Should the incident involve a Yellow Cab account, the Office Manager will simultaneously notify the account contact person.

In 2014 Carolina Yellow Cab completed 6,471 trips for New Hanover County with total miles of 61,698 with zero accidents.

3. Yellow Cab takes the misuse of alcohol and controlled substances very seriously. The basic tenant of our business is to provide safe transportation, any misuse of alcohol or controlled substances will result in immediate termination. All staff members are subjected to random drug screening. All drivers are subjected to an annual drug screen as well as random screening. Any driver involved in an accident is required to immediately submit to a drug screening.

4. All staff, dispatchers, and drivers are required to complete customer service training. The training is an ongoing process. Management continuously has conversations and reminders with staff about delivering quality customer service. When necessary, management will hold one on one coaching sessions with staff, using specific examples of how they and we can improve our ability to deliver exceptional service.

5. Wheelchair securement training is completed by the Operations Manager and the Office Manager who was a former Wheelchair Van operator. Due to the technical nature of the Handicap Accessible Van, Yellow Cab has one primary driver who completes ninety-five (95%) of all trips. He has been the operator of this vehicle for the past 8 years. Additionally we have one back up driver who completes any trips that the primary driver is unable to do. The back up driver has been performing this function for the past 5 years.

I. Operations

1. The Company’s central dispatch office is located in the Wilmington International Airport located at 1740 Airport Blvd Wilmington, NC. This office remains open 24 hrs a day, 365 day per year. Our business office and maintenance facility is located at 1610 N. 6th Street Wilmington, NC. This office is open 7 days a week from 8 a.m. to 5 p.m.

2. Yellow Cab has a 2015 state of the art computerized dispatch software system. All vehicles are GPS tracked in real time. Vehicle history
locations are stored within the system indefinitely. Vehicles are dispatched by the software in multiple ways. The two most common are, software that enables the vehicle to pickup the closest client via an electronic computer display. The second method would be for the dispatcher to assign a specific driver each customer. Software will then send the pick up information electronically to the vehicle computer display. All vehicles have the ability to send custom electronic messages to the dispatch system as well as receive messages in the vehicle. Additionally all taxicabs are equipped with a two-way radio enabling them to communicate with the dispatch office. We are open 24hrs hours, enabling clients to contact us at anytime. Management is on a rotating 24 hrs availability contact schedule.


4. Yellow Cab has the ability to deliver both non-ambulatory and ambulatory service

5. Yellow Cab's main service area is New Hanover and surrounding Counties. Yellow Cab has and will serve the entire East Coast. We have been as far as Florida and New York in order to serve our customers requests for transportation.

6. All vehicles are inspected daily. Each vehicle is serviced every 4,000 miles and 24,000 miles. All maintenance, service, and repairs are tracked and recorded within the maintenance software system. We have formalized maintenance form for drivers to request vehicle maintenance. Although mechanical failures occur on occasion. Yellow Cab is in a position to continue to deliver service to its clients due it large fleet and the availability of back up vehicles. Yellow Cab service complaints are less .005 % of the total trips completed per year. In 2014 Yellow Cab travelled approximately 1.3 million miles. During this period the company was involved in three (3) at-fault accidents, which equates to 433,333 miles between at-fault accidents. In 2014 the company was involved in 7 not at-fault accidents which equates to 185,714 miles between accidents.

7. Communication between dispatch and driver is done through two systems. Each vehicle is equipped with a mobile data unit. The mobile data unit enables the driver to receive trip details and messages from the dispatch office. Drivers are also able to send
electronic messages to the dispatch office and the business office through the mobile data unit. Yellow Cab additionally equips all of its vehicles with a two-way radio to communicate with the dispatch office and business office.

8. Yellow Cab is open and available to its accounts and customers 24 hours a day, 7 days a week, 365 days a year.

9. System Safety Program Plan

   a. Driver / Employee

      Letts Taxi has two plans in place addressing both drivers and employees. Due to the difference in the nature of the day-to-day functions of the employees, it is necessary to address each individually.

      Drivers undergo rigorous background checks and drug/alcohol screenings as well as driving record checks. These are noted in section F part 4. Drivers are also subjected to mandatory drug screening should they be involved in an accident. Random drug screenings are also performed.

      Employees are subjected to background checks when hired as well as random drug screening. It is imperative on management’s part to emphasize that employees and dispatchers play a key role in the safety of drivers and clients.

   b. Driver / Employee Training

      Driver training is a key element in the safety plan being implemented by Lett’s Taxi. It is our fundamental mission to provide safe transportation for all of our clients. From the first moment a potential driver applies for a position, management begins to stress the importance. Safety begins with the hiring of drivers that have this understanding. Lett’s Taxi requires a MVR at the date of hire. We additionally run MVR checks on drivers at least bi-annually. New hires will spend a day in the business office with management covering safety expectations and protocols of the company. Lett’s Taxi has designated training drivers. New hires will spend 1 to 3 days with a trainer in the vehicle. The training driver will continue to emphasize safe operating procedures and protocols.

      Employees play a key role in safety throughout the entire company. Dispatchers are to be ever vigilant in tracking drivers on the GPS software, ensuring they are where they are supposed to be. Mechanics have the responsibility along with management to ensure all vehicles in service are in safe working order. This is done through standardized maintenance program.
c. Safety Data Acquisition Analysis
The company compiles on a per incident basis reports and information as it relates to the incident. i.e. accidents reports, insurance investigation reports, driver logs, and other data related to the incident. Each incident is filed and maintained in the business office. The company will review annually these files in an effort to improve on its' safety practices and procedures.

d. Drug, Alcohol and Abuse Program
Lett's Taxi has a zero tolerance policy as it relates to drug and alcohol abuse. All drivers and employees are subject to random screening.

e. Vehicle Maintenance
Lett's Taxi and its' staff understand that customers safety begins with proper maintenance of the fleet. All vehicles are inspected daily prior to operation. The company has a formalized maintenance program in place. All completed maintenance is recorded in the company's software system. Please also see forms in Attachments G & H.

f. Security
Lett's Taxi takes a proactive role in planning and implementing a security plan. However, no matter how well planned and implemented there will always be security breaches. Therefore procedures for such incidents are a critical part of employee/driver training to ensure the security of staff and clients. It is imperative that in any such event all staff has a thorough understanding of their role and responsibilities in response to a security breach.

g. Blood Borne Pathogens and Control Plan
Universal precautions will be taken by all staff in order to prevent contact with blood or potentially infectious material. All blood or other material will be considered infectious. Staff must wash their hands or other skin with soap and water, or flush mucous membranes with water; as soon as possible following suspected exposure. No eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lens is allowed if there is reasonable likelihood of potential exposure. Should suspected exposure occur in a vehicle or other work area, it should be decontaminated immediately or as soon as possible. A solution of 10% minimum chlorine bleach should be used to wipe down all contaminated surfaces. All potential and suspected exposures are to be immediately reported to management.
J. Fleet

1. Please see Attachment I for fleet of vehicles

2. All vehicles are owned by Carolina Yellow Cab, Inc

3. Yellow Cab has 1 vehicle that meets the ADA requirements.


   Yellow Cab has 4 sedans with passenger seating capacity of 4.

   Yellow Cab has 1 Handicap Accessible van with the capacity to hold 2 wheelchairs and an additional 4 passengers.

5. All vehicles are equipped with passenger restraint systems, airbags, and fire extinguishers. 8 of the vehicles include a back up warning beeper.

6. All vehicles are yellow with back decals displaying the company name and phone number. All vehicles have a posted City of Wilmington permit and its corresponding permit number displayed in black lettering on three sides of the vehicle.

7. All Yellow Cab vehicles have a permanently installed mobile data unit.

K. Preventive Maintenance

1. All vehicles are inspected daily. Each vehicle in serviced every 4,000 miles and 24,000 miles. All maintenance, service, and repairs are tracked and recorded within the maintenance software system.

2. Please see Attachment G & H for maintenance forms

3. All vehicles are to be washed and vacuumed on a daily basis. Vehicles interiors are steamed cleaned twice a year.
Non-Emergency Transportation  
RFP # 15-0326

Fill in the cost for providing the services listed below. You may also submit pricing for other services you provide out only those transit points you wish to service. Flat Rate Pricing is preferred.

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The Contractor may complete both columns or just one, each will be reviewed. The undersigned certifies that their service being offered will meet or exceed the minimum specifications as presented in the attached proposal package.

Carolina Yellow Cab, Inc  
910-762-4404  
Company Name  
1610 N. 6th Street  
Telephone Number  
Company Address  
Wilmington, NC 28401  
Date  
Federal Tax ID / SS#  
Officer Signature/Title
Carolina Yellow Cab, Inc  
1610 N. 6th Street  
Wilmington, NC 28401

4-23-2015

To: New Hanover County

Certification:

We certify that Carolina Yellow Cab, Inc does not have any overdue tax debts, as defined by N.C.G.S. 205-243.1, at the federal, state, or local level. We further understand that any person who makes a false statement in violation of N.C.G.S. 143C-6-23c is guilty of a criminal offense punishable as provided by N.C.G.S. 143C-10-1b.

I, Mark A. Pacheco being duly sworn, say that I am President of Carolina Yellow Cab, Inc of Wilmington in the State of North Carolina; and that the foregoing certification is true, accurate, and complete to the best of my knowledge and was made and subscribed by me. I also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.

[Signature]

Authorized Official
CERTIFICATION REGARDING LOBBYING

(To be submitted with all bids or offers exceeding $100,000; must be executed prior to Award)

Carolina Yellow
Cab, Inc

The undersigned______certifies, to the best of his or her knowledge and belief, that:

(Contractor)

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding to any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-66, to be codified at 2 U.S.C. 1601, etseq.)]

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transactions imposed by 31, U.S.C. 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Note:
Pursuant to 31 U.S.C. 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than $10,000 for each such expenditure or failure.

Carolina Yellow
Cab, Inc

The Contractor______certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Section A 3801 et seq., apply to this certification and disclosure, if any.

4/23-2015
Date

Signature of Contractor's Authorized Official
Mark A. Pacheco President
Name and Title of Contractors Authorized Official

Subscribed and sworn to before me this 23day of April, 2015, in the State of NC.

Notary Public

My Appointment Expires Aug 21, 2017
AFFIDAVIT of COMPLIANCE with NC E-VERIFY STATUTES
(To be submitted with all bids)

STATE OF ____________

COUNTY OF ____________

I, Mark A. Pacheco (hereinafter the "Affiant"), duly authorized by and on behalf of Carolina Yellow Cab, Inc. (hereinafter the "Employer") after being first duly sworn deposes and says as follows:

1. I am the President (President, Manager, CEO, etc.) of the Employer and possess the full authority to speak for and on behalf of the Employer identified above.

2. Employer understands that "E-Verify" means the federal E-Verify program operated by the United States Dept. of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

3. Employer employs 25 or more employees in the State of North Carolina, and is in compliance with the provisions of N.C. Gen. Stat. §64-26. Employer has verified the work authorization of its employees through E-Verify and shall retain the records of verification for a period of at least one year.

X Employer employs fewer than 25 Employees and is therefore not subject to the provisions of N.C. Gen. Stat. §64-26.

4. All subcontractors engaged by or to be engaged by Employer have or will have likewise complied with the provisions of N.C. Gen. Stat. §64-26.

5. Employer shall keep New Hanover County informed of any change in its status pursuant to Article 2 of Chapter 64 of the North Carolina General Statutes.

Further this affiant sayeth not.

This the 23rd day of April, 2015

STATE OF North Carolina

COUNTY OF New Hanover

Sworn to and subscribed before me, this the 23rd day of April, 2015

My commission expires: Aug 21, 2017

DIANA M. PETERSON
NOTARY PUBLIC
NEW HANOVER COUNTY, NC
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY and VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTION
(To be submitted with all bids or offers exceeding $25,000.)

(1) The prospective lower tier participant (Bidder/Contractor) certifies, by submission of this bid or proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) The prospective Bidder/Contractor also certifies by submission of this bid or proposal that all subcontractors and suppliers (this requirement flows down to all subcontracts at all levels) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(3) Where the prospective lower tier participant (Bidder/Contractor) is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this bid or proposal.

The lower tier participant (Bidder/Contractor) certifies or affirms the truthfulness and accuracy of this statement of its certification and disclosure, if any.

SIGNATURE

TITLE President

COMPANY Carolina Yellow Cab, Inc

DATE 4/23/2015

State of North Carolina

County of New Hanover

Subscribed and sworn to before me this 23rd day of April, 2015.

DIANA M. PETERSON

NEW HANOVER COUNTY, NC

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Wooten Insurance Center
P. O. Box 827
Stateville NC 28687

CONTACT NAME:
PHONE (704) 839-0837
FAX (704) 873-0215
E-MAIL: wooten@wootenins.com
INSURER(S) AFFORDING COVERAGE:
WILSHIRE INS CO

INSURED
Carolina Yellow Cab Inc
1610 N 6th St
Wilmington NC 28401

INSURER A:
UNITED STATES LIABILITY INS CO
INSURER C:
INSURER D:
INSURER E:
INSURER F:

COVERAGES

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| ANY PROPRIETOR/OWNER/EXECUTIVE | OFFICER/MEMBER EXCLUDED (Mandatory in NF) | | | | E.L. EACH ACCIDENT $|
| | | | | | E.L. DISEASE - EA EMPLOYER $|
| | | | | | E.L. DISEASE - POLICY LIMIT $|

B BUSINESS PERSONAL PROP

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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
New Hanover county listed as additional insured
fax 908-508-0323

CERTIFICATE HOLDER
New Hanover County
Wilmington, NC

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE:
Debra D. Bryant

© 1988-2014 ACORD CORPORATION. All rights reserved.
The ACORD name and logo are registered marks of ACORD

ACORD 25 (2014/01)
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFRMS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. IF SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Azalea Insurance Services, Inc
4655 Peachtree Avenue
Wilmington, NC 28403
Randy Lewis
910-799-8611
910-392-9552

CONTACT
NAME:
PHONE:
FAX:

INSCRIBER(S) AFFORING COVERAGE
INSURER A: TRAVELERS PROP & CAS OF AMERIC

INSURER B:
INSURER C:
INSURER D:
INSURER E:
INSURER F:

ADDRESS:

COVERAGES:

CERIFICATE NUMBER:

REVISION NUMBER:

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. IF SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSCRIBER
INSURER
POLICY NUMBER
POLICY LIMITS

LIMITS

GENERAL LIABILITY
COMMERCIAL GENERAL LIABILITY
CLAIMS-MADE
EXCESSIVE OCCUR

GENL AGGREGATE LIMIT APPLIES PER:

AUTOMOBILE LIABILITY
ANY AUTO
ALL OWNED AUTOS
HIRED AUTOS
UMBERLLA LIABILITY
EXCESSIBLE OCCUR
CLAIMS-MADE

DEDRETENTION

WORKERS COMPENSATION
AND EMPLOYERS' LIABILITY
OSITION:IS }

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, If more space is required)

CERTIFICATE HOLDER

PREMISES

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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The ACORD name and logo are registered marks of ACORD
Attachment B

State of North Carolina
Department of the Secretary of State

ARTICLES OF INCORPORATION

Pursuant to §55-2-02 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Incorporation for the purpose of forming a business corporation.

1. The name of the corporation is: Carolina Yellow Cab, Inc.

2. The number of shares the corporation is authorized to issue is: 1000

3. These shares shall be: (check either a or b)
   a. ☑ all of one class, designated as common stock; or
   b. ☐ divided into classes or series within a class as provided in the attached schedule, with the information required by N.C.G.S. Section 55-6-01.

4. The street address and county of the initial registered office of the corporation is:
   Number and Street 2992 Carolina Beach Rd - Suite 208
   City Wilmington State NC Zip Code 28401 County New Hanover

5. The mailing address, if different from the street address, of the initial registered office is:
   Number and Street Same
   City ______________________ State ________ Zip Code __________ County ______________________

6. The name of the initial registered agent is: Robert A Gonyea

7. Principal office information: (must select either a or b.)
   a. ☑ The corporation has a principal office.

   The street address and county of the principal office of the corporation is:
   Number and Street 1610 N 8th Street
   City Wilmington State NC Zip Code 28401 County New Hanover

   The mailing address, if different from the street address, of the principal office of the corporation is:
   Number and Street Same
   City ______________________ State ________ Zip Code __________ County ______________________

   b. ☐ The corporation does not have a principal office.
8. Any other provisions, which the corporation elects to include, are attached.

9. The name and address of each incorporator is as follows:

Edward J Pacheco - 17579 Burl Oak Ct. - Eden Prairie, Mn 55347

10. These articles will be effective upon filing, unless a date and/or time is specified:

This the 24th day of June 2010

Signature

Edward J Pacheco - Incorporator

Type or Print Name and Title

NOTES:
1. Filing fee is $125. This document must be filed with the Secretary of State.

CORPORATIONS DIVISION
(Published January, 2002)

P. O. BOX 29622

RALEIGH, NC 27626-0622

(Form B-01)
AMENDED BUSINESS CORPORATION ANNUAL

NAME OF BUSINESS CORPORATION: Carolina Yellow Cab, Inc.

SECRETARY OF STATE ID NUMBER: 1156412

STATE OF FORMATION: NC

REPORT FOR THE FISCAL YEAR END: 12/31/2011

ORIGINAL DOCUMENT ID: CA201209400239

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Robert A. Gonyea

2. SIGNATURE OF THE NEW REGISTERED AGENT: 

3. REGISTERED OFFICE STREET ADDRESS & COUNTY

2392 Carolina Beach Road, Suite 208
Wilmington, NC 28401 New Hanover

4. REGISTERED OFFICE MAILING ADDRESS

2392 Carolina Beach Road, Suite 208
Wilmington, NC 28401

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Taxi

2. PRINCIPAL OFFICE PHONE NUMBER: (910) 508-0323

3. PRINCIPAL OFFICE EMAIL: 

4. PRINCIPAL OFFICE STREET ADDRESS & COUNTY

1610 N. 6th Street
Wilmington, NC 28401 New Hanover

5. PRINCIPAL OFFICE MAILING ADDRESS

1610 N. 6th Street
Wilmington, NC 28401

SECTION C: OFFICERS (Enter additional Officers in Section E.)

NAME: Mark Pacheco

TITLE: President

ADDRESS: 1610 N 6th Street
Wilmington, NC 28401

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

NAME: 

TITLE: 

ADDRESS:

DATE: 12/30/12

SIGNATURE

Print or Type Name of Officer

SUBMIT THIS ANNUAL REPORT WITH THE REQUIRED FILING FEE OF $10.00

MAIL TO: Secretary of State, Corporations Division, Post Office Box 29525, Raleigh, NC 27629-0525
Attachment C

PRIVILEGE LICENSE
CITY OF WILMINGTON, NC

BUSINESS ADDRESS:
1610 N 6TH ST UNIT A

ACCOUNT NUMBER
14-00033305

.issue DATE
June 14, 2013

EXPIRATION DATE
May 31, 2014

SECTION NUMBER - CITY FEE SCHEDULE
20510
TAXICAB - $15 PER VEHICLE PER YEAR

LICENSE IS HEREBY GRANTED

CAROLINA YELLOW CAB INC
ATTN: MARK A PACHECO
1610 N 6TH ST UNIT A
WILMINGTON NC 28401

POST IN A CONSPICUOUS PLACE
LIMITED TRANSFERABILITY

ISSUED BY:
Debra H Mack
Finance Director / Tax Collector
Finance Department - Collection Division
Financial Statements

of

CAROLINA YELLOW CAB INC
For the Period Ended December 31, 2014

See Accompanying Accountant's Compilation Report
Attachment E

Dispatch Training

Work Arrival

1. Punch in at workstation #2 with your employee number. Please remember to punch out at workstation #2 at the end of your shift.
2. Log into Get A Cab Software with your user id and password.
3. When the software comes up, make sure you are working under the Master Fleet. It should be the default highlighted fleet. If it is not, click Master Fleet Icon. System will confirm that you have changed to the correct fleet.
4. Click on the Dashboard icon. Make sure that the Open Requests, Zone Waiting, and Cab Details are open. If any icons are not open, click the appropriate icon on top of the screen to open it.
5. You are now ready to begin serving our customers

Talking to the Customers

It is your responsibility to provide outstanding customer service.

Answer the phone by saying “Thank you for calling Wilmington Taxi Dispatch this is (your name) may I get the phone number you are calling from please”

Entering Customer Pick up requests (100% order entry is the expectation)

1. Click on Create Job Icon
   a. Enter the customers phone number
   b. Enter customer name
c. Enter number of passenger (if more than 6 passengers, change Cab drop down box to appropriate number of cabs needed.)
d. Enter date of pick up from drop box.
e. Enter pick up time from drop down box
f. Enter pick up address (system will pre-fill address from Google maps)
g. Enter drop off address (system will pre-fill address from Google maps)
h. If customer has special requests. Click requests and add comments
i. Click “get distance’ to provide approximate fare quote
j. If this is a charge account, place price and other information needed by the driver in the ‘comments section”
k. Click Submit

2. At this point as you are ending the conversation with the customer. You need to let them know that they will be receiving 2 text messages from the software. When the cab is on-route and on-site. These text message will include the cab # and the drivers phone number.

3. The software will now dispatch the call to the appropriate driver based on how management has set dispatch priorities.

4. At any time if you have questions or need help, you can hit the “Help Icon”. Most of your questions can be answered in this section.

**Monitoring Open Customer Requests**

This part of your job is one of the most critical responsibilities you have as a dispatch employee. You are expected to monitor the
“open requests” section of your dispatch board at all times. This allows us to monitor in real time the “state” of each customer call.

1. You must pay particular attention to “Call Age”, “Cab” and “Status”.

2. “Call Age” this tells you how many minutes ago the customer called us. If the call is highlighted in Gold, this is a time call. We have exactly 20 minutes to get to the customer and be ON-TIME.

3. “Cab” this will tell you what cab # has been assigned to the call. You can always click on the cab number to locate it’s exact position, as well as clicking on the address of the pick up to locate the location on the map.

4. “Status” this will tell you based on the vehicle color what state the driver is in with the customer. Gold – driver has accepted job, Yellow – driver is on-route to the customer, Light Green – Driver is at the pick up location, Dark Green – customer is in the cab and on the way to destination.

If a driver has accepted a call and is in the Gold status, and you notice they have not moved on the GPS. Drivers are allowed 5 minutes maximum to go on-route (yellow color). If they do not, you are to immediately manually re-dispatch the call. We must serve our clients with fast and efficient service.

This is the one of the few exceptions that you may manually dispatch calls.
Please remember that great service is what makes us different from every cab company in Wilmington. You are the ones that make this difference. Treat every customer with dignity and respect. They are the ones that write your paycheck not management.

Unique customer requests and situations will arise, always remain calm. If you do not know the answer, let the customer know that you will get the answer and call them back. Management is here to help and support you, call us at anytime.

Dispatch Requirements

All calls must be dispatched through the computer system, in the event the computer system is down all calls are to be dispatched by the radio. Under no circumstance are calls to be dispatched over the phone, if a dispatcher is suspected of giving calls out over the phone disciplinary actions will be taken.

If a driver is sent on a call and the call is cancelled or is a no show upon arrival the driver is to be placed back at the top of the rotation, the computer will not automatically place them back at the top of the rotation. It will be up to you to get the driver place in the rotation. This is done by clicking on the cab # in the Zone Icon and clicking move to top.

If a driver refuses to get a trip after they have accepted the call for any reason they are to be logged out and sent to the office. This is done by clicking on cab # in the Zone Icon and choosing log out.

All calls are time stamped by the software with any changes that have been made to the call. The software will record the Dispatcher ID that changed the call. If a call is forced of manually dispatched to a driver you must be prepared to explain why the call was forced to a driver.
All DSS and CSX calls are to be entered in the system under the Yellow Cab Fleet. NO EXCEPTIONS!!! This way the software will only dispatch the call to a Yellow Cab. All other calls are to be put in the system as Master Fleet.

There should be no communication gaps between the dispatchers and the drivers, a driver should not have to call a dispatcher more than two times before getting a response.

If there are two or more dispatchers scheduled to work at the same shift, one person must be sitting at workstation 3 at all times. FOR NO REASON IS THE OFFICE TO BE LEFT UNATTENDED.

Your attendance and punctuality is critical to the success of this Company. We expect employees to strive for perfect attendance. In the event you will be absent or tardy for your scheduled shift, the following guidelines must be followed. If you are sick PLEASE give us at least 4 hours’ notice so we can cover your shift. If you need to request time off, all requests must be put in writing and submitted to Suzanne Hyatt the Dispatch Supervisor, DO NOT PUT YOUR TIME OFF REQUESTS ON THE CALENDAR. Supervisors may deny your request for time off due to staffing shortages and or Company needs. If we are unable to accommodate your request you may ask a coworker to cover your shifts and you must notify management of the change. No Dispatcher is allowed to clock in or out early without permission from Management. If you leave the airport for any reason you must clock out unless you are asked to come to the Business Office.
Attachment F

Driver Training

PRE-TRIP:
1) Cab numbers
   a. Lett's Cabs have their ID number in the lower right corner of windshield.
   b. Yellow Cabs use the “W” number replacing the “W” with a 3. All Yellow Cab ID numbers are “300” numbers. Thus W1 becomes 301, and W11 becomes 311.

2) Inspections
   a. Walk around your cab looking for new damage and cracks in windows. Take pictures and report to office. If no one is at office to report to, call dispatch to report damage.
   b. Lift hood and check fluids and belts. Fluids to check are: Coolant, Motor Oil, Brake Fluid, Power Steering Fluid, and Transmission Fluid. Start engine and check for leaks. Check transmission fluid twice. 1st when you start your motor, and 2nd after you have driven about 10 minutes to warm fluid. (IF YOU HAVE TO BUY FLUIDS TO PUT IN YOUR CAB, GET SALES RECEIPT, WRITE YOUR NAME AND CAB NUMBER AND CIRCLE AMOUNT PAID ON IT. PUT IN YOUR DROP SO YOU CAN BE REIMBURSED.)
   c. Check all lights: Brake lights (all 3), tail lights, turn signals (front and back), hazard lights, headlights. Make sure all work.
   d. Check your tires. If bald, or worn down to wear bars, write them up. Check air pressure and inflate if necessary. Proper pressure is between 30-35 psi.

TABLET:
1) Show process for powering up and powering down the tablet. As this takes some time you might also explain what to do in the event the tablet malfunctions (freezes, dropping calls, black screens, and force closures).

2) Explain how to tell if your call is an Account Charge Ticket or Cash/Voucher call.

Log into “Square Register” and then into the “Dispatch System (Tower).”
Remember to press the “On Route” button, “Onsite” button and “Onboard” button at the correct times. Press the “End Trip” button to move to the payment screens.
These are the 3 Payment Screens.

Enter fare/extras/tip amount, and then press down arrow in lower left corner to hide key pad. Press payment type button. The key pad must be again hidden so you can press the “Register and Close” button.

METER FUNCTIONS:

1) The 4 buttons and their use. Different meters label the buttons differently.
   a. Meter or (number I). This button is used most often. Press it to start/stop the meter. The fare begins at $3.00, and increases by .35 every 1/6 mile ($2.10/mile).
   b. Time (number II). This button is used to turn timer on/off. It is used when you have to wait on a passenger who has requested you to wait. When passenger gets in after completing their business, remember to turn timer off. Remember, WE DO NOT CHARGE TIME WHILE DRIVING. This button is also used with the extras button to charge the nightly Surcharge.
   c. Extras (number III). This button is used to display extra charges as authorized by the city, such as surcharges. To display these charges, turn timer on, then press extras button. Surcharge amount, if programmed into meter will display on right side of meter. Now turn timer off. Nightly surcharges begin at 6:30 p.m. and end at 6:30 a.m.
   d. Function (number IV). This button is used to get Units and Trips numbers at beginning and ending of your shift.

2) All meters have individual lights that show: HIRED, TIME OFF, EXTRAS. If the lights do not work, a passenger may ask you to prove you are not charging time. Pull to side of road and wait two minutes. If timer is on the meter will increase by .35 while stopped. TURN TIMER OFF. (Note: Meter cannot be turned off if timer is on. Check this before you begin work so you know if the timer comes on when you start the meter.)

NOTE: IT IS ILLEGAL TO RUN A HOT METER. A fine of $200.00 may be imposed on driver if caught charging time while driving to destination. Timer may only be used while waiting for a customer. General policy is that we wait 5 minutes before turning the timer on. Remember to turn it off when passenger gets into the cab.
LOG ON/OFF:
1) The process for Log-on (AFTER PRE-TRIP INSPECTION COMPLETE)
   a. Turn tablet on. Turn radio on. Call dispatch on radio. When you call in you always identify yourself by your cab number. Wait 2 minutes before calling dispatch again as they may be on the phone with customers, at the counter helping a customer, walking a customer out to a waiting cab, or doing any other business.
   b. When dispatcher acknowledges you, state you are ready to log-on. When they are ready they will ask for your beginning mileage.
   c. Fill out top of Lessee Daily Log sheet. (Log-on uses the “ON” line, Log-off uses “OFF” line.)
   d. Units (Dollars already on meter) and Trips are found on the meter using the Function button. These are Functions 1 & 2. (Note: Some meters begin with function “0”. Function numbers are seen on far right end of meter. Ignore F-0. You only want F-1 and F-2. Put cab number, date, and your name on sheet.

2) End of shift Log-off
   a. Call dispatch and notify them you are going to fuel up and go to yard to log-off. Look over your cab. Does it need to be washed/vacuumed? Remember to turn your cab in CLEAN INSIDE AND OUT AND FULL TANK.
   b. When you get to the yard, call dispatch again. They will ask for your ending mileage.
   c. TURN OFF YOUR RADIO, AND ALL LIGHTS. Failure to do this may result in a dead battery.

CHARGE TICKETS:
1) When you get a call that is an “account charge,” the account information will appear in SPECIAL INSTRUCTIONS window, and comment sections of tablet display. The account name will be something like “NHCSRC, ELDERHAUS, HOLIDAY INN, DSS, CSX, etc.” It is usually followed by an authorization name and method of charge, “mileage, meter, $ amount Flat.”

2) Filling out the “Charge Tickets.” All lines must have something on it, even if it is another line to show this line is N/A. A ticket with blank lines may be charged back to you and you must then fix them, or not be paid for them. EVERYTHING YOU WRITE IS WRITTEN IN PENCIL. PASSENGER SIGNS IN INK.
   a. Mileage and date lines is self explanatory.
   b. Account line: Write account name / authorization name / method of charge (mileage, meter, or $XX.00 Flat)
   c. Services Rendered: Write passengers name (if more than one, may use Train lines to list all.)
   d. Arrival Time, Pick up Time and Vacate Time is self explanatory.
   e. Authorization #: Used for DSS or other accounts requiring a number. If no number, mark it as N/A. LET’S DOES NOT DO DSS CALLS.
   f. Passengers: This line is a number of passengers on this call. Should be between 1-6. Vans are allowed up to 6 riders; sedans may take up to 4 riders.
   g. Train #: These 3 lines are for CSX trains and crew member names. LET’S DOES NOT DO TRAIN RUNS. Mark as N/A.
   h. Trip # lines: “From” means physical pick-up address, and “To” Means physical drop-off address. Normally “Trip # 2” is not used, so mark each line as N/A.
i. Stops Enroute: If authorized to make stops, list all stops made. If more room
is required, may use Train # lines or back of ticket. Otherwise mark as N/A.

j. Amount Trip + Wait Time + Extra Stops = Total lines: if mileage based, Call
dispatch with miles driven to get dollar amount for “Amount Trip”, If stops
authorized on route “Wait Time” is $.33 x number minutes waiting if wait
time is authorized (contact dispatch for yes or no), “Extra Stops” is $2.00 per
stop. Add lines across to get “Total.”

k. Drivers Name/Cab #: Your name and Cab number.

l. Approved: Passenger approves with signature in ink.

CREDIT CARDS:
Credit Cards are run on the tablet using the “Square APP.” MAKE SURE THE CARD
READER IS PROPERLY CONNECTED. (You should see a pop up showing the
reader connected). Enter fare amount, swipe card through card reader mounted on your
tablet, press custom tip button and then enter tip amount. Customer is required to sign on
tablet with finger tip (NOT FINGER NAIL). If a receipt is required, ask customer to
enter an e-mail address or phone number for text receipt.

If your card reader is properly connected, and it will not read customer’s card, then enter
information manually. After you have entered the fare amount, press the charge button
showing the amount in the upper right hand side. A new window will open asking for
charge type. With your finger press the credit card line, and then enter 16 digit card
number, four digit expiration date, security code, and billing zip-code. Then press charge
(continue) button.

If card is declined, go back and double check entered card information is correct. Hit
continue button again. If still declined, ask customer for different form of payment.

VOUCHERS AND OTHER PAYMENT FORMS:
1) Vouchers may be given to passengers by the Hospitals, Airlines, or any other
company agreeing to pay for a passengers trip. Most vouchers are issued on a flat
rate and the dollar amount will be written on it. If no dollar amount is shown, call
dispatch to ask for amount or if you should run meter. Write your taxi name, your
name, and cab number and date on the voucher.

2) Other forms of payment include Safe Ride Tickets, Get Home Safe Tickets, or $3.00
off Coupon (Fare must be at least $10.00). These forms have expiration dates. Be
sure they are not expired before accepting them. The S-R and G-H-S tickets are
$5.00 each ticket, and you do not make change for them. S-R tickets are sold to
students by UNCW, Get Home Safe (G-H-S) tickets are produced be an Auto Body
Shop for special events or Holidays.

3) WE DO NOT ACCEPT CHECKS.

DOWN TIME:
When you are waiting for a call, you may want to find a busy place to park that is
centrally located in a particular zone. Parking at shopping centers, eateries, bars, and
hotels/motels increases the possibility of walk up customers.

RADIO USE AND “10 – CODES”:
When using the radio, remember that others may be listening in on your transmission.
The radio is to be used for business purposes only. Keep your language clean and
professional. Remember also that someone else may have an emergency and need to contact dispatch for help. Don’t tie up the radio waves, and make sure you are not sitting on your keyed microphone. Following is a list of “10 Codes” we use.

10-3 means we are out of our cab and not accepting calls.
10-4 means I copy and understand. May also be used to answer in the affirmative.
10-5 means I am back in cab and ready for a call.
Other “10 Codes” are rarely if ever used. If asked for your “20.” state your location.

We do have an emergency code to use only if you feel you are in danger of harm (life or death situation). This code is 10-13. **DO NOT CALL IN TO DISPATCH AS NUMBER 13. WE DO NOT HAVE A CAB 13, 313, OR 513.** How does the dispatcher know who is in danger? Always identify your cab, and then tell them you are 10-13 and give your location if possible. **REMEMBER, THIS CODE IS FOR EMERGENCY ONLY. ANY OTHER USE OF THIS CODE WILL VIOLATE YOUR CONTRACT AND RESULT IN YOUR DISMISSAL.**
### 4,000 Mile Service Items

- **☐ REPLACE ENGINE OIL AND FILTER**
- **☐ CHECK/CLEAN BATTERY TERMINALS**
- **☐ GREASE FITTINGS INCLUDING ALL U-JOINTS**
- **☐ CHECK ALL FLUID LEVELS AND FILL AS NECESSARY**
- **☐ BATTERY**
- **☐ RADIATOR**
- **☐ POWER STEERING RESERVOIR**
- **☐ WINDSHIELD WASHER**
- **☐ MASTER CYLINDER**
- **☐ TRANSMISSION**
  - **☐ CHECK/REPLACE BELTS**
  - **☐ CHECK ALL LIGHTS FOR PROPER OPERATION**
  - **☐ CHECK ALL TIRES \ PROPER INFLATION**
- **☐ CHECK ALL TIRES FOR ROTATION / WEAR**
  - **☐ CHECK AIR FILTER; REPLACE IF NECESSARY**

### 24,000 Mile Service Items

- **☐ Replace transmission fluid and filter**
  - **☐ Inspect cooling system hoses,**
  - **☐ Check windshield wipers,**
  - **☐ Rotate tires**
  - **☐ Inspect exhaust system for leaks**
- **☐ Replace fuel filter**
  - **☐ Brake Adjustment if needed**
  - **☐ Road test vehicle**
  - **☐ Differential fluid, check CV Axles for wear**

- **☐**
- **☐**
- **☐**
- **☐**
- **☐**
- **☐**

**Mechanics Signature:**

**Date:**
Attachment H

Carolina Yellow Cab
OPERATOR MAINTENANCE REQUEST

CAB # ___________________ DATE ___________________ DRIVER ___________________

PROBLEM(S): ________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

******************************************************************************

MECHANIC REPORT OF CORRECTIVE ACTION:

DATE REPAIRED ___________________ ODOMETER ___________________

PARTS LIST PARTS COST

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

LABOR (HOURS) ___________________ MECHANIC ___________________

Attach any invoices to this report and note comments on back.
| A | 2007 | DODGE | CARAVAN | TA3891 771039132889059 | 1D4GP2E7B140609 | W1 | WB1838 | 301 |
| B | 2007 | DODGE | GR. CARAVAN | TA3893 774984134341059 | 2D4GP44L5R237759 | W2 | WB1839 | 302 |
| C | 2007 | DODGE | GR. CARAVAN | TB-1513 774328140928059 | 2D4GP24LX7R270054 | W3 | WB1840 | 303 |
| D | 2005 | DODGE | GR. CARAVAN | TB1577 779927131517059 | 2D4GP44L85R204745 | W4 | WB1841 | 304 |
| E | 2006 | CHRY | TOWN & COUNTRY | TA-9894 779104111795059 | 1A4GP45R56B755340 | W5 | WB1842 | 305 |
| F | 2005 | DODGE | GR. CARAVAN | TA-9197 775184130931059 | 1D4GP24R55B232052 | W6 | WB1843 | 306 |
| G | 2005 | DODGE | GR. CARAVAN | TA-1548 770179122569059 | 2D4GP24R05R148803 | W7 | WB1844 | 307 |
| H | 2007 | CHRY | TOWN & COUNTRY | TB1558 773516130741059 | 2A4GP54L27R215868 | W8 | WB1845 | 308 |
| I | 2005 | DODGE | GR. CARAVAN | TB1582 771990131763059 | 2D4GP44LX5R278666 | W9 | WB1846 | 309 |
| J | 2010 | DODGE | GR. CARAVAN | TA-9278 773389150776059 | 2D4RN43EXAR233156 | W10 | WB1847 | 310 |
| 11 | 2006 | DODGE | CARAVAN | TB1554 772774122911059 | 1D4GP25R68B714817 | W11 | WB1848 | 311 |
| 12 | 2007 | DODGE | CARAVAN | TB4612 77884141412059 | 2D4GP44L07R118512 | W12 | WB1849 | 312 |
| 13 | ***** | ***** | ***** | ***** | ***** | ***** | ***** | ***** |
| 14 | 2006 | Ford | 500 | TB4604 777031140085059 | 1FAHP24116G180107 | W14 | WB1850 | 314 |
| 15 | 2005 | CHEVY | IMPALA | TA-8225 774143101832059 | 2G1WF52E759185088 | W15 | WB1851 | 315 |
| 16 | 2009 | DODGE | GR. CARAVAN | TA-9288 773975143177059 | 2D8HN44E9R589375 | W16 | WB2000 | 316 |
| 17 | 2005 | CHEVY | IMPALA | TA-1550 772771122914059 | 2G1WF52E55935222 | W17 | WB1852 | 317 |
| 18 | 2017 | CHEVY | IMPALA | TA-8223 770125140509059 | 2A4GP44L7R175243 | W18 | WB1853 | 318 |
| 19 | 2017 | DODGE | GR. CARAVAN | TA-1522 774453149330059 | 1D4GP44R37R243317 | W19 | WB1854 | 319 |
| 20 | 2010 | DODGE | GR. CARAVAN | TA-8221 772064150622059 | 2D4RN46A4AR185204 | W20 | WB1855 | 320 |
| 21 | 2005 | DODGE | CARAVAN | TA-8886 779107111792059 | 1D4GP45R25R181965 | W21 | WB1856 | 321 |
| 22 | ***** | ***** | ***** | ***** | ***** | ***** | ***** | ***** |
| 23 | 2007 | CHRY | TOWN & COUNTRY | TB1593 777104132464059 | 2A4GP44R07R245885 | W23 | WB1857 | 323 |
| 24 | 2006 | DODGE | GR. CARAVAN | TA4622 778210142538059 | 2D4GP44L36R755599 | W24 | WB1858 | 324 |
| 25 | ***** | ***** | ***** | ***** | ***** | ***** | ***** | ***** |
| 26 | 2007 | DODGE | CARAVAN | TA3892 771038132888059 | 1D4GP24E97B141100 | W26 | WB1859 | 326 |
| 27 | 2007 | DODGE | CARAVAN | TA4621 774327140929059 | 2D4GP44L7R292618 | W27 | WB1859 | 327 |
| 28 | 2006 | CHEVY | TOWN & COUNTRY | TA-8885 777273122912059 | 1A4GP45R18B761099 | W28 | WB1860 | 328 |
| 29 | 2008 | FORD | E350 | ZF6261 778146141349059 | 1FT2S43L768A8006 | W29 | WB1861 | 329 |
| 30 | 2006 | DODGE | CARAVAN | TA5866 775186130935059 | 1D4GP25B36B742576 | W30 | WB1862 | 330 |
| 31 | 2005 | CHEVY | IMPALA | TA-8218 774128101831059 | 2G1WF52E659256804 | W31 | WB1863 | 331 |
| 32 | 2006 | DODGE | GR. CARAVAN | TA-9184 775183130938059 | 1D4GP25B98B744020 | W32 | WB1864 | 332 |
| 33 | 2007 | DODGE | GR. CARAVAN | TA-1507 770125140505059 | 2D4GP44L37R270137 | W33 | WB1865 | 333 |
| 34 | 2004 | DODGE | GR. CARAVAN | TA-9279 774326140920059 | 1D4GP24R58B600220 | W34 | WB1866 | 334 |
| 35 | 2005 | DODGE | GR. CARAVAN | TA-8217 77097713646059 | 1D4GP43R35B190115 | W35 | WB1867 | 335 |

**YEAR MAKE MODEL**

| 1997 | FORD | TRUCK |

**TAG**

| 77911513410059 | 1FTDX1762VNA13744 |

**V.I.N. #**

| 1GDJG31V891904642 | M/T M/1 |

**ILM W. BEACH C.B. #**

| 338 | 4/6/2015 1:03 PM |
April 6, 2015

Re: Yellow Cab transportation services – New Hanover County

To Whom It May Concern:

I am an attorney in Wilmington, North Carolina. I am writing in support of Yellow Cab’s recent bid and application for the New Hanover County contract.

Approximately two years ago I began representing a local worker who was seriously injured in a construction accident. As a result of his injuries, my client could not drive and he had numerous medical appointments and household needs. Transportation was initially provided to my client through a rather large and centralized regional transportation service. During this time span we encountered repeated and serious failures in fulfilling my client’s transportation needs. Therefore, I approached Yellow Cab about providing a local solution for my client’s long-term transportation needs, which requires collaborating with a large insurance company to coordinate invoicing and payment.

Yellow Cab agreed to assist my client and from that point forward we have had no issues whatsoever. The company has provided dependable transportation as far away as a spinal injury hospital in Atlanta, Georgia. Yellow Cab has always been conscientious, flexible, and responsive. This company and its representatives have been engaged and accessible at every level, from dispatch and driver all the way up to ownership. I believe this level of service is a product of the professional culture within this company from top to bottom. Based on my personal experience with this company I would support its application and bid without reservation.

Thank you for your consideration.

Sincerely,

Patrick J. Mulligan

www.HelpingPeopleNC.com
April 7, 2015

To Whom It May Concern:

New Hanover County Schools has contracted with Carolina Yellow Cab for over 13 years to provide transportation for our special needs students. They have worked cooperatively with us in making sure students with a variety of handicapping conditions are safely transported to and from school on a daily basis. They have transported students from 3 years old to 21 years old for us.

Staff have received training, when necessary, to understand and be aware of special communication and/or behavioral circumstances as well. They have also been utilized for medically fragile students, as well as wheelchair bound students.

We have a wonderful working relationship with the company. They are willing to go the extra step to ensure students, and sometimes parents, are provided the necessary service so that students can access their education.

If you have any questions regarding the services they have provided for New Hanover County Schools, feel free to contact me.

Sincerely,

Ann Mason
Data Manager
STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER: TB3891
VEHICLE ID #: 2D4GP41472R237759
MAKE/SERIES: DODG
SHIPPING WEIGHT: STYLE # 2, YEAR 2007, FUEL 78.00
CLASSIFICATION: TAXI/PASS VEH

CUSTOMER ID # OWNER 1: 000037455621
CUSTOMER ID # OWNER 2: COUNTY NBM, H
CAROLINA YELLOW CAB INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

W08 - WILMONT INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
JPA0707068
POLICY NUMBER

SIGNATURE

1D4GP25E27B146069

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

CAROLINA YELLOW CAB INC
License: 78.00
Prop. Tax: 55.16
Fee: 5.00
Appraised Value: 55,440.00
Appeal Deadline: 01/14/2015
New Hanover County Tax Department
910-798-7300
TAXING UNIT: WILMINGTON
TAX RATE: 30.14
AMOUNT: 5.00
60.16
62990649

TOTAL 138.16
059 12/12/2014 TIC0595

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER: TB3891
VEHICLE ID #: 2D4GP41472R237759
MAKE/SERIES: DODG
SHIPPING WEIGHT: STYLE # 2, YEAR 2007, FUEL 78.00
CLASSIFICATION: TAXI/PASS VEH

CUSTOMER ID # OWNER 1: 000037455621
CUSTOMER ID # OWNER 2: COUNTY NBM, H
CAROLINA YELLOW CAB INC
1610 N 6TH ST UNIT A
WILMINGTON NC 28401-2803

ST2 - STARR INDEMNITY & LIABILITY COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
S1JG600827300
POLICY NUMBER

SIGNATURE

2D4GP41472R237759

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

CAROLINA YELLOW CAB INC
License: 78.00
Prop. Tax: 67.94
Fee: 5.00
Appraised Value: 56,790.00
Appeal Deadline: 02/14/2015
New Hanover County Tax Department
910-798-7300
TAXING UNIT: WILMINGTON
TAX RATE: 37.12
AMOUNT: 30.62
5.00
62992706

TOTAL 158.49
059 01/16/2015 TIC0594

62990649
### STATE OF NORTH CAROLINA
**REGISTRATION CARD**

**NC LIC NUMBER**: TB1513  
**PLT VALID THRU**: 10/15/2015  
**INSPECTION DUE**: 09/30/2015  
**VEHICLE ID №**: 2D4GP44LXTR270654  
**MAKE/SERIES**: TITLE # 776329140928059  
**DOGO**: EQUIP # 303  
**SHIPPING WEIGHT**:  
- **STYLE**: 2007  
- **YEAR**: 2007  
- **FUEL**: 78.00  
**CLASSIFICATION**: VN 2007  
**GROSS WT**: 78.00  
**TAX/PASS. VEH**: VEHICLE BRAND  
**CUSTOMER ID # OWNER 1**: 000037459415  
**CUSTOMER ID # OWNER 2**: COUNTY NEW H  
**CAROLINA YELLOW CAB INC**  
1610 N 6TH ST  
WILMINGTON NC 28401-2803

### NC DIVISION OF MOTOR VEHICLES
**RECEIPT OF FEES PAID**

**CAROLINA YELLOW CAB INC**  
**License**: 78.00  
**Reg Int**: 3.30  
**Prop Tax**: 61.27  
**Veh Fee**: 5.00  
**Plx Int**: 3.61  
**Appraised Value**: $6,700.00  
**Reg Deadline**: 11/14/2014  
**New Hanover County Tax Department**: 910-798-7300

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**TAXING UNIT**: CHECK  
**TOTAL PROPERTY TAX**: 72.27

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**STATE OF NORTH CAROLINA**
**REGISTRATION CARD**

**NC LIC NUMBER**: TB1577  
**PLT VALID THRU**: 06/16/2015  
**INSPECTION DUE**: 05/31/2015  
**VEHICLE ID №**: 2D4GP44L85R204745  
**MAKE/SERIES**: TITLE # 77992713157059  
**DOGO**: EQUIP # 304  
**SHIPPING WEIGHT**:  
- **STYLE**: 2005  
- **YEAR**: 2005  
- **FUEL**: 78.00  
**CLASSIFICATION**: VN 2005  
**GROSS WT**: 78.00  
**TAX/PASS. VEH**: VEHICLE BRAND  
**CUSTOMER ID # OWNER 1**: 000037459415  
**CUSTOMER ID # OWNER 2**: COUNTY NEW H  
**CAROLINA YELLOW CAB INC**  
1610 N 6TH ST  
WILMINGTON NC 28401-2803

### NC DIVISION OF MOTOR VEHICLES
**RECEIPT OF FEES PAID**

**CAROLINA YELLOW CAB INC**  
**License**: 78.00  
**Reg Int**: 3.30  
**Prop Tax**: 63.65  
**Veh Fee**: 5.00  
**Plx Int**: 3.61  
**Appraised Value**: $6,360.00  
**Reg Deadline**: 07/15/2014  
**New Hanover County Tax Department**: 910-798-7300

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**TAXING UNIT**: CHECK  
**TOTAL PROPERTY TAX**: 68.85
### NC Division of Motor Vehicles
#### Receipt of Fees Paid

**CAROLINA YELLOW CAB**

**License:** 78.00  
**Prop. Tax:** 45.83  
**Veh. Fee:** 5.00  

**NC Division of Motor Vehicles**  
**910-798-7300**

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**Total:** 78.00  
**Total Property Tax:** 64.24  
**059 07/15/2014 TID6996**  
**CHECK**

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**STATE OF NORTH CAROLINA**

**REGISTRATION CARD**

**NC LIC NUMBER:** ZA9197  
**PLT VALID THRU:** 04/15/2016  
**INSPECTION DUE:** 07/31/2016  
**GROSS WT:**

**MAKE/SERIES:** 1D4GP24R558423052  
**TITLE #:** 778184130931059  
**EQUIP #:** 305  
**SHIPPING WEIGHT:**

**STYLE:** 71372669  
**VH:**

**CLASSIFICATION:**

**TAX/PASS VEH:** VEHICLE BRAND

**CUSTOMER ID # OWNER #:** W.D.R  
**CUSTOMER ID # OWNER #:** W.N.H  

**S72 - STARR INDEMNITY & LIABILITY COMPANY**

**INSURANCE COMPANY AUTHORIZED IN NC**

**POLICY NUMBER:**

**SIGNATURE:**

---

**STATE OF NORTH CAROLINA**

**REGISTRATION CARD**

**NC LIC NUMBER:** TA9894  
**PLT VALID THRU:** 07/15/2015  
**INSPECTION DUE:** 06/30/2015  
**GROSS WT:**

**MAKE/SERIES:** 3A4GP45R558755340  
**TITLE #:** 779304311765555  
**SHIPPING WEIGHT:**

**CLASSIFICATION:**

**TAX/PASS VEH:** VEHICLE BRAND

**CUSTOMER ID # OWNER #:** 0600326861136  
**CUSTOMER ID # OWNER #:** W.N.H  

**S872 - STARR INDEMNITY & LIABILITY COMPANY**

**INSURANCE COMPANY AUTHORIZED IN NC**

**POLICY NUMBER:**

**SIGNATURE:**

---

**TOTAL:** 126.53  
**Total Property Tax:** 50.83  
**059 03/18/2015 TID6996**  
**CHECK**

---
STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER
G81546
PLT VALD THRU 10/15/2015 INSPCTION DUE 09/30/2015
VEH/SERIES
2A4GP54L27R215868
GROSS WT.
UW/BRAND
TITLE #
77017712256059
EQUIP #
307
SHIPPING WEIGHT
STYLE YEAR
VEHICLE BRAND
2005 G 78.00
CLASSIFICATION
TAX/PASS VEH
CUSTOMER ID # OWNER 1 000174659215
CUSTOMER ID # OWNER 2 COUNTY NEW H
CAROLINA YELLOW CAB INC

1610 N 6TH ST WILMINGTON NC 28401-2803

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

CAROLINA YELLOW CAB INC
License 78.00 Appraised Value: 14,529.00
Prop. Tax 45.38 New Hanover County Tax Department
Veh. Fee 5.00 910-798-7300
PFax Int 2.52
Taxing Unit Tax Rate Amount
NEW HANOVER 0.564000 25.24
WILMINGTON 0.450000 20.34
WILMINGTON YEE 0.5 5.00

TOTAL 134.80 Total Property Tax 50.38
059 10/16/2014 110593

2A4GP54L27R215868

62983117
STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER: TA9278

PLT VALID THRU: 06/15/2015

INSPECTION DUE: 07/11/2015

VEHICLE ID #: 2DA92783156

MAKE/SERIES: CLASSIFICATION:
DODD: TAXI/PASS VEH
SHIPPING WEIGHT: VEHICLE BRAND:
STYLE: VN: YR:

FUEL: P:
TOTAL WT: 78.00

TOTAL FEES:

CUSTOMER ID # OWNER 1:
CUSTOMER ID # OWNER 2:
COUNTY:
NEW H:

CAROLINA YELLOW CAB INC

1610 N 6TH ST
WILMINGTON NC 28401-2803

S77 - STARR INDEMNITY & LIABILITY COMPANY
INSURANCE COMPANY AUTHORIZED IN NC

S11CPC0209673-00

POLICY NUMBER:

SIGNATURE:

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

CAROLINA YELLOW CAB INC

Reg.: 15.00

TOTAL: 15.00

059 04/08/2015 T110595

CLICK

TA9278

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER: TB1592

PLT VALID THRU: 07/15/2015

INSPECTION DUE: 06/10/2015

VEHICLE ID #: 2D4GPP44LX5X327866

MAKE/SERIES: CLASSIFICATION:
DODD: TAXI/PASS VEH
SHIPPING WEIGHT: VEHICLE BRAND:
STYLE: VN: YR:

FUEL: P:
TOTAL WT: 78.00

TOTAL FEES:

CUSTOMER ID # OWNER 1:
CUSTOMER ID # OWNER 2:
COUNTY:
NEW H:

CAROLINA YELLOW CAB INC

1610 N 6TH ST
WILMINGTON NC 28401-2803

S77 - STARR INDEMNITY & LIABILITY COMPANY
INSURANCE COMPANY AUTHORIZED IN NC

S11CPC0209673-00

POLICY NUMBER:

SIGNATURE:

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

CAROLINA YELLOW CAB INC

License: 78.00

Prop. Tax: 63.85

Appraised Value: 55,000.00

Appeal Deadline: 08/14/2014

Veh. Fee: 5.00

NEW HANOVER COUNTY TAX DEPARTMENT
910-796-7300

Taxing Unit: Tax Rate: Amount

NEW HANOVER: 0.664000 25.23

WILMINGTON: 0.450000 20.62

WILMINGTON YFEE: 5.00

TOTAL: 146.85

059 07/15/2014 T110596

CLICK

58610927
### NC DIVISION OF MOTOR VEHICLES
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### NC DIVISION OF MOTOR VEHICLES
#### RECEIPT OF FEES PAID

**Carolina Yellow Cab Inc.**

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**Signature**

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### NC DIVISION OF MOTOR VEHICLES
#### RECEIPT OF FEES PAID

**Carolina Yellow Cab Inc.**

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### STATE OF NORTH CAROLINA
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**Signature**
STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER: TA8221
PLT VALID THRU: 08/15/2015
INSPECTION DUE: 07/31/2016

VEHICLE ID #:
2D4RE4DRK185204

MAKE/MODEL:
FOUR DOORS

GROSS WT:
3200

SHIPPING WEIGHT:

STYLE:
YEAR:
FUEL:
TOTAL WT:

CLASSIFICATION:
TAX/PASS VEH:

CUSTOMER ID # OWNER 1:
000147459415

CUSTOMER ID # OWNER 2:
COUNTY:
NEW H

CAROLINA YELLOW CAB INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

CAROLINA YELLOW CAB INC
License:
78.00
Appraised Value:
$4,790.00
Prop Tax:
50.00
Taxing Unit:
WILMINGTON
WILMINGTON VEE:
21.00
Veh. Fee:
5.00

STARR INDEMNITY & LIABILITY COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
SIJCF30627300

POLICY NUMBER:

SIGNATURE:

TOTAL:
215.50
069 03/03/2015 TIC0596

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

CAROLINA YELLOW CAB INC
License:
78.00
Appraised Value:
$4,790.00
Prop Tax:
50.00
Taxing Unit:
WILMINGTON
WILMINGTON VEE:
21.00
Veh. Fee:
5.00

STARR INDEMNITY & LIABILITY COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
SIJCF30627300

POLICY NUMBER:

SIGNATURE:

TOTAL:
131.10
059 07/15/2014 TIC0596

CHECK

58610929
STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER: TB4051
PLT VALID THRU: 05/31/2015
INSPECTION DUE: 05/31/2015

VEHICLE ID #: 2D4GP44L87K292616
GROSS WT: GROSS WT
MAKE/SERIES: TITLE #: 774927140939058
EQUIP #: 327
SHIPPING WEIGHT: STYLE: 2007
YEAR: 98
VN: 98
TOTAL: 98

CLASSIFICATION: TAX/PASS VN: VEHICLE BRAND
CUSTOMER ID # OWNER: COUNTY
000537459415
CUSTOMER ID # OWNER: NEW R

CAROLINA YELLOW CAB INC
1610 N 5TH ST
WILMINGTON NC 28401-2803

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

CAROLINA YELLOW CAB INC
License: 78.00
Prop. Tax: 98.04
Veh. Fee: 5.00
Appraised Value: 80,450.00
New Hanover County Tax Department
910-798-7300
Appeal Deadline: 06/16/2014

Taxing Unit
Amount
NEW HANOVER 46.81
WILMINGTON 30.00
WILMINGTON VFE 5.00
TOTAL 167.84
059 05/19/2014 TID0592

ALO - ALLSTATE INSURANCE COMPANY
ININSURANCE COMPANY AUTHORIZED IN NC
048920078
POLICY NUMBER

SIGNATURE

58599657

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER: TB3892
PLT VALID THRU: 12/10/2014
INSPECTION DUE: 11/30/2015

VEHICLE ID #: 104GP24E97B141100
GROSS WT: GROSS WT
MAKE/SERIES: TITLE #: 774927140939058
EQUIP #: 326
SHIPPING WEIGHT: STYLE: 2007
YEAR: 98
VN: 98
TOTAL: 98

CLASSIFICATION: TAX/PASS VN: VEHICLE BRAND
CUSTOMER ID # OWNER: COUNTY
000037459415
CUSTOMER ID # OWNER: NEW R

CAROLINA YELLOW CAB INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

CAROLINA YELLOW CAB INC
License: 78.00
Prop. Tax: 56.68
Veh. Fee: 5.00
Appraised Value: 85,590.00
New Hanover County Tax Department
910-798-7300
Appeal Deadline: 01/14/2015

Taxing Unit
Amount
NEW HANOVER 30.97
WILMINGTON 26.71
WILMINGTON VFE 5.00
TOTAL 139.66
059 12/12/2014 TID0596

WOS - WILSHIRE INSURANCE COMPANY
ININSURANCE COMPANY AUTHORIZED IN NC
JPA0707068
POLICY NUMBER

SIGNATURE

62990648
### STATE OF NORTH CAROLINA
**REGISTRATION CARD**

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<tr>
<th>PLT ID</th>
<th>PLT VALID THRU</th>
<th>LIC #</th>
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<th>VEHICLE ID</th>
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<th>VEHICLE MODEL</th>
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**272 - STARK INDEMNITY & LIABILITY COMPANY**

*INSURANCE COMPANY AUTHORIZED IN NC*

**POLICY NUMBER**

**SIGNATURE**

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### NC DIVISION OF MOTOR VEHICLES
**RECEIPT OF FEES PAID**

<table>
<thead>
<tr>
<th>License</th>
<th>Prop. Tax</th>
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<td>78.00</td>
<td>64.04</td>
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**TOTAL PROPERTY TAX** 69.84

**CHECK**

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**STATE OF NORTH CAROLINA**
**REGISTRATION CARD**

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<th>VEHICLE PLT #</th>
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<th>VEHICLE MODEL</th>
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<th>VEHICLE FUEL</th>
<th>GROSS WT</th>
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**272 - STARK INDEMNITY & LIABILITY COMPANY**

*INSURANCE COMPANY AUTHORIZED IN NC*

**POLICY NUMBER**

**SIGNATURE**

---

### NC DIVISION OF MOTOR VEHICLES
**RECEIPT OF FEES PAID**

<table>
<thead>
<tr>
<th>License</th>
<th>Prop. Tax</th>
<th>Veh. Fee</th>
<th>Total FEE</th>
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<tbody>
<tr>
<td>78.00</td>
<td>56.23</td>
<td>5.00</td>
<td>139.53</td>
</tr>
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</table>

**TOTAL PROPERTY TAX** 61.53

**CHECK**

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**NC DIVISION OF MOTOR VEHICLES**
**RECEIPT OF FEES PAID**

<table>
<thead>
<tr>
<th>License</th>
<th>Prop. Tax</th>
<th>Veh. Fee</th>
<th>Total FEE</th>
</tr>
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<tbody>
<tr>
<td>78.00</td>
<td>64.04</td>
<td>5.00</td>
<td>167.84</td>
</tr>
</tbody>
</table>

**TOTAL PROPERTY TAX** 69.84

**CHECK**

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**NC DIVISION OF MOTOR VEHICLES**
**RECEIPT OF FEES PAID**

<table>
<thead>
<tr>
<th>License</th>
<th>Prop. Tax</th>
<th>Veh. Fee</th>
<th>Total FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>78.00</td>
<td>56.23</td>
<td>5.00</td>
<td>139.53</td>
</tr>
</tbody>
</table>

**TOTAL PROPERTY TAX** 61.53

**CHECK**
**STATE OF NORTH CAROLINA**

### REGISTRATION CARD

**NC LIC NUMBER:** TA9279

**VEHICLE ID #:** 1D4GF24R513594660220

**MAKES/SERIES:** DODG

**MODEL:** 2004

**CLASSIFICATION:** TAXI/PASS VEH

**CUSTOMER ID # # OWNER 1:** 0000374594815

**CUSTOMER ID # # OWNER 2:** 0000374594815

**CROSS WT:** 0

**PLT VALID THRU:** 08/15/2015

**INSPECTION DUE:** 07/31/2015

**STYLE:** 774236140920059

**EQUIP #:** 354

**SHIP WEIGHT:** 78.00

**TOTAL:** 78.00

**VEHICLE BRAND:** CAROLINA YELLOW CAB INC

1610 N 6TH ST
WILMINGTON NC 28401-2803

---

### NC DIVISION OF MOTOR VEHICLES

**RECEIPT OF FEES PAID**

<table>
<thead>
<tr>
<th>License</th>
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<tr>
<td>Prop. Tax</td>
<td>43.40</td>
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<td>Veh. Fee</td>
<td>5.00</td>
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<tr>
<td>Max. Int</td>
<td>2.85</td>
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</table>

**Appraised Value:** $4,260.00

**New Hanover County Tax Department**

**Taxing Unit:** 09/14/2014

**Tax Rate:** 0.554000

**Amount:** 23.71

**New Hanover County Tax Department**

**Taxing Unit:** 09/13/2014

**Tax Rate:** 0.460000

**Amount:** 19.69

**Total Property Tax:** 48.40

---

**STATE OF NORTH CAROLINA**

### REGISTRATION CARD

**NC LIC NUMBER:** TA9279

**VEHICLE ID #:** 1D4GF24R513594660220

**MAKES/SERIES:** DODG

**MODEL:** 2004

**CLASSIFICATION:** TAXI/PASS VEH

**CUSTOMER ID # # OWNER 1:** 0000374594815

**CUSTOMER ID # # OWNER 2:** 0000374594815

**CROSS WT:** 0

**PLT VALID THRU:** 08/15/2015

**INSPECTION DUE:** 07/31/2015

**STYLE:** 774236140920059

**EQUIP #:** 354

**SHIP WEIGHT:** 78.00

**TOTAL:** 78.00

**VEHICLE BRAND:** CAROLINA YELLOW CAB INC

1610 N 6TH ST
WILMINGTON NC 28401-2803

---

### NC DIVISION OF MOTOR VEHICLES

**RECEIPT OF FEES PAID**

<table>
<thead>
<tr>
<th>License</th>
<th>78.00</th>
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</thead>
<tbody>
<tr>
<td>Reg. Int</td>
<td>3.30</td>
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<tr>
<td>Prop. Tax</td>
<td>43.40</td>
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<td>Veh. Fee</td>
<td>5.00</td>
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<tr>
<td>Max. Int</td>
<td>2.85</td>
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**Appraised Value:** $4,170.00

**New Hanover County Tax Department**

**Taxing Unit:** 09/14/2014

**Tax Rate:** 0.554000

**Amount:** 28.64

**New Hanover County Tax Department**

**Taxing Unit:** 09/13/2014

**Tax Rate:** 0.460000

**Amount:** 23.27

**Total Property Tax:** 51.91

---

**S72 - STARR INDEMNITY & LIABILITY COMPANY**

**INSURANCE COMPANY AUTHORIZED IN NC**

**POLICY NUMBER:** SIGJGF00827300

**SIGNATURE:**
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 022
Date: 01/06/2015

* P A S S E D *

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Make: DODG
Year: 2007
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24R37B243317
County: NEW HANOVER
TIN Number: 024120433277

Vehicle Type: Light Duty
Plate Number: TB1522
Odometer Reading: 165985
Number of Cylinders: 6
Type of Fuel: GASOLINE

Motor Vehicle Dealer Number:

See your vehicle’s registration card for your next Inspection Due Date.

Safety Equipment
Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting 23.75 N/A

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

OBDDII Test Results
MIL Bulb Working Pass
Connector Damage Pass
Communications Established Pass
MIL Commanded-On Pass
Engine RPM at Reading 761

Station Number: 34447
Analyzer Number: EZ520656
Inspection Class: Emissions
Ver. 1102
Parts Exemption Number:

Receipt/Statement Number: 11825
Waiver Number:

Inspector-Mechanic: SHANNON WARD
Owner’s Repair Authorization

RETAI N THIS COPY FOR YOUR RECORDS

☐ Division of Air Quality = $0.55
☐ Telecommunication = $1.75
☐ Emissions Program = $3.00
☐ Highway Fund = $0.55
☐ Volunteer Rescue/EMS = $0.18
☐ Rescue Squad Relief = $0.12
☐ Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT STATEMENT
SAFETY AND EMISSIONS (OBII)

Classification: IM
Electronic Authorization No.: 023
Date: 05/08/2014

Make: DODG
Year: 2007
Engine Size (cc): 3800
Body Style: MINIVAN
VIN: 2D4GP44L07R118512
County: NEW HANOVER
TIN Number: 024110453372

Vehicle Type: Light Duty
Plate Number: NONE
Odometer Reading: 128213
Number of Cylinders: 6
Type of Fuel: GASOLINE

Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment
- Headlights: PASS
- Parking Lights: PASS
- Tail Lights: PASS
- Beam Indicator Light/Switch: PASS
- License Plate Light: PASS
- Horn: PASS
- Turn Signal Lights: PASS
- Windshield Wipers: PASS
- Rear View Mirrors: PASS
- Foot Brake: PASS
- Emergency Brake: PASS
- Steering Mechanism: PASS
- Tires: PASS
- Exhaust System: PASS
- Clearance Lights: N/A
- Reflectors: N/A
- Windows/Tinting: PASS

Inspection Fee: $23.75
E-Auth. Fee: $6.25
Window Tinting Fee: $0.00
Total Fees: $30.00

Tampering Inspection
- Catalytic Converter: PASS
- Air Injection System: N/A
- EGR Valve: PASS
- Unleaded Gas Restrictor: PASS
- Exhaust Gas Recirculation: PASS
- Temperature Control: N/A
- EMI Interference Control: PASS
- Oxygen Sensor: PASS
- Gasoline Tank Cap: PASS

OBDII Test Results
- MIL Bulb Working: Pass
- Connector: Damage: Pass
- Communications Established: Pass
- MIL Commanded-On: Pass
- Engine RPM at Reading: 767

St. Num Plate: 14447
Transport Class: Emissions
Test Exemption Number:

Inspector/Mechanic: SHANNON WARD

RETAINTHISCOPYFORYOURRECORDS
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 013
Date: 11/06/2014

Make: Chevrolet
Year: 2005
Engine Size: 3400
Body Style: Sedan
VIN: 2G1WF52E559352222
County: NEW HANOVER
TIN: 611250128332

Inspection Fee: $23.75
E-Auth. Fee: $6.25
Window Tinting Fee: $0.00
Total Fees: $30.00

Vehicle Type: Light Duty
Plate Number: TB1550
Odometer Reading: 244743
Number of Cylinders: 6
Type of Fuel: Gasoline
Previous Odometer:
Motor Vehicle Dealer Number:

See your vehicle’s registration card for your next Inspection Due Date

Safety Equipment

<table>
<thead>
<tr>
<th>Item</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>Pass</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>Pass</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>Pass</td>
</tr>
<tr>
<td>Beam Indicator Light/</td>
<td>Switch Pass</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>Pass</td>
</tr>
<tr>
<td>Stop Light</td>
<td>Pass</td>
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<tr>
<td>Directional Signals</td>
<td>Pass</td>
</tr>
<tr>
<td>Horn</td>
<td>Pass</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>Pass</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>Pass</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>Pass</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>Pass</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>Pass</td>
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<tr>
<td>Tires</td>
<td>Pass</td>
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<tr>
<td>Exhaust System</td>
<td>Pass</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
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<tr>
<td>Reflectors</td>
<td>N/A</td>
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<td>Window Tinting</td>
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Tampering Inspection

<table>
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<tr>
<th>Item</th>
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<tbody>
<tr>
<td>Catalytic Converter</td>
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</tr>
<tr>
<td>Air Injection System</td>
<td>N/A</td>
</tr>
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<td>PCV Valve</td>
<td>Pass</td>
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<tr>
<td>Unleaded Gas Restrictor</td>
<td>Pass</td>
</tr>
<tr>
<td>Exhaust Gas Recirculation</td>
<td>Pass</td>
</tr>
<tr>
<td>Thermostatic Air Control</td>
<td>N/A</td>
</tr>
<tr>
<td>Fuel Evaporation Control</td>
<td>Pass</td>
</tr>
<tr>
<td>Oxygen Sensor</td>
<td>Pass</td>
</tr>
<tr>
<td>Gasoline Tank Cap</td>
<td>Pass</td>
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OBDII Test Results

PASS

<table>
<thead>
<tr>
<th>Item</th>
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<tbody>
<tr>
<td>MIL Bulb Working</td>
<td>Pass</td>
</tr>
<tr>
<td>Connector Damage</td>
<td>Pass</td>
</tr>
<tr>
<td>Communications Established</td>
<td>Pass</td>
</tr>
<tr>
<td>MIL Commanded-On</td>
<td>Pass</td>
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<tr>
<td>Engine RPM at Reading</td>
<td>751</td>
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</tbody>
</table>

Station Number: 80113
Analyzer Number: DZ001878 Ver: 1104
Inspection Class: Safety/Emission
Owner's Repair Authorization:

DAVID R. FRIEND

RETAIN THIS COPY FOR YOUR RECORDS

□ Telecommunication = $1.75
□ Highway Fund = $0.55
□ Rescue Squad Relief = $0.12
□ Division of Air Quality = $0.65

□ Emissions Program = $3.00
□ Volunteer Rescue/EMS = $0.18
□ Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25(min) - $30.00 (max)
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 008
Date: 12/04/2014

Make: DODG
Year: 2007
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24E97B141100
County: NEW HANOVER
TIN Number: 704010416870

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Result</th>
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<tbody>
<tr>
<td>Headlights</td>
<td>PASS</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Beam Indicator</td>
<td>PASS</td>
</tr>
<tr>
<td>License Plate</td>
<td>PASS</td>
</tr>
<tr>
<td>Stop Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>PASS</td>
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<td>Horn</td>
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<tr>
<td>Windshield Wipers</td>
<td>PASS</td>
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<td>Rear View Mirrors</td>
<td>PASS</td>
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<td>Foot Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>PASS</td>
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<tr>
<td>Steering Mechanism</td>
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<td>Tires</td>
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<td>Reflectors</td>
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OBDII Test Results

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<thead>
<tr>
<th>System</th>
<th>Result</th>
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<tbody>
<tr>
<td>Catalytic Converter</td>
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</tr>
<tr>
<td>Air Injection System</td>
<td>N/A</td>
</tr>
<tr>
<td>PCV Valve</td>
<td>PASS</td>
</tr>
<tr>
<td>Unleaded Gas Restrictor</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust Gas Recirculation</td>
<td>PASS</td>
</tr>
<tr>
<td>Thermostatic Air Control</td>
<td>N/A</td>
</tr>
<tr>
<td>Fuel Evaporative Control</td>
<td>PASS</td>
</tr>
<tr>
<td>Oxygen Sensor</td>
<td>PASS</td>
</tr>
<tr>
<td>Gasoline Tank Cap</td>
<td>PASS</td>
</tr>
</tbody>
</table>

TAMPERING INSPECTION

Pass

OBDII Test Results

Pass

MIL Bulb Working

Pass

Connector Damage

Pass

Communications Established

Pass

MIL Commanded-On

Pass

Engine RPM at Reading

759

*********************************************************

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic: SHANNON WARD

Owner's Repair Authorization

*********************************************************

RETAIL THIS COPY FOR YOUR RECORDS

- Division of Air Quality = $0.65
- Telecommunication = $1.75
- Emissions Program = $3.00
- Highway Fund = $0.55
- Volunteer Rescue/EMS = $0.18
- Rescue Squad Relief = $0.12
- Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 029
Date: 12/17/2014

Make: CHRY
Year: 2006
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1A4GP45R16B761099
County: NEW HANOVER
TIN Number: 024920400979

Vehicle Type: Light Duty
Plate Number: TB1553
Odometer Reading: 199719
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 
Motor Vehicle Dealer Number: 

See your vehicle's registration card for your next Inspection Due Date.

*********************************************************
Safety Equipment
Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflector N/A
Window Tinting N/A

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

*********************************************************
* OBDII Test Results *
* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 753 *
*********************************************************

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic SHANNON WARD
Owner's Repair Authorization

*********************************************************

RETAINTHISCOPYFORYOURRECORDS

☐ Air Quality = $0.68
☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.13
☐ Inspection Station = $0.09(min) - $23.75(max)
☐ Telecommunication = $1.75
☐ Highway Fund = $0.35
Recue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 114
Date: 07/10/2014

Make: Dodge
Year: 2005
Engine Size: 3800
Body Style: Minivan
VIN: 2D4GP44LX5R327866
County: NEW HANOVER
TIN: 812611185446

See your vehicle’s registration card for your next Inspection Due Date

Safety Equipment
- Headlights: Pass
- Parking Lights: Pass
- Tail Lights: Pass
- Beam Indicator Light/Switch: Pass
- License Plate Light: Pass
- Stop Light: Pass
- Directional Signals: Pass
- Horn: Pass
- Windshield Wipers: Pass
- Rear View Mirrors: Pass
- Foot Brake: Pass
- Emergency Brake: Pass
- Steering Mechanism: Pass
- Tires: Pass
- Exhaust System: Pass
- Clearance Lights: N/A
- Reflectors: N/A
- Window Tinting: N/A

Tampering Inspection
- Catalytic Converter: Pass
- Air Injection System: N/A
- PCV Valve: Pass
- Unleaded Gas Restrictor: Pass
- Exhaust Gas Recirculation: Pass
- Thermostatic Air Control: N/A
- Fuel Evaporation Control: Pass
- Oxygen Sensor: Pass
- Gasoline Tank Cap: Pass

OBDII Test Results
- PASS
  - MIL Bulb Working: Pass
  - Connector Damage: Pass
  - Communications Established: Pass
  - MIL Commanded-On: Pass
  - Engine RPM at Reading: 768

Station Number: 16124
Analyzer Number: DZ001659 Ver: 1104
Inspection Class: Safety/Emission
Receipt/Statement Number: 00015918
Parts Exemption Number:
Waiver Number:
Inspector Mechanic: Linnie A. Wyenne
Owner’s Repair Authorization:

RETAIN THIS COPY FOR YOUR RECORDS

☐ Telecommunication = $1.75  ☐ Emissions Program = $3.00
☐ Highway Fund = $0.55   ☐ Volunteer Rescue/EMS = $0.18
☐ Rescue Squad Relief = $0.12  ☐ Inspection Station = $0.00(min) - $23.75(max)
☐ Division of Air Quality = $0.65

Total Inspection Fee $6.25(min) - $30.00 (max)
STATE OF CALIFORNIA

VEHICLE INSPECTION STATION

SAFETY AND MAPPINGS (C)

Authorization No.: 06/03/2014

DODG
2005
(0): 3800
MINIVAN
2D4GP44785R204295
NEW HANOVER
134410477575

Valid registration card for next inspection.

Engine: PASS
Brake Light Switch: PASS
Exhaust: PASS
Brake Fluid Level: PASS

Pass inspection.

Vehicle: ZB1577
Vehicle Reading: 260620
Number of Cylinders: 6
Engine Type: Gasoline
Engine Number: F10657
Motor Number:

Pass inspection.

Converter: PASS
Exhaust Restriction: PASS
Exhaust Recirculation N/A
Exhaust Air Control N/A
Exhaust Control PASS
Exhaust Sensor PASS
Exhaust Cap PASS
Exhaust Working PASS
Exhaust Damage PASS
Exhaust Established Pass
Exhaust On/Off PASS
Exhaust Reading: 737

Fuel: 36447
Pass: Emissions
Vehicle Number:

Thank you.

Received: 10/7/05

State: IN THIS CONTRACT OUR
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 048
Date: 08/26/2014

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Make: DODG
Year: 2006
Engine Size (cc): 2400
Body Style: MINIVAN
VIN: 1D4GP25B46B563570
County: NEW HANOVER
TIN Number: 544710454870

See your vehicle's registration card for your next Inspection Due Date.

**************************

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting N/A

Vehicle Type: Light Duty
Plate Number: TB1586
Odometer Reading: 164212
Number of Cylinders: 4
Type of Fuel: GASOLINE
Previous Odometer:

Motor Vehicle Dealer Number:

**************************

Tampering Inspection

Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation N/A
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

**************************

* OBDII Test Results *
* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 805 *

**************************

Analyzer Number: EZS20656
Receipt/Statement Number: 11134
Waiver Number:

Owner's Repair Authorization:

**************************

RETAIN THIS COPY FOR YOUR RECORDS

- Emission of Air Quality = $0.66
- Inspections Program = $0.00
- Volunteer Rescue/EMS = $0.16

Total Inspection Fee $6.25 (min) - $30.00

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic
SHANNON WARD
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 048
Date: 08/26/2014

**PASSED**

-----------------------

**PASSED**

-----------------------

Make: DODG
Year: 2006
Engine Size (cc): 2400
Body Style: MINIVAN
VIN: 1D4GP25B46B563570
County: NEW HANOVER
TIN Number: 544710454870

Vehicle Type: Light Duty
Plate Number: TB1586
Odometer Reading: 164212
Number of Cylinders: 4
Type of Fuel: GASOLINE
Previous Odometer:

Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>PASS</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Beam Indicator Light/ Switch</td>
<td>PASS</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Stop Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>PASS</td>
</tr>
<tr>
<td>Horn</td>
<td>PASS</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>PASS</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>PASS</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>PASS</td>
</tr>
<tr>
<td>Tires</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>PASS</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>23.75</td>
</tr>
</tbody>
</table>

**PASSED**

-----------------------

* OBBDII Test Results *
* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 805 *

-----------------------

**PASSED**

-----------------------

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:
Inspector-Mechanic: SHANNON
WARD

Analyzer Number: EZ520656
Ver. 1102
Receipt/Statement Number: 11134
Waiver Number:

Owner's Repair Authorization

RETAINT HIS COPY FOR YOUR RECORDS

□ Division of Air Quality = $3.65
□ Emissions Program = $3.02
□ Volunteer Rescue/EMS = $0.18
□ Inspection Station = $0.00(min) - $23.75(max)*

□ Telecommunication = $1.75
□ Highway Fund = $0.55
□ Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 045
Date: 09/10/2014

* PASSED *

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $10.00
Total Fees $40.00

Make: DODGE
Year: 2006
Engine Size (cc): 3800
Body Style: MINIVAN
VIN: 2D4GP44L36R755599
County: NEW HANOVER
TIN Number: 24491045479

Vehicle Type: Light Duty
Plate Number: 72179D
Odometer Reading: 148944
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer:
Motor Vehicle Dealer Number: 72179D

See your vehicle's registration card for your next Inspection Due Date.

******************************************************************************
Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/ Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting PASS

Tampering Inspection

Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

******************************************************************************

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic
SHANNON WARD

Owner's Repair Authorization

******************************************************************************

RETAIL THIS COPY FOR YOUR RECORDS

□ Division of Air Quality = $0.85
□ Telecommunication = $1.75

□ Emissions Program = $3.00
□ Highway Fund = $0.55

□ Volunteer Rescue/EMS = $0.16
□ Rescue Squad Raiser = $3.12

□ Inspection Station = $0.05(min.) - $23.75(max.)

No matching record was found on file for this vehicle on the State Host computer. It is your responsibility to contact DMV to resolve this issue and ensure credit for this inspection.

Total Inspection Fee $6.25 (min) - $30.00
**SAFETY AND EMISSIONS (OBDII)**

<table>
<thead>
<tr>
<th>Classification:</th>
<th>IM</th>
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<tbody>
<tr>
<td>Electronic Authorization No.:</td>
<td>043</td>
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<tr>
<td>Date:</td>
<td>07/28/2014</td>
</tr>
</tbody>
</table>

**Inspection Fee** $23.75
- E-Auth. Fee $6.25
- Window Tinting Fee $0.00
- Total Fees $30.00

| Make: | DOG |
| Year: | 2004 |
| Engine Size (cc): | 3800 |
| Body Style: | MINIVAN |
| VIN: | 2D4GP44194R587299 |
| County: | NEW HANOVER |
| TTN Number: | 74490426379 |

See your vehicle's registration card for your next Inspection Due Date.

<table>
<thead>
<tr>
<th>Safety Equipment</th>
<th>PASS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>PASS</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Beam Indicator Light/Switch</td>
<td>PASS</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Stop Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>PASS</td>
</tr>
<tr>
<td>Horn</td>
<td>PASS</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>PASS</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>PASS</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>PASS</td>
</tr>
<tr>
<td>Tires</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>PASS</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>23.75</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OBDII Test Results</th>
<th>PASS</th>
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</thead>
<tbody>
<tr>
<td>MIL Bulb Working</td>
<td>Pass</td>
</tr>
<tr>
<td>Connector Damage</td>
<td>Pass</td>
</tr>
<tr>
<td>Communications Established</td>
<td>Pass</td>
</tr>
<tr>
<td>MIL Comanded-On</td>
<td>Pass</td>
</tr>
<tr>
<td>Engine RPM at Reading</td>
<td>788</td>
</tr>
</tbody>
</table>

**Tampering Inspection**
- Catalytic Converter PASS
- Air Injection System N/A
- PCV Valve PASS
- Unleaded Gas Restrictor PASS
- Exhaust Gas Recirculation N/A
- Thermostatic Air Control N/A
- Fuel Evaporative Control PASS
- Oxygen Sensor PASS
- Gasoline Tank Cap PASS

**Station Number:** 34447
**Inspection Class:** Emissions
**Parts Exemption Number:**

**Inspector-Mechanic:** SHANNON
**WARD**

**Analyzer Number:** EZ520656
**Receipt/Statement Number:** 10988

**Owner's Repair Authorization**

---

**Total Inspection Fee** $6.25 (min) - $30.00
STATE OF NORTH CAROLINA  
VEHICLE INSPECTION RECEIPT/STATEMENT  

SAFETY AND EMISSIONS (OBDII)  
REINSPECTION  

<table>
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<tr>
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</thead>
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<td>037</td>
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<tr>
<td>Date:</td>
<td>07/29/2014</td>
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</tbody>
</table>

**PASSED**

Inspection Fee $0.00  
E-Auth. Fee $6.25  
Window Tinting Fee $0.00  
Total Fees $6.25

Make: CHEV  
Year: 2005  
Engine Size (cc): 3400  
Body Style: SEDAN  
VIN: 2G1WF52E659238804  
County: NEW HANOVER  
TIN Number: 034080489774

See your vehicle's registration card for your next Inspection Due Date.

**Safety Equipment**  
- Headlights: PASS  
- Parking Lights: PASS  
- Tail Lights: PASS  
- Beam Indicator Light/Switch: PASS  
- License Plate Light: PASS  
- Stop Light: PASS  
- Directional Signals: PASS  
- Horn: PASS  
- Windshield Wipers: PASS  
- Rear View Mirrors: PASS  
- Foot Brake: PASS  
- Emergency Brake: PASS  
- Steering Mechanism: PASS  
- Tires: PASS  
- Exhaust System: PASS  
- Clearance Lights: N/A  
- Reflectors: N/A  
- Window Tinting: N/A

**Tampering Inspection**  
- Catalytic Converter: PASS  
- Air Injection System: N/A  
- PCV Valve: PASS  
- Unleaded Gas Restrictor: PASS  
- Exhaust Gas Recirculation: N/A  
- Thermostatic Air Control: N/A  
- Fuel Evaporative Control: PASS  
- Oxygen Sensor: PASS  
- Gasoline Tank Cap: PASS

**OBDII Test Results**  
- FAIL  
- MIL Bulb Working: Pass  
- Connector Damage: Pass  
- Communications Established: Pass  
- MIL Commanded-On: Fail  
- Engine RPM at Reading: 828

Station Number: 34447  
Inspection Class: Emissions  
Parts Exemption Number: 
Inspector-Mechanic: SHANNON WARD  
Owner's Repair Authorization:__________________________

RETAIN THIS COPY FOR YOUR RECORDS

- Division of Air Quality = $0.56  
- Telecommunication = $1.75  
- Emissions Program = $8.00  
- Highway Fund = $0.50  
- Volunteer Resources = $0.12  
- Rescue Squad Relief = $0.12  
- Inspection Station = $0.03(min) - $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM  *******************
Electronic Authorization No.: 030
Date: 07/30/2014  Inspection Fee $23.75

* PASSED *  E-Auth. Fee $6.25
*******************  Window Tinting Fee $0.00

Total Fees $30.00

Make: CHRY
Year: 2007
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 2A4GP44R47R175243
County: NEW HANOVER
TIN Number: 434410427073

Vehicle Type: Light Duty
Plate Number: TA8223
Odometer Reading: 166989
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 

Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment

Headlights  PASS
Parking Lights  PASS
Tail Lights  PASS
Beam Indicator Light/Switch  PASS
License Plate Light  PASS
Stop Light  PASS
Directional Signals  PASS
Horn  PASS
Windshield Wipers  PASS
Rear View Mirrors  PASS
Foot Brake  PASS
Emergency Brake  PASS
Steering Mechanism  PASS
Tires  PASS
Exhaust System  PASS
Clearance Lights  N/A
Reflectors  N/A
Window Tinting  N/A

Tampering Inspection

Catalytic Converter  PASS
Air Injection System N/A
PCV Valve  PASS
Unleaded Gas Restrictor  PASS
Exhaust Gas Recirculation N/A
Thermostatic Air Control N/A
Fuel Evaporative Control  PASS
Oxygen Sensor  PASS
Gasoline Tank Cap  PASS

OBDII Test Results

* PASS
* MIL Bulb Working  Pass
* Connector Damage  Pass
* Communications Established  Pass
* MIL Commanded-On  Pass
* Engine RPM at Reading  756

Station Number: 34447
Analyzer Number: EZ520656  Ver. 1102
Inspection Class: Emissions
Receipt/Statement Number: 11010
Parts Exemption Number:

Inspector-Mechanic  WARD
Owner's Repair Authorization

RETAI N THIS COPY FOR YOUR RECORDS

☐ Emission of Air Quality = $0.00
☐ Telecommunications = $1.76
☐ Emissions Program = $3.00
☐ Highway Fund = $0.55
☐ Volunteer Rescue/EMS = $0.18
☐ Rescue Squad Relief = $0.12
☐ Inspection Station = $0.50(min) - $23.75(max)*

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 018
Date: 07/31/2014

Make: DODG
Year: 2004
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24R54B60220
County: NEW HANOVER
TIN Number: 214204422870

**** P A S S E D ****

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Vehicle Type: Light Duty
Plate Number: TA9279
Odometer Reading: 151051
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer:

Motor Vehicle Dealer Number:

See your vehicle’s registration card for your next Inspection Due Date.

*******************************
Safety Equipment
*******************************

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>PASS</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Beam Indicator Light/Switch</td>
<td>PASS</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Stop Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>PASS</td>
</tr>
<tr>
<td>Horn</td>
<td>PASS</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>PASS</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>PASS</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Emergency Brake</td>
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</tr>
<tr>
<td>Steering Mechanism</td>
<td>PASS</td>
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<tr>
<td>Tires</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>PASS</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*******************************
Tampering Inspection
*******************************

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalytic Converter</td>
<td>PASS</td>
</tr>
<tr>
<td>Air Injection System</td>
<td>N/A</td>
</tr>
<tr>
<td>PCV Valve</td>
<td>PASS</td>
</tr>
<tr>
<td>Unleaded Gas Restrictor</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust Gas Recirculation</td>
<td>PASS</td>
</tr>
<tr>
<td>Thermostatic Air Control</td>
<td>N/A</td>
</tr>
<tr>
<td>Fuel Evaporative Control</td>
<td>PASS</td>
</tr>
<tr>
<td>Oxygen Sensor</td>
<td>PASS</td>
</tr>
<tr>
<td>Gasoline Tank Cap</td>
<td>PASS</td>
</tr>
</tbody>
</table>

*******************************
OBDII Test Results
*******************************

* MIL Bulb Working    Pass *
* Connector Damage    Pass *
* Communications Established Pass *
* MIL Commanded-On    Pass *
* Engine RPM at Reading 772 *

*******************************
Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic: SHANNON
WARD

Analyzer Number: EZ520656
Ver. 1102
Receipt/Statement Number: 11022
Waiver Number:

Owner's Repair Authorization

RETAIL THIS COPY FOR YOUR RECORDS

- Division of Air Quality = $3.95
- Emission Program = $2.00
- Volunteer Response/EHS = $2.18
- Inspection Station = $0.00 (min) - $3.75 (max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA  
VEHICLE INSPECTION RECEIPT/STATEMENT  

SAFETY AND EMISSIONS (OBDII)  

Classification: IM  
Electronic Authorization No.: 045  
Date: 08/07/2014  

Make: DODG  
Year: 2006  
Engine Size (cc): 3800  
Body Style: MINIVAN  
VIN: 1D4GP44L36R755599  
County: NEW HANOVER  
TIN Number: 244910454579  

Vehicle Type: Light Duty  
Plate Number: NONE  
Odometer Reading: 148881  
Number of Cylinders: 6  
Type of Fuel: GASOLINE  
Motor Vehicle Dealer Number:  

See your vehicle's registration card for your next Inspection Due Date.  

 *********************************  
Safety Equipment  
Headlights  PASS  
Parking Lights  PASS  
Tail Lights  PASS  
Beam Indicator Light/Switch  PASS  
License Plate Light  PASS  
Stop Light  PASS  
Directional Signals  PASS  
Horn  PASS  
Windshield Wipers  PASS  
Rear View Mirrors  PASS  
Foot Brake  PASS  
Emergency Brake  PASS  
Steering Mechanism  PASS  
Tires  PASS  
Exhaust System  PASS  
Clearance Lights  N/A  
Reflectors  N/A  
Window Tinting  N/A  

Tampering Inspection  
Catalytic Converter  PASS  
Air Injection System  N/A  
PCV Valve  PASS  
Unleaded Gas Restrictor  PASS  
Exhaust Gas Recirculation  PASS  
Thermostatic Air Control  N/A  
Fuel Evaporative Control  PASS  
Oxygen Sensor  PASS  
Gasoline Tank Cap  PASS  

 *********************************  
* OBDII Test Results  
*  
*PASS  
*MIL Bulb Working  Pass  
*Connector Damage  Pass  
*Communications Established  Pass  
*MIL Commanded-On  Pass  
*Engine RPM at Reading  750  

 *********************************  
Station Number: 34447  
Inspection Class: Emissions  
Parts Exemption Number:  

Inspector-Mechanic  SHANNON  
WARD  

Analyzer Number: EZS20656  
Ver. 1102  
Receipt/Statement Number: 11057  
Waiver Number:  
Owner's Repair Authorization  

RETAIN THIS COPY FOR YOUR RECORDS  

No matching record was found on file for this vehicle on the State Host computer. It is your responsibility to contact DMV to resolve this issue and ensure credit for this inspection.  

 Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 043
Date: 08/07/2014

***********************
* PASSED *
***********************

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Make: CHEV
Year: 2005
Engine Size (cc): 3400
Body Style: SEDAN
VIN: 2G1WF52E759185068
County: NEW HANOVER
TIN Number: 344670407378

See your vehicle's registration card for your next Inspection Due Date.

***********************
Safety Equipment
***********************

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflector N/A
Window Tinting 23.75

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

***********************
OBDII Test Results
***********************

* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 714 *

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:
Inspector-Mechanic SHANNON
WARD

Owner's Repair Authorization

RETAINTHISCOPYFORYOURRECORDS

□Division of Air Quality = $0.65
□ Emissions Program = $3.00
□ Volunteer Rescue/EMS = $0.18
□ Inspecion Station = $0.00(min) - $23.75(max)*

□ Telecommunication = $1.75
□ Highway Fund = $0.55
□ Rescue Squad Roll Call = $0.12

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 014
Date: 08/20/2014

Make: DODG
Year: 2005
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24R35B190115
County: NEW HANOVER
TIN Number: 214110411475

Vehicle Type: Light Duty
Plate Number: TA8217
Odometer Reading: 172981
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer:

Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

******************************************************************************

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting 23.75

Tampering Inspection

Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

******************************************************************************

* OBDII Test Results *
* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 751 *

******************************************************************************

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:
Inspector-Mechanic SHANNON

Analyzer Number: EZ520656
Receipt/Statement Number: 11109
Waiver Number:

Owner's Repair Authorization

RETAINThis COPY FOR YOUR RECORDS

☐ Division of Air Quality = $0.65
☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.18
☐ Inspection Station = $0.03(min) - $23.75(max)*

☐ Telecommunication = $1.75
☐ Highway Fund = $0.55
☐ Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 051
Date: 02/09/2015

**PASSED**

Make: DODG
Year: 2010
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 2D4RN4DE6AR185204
County: NEW HANOVER
TIN Number: 55401042174

Vehicle Type: Light Duty
Plate Number: 72179D
Odometer Reading: 126170
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer:
Motor Vehicle Dealer Number: 72179D

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

OBDII Test Results
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 683 *

Analyzer Number: EZ520656 Ver. 1102
Receipt/Statement Number: 11997
Waiver Number:

Owner's Repair Authorization

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:
Inspector-Mechanic: SHANNON WARD

RETAIN THIS COPY FOR YOUR RECORDS
- Division of Air Quality = $0.66
- Emission Program = $3.00
- Volunteer Rescue/EMS = $0.19
- Inspection Station = $0.60(min) - $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00
**STATE OF NORTH CAROLINA**
**VEHICLE INSPECTION RECEIPT/STATEMENT**

**SAFETY AND EMISSIONS (OBDII)**

<table>
<thead>
<tr>
<th>Classification:</th>
<th>IM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic Authorization No.:</td>
<td>014</td>
</tr>
<tr>
<td>Date:</td>
<td>12/11/2014</td>
</tr>
</tbody>
</table>

**Make:** DODG  
**Year:** 2007  
**Engine Size (cc):** 3300  
**Body Style:** MINIVAN  
**VIN:** 1D4GP2E27B146069  
**County:** NEW HANOVER  
**TIN Number:** 714680400479  

See your vehicle's registration card for your next Inspection Due Date.

<table>
<thead>
<tr>
<th>Safety Equipment</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>PASS</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Beam Indicator Light/ Switch</td>
<td>PASS</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Stop Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>PASS</td>
</tr>
<tr>
<td>Horn</td>
<td>PASS</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>PASS</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>PASS</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>PASS</td>
</tr>
<tr>
<td>Tires</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>PASS</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>23.75</td>
</tr>
</tbody>
</table>

**Tampering Inspection**

- Catalytic Converter: PASS
- Air Injection System: N/A
- PCV Valve: PASS
- Unleaded Gas Restrictor: PASS
- Exhaust Gas Recirculation: PASS
- Thermostatic Air Control: N/A
- Fuel Evaporative Control: PASS
- Oxygen Sensor: PASS
- Gasoline Tank Cap: PASS

**OBDII Test Results**

- PASS
- MIL Bulb Working: Pass
- Connector Damage: Pass
- Communications Established: Pass
- MIL Commanded-On: Pass
- Engine RPM at Reading: 756

**Station Number:** 34447  
**Inspection Class:** Emissions  
**Parts Exemption Number:**

**Inspector-Mechanic:** SHANNON WARD

**Analyzer Number:** EZ520656  
**Ver. 1102**

**Owner's Repair Authorization:**

**RETAIN THIS COPY FOR YOUR RECORDS**

- Division of Air Quality = $0.65
- Emissions Program = $3.00
- Volunteer Rescue/EMS = $0.18
- Inspection Station = $0.00(min) - $23.75(max)
- Telecommunication = $1.75
- Highway Fund = $0.55
- Rescue Squad Relief = $0.12

**Total Inspection Fee:** $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 065
Date: 01/22/2015

Make: DODG
Year: 2006
Engine Size (cc): 3300
Body Style: SEDAN
VIN: 1D4GP25R56B714817
County: NEW HANOVER
TIN Number: 064110488577

Vehicle Type: Light Duty
Plate Number: TB1554
Odometer Reading: 250900
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 
Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment
Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting N/A

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

OBDII Test Results
PASS
MIL Bulb Working Pass
Connector Damage Pass
Communications Established Pass
MIL Commanded-On Pass
Engine RPM at Reading 764

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Analyzer Number: EZ520656
Receipt/Statement Number: 11909
Waiver Number:

Inspector-Mechanic SHANNON WARD
Owner's Repair Authorization

RETAIL THIS COPY FOR YOUR RECORDS

☒Division of Air Quality = $0.65
☒Emissions Program = $3.00
☒Volunteer Rescue/EMS = $0.18
☒Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25(min) - $30.00
### SAFETY AND EMISSIONS (OBDII)

**Classification:** IM  
**Electronic Authorization No.:** 017  
**Date:** 01/07/2015

**Inspection Fee:** $23.75  
**E-Auth Fee:** $6.25  
**Window Tinting Fee:** $0.00  
**Total Fees:** $30.00

**Make:** DODG  
**Year:** 2007  
**Engine Size (cc):** 3800  
**Body Style:** MINIVAN  
**VIN:** 2D4GP4L7R237759  
**County:** NEW HANOVER  
**TTN Number:** 114510479779  

See your vehicle’s registration card for your next inspection due date.

**Safety Equipment**

<table>
<thead>
<tr>
<th>Item</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>PASS</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Beam Indicator Light/Switch</td>
<td>PASS</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Stop Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>PASS</td>
</tr>
<tr>
<td>Horn</td>
<td>PASS</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>PASS</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>PASS</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>PASS</td>
</tr>
<tr>
<td>Tires</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>PASS</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>23.75</td>
</tr>
</tbody>
</table>

**Tampering Inspection**

<table>
<thead>
<tr>
<th>Item</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalytic Converter</td>
<td>PASS</td>
</tr>
<tr>
<td>Air Injection System</td>
<td>N/A</td>
</tr>
<tr>
<td>PCV Valve</td>
<td>PASS</td>
</tr>
<tr>
<td>Unleaded Gas Restrictor</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust Gas Recirculation</td>
<td>PASS</td>
</tr>
<tr>
<td>Thermostatic Air Control</td>
<td>N/A</td>
</tr>
<tr>
<td>Fuel Evaporative Control</td>
<td>PASS</td>
</tr>
<tr>
<td>Oxygen Sensor</td>
<td>PASS</td>
</tr>
<tr>
<td>Gasoline Tank Cap</td>
<td>PASS</td>
</tr>
</tbody>
</table>

**OBDII Test Results**

- Pass
- MIL Bulb Working: Pass
- Connector Damage: Pass
- Communications Established: Pass
- MIL Commanded-On: Pass
- Engine RPM at Reading: 785

**Station Number:** 34447  
**Inspection Class:** Emissions  
**Parts Exemption Number:**

**Analyzer Number:** EZ520656  
**Ver.:** 1102  
**Receipt/Statement Number:** 11834  
**Waiver Number:**

**Inspector-Mechanic:** SHANNON WARD  
**Owner’s Repair Authorization:**

---

**RETAINT THIS COPY FOR YOUR RECORDS**

- Division of Air Quality = $0.85
- Telecommunication = $1.75
- Emissions Program = $3.00
- Highway Fund = $0.55
- Volunteer Rescue/EMS = $0.18
- Rescue Squad Relief = $0.12
- Inspection Station = $0.00 (min) - $23.75 (max)

**Total Inspection Fee:** $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 024
Date: 03/30/2015

Make: CHRY
Year: 2007
Engine Size (cc): 3800
Body Style: MINIVAN
VIN: 2A4GP54L27R215868
County: NEW HANOVER
TIN Number: 524690481478

See your vehicle's registration card for your next Inspection Due Date.

*****************************************************************************

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting 23.75%

*****************************************************************************

Tampering Inspection

Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gas Tank Cap PASS

*****************************************************************************

* OBDII Test Results *
* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 761 *

*****************************************************************************

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic
SHANNON WARD

Owner's Repair Authorization __________________________

*****************************************************************************

RETAIL THIS COPY FOR YOUR RECORDS

☐ Division of Air Quality = $0.65
☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.18
☐ Inspection Station = $0.00(min) - $23.75(max)*

☐ Telecommunication = $1.75
☐ Highway Fund = $0.55
☐ Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 035
Date: 03/16/2015

******************* Inspection Fee $23.75
* PASSED *
******************* E-Auth. Fee $6.25

Window Tinting Fee $0.00
Total Fees $30.00

Make: DODG
Year: 2005
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24R55B422052
County: NEW HANOVER
TIN Number: 334330404572

See your vehicle's registration card for your next Inspection Due Date.

*******************

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting 23.75

Tampering Inspection

Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

**************

OBDII Test Results

* PASS *

* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 755 *

**************

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic WARD
Owner's Repair Authorization _______________________

Analyzer Number: EZ520656
Receipt/Statement Number: 12169
Waiver Number:

RETAINThis COPY For YOUR RECORDS

☐ Division of Air Quality = $0.65
☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.18
☐ Inspection Station = $0.00(min) - $23.75(max)*

☐ Telecommunication = $1.75
☐ Highway Fund = $0.55
☐ Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA  
VEHICLE INSPECTION RECEIPT/STATEMENT  
SAFETY AND EMISSIONS (OBDII)  

Classification: IM  
Electronic Authorization No.: 028  
Date: 03/26/2015  

Make: FORD  
Year: 2006  
Engine Size (cc): 3500  
Body Style: SEDAN  
VIN: 1FAHP24116G180107  
County: NEW HANOVER  
TIN Number: 124020410877  

Vehicle Type: Light Duty  
Plate Number: TB4604  
Odometer Reading: 206753  
Number of Cylinders: 6  
Type of Fuel: GASOLINE  

See your vehicle's registration card for your next Inspection Due Date.  

<table>
<thead>
<tr>
<th>Safety Equipment</th>
<th>Tampering Inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>Catalytic Converter  PASS</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>Air Injection System  N/A</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PCV Valve  PASS</td>
</tr>
<tr>
<td>Beam Indicator Light/ Switch</td>
<td>Unleaded Gas Restrictor  PASS</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>Exhaust Gas Recirculation  PASS</td>
</tr>
<tr>
<td>Stop Light</td>
<td>Thermostatic Air Control  N/A</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>Fuel Evaporative Control  PASS</td>
</tr>
<tr>
<td>Horn</td>
<td>Oxygen Sensor  PASS</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>Gasoline Tank Cap  PASS</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td></td>
</tr>
<tr>
<td>Foot Brake</td>
<td></td>
</tr>
<tr>
<td>Emergency Brake</td>
<td></td>
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<tr>
<td>Steering Mechanism</td>
<td></td>
</tr>
<tr>
<td>Tires</td>
<td></td>
</tr>
<tr>
<td>Exhaust System</td>
<td></td>
</tr>
<tr>
<td>Clearance Lights</td>
<td></td>
</tr>
<tr>
<td>Reflectors</td>
<td></td>
</tr>
<tr>
<td>Window Tinting</td>
<td></td>
</tr>
</tbody>
</table>

0.65  1.75  3.00  0.55  0.18  0.12

<table>
<thead>
<tr>
<th>OBDII Test Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>weave</td>
</tr>
<tr>
<td>PASS</td>
</tr>
<tr>
<td>MIL Bulb Working</td>
</tr>
<tr>
<td>PASS</td>
</tr>
<tr>
<td>Connector Damage</td>
</tr>
<tr>
<td>PASS</td>
</tr>
<tr>
<td>Communications Established</td>
</tr>
<tr>
<td>PASS</td>
</tr>
<tr>
<td>MIL Commanded-On</td>
</tr>
<tr>
<td>PASS</td>
</tr>
<tr>
<td>Engine RPM at Reading</td>
</tr>
<tr>
<td>656</td>
</tr>
</tbody>
</table>

Station Number: 34447  
Inspector-Mechanic: SHANNON WARD  
Analyzer Number: EZ520656  
Ver. 1102  
Receipt/Statement Number: 12250  
Waiver Number:  

RETAIL THIS COPY FOR YOUR RECORDS  

- Division of Air Quality = $0.65  
- Telecommunication = $1.75  
- Emissions Program = $3.00  
- Highway Fund = $0.55  
- Volunteer Rescue/EMS = $0.18  
- Rescue Squad Relief = $0.12  
- Inspection Station = $0.65(min) - $23.75(max)  

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 080
Date: 09/29/2014

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Make: CHRY
Year: 2007
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 2A4GP44R07R245865
County: NEW HANOVER
TIN Number: 184810482075

Vehicle Type: Light Duty
Plate Number: TB1593
Odometer Reading: 192931
Number of Cylinders: 6
Type of Fuel: GASOLINE

Motor Vehicle Dealer Number:

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
O2 Sensor PASS
Gasoline Tank Cap PASS

OBDII Test Results
PASS
ML. Bulb Working Pass
Connector Damage Pass
Communications Established Pass
ML. Commanded-On Pass
Engine RPM at Reading 758

Safety Equipment
Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflector N/A
Window Tinting 23.75

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic SHANNON WARD
Owner's Repair Authorization

RETAIHN THIS COPY FOR YOUR RECORDS

☐ Emission of Air Quality = $0.00
☐ Emission Program = $0.00
☐ OBDII Test Results = $0.00
☐ Inspection Station = $0.00 (min) - $23.75 (max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 016
Date: 09/17/2014

Make: DODG
Year: 2007
Engine Size (cc): 3800
Body Style: MINIVAN
VIN: 2D4GP44LX7R270054
County: NEW HANOVER
TIN Number: 814510402674

See your vehicle's registration card for your next Inspection Due Date.

Vehicle Type: Light Duty
Plate Number: TB1513
Odometer Reading: 174952
Number of Cylinders: 6
Type of Fuel: GASOLINE

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

* OBDII Test Results
* PASS
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 757 *

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic
SHANNON WARD

Owner's Repair Authorization

RETAIL THIS COPY FOR YOUR RECORDS

Division of Air Quality = $3.55
Emissions Program = $3.00
Volunteer Rescue/EMS = $0.18
Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA

VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification:                Inspection Fee $23.75
Electronic Transmittal No:     E-Auth. Fee $6.25
Date: 05/03/2019

Make: DOOG
Year: 2009
Engine Size: 3.3L
Body Style: FRMN
VIN: 2DHEW144E09P51696
County: NEW HANOVER
TIN Number: 52492674873

See your vehicle's registration card for your next inspection due date.

Safety Equipment

Headlights: PASS
Parking Lamps: PASS
Tail Lights: PASS
Beam Indicator Switch: PASS
License Plate Light: PASS
Stop Light: PASS
Directional Signal: PASS
Horn: PASS
Windshield Wipers: PASS
Rear View Mirrors: PASS
Foot Brakes: PASS
Emergency Brake: PASS
Steering Mechanism: PASS
Tires: PASS
Exhaust System: PASS
Clearance Lights: PASS
Reflector: PASS
Window Tinting: PASS

Tampering Inspection

Catalytic Converter: PASS
Air Injection System: N/A
PCV Valve: PASS
Unleaded Gas Restrictor: PASS
Exhaust Gas Recirculation: PASS
Thermostatic Air Control: N/A
Fuel Evaporative Control: PASS
Oxygen Sensor: PASS
Gasoline Tank Cap: PASS

OBDII Test Results

* OBDII Test Results *
* PASS *
*MIL Bulb Working* Pass *
* Connector Damage* Pass *
* Communications Established* Pass *
*MIL Commanded-On* Pass *
*Engine RPM at Reading* 687 *

Analyzer Number: EZ20656
Receipt/Statement Number: 11358
Waiver Number:

Owner's Repair Authorization

ETAIN THIS COPY FOR YOUR RECORDS

No matching record was found on file for this vehicle on the State Host computer. It is your responsibility to contact DMV to resolve this issue and ensure credit for this inspection.

Total Inspection Fee $6.25 (min) - $30.00
Section 4 (A)

Letter of Transmittal

The Freedom Transport Club, Inc. proposes to provide non-emergency medical transport services to the Department of Social Services and the Senior Resource Center of New Hanover County.

Company Name: Freedom Transport Club, Inc.
Address: 420 Raleigh St. Ste. “D” Wilmington, NC 28412
Phone No. 910-397-7667 (Office) 910-200-2271 (Cell)
E-mail: freedomtransport1@gmail.com
Contact: Ronald Franks – President

The RFP contains all documents, certificates, and permits, licenses and schedules that were requested from New Hanover County.

All information contained in this RFP is true and accurate and not misleading in any way to New Hanover County.

The Freedom Transport Club, Inc. would like to thank the Department of Social Services, the Senior Resource Center and the County of New Hanover for the opportunity to submit this proposal.

Sincerely,
Ronald Franks (President)
FTC, Inc.
Section 4 (D)

Executive Summary

1. The Freedom Transport Club, Inc. is a transportation company located in Wilmington, NC. We provide transport for both wheelchair and ambulatory clients in New Hanover County and throughout the state of North Carolina. Our motto is “We Take You There with Care.”

2. N/A

3. We are an “S” Corporation Company certified with the State of North Carolina, articles of incorporation are attached.

4. All shares of the corporation are own by: Ronald Franks, Myra Franks and Rolando Franks.

5. We will call clients one day prior to pick-up day to inform them of the appointment and pick them up on time on scheduled day.

6. We currently have five employees including four drivers and one secretary/dispatcher.

   Our fleet consists of two (8) passenger wheel chair vans w/capacity of (2) wheel chairs, two (6) passenger mini vans and one (5) sedan.

   Operating hours are: 24 hours seven days a week if scheduled in advance.

   We receive our request for trips via email then they are electronically loaded into our scheduling system, which automatically assigns a driver and the proper pick-up, and return time, destination and client name. All schedules are double checked by our dispatcher. Our dispatcher then down loads the schedule to the drivers cell phones (mobile data system). Schedules can be edited instantly at any time.

7. No additional organizational changes in last two years except attached articles of incorporation.

8. Central operations physical address is: 420 Raleigh St. Ste. “D” Wilmington, NC 28412.
Section 4 (E)

Background and Experience

1. Freedom Transport Club, Inc. has been providing transportation services to persons with special needs since 2009. One of our drivers formally was employed by the former Adult Day Services, Inc. for 6 years and has vast experience with handicap and persons with memory loss.

2. Our company utilizes email, text and telephone to keep the county informed of the project.

3. Names of companies we presently contract with:
   Dept. of Social Services
   Senior Resource Center
   Cypress Pointe Rehab.
   Christine Carroll
   cprec@cypresspointerehab.com
   910-763-6271
   2006 S. 16th. Street Wilmington, NC 28401

4. Companies we have contracted with:
   Adult Day Services
   A Piece of Home
   DSS
   SRC
   Azalea Rehab.

5. No risk are associated with these contracts

6. The Freedom Transport Club, Inc. hereto know as FTC will take what ever steps necessary to ensure a smooth transition for the project including: (a) communicating with the counties transport coordinators (b) returning promptly calls and e-mials (c) maintaining the upkeep of transport vehicles (d) ensuring that all permits and licenses are current
Sect. 4 (F)

Staffing/ Organization

1. Sorry no Chart but the company consist of Ronald Franks - President
   Myra Franks - Treasurer
   Rolando Franks - Secretary

   Everyone reports to the President

2. Point of contact is Ronald Franks or Cherry Pearson – Dispatcher
   The overall responsibilities of the team is to provide transportation to the project in a way that is safe and timely.

3. Cherry Pearson is Dispatcher
   Ronald Franks – President/Driver
   Rolando Franks – Secretary/Driver
   Richard Hansley – Driver
   Debby Shabazz-Allah – Driver

4. FTC recruits based on driving experience. Must have a good driving record (no violations in last five years) a current drivers license and must be in good physical condition. Background checks are preformed on all employees for every position.

5. FTC employs a proactive approach to quality management. We are continuously making service improvements and we communicate them to our customers.

6. All of the employees of FTC have formally worked in environments where the technical atmosphere was constantly changing. The president of the company is a former electrical and instrumentation designer and works at keeping the entire crew current.

7. FTC was never the subject of any labor dispute.

8. FTC conducts follow up meetings at the end of every workday or at the beginning of the next day to discuss any quality problems.
Sect. 4 (G)

Customer Service

1. FTC’s philosophy is our motto “We Take You There With Care” the slogan is on our business cards, our vehicles and our letterheads. It means we can transport you and do it safely.

2. Complaints are very important to us; while we would rather not have any we also know it gives us an opportunity to make our company better. Complaints are communicated to us from our customers through our drivers and by way of the telephone. We contact the customer to discuss the problem then we take steps to resolve it. We then communicate the action throughout the company. Complaints will be sent to the county in written format.

3. Minimum standards:
   a. Late drop off – apologize to client, explain why the driver was late, make necessary corrections. No more than 5%/month
   b. Late pick up - same as above
   c. Ride time – depends on traffic conditions/should not exceed 60 min.
   d. Driver no-show – inform customer and client with explanation. No more than ¼ of 1% of all trips
Sect. 4 (H)

Employee Training

1. Required trainings. All of FTC’s training is done in house except for proposed CPR training. We provide training on how to safely drive the large wheelchair vans, wheelchair securement training, training on how to escape from the top hatch on the large vans in case of an accident.

2. All accidents and incidents are to be reported immediately to the dispatcher and to police and insurance company. The dispatcher will report to the county if accident involves county clients.

3. Drug testing is required at random once a year.

4. Customer service training is an ongoing process to staff and drivers.

5. Wheelchair securement training is provided once per quarter and in the beginning for a new hire.

Sect. 4 (I)

Operations

1. Physical address is 420 Raleigh St. Ste. “D” Wilmington, NC 28412

2. All drivers carry smart cell phones, dispatcher downloads schedule to drivers to their phones and of course can call if necessary. After hour call procedure: Call 910-200-2271 the (President of Co.) He calls a driver that is on duty to respond to the request.

3. Computer hardware: Apple computers w/system backups, cable Internet connections, Microsoft software, cozi communication software.

4. FTC provides both ambulatory and non-ambulatory transportation services.

5. Our geographic market is the state of North Carolina.

6. No data pertaining to on-time performance, customer complaints, miles between mech. Failures (no failures) or accidents.

7. See # 2 above

8. See # 2 above
9. FTC does not have a SSPP but we do have some plans that relate:
   a. Driver/Employee Section – not sure what this relates to
   b. Driver/Employee Training – we have written training instructions
   c. Safety Data Acquisition Analysis – if this means do we analyze safety data – yes
   d. Drug, Alcohol and Abuse Program – we drug test our drivers once per year. If they don’t pass, they are let go.
   e. Vehicle Maintenance – accurate maintenance records are kept on all vehicles and vehicles are maintained on schedule
   f. Security – We check locks on vehicles, office and garage; all of our records are secure. Computers passwords change every six months.
   g. Blood Borne Pathogens Exposure and Control Plan – Plans are in place for all drivers to get all three hepatitis shots

Sect. 4 (J)
Fleet

1. Fleet vehicles: 2006 Ford E350 Wheelchair Van
   2008 Ford E350 Wheelchair Van
   1997 Plymouth Mini Van
   1990 Cadillac Sedan
2. All vehicles are owned by FTC
3. 2006 and 2008 Ford E350’s meet ADA requirements
4. 2006 and 2008 Ford E350’s (8) passenger and (2) wheelchair ea.
5. Seat belts and wheelchair straps and hooks in both E350’s and seat belts in Plymouth and Cadillac
6. Paint and decal scheme on all vehicles (red, white and blue)
7. Drivers have individual mobile data units

Sect. 4 (K)
Preventive Maintenance

1. Vehicles are maintained as per schedule
2. See attached
3. Vehicles are cleaned every week per standards (see attached)
Schedule List of Drivers

Dianna F. Shabazz-Allah
Rolando A. Franks
Ronald L. Franks
Richard Hansley
Financial Information:

1. The Freedom Transport Club Inc. has never filed for bankruptcy throughout it's operation.
2. The Freedom Transport Club, Inc. banks with Bank of America
Timothy Corbett  
President  
3300 N. Woolwitch Ct.  
Castle Hayne, NC 28429

Lena Butler  
Purchasing Supervisor  
230 Government Center Dr. Suite 165  
Wilmington, NC 28403

Dear Purchasing Supervisor,

On behalf of Ivory's Accessible Transport Service Inc., I am pleased to present our proposal for Non-Emergency Transportation Services for New Hanover County’s Department of Social Services and Senior Resource Center.

This request has been prepared in accordance with the requirements of the New Hanover County Non-Emergency Transportation Services RFP 15-0326.

The information contained in this proposal or any part thereof, including any exhibits, schedules and other documents and instruments delivered or to be delivered to New Hanover County, are true, accurate and complete. This proposal includes all information necessary to ensure that the statements therein do not in whole or in part mislead New Hanover County as to any material fact.

The enclosed proposal contains confidential information and is intended solely for the above listed addressee and represented entity. Any financial statements and/or documents containing such information are confidential and not subject to disclosure without prior written notice of request.

Timothy Corbett  
President  
3300 N. Woolwitch Ct.  
Castle Hayne, NC 28429  
910-264-9329  
lats@ec.rr.com
Section D: Company Information

1. Ivory's Accessible Transport service mission is to provide accessible, safe, reliable, high quality transportation to individuals with disabilities who live in underserved areas of our community. Ivory's aims to provide people with limited mobility the freedom to live independently. We strive to remove environmental barriers that may prevent individuals from accomplishing activities of essential daily living.

2. Ivory's Accessible Transport Service, Inc.

   Current Size: 8 Full Time Employees and

4. Owner/President: Timothy Corbett

5. Once an appointment is scheduled the driver will inform client of the pick up time for the appointment. The driver picks up the client and performs the necessary duties to make sure that they are safely secured into the vehicle. (This will vary depending on the type on client whether the client is wheel chair bound or walking). The Client is dropped off at there appointment and will be picked back up once the appointment is over.

6. President/Owner: Timothy Corbett
   Office Manager / Dispatcher: Frances Rhodie
   Field Operations Coordinator: Patrick King
   Drivers: All drivers report any issues directly to Field Operations Coordinator. FOC reports issues to Ivory's President.

7. None

8. 2919 Orville Wright Way Suite 300, Wilmington NC 28405
   674 Ocean Highway Supply, NC 28462

Section E: Background and Experience

1. Ivory's Accessible Transport Service has been serving the New Hanover and surrounding counties with accessible transportation for nine years. Our company specializes in accessible transportation for individuals with disabilities and the aging.

2. By email, website and calling office.

3. Ivory's Accessible Transport
   Contact Person: Timothy Corbett
   iats@ec.rr.com or www.ivorystransport.com
   Mailing Address: 3300 North Woolwich Ct. Castle Hayne, NC 28429
   910-264-9329

4. Silver Stream Health and Rehabilitation Center, Department of Social Services
   New Hanover County, Department of Social Services Brunswick County,
   Azalea Health and Rehabilitation, Brunswick County Community College BIP
   program.

5. There are no risks foreseen with this contract. Any terror risk would be reported to the proper authorities.

6. To ensure that the project runs smoothly Ivory's will stay in contact with the County with any updates or communication as needed.
Section F: **Staffing / Organization**
1. President/ Owner: Timothy Corbett
   
   Office Manager
   Frances Rhodie
   
   Field Operations Coordinator
   Patrick King
   
   Drivers

2. Any Concerns or complaints can be directed to either the Office Manager or the Field Operations Coordinator. If/when further communication is needed the President will be notified.
3. Copies Provided
4. Drivers are hired based on having clean background / drug testing, having two years experience with transportation. Drivers are evaluated every six months and drug testing is random checks periodically.
5. Ivory’s Client Care Model gives our approach to total quality. We make our clients feel safe and at ease. We use tones and expressions that are friendly and maintain eye contact when applicable. We explain to our clients each process that we are going through while securing them into the vehicle and answer any questions that they may have.
6. Ivory’s Accessible Transport is aware that technologies are forever changing. Our company makes sure that our personnel have continuous training, up to date certifications and we perform evaluations which includes any improvements we feel are necessary.
7. Ivory’s Accessible Transport policies for employment consist of drug testing and background checks that are mandated by the state according to social services’ standards. Ivory’s has never been a part of a dispute or strike.
8. Ivory’s Accessible Transport service annually sends their drivers through an Ivory’s driver’s training course. All drivers are required to keep their CPR and First aid certification up to date. Ivory’s drivers are evaluated twice yearly by Field Coordinator. A copy of each driver’s evaluations is kept in his/her personal file.

- A member of Ivory’s management staff will make visits to each facility or send questionnaires out to get the feedback of Ivory’s drivers’ performance.
• Ivory’s Accessible Transport service is a team of trained professionals, dedicated to delivering consistently high quality service to our clients. We collect and use information about or clients’ only when it will help us conduct business and provide services to them. Such information is only for internal uses directly related to client support.

• IAT’s does not disclose any nonpublic, personal information about our clients or former clients to anyone outside our company.

Section G: Customer Service
1. Ivory’s uses a client care model in its philosophy. The safety and comfort of each client is the #1 priority of our drivers. Ivory’s drivers treat each client with respect while securing him or her in the vehicles. Whenever possible Ivory’s drivers maintain good eye contact with clients. Ivory’s drivers always introduce themselves to clients with a smile and a friendly tone.
2. Any customer complaint will be taken seriously and followed up with an investigation by Ivory’s management in a prompt and professional manner.
3. Minimum standards on the following types of complaints? Human Relations department handles all issues and concerns of drivers and or staff:
   a. Late drop Off: When a late drop off is reported the driver is contacted by the dispatch and must state reason for tardiness.
   b. Late Pick Up: Driver is required to call dispatch and report cause if driver foresees a late pickup. Dispatch will call client and notify.
   c. Ride Time for Client: Because of the large fleet that Ivory’s operate in New Hanover County ride time in normal weather and traffic conditions is minimal.
   d. Driver no show: If a driver is a no show and it is reported the driver is contacted and must explain reason for no show. Client will be contacted by dispatch and other arrangements for pickup would be offered if needed.

Section H: Employee Training
1. IAT’s drivers have training annually. All drivers are required to keep their CPR/First aid certification up to date. Drivers’ personal evaluations are completed twice a year by the field coordinator. A copy of the evaluation is kept on file. (copies of evaluations format included)
2. In the event of any accident involving injury, death, or property damage the IAT’s driver must contact a member of IAT’s management immediately. (911 and emergency services when applicable) An accident report should be completed that same day and turned in to a member of IAT’s management. Blank forms are available in the office and in the glove compartment of each vehicle.
3. IAT’s drivers absolutely cannot perform their duties under the influence of alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). Because of this drug testing will be conducted after all
offers to hire new drivers. Drivers are also subject to a random drug and/or alcohol test on an unannounced basis. In addition, testing will be ordered if a trained supervisor has a “reasonable suspicion” that a driver has engaged in prohibited use of drugs and/or alcohol.

4. IAT’s employee Training Manual includes, quizzes, test and online tutorials on how to perform great customer service. Employees are evaluated and trained twice a year.

5. Wheelchair training happens twice a year. The training includes a total of sixty-four hours of online class training and hands on training at the home facility on how to secure wheel chairs.

Section I: Operations

1. Ivory’s Accessible Transport, Inc. has two offices: both are leased: 2919 Orville Wright Way, Suite 300, Wilmington, NC 28405. 674 Ocean Highway, Supply, NC 28462

2. Cell phones are used only when driver is not transporting and drivers are encouraged to use hands free devices. Text messages from dispatcher and drier should only be read and responded to once driver has stopped. No text messages are permitted while driving. No personal calls are allowed while transporting. All after hour calls are forwarded to a member of the Ivory’s Accessible Transport Service Staff

3. Internet connections, Ipads, Tablets, phones etc.

4. Both ambulatory / non ambulatory services

5. NC is the primary geographic location, but other locations are available upon request.

6. Quality assurance procedures: Copies will be attached of Ivory’s company evaluation procedures. All complaints, mechanical failures, accidents are report to office immediately. Driver forms are provided. Ivory’s Supervisor follows up all complaints within 24 hours.

7. Ivory’s Accessible Transport uses different types of communication devices. Cell phones are used only when driver is not transporting and drivers are encouraged to use hands free devices. Text messages from dispatcher and drier should only be read and responded to once driver has stopped. No text messages are permitted while driving. No personal calls are allowed while transporting.

8. All after hour calls are forwarded to a member of the Ivory’s Accessible Transport Service Staff.

9. A form is attached with a copy of Ivory’s policies questions a-g. (All SSP follow the guidelines of the NCDOT Standard Operation Procedure SSPP-001 and the State of Management Plan.

Section J: Fleet

1. Van #2: 2008 Ford E250 Extended (ADA) -8 Seats plus driver or 2 (WC) and 3 walking with seats.
Van #3: 2000 Dodge 3500 Extended (ADA) - 9 seats plus driver or 2 (WC) and 5 walking with seats.

Van #4: 2012 Ford E250 Extended (ADA) - 7 seats plus driver or 3 (WC) and 3 walking with seats.

Van #6: 2014 Ford E250 Extended (ADA) - 8 seats plus driver or 2 (WC) and 3 walking with seats.

Van #7: 2014 Ford E250 Extended (ADA) - 8 seats plus driver or 2 (WC) and 3 walking with seats.

Van #8: 2014 Ford E250 Regular (ADA) - 8 seats plus diver or 2 (WC) and 3 walking with seats.

Mini Van #1: 2008 Dodge Caravan (Rear entrée') Wheelchair (ADA) - 3 walking with seats plus 1 (WC) or 2 (WC) and 1 walking.

Mini Van #2: 2008 Dodge Caravan (Rear Entree') Wheelchair (ADA) - 3 walking with seats plus 1 (WC) or 2 (WC) and 1 walking.

Mini Van #3: 2012 Honda Odyssey (Rear Entree') Wheelchair (ADA) - 5 walking with seats plus driver or 3 walking with seats plus 2 (WC)

Mini Van #4: 2003 Dodge Caravan (Non-wheelchair) - 6 walking plus driver.

Mini Van #5: 2003 Dodge Caravan (Non-wheelchair) - 6 walking plus driver.

2. All Vehicles are owned.
3. Vehicles meeting ADA requirement of Accessibility has (ADA) beside description in #1.
4. Seating capacity included in #1.
5. All of Ivory’s Vans are equipped with the 4-point sure lock secure system.
   • Ivory’s uses various types of seat belt systems to secure clients. Each van is equipped with (ADA) Certified secure seat belt systems.
   • Non-Retractable shoulder belts (for clients with limited upper body control) or The Integrated Combination Lap and Shoulder Belt.
6. Logo and decal scheme: All Ivory’s vans can be identified by the trademark logo, which is displayed on both sides and rear window of each van. The logo color scheme is blue, white and black. Each van also has a front plate that displays logo with name and contact information.
7. Mobile data units include cell phones, tablets, Ipads etc.
Section K: **Preventive Maintenance**

1. Ivory's vans are set on a schedule for regular maintenance and inspection of all handicap equipment. Routine safety checks are done weekly on each van. All repairs are completed and repair documents are kept on file. Certified safety checks are completed on all handicap accessible equipment as needed.
2. Copies will be provided.
3. Ivory's vans are cleaned and sanitized daily.
**Employee Handbook**

<table>
<thead>
<tr>
<th>Originator</th>
<th>Timothy Corbett</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Issued</td>
<td>April 2013</td>
</tr>
<tr>
<td>Review Date</td>
<td>April 2015</td>
</tr>
<tr>
<td>Target Audience</td>
<td>All IATS Employees</td>
</tr>
</tbody>
</table>
| Distributed via    | Email
                  | SMART Meeting   |
Ivory's Accessible Transport Employee Training Manual
[Safety and Client Care]

An electronic copy of this manual and the accompanying PowerPoint slideshow can be accessed at http://www.ivorystransport.com/training/
Additional IATS Policies, Procedures, and Forms

The management of IATS values employee input. Therefore S.M.A.R.T. meetings will be held regularly to promote the sharing of ideas among the IATS Family. **S.M.A.R.T. Meeting Format:**

- **S**hare best practices
- **M**ake everyone aware of opportunities to excel
- **A**ddress issues
- **R**ecognize and reward compliance
- **T**rain and refresh

**Confidentiality**

Ivory’s Accessible Transport Services Inc. is a team of trained professionals dedicated to delivering consistently high quality service to our clients. We take all of our relationships seriously, from initial contact through successful transport. We collect and use information about our clients only when it will help us conduct business and provide services to them. Such information is only for internal uses directly related to client support.

IATS does not disclose any nonpublic, personal information about our clients or former clients to anyone outside of our company. We understand that our clients expect each driver to honor the confidentiality of all information learned during the normal course of doing business. We fully expect to be held to those expectations.

**Drug Policy**

IATS drivers absolutely cannot perform their duties under the influence of alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). Because of this drug testing will be conducted after all offers to hire new drivers. Drivers are also subject to a random drug and/or alcohol test on an unannounced basis. In addition, testing will be ordered if a trained supervisor has a "reasonable suspicion" that a driver has engaged in prohibited use of drugs and/or alcohol.

**Daily Reports**

Each driver should turn in a mileage sheet daily. Each time a driver switched to a new van or bus in the same day a new mileage sheet should be filled out. These sheets are to be in at the office before leaving work each day.

It is also important that each driver complete a Client Appointment Data Sheet as soon as possible after each transport. These sheets should be turned in at the office before leaving work each day. If anything unusual occurs during transport it should be recorded in the “remarks” section of the data sheet.

**Accident Report**

In the event of any accident involving injury, death, or property damage the IATS driver must contact a member of IATS management immediately. An accident report should be completed that same day and turned in to a member of IATS management. Blank forms are available in the office and in the glove compartment of each vehicle.
**CERTIFICATE OF LIABILITY INSURANCE**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**
American Automobile Club Insurance Agency
6800 AAA Drive
Charlotte, NC 28212

**INSURED**
Ivory's Accessible Transport Services Inc
3300 Woolwich Court
Castle Hayne, NC 28429

**CONTACT NAME:** Pamela Binkley
**PHONE:** (800) 974-1222
**FAX** (704) 285-6170

**NAIC #**
- **INSURER A:** Scottsdale Ins
  - 41297
- **INSURER B:** Atlantic Casualty
  - 42646
- **INSURER C:** Wesco Insurance Company
  - 25011

**CERTIFICATE NUMBER:**

**REVISION NUMBER:**

**COVERAGES:**

<table>
<thead>
<tr>
<th>INSR LTR</th>
<th>TYPE OF INSURANCE</th>
<th>ADDED/RMV INSUR</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF (MM/DD/YYYY)</th>
<th>POLICY EXP (MM/DD/YYYY)</th>
<th>LIMITS</th>
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<tbody>
<tr>
<td>A</td>
<td>COMMERICAL GENERAL LIABILITY</td>
<td>X CLAIMS-MADE</td>
<td>CPS2306345</td>
<td>08/26/2015</td>
<td>08/26/2016</td>
<td>EACH OCCURRENCE $1,000,000</td>
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<tr>
<td></td>
<td></td>
<td>X OCCUR</td>
<td></td>
<td></td>
<td></td>
<td>DAMAGE TO RENTED PREMISES (Ex occurrences $100,000)</td>
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<td>MED EXP (Any one person) $5,000</td>
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<td>PERSONAL &amp; ADV INJURY $1,000,000</td>
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<td>GENERAL AGGREGATE $3,000,000</td>
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<td>PRODUCTS - COMMP/POP AGG $3,000,000</td>
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<td>B</td>
<td>AUTOMOBILE LIABILITY</td>
<td>X AUTOS HIR</td>
<td>BA3001325-9</td>
<td>08/19/2015</td>
<td>08/19/2016</td>
<td>COMBINED SINGLE LIMIT $1,500,000</td>
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<td>SCHEDULED Autos</td>
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<td>BODILY INJURY (Per person)</td>
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<td>NON-OWNED Autos</td>
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<td>BODILY INJURY (Per accident)</td>
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<td></td>
<td></td>
<td>PROPERTY DAMAGE (Per accident)</td>
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<td></td>
<td>EACH OCCURRENCE</td>
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<td>AGGREGATE</td>
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<td></td>
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</tr>
<tr>
<td>C</td>
<td>WORKERS COMPENSATION AND EMPLOYERS LIABILITY</td>
<td>X OFFICER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)</td>
<td>WWG3583791</td>
<td>10/18/2015</td>
<td>10/18/2016</td>
<td>E.L. EACH ACCIDENT $1,000,000</td>
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<td></td>
<td></td>
<td>E.L. DISEASE - 5% EMPLOYEE $1,000,000</td>
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<td></td>
<td></td>
<td>E.L. DISEASE - POLICY LIMITS $1,000,000</td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

**CERTIFICATE HOLDER**
New Hanover County Senior Resource Center
230 Government Center Drive
Suite 125
Wilmington, NC 28403

**CANCELLATION**
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**AUTHORIZED REPRESENTATIVE**

SIGNED 11/24/2015

© 1988-2014 ACORD CORPORATION. All rights reserved.
To all whom these presents shall come, Greetings:

I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF INCORPORATION

OF

IVORY'S ACCESSIBLE TRANSPORT SERVICE, INC.

the original of which was filed in this office on the 28th day of July, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 28th day of July, 2006.

[Signature]
Secretary of State
ARTICLES OF INCORPORATION
OF
IVORY'S ACCESSIBLE TRANSPORT SERVICE, INC.

The undersigned hereby submits these Articles of Incorporation for the purpose of forming a business corporation under the laws of the State of North Carolina:

1. The name of the corporation is IVORY'S ACCESSIBLE TRANSPORT SERVICE, INC.

2. The purposes for which the corporation is organized are:
   (a) to operate an accessible transport service for the disabled and elderly;
   (b) to engage in any lawful act or activity for which corporations may be organized under Chapter 55 of the General Statutes of North Carolina.

3. The corporation will have the authority to issue ten thousand (10,000) shares of common stock.

4. The address of the initial registered office of the corporation in the State of North Carolina is 3300 North Woolwich Court, Castle Hayne, North Carolina, 28429, County of New Hanover; and its initial registered agent at such address is Timothy D. Corbett.

5. The number of directors constituting the initial board of directors shall be one (1); and the name and address of the person who is to serve as director until the first meeting of shareholders, or until his successor(s) be elected and qualify, is:

   Name                      Address
   Timothy D. Corbett       3300 North Woolwich Court
                             Castle Hayne, NC 28429

6. The incorporator is Timothy D. Corbett, whose address is, 3300 North Woolwich Court, Castle Hayne, North Carolina, 28429.

This the 24 day of July, 2006.

Timothy D. Corbett
Incorporator
Non-Emergency Transportation  
RFP # 15-0326R

Fill in the cost for providing the services listed below. You may also submit pricing for other services you provide out only those transit points you wish to service. Flat Rate Pricing is preferred.

<table>
<thead>
<tr>
<th>TYPE OF SERVICE PROVIDED</th>
<th>FLAT RATE</th>
<th>ROUND TRIP</th>
<th>PRICE PER MILE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Wheel Chair (Inside City Limits)</td>
<td>$17.50</td>
<td>$35.00</td>
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<tr>
<td>Wheel Chair Bound (Inside City Limits)</td>
<td>$22.00</td>
<td>$45.00</td>
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</tr>
<tr>
<td>Non-Wheel Chair (Outside City/Within County)</td>
<td>$25.00</td>
<td>$50.00</td>
<td></td>
</tr>
<tr>
<td>Wheel Chair Bound (Outside City/Within County)</td>
<td>$30.00</td>
<td>$60.00</td>
<td></td>
</tr>
<tr>
<td>Non-Wheel Chair to Carolina Beach</td>
<td>$30.00</td>
<td>$60.00</td>
<td></td>
</tr>
<tr>
<td>Wheel Chair Bound to Carolina Beach</td>
<td>$30.00</td>
<td>$60.00</td>
<td></td>
</tr>
<tr>
<td>Non-Wheel Chair (Outside County)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$2.25</td>
</tr>
<tr>
<td>Wheel Chair Bound (Outside County)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$2.25</td>
</tr>
</tbody>
</table>

The Contractor may complete both columns or just one, each will be reviewed. The undersigned certifies that their service being offered will meet or exceed the minimum specifications as presented in the attached proposal package.

Company Name: Inez's Accessible Transport  
Company Address: 3300 N. Weddington Dr.  
City: Charlotte  
State: NC  
Zip Code: 28209  
Telephone Number: 910-268-9329  
Fax Number: 910-268-9329  
Date: 11/24/15  
Federal Tax ID / SS#: 57-12410046
FEDERAL AND STATE REQUIREMENTS
AND SPECIAL CONDITIONS
for
OPERATIONS and MANAGEMENT CONTRACTS

1. General

The work performed under this contract will be financed, in part, by grants provided under programs of the Federal Transit Administration. Citations to federal law, regulation, and guidance references include, but are not limited to, the Master Agreement FTA MA (21), dated October 1, 2014; FTA Circular 4220.1F, dated November 1, 2008; "Best Practices Procurement Manual", updated March 13, 1999 with revisions through October 2005; Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 C.F.R part 1201, dated December 19, 2014, will supersede and apply in lieu of U.S. DOT's common grant rules, 49 C.F.R. parts 18 and 19, State and Local Governments and Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations and any subsequent amendments or revisions thereto.

THE FOLLOWING MAY BE USED SYNONYMously:
“BIDDER” AND “CONTRACTOR”
“PURCHASER”, “PROCURING AGENCY” AND “OWNER”

2. Federal Changes

Contractor shall at all times comply with all applicable Federal Transit Administration (FTA) regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

FTA's new authorizing legislation, MAP-21 made significant changes to FTA's public transportation programs.
(1) MAP-21 requirements apply to:
   a. New grants and cooperative agreements for which FTA awarded FY 2013 or a later fiscal year funds appropriated or made available to carry out MAP-21 programs,
   b. Amendments to existing grants and cooperative agreements for which FTA awarded funds made available or appropriated to carry out MAP-21 programs, and
   c. All "recoveries" funds FTA awards, irrespective of the fiscal year for which those funds were appropriated,

(2) Fiscal Year 2012 and previous fiscal year funding requirements apply as follows:
a. In some instances, as determined by FTA, previous program requirements apply or will apply to grants and cooperative agreements for which FTA awarded Fiscal Year 2012 or a previous fiscal year funds, but
b. In other instances, as determined by FTA, MAP-21 program requirements (including MAP-21 “cross-cutting requirements” identified in section 49 of this Master Agreement) apply or will apply to grants and cooperative agreements for which FTA awarded Fiscal Year 2012 or a previous fiscal year funds.

3. Notification of Federal Participation

To the extent required by Federal law, the State of North Carolina agrees that, in administering any Federal assistance Program or Project supported by the underlying Grant Agreement or Cooperative Agreement, any request for proposals, solicitation, grant application, form, notification, press release, or other publication involving the distribution of FTA assistance for the Program or the Project that it will identify the FTA grant source by listing the Catalog of Federal Domestic Assistance Number of the program. The following FTA grant programs will be eligible to participate in this bid, 20.505, 20.507, 20.500, 20.513, 20.509, 20.516, 20.519, 20.521, 20.525, and 20.526. Federal funding assistance up to eighty (80%) percent may be provided.

4. Definitions

Third Party Agreement, in accordance with the Master Agreement unless FTA determines otherwise in writing, includes all of the following agreements, such as:

(1) Third party contracts,
(2) Leases,
(3) Third party subcontracts; and
(4) Other similar arrangements or agreements.

Third Party Participant, in accordance with the Master Agreement unless FTA determines otherwise in writing, includes all of the following participants, such as:

(1) Third party contractors,
(2) Lessees,
(3) Third party subcontractors, and
(4) Other participants in the Project

5. Conflict of Interest

No employee, officer, board member, or agent of the Owner shall participate in the selection, award, or administration of a contract supported by Federal Transit Administration (FTA) funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer, board member, or agent, any
member of his or her immediate family, his or her partner, or an organization that employs, or is about to employ any of the above, has a financial or other interest in the firm selected for award.

6. **Lobbying**


*The requisite "Lobbying Certification" is included as ATTACHMENT A (attach Standard Form-LLL if necessary) and must be executed for contracts of $100,000 or more and prior to the award of the contract.*

7. **Civil Rights**

(1) **Nondiscrimination** - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 et seq., section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, or age. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

(a) The third party contractor and all lower tiers shall comply with all provisions of FTA Circular 4702.1 “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”, issued October 1, 2012.

(2) **Equal Employment Opportunity** - The following equal employment opportunity requirements apply to the underlying contract:

(a) **Race, Color, Religion, National Origin, Disability, Age, Sexual Origin, Gender Identity, or Status as a Parent** - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, Title VI of the Civil Rights Act, 28 C.F.R. § 50.3, and
Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note, and as further amended by Executive Order 13672, "Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity," July 21, 2014, and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.


(3) Nondiscrimination on the Basis of Age – The Contractor agrees to comply with all applicable requirements of the Age Discrimination Act of 1975, as amended, 29 U.S.C. §§ 6101 et seq., and with implementing U.S. Health and Human Services regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance, 45 C.F.R. Part 90, which prohibit discrimination against individuals on the basis of age.


(4) Nondiscrimination on the Basis of Sex - The Contractor agrees to comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., and with implementing U.S. DOT regulations,
"Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 C.F.R. Part 25, that prohibit discrimination on the basis of sex.

(5) **Access for Individuals with Disabilities** - The Contractor agrees to comply with 49 U.S.C. § 5301(d), which states the Federal policy that elderly individuals and individuals with disabilities have the same right as other individuals to use public transportation services and facilities, and that special efforts shall be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly individuals and individuals with disabilities. The Contractor also agrees to comply with all applicable provisions of section 504 of the Rehabilitation Act of 1973, as amended, with 29 U.S.C. § 794, which prohibits discrimination on the basis of disability; with the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12101 et seq., which requires that accessible facilities and services be made available to individuals with disabilities; and with the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 et seq., which requires that buildings and public accommodations be accessible to individuals with disabilities. In addition, the Contractor agrees to comply with applicable Federal regulations and directives and any subsequent amendments thereto, except to the extent the Federal Government determines otherwise in writing, as follows:

(1) U.S. DOT regulations "Transportation Services for Individuals with Disabilities (ADA)" 49 C.F.R. Part 37;

(2) U.S. DOT regulations "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 C.F.R. Part 27;


(5) U.S. DOJ regulations "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities." 28 C.F.R. Part 36;


(9) U.S. Architectural and Transportation Barriers Compliance Board regulations, "Electronic and Information Technology Accessibility Standards." 36 C.F.R. Part 1194;

(10) FTA regulations, "Transportation of Elderly and Handicapped Persons," 49 C.F.R. part 609; and

(11) 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; and

(12) Federal civil rights and nondiscrimination directives implementing the foregoing Federal laws and regulations, except to the extent the Federal Government determines otherwise in writing.


(7) Environmental Justice. (According to the Master Agreement, this section is now under Environmental and applicable for Environmental Studies)

(8) Drug or Alcohol Abuse-Confidentiality and Other Civil Rights Protections. To the extent applicable, the Contractor agrees to comply with the confidentiality and other civil rights protections of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1101 et seq., with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4541 et seq., and with the Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 290dd through 290dd-2, and any amendments thereto.

(9) Other Nondiscrimination Laws. The Contractor agrees to comply with applicable provisions of other Federal laws and regulations, and follow applicable directives prohibiting discrimination, except to the extent that the Federal Government determines otherwise in writing.

(10) The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.
(11) Remedies for failure to comply with applicable Federal Civil Rights laws and Federal regulations may be enforced as provided in those Federal laws or Federal regulations.

8. Contracting with Disadvantaged Business Enterprises

The newest version on the Department of Transportation’s Disadvantaged Business Enterprise (DBE) program became effective October 1, 2004.


The NC Department of Transportation/Public Transportation Division’s overall goal for DBE participation is 6.1%.

b. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Procuring Agency deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

The successful bidder/offeror will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.

c. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor’s receipt of payment for that work from the Procuring Agency. In addition, these may apply:

- the contractor may not hold retainage from its subcontractors; or
- is required to return any retainage payments to those subcontractors within 30 days after the subcontractor’s work related to this contract is satisfactorily completed; or
- is required to return any retainage payments to those subcontractors within 30 days after incremental acceptance of the subcontractor’s work by the Procuring Agency and contractor’s receipt of the partial retainage payment related to the subcontractor’s work.

d. The contractor must promptly notify the Procuring Agency whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to
perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of the Procuring Agency.

9. **Clean Air Act**

(a) The Contractor agrees to comply with all applicable standards, orders, or regulations issued pursuant to Section 306 of the Clean Air Act as amended, 42 U.S.C. § 7606, and other applicable provisions of the Clean Air Act, as amended, 42 U.S.C. §§ 7401 through 7671q. The Contractor agrees to report any violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to the State and/or FTA and the appropriate EPA Regional Office.

(b) The Contractor also agrees to include these requirements in each subcontract exceeding $100,000 financed in whole or in part with Federal Assistance provided by FTA.

10. **Clean Water**

(a) The Contractor agrees to comply with all applicable standards, orders, or regulations issued pursuant to Section 508 of the Clean Water Act, as amended, 33 U.S.C. § 1388, and other applicable requirements of the Clean Water Act, as amended, 33 U.S.C. §§ 1251 through 1377. The Contractor agrees to report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

(b) The Contractor also agrees to include these requirements in each subcontract exceeding $100,000 financed in whole or in part with Federal assistance provided by FTA.

11. **Environmental Protection**

The Contractor agrees to comply with all applicable requirements of the National Environmental Policy Act of 1969, as amended, (NEPA) 42 U.S.C. §§ 4321 through 4335 (as restricted by 42 U.S. C. § 5159, if applicable); Executive Order No. 11514, as amended, "Protection and Enhancement of Environmental Quality," 42 U.S.C. § 4321 note; FTA statutory requirements at 49 U.S.C. § 5323(c)(2) ), as amended by MAP-21; U.S. Council on Environmental Quality regulations pertaining to compliance with NEPA, 40 C.F.R. Parts 1500 through 1508; and joint FHWA FTA regulations, "Environmental Impact and Related Procedures," 23 C.F.R. Part 771 and 49 C.F.R. Part 622; were published in the Federal Register, 78 Fed. Reg. 8963, February 7, 2013; and other applicable Federal environmental protection regulations that may be promulgated at a later date. The Contractor agrees to comply with the applicable provisions of 23 U.S.C. § 139 "Efficient environmental reviews for project decision making", pertaining to environmental procedures, and 23 U.S.C. § 326, pertaining to Purchaser's responsibility for categorical exclusions, in accordance with the provisions of joint FHWA/FTA final

12. **Energy Conservation**
The Contractor agrees to comply with mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plans issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. Sect. 6321 et seq.

13. **Fly America**

The Contractor agrees to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and subrecipients of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S. Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. The Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. The Contractor agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

14. **Recycled Products**

The Recycled Products requirement applies to all contracts for items designated by the EPA, when the purchaser or contractor procures $10,000 or more of one of these items during the fiscal year, or has procured $10,000 or more of such items in the previous fiscal year, using Federal funds. New requirements for "recovered materials" will become effective May 1, 1996. These regulations apply to all procurement actions involving items designated by the EPA, where the procuring agency purchases $10,000 or more of one of these items in a fiscal year, or when the cost of such items purchased during the previous fiscal year was $10,000. These requirements flow down to all contractor and subcontractor tiers.

To the extent possible the contractor agrees to comply with U. S. Environmental Protection Agency (U.S. EPA), "Comprehensive Procurement Guidelines for Products Containing Recovered Materials," 40 CFR Part 247, which implements section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6962. The contractor agrees to provide competitive preference for products and services that conserve natural resources, protect the environment and are energy efficient, except to the extent that the Federal Government determines otherwise in writing. These items include, but may not be limited too:
**Paper and paper products**, excluding building and construction paper grades.

**Vehicular products:**
(a) Lubricating oils containing re-refined oil, including engine lubricating oils, hydraulic fluids, and gear oils, excluding marine and aviation oils.
(b) Tires, excluding airplane tires.
(c) Reclaimed engine coolants, excluding coolants used in non-vehicular applications.
(d) Rebuilt vehicular parts.

**Transportation products:**
(a) Traffic barricades and traffic cones used in controlling or restricting vehicular traffic.
(b) Parking stops made from concrete or containing recovered plastic or rubber.
(c) Channelizers containing recovered plastic or rubber.
(d) Delineators containing recovered plastic, rubber, or steel.
(e) Flexible delineators containing recovered plastic.

**Miscellaneous products:**
(a) Pallets containing recovered wood, plastic, or paperboard.
(b) Sorbents containing recovered materials for use in oil and solvent clean-ups and as animal bedding.
(c) Industrial drums containing recovered steel, plastic, or paper.
(d) Awards and plaques containing recovered glass, wood, paper, or plastic.
(e) Mats containing recovered rubber and/or plastic.
(f) (1) Non-road signs containing recovered plastic or aluminum and road signs containing recovered aluminum.
   (2) Sign supports and posts containing recovered plastic or steel.
(g) Manual-grade strapping containing recovered steel or plastic.
(h) Bike racks containing recovered steel or plastic.
(i) Blasting grit containing recovered steel, coal and metal slag, bottom ash, glass, plastic, fused alumina oxide, or walnut shells.

**Park and recreation products:**
(a) Playground surfaces and running tracks containing recovered rubber or plastic.
(b) Plastic fencing containing recovered plastic for use in controlling snow or sand drifting and as a warning/safety barrier in construction or other applications.
(c) Park benches and picnic tables containing recovered steel, aluminum, plastic, or concrete.
(d) Playground equipment containing recovered plastic, steel, or aluminum.
Landscaping products:
Hydraulic mulch products containing recovered paper or recovered wood used for
hydroseeding and as an over-spray for straw mulch in landscaping, erosion control, and soil
reclamation.
(a) Compost made from yard trimmings, leaves, grass clippings, and/or food waste for
use in landscaping, seeding of grass or other plants on roadsides and embankments,
as a nutritious mulch under trees and shrubs, and in erosion control and soil
reclamation.
(b) Garden and soaker hoses containing recovered plastic or rubber.
(c) Lawn and garden edging containing recovered plastic or rubber.
(d) Plastic lumber landscaping timbers and posts containing recovered materials.

Non-paper office products:
(a) Office recycling containers and office waste receptacles.
(b) Plastic desktop accessories.
(c) Toner cartridges.
(d) Plastic-covered binders containing recovered plastic; chipboard and pressboard
binders containing recovered paper; and solid plastic binders containing recovered
plastic.
(e) Plastic trash bags.
(f) Printer ribbons.
(g) Plastic envelopes.
(h) Plastic clipboards containing recovered plastic.
(i) Plastic file folders containing recovered plastic.
(j) Plastic clip portfolios containing recovered plastic.
(k) Plastic presentation folders containing recovered plastic.
(l) Office furniture containing recovered steel, aluminum, wood, agricultural fiber, or
plastic.

15. Debarment and Suspensions

This contract is a covered transaction for purposes of 2 CFR Part 1200, which adopts
and supplements the provisions of U.S. Office of Management and Budget (U.S. OMB)
"Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR Part 180. As such, the contractor is required to verify that
none of the contractor, its principals, as defined at 2 CFR 180.995, or affiliates, as
defined at 2 CFR 180.905, are excluded or disqualified as defined at 2 CFR 180.940,
180.935 and 180.945.

The contractor is required to comply with 2 CFR 180, Subpart C and must include the
requirement to comply with 2 CFR 180, Subpart C in any lower tier covered transaction it
enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:
The certification in this clause is a material representation of fact relied upon by the **Procuring Agency**. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to **Procuring Agency**, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 2 CFR 180, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

The **Procuring Agency** agrees and assures that its third party contractors and lessees will review the "Excluded Parties Listing System" at [https://www.sam.gov/](https://www.sam.gov/) before entering into any subagreement, lease or third party contract.

The **Procuring Agency** will be reviewing all third party contractors under the Excluded Parties Listing System at [https://www.sam.gov/](https://www.sam.gov/) before entering into any contracts.

If the **Procuring Agency**, recipient, or subrecipient suspends, debars, or takes similar action against a Third Party Participant or individual, the Agency, recipient, or subrecipient will provide immediate written notice to the:

(a) NCDOT/Public Transportation Division,
(b) FTA Regional Counsel for the Region in which the Agency is located or implements the Project,
(c) FTA Project Manager if the Project is administered by FTA Headquarters Office, or
(d) FTA Chief Counsel.

*The requisite Debarment and Suspension Certification is included as ATTACHMENT B (attach additional statement if necessary) and must be executed for contracts of $25,000 or more and prior to the award of the contract.*

16. **Termination or Cancellation of Contract**

The Owner, by written notice, may terminate this contract, in whole or in part, when it is in the best interest of the project. If this contract is terminated, the Owner shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

The Owner, by written notice, may terminate this contract, in whole or in part, when it is in the best interest of the project. If this contract is terminated, the Owner shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.
The Owner may terminate this contract in whole or in part, for the Owner's convenience or because of the failure of the Contractor to fulfill the contract obligations. The Owner shall terminate by delivering to the Contractor a Notice of Termination specifying the nature, extent, and effective date of the termination. Upon receipt of the notice, the Contractor shall (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Owner all equipment (property of Owner), data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process. If the termination is for the convenience of the Owner shall make an equitable adjustment in the contract price but shall allow no anticipated profit on unperformed services.

If the termination is for failure of the Contractor to fulfill the contract obligations, the Owner may complete the work by issuing another contract or otherwise and the Contractor shall be liable for any additional cost incurred by the Owner.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Owner.

17. Breach of Contract

If the Contractor does not deliver the required services or the Contractor fails to perform in the manner called for in the contract, or if the Contractor fails to comply with any other provisions of the contract, the Owner may terminate this contract for default. Termination shall be effected by serving a notice of termination on the contractor setting forth the manner in which the Contractor is in default. The contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner of performance set forth in the contract.

The Owner in its sole discretion may, in the case of a termination for breach or default, allow the Contractor [an appropriately short period of time] in which to cure the defect. In such case, the notice of termination will state the time period in which cure is permitted and other appropriate conditions.

If the Contractor fails to remedy to Owner's satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within [ten (10) days] after receipt by Contractor of written notice from Owner setting forth the nature of said breach or default, The Owner shall have the right to terminate the Contract without any further obligation to Contractor. Any such termination for default shall not in any way operate to preclude Owner from also pursuing all available remedies against Contractor and its sureties for said breach or default.

If this contract is terminated while the Contractor has possession of Recipient goods, the Contractor shall, upon direction of the Owner, protect and preserve the goods until
surrendered to the Recipient or its agent. The Contractor and Owner shall agree on payment for the preservation and protection of goods. Failure to agree on an amount will be resolved under the Dispute clause.

If it is later determined by the Owner that the Contractor had an excusable reason for not performing, such as a strike, fire, or flood, events which are not the fault of or are beyond the control of the Contractor, the Owner, after setting up a new delivery of performance schedule, may allow the Contractor to continue work, or treat the termination as a termination for convenience.

If there is credible evidence that a Third Party Participant (Contractor) has submitted a false claim under the False Claims Act, 31 U.S.C. § 3729 et seq., or has committed a criminal or civil violation of law pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Federal funding, notification of FTA is required. If a legal matter as described above emerges, the Recipient must promptly notify the U.S. DOT Inspector General, in addition to the FTA Chief Counsel or FTA Regional Counsel for the Region in which the Recipient is located and the NCDOT.

18. Resolution of Disputes

**Disputes** - Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of the Owner. This decision shall be final and conclusive unless within ten (10) days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the authorized representative of the Owner. In connection with any such appeal, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the authorized representative of the Owner shall be binding upon the Contractor and the Contractor shall abide by the decision.

**Performance During Dispute** - Unless otherwise directed by the Owner, the Contractor shall continue performance under this Contract while matters in dispute are being resolved.

**Claims for Damages** - Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents or others for whose acts he is legally liable, a claim for damages therefor shall be made in writing to such other party within a reasonable time after the first observance of such injury or damage.

**Remedies** - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the Owner and the Contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the Owner is located.
Rights and Remedies - The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the Owner, Architect or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

19. Protest Procedures

To ensure that protests are received and processed effectively the Purchaser shall provide written bid protest procedures upon request. In all instances information regarding the protest shall be disclosed to the N.C. Department of Transportation (NCDot). All protest requests and decisions must be in writing. A protester must exhaust all administrative remedies with the Purchaser before pursuing remedies through the NCDot. Reviews of protests by the NCDot will be limited to the Purchaser's failure to have or follow its protest procedures, or its failure to review a complaint or protest. An appeal to the NCDot must be received by the Department within three (3) working days of the date the protesters knew or should have known of the violation. An appeal to FTA must be received by the cognizant FTA regional or Headquarters Office within five (5) working days of the date the protesters knew or should have known of the violation. Violations of Federal law or regulation will be handled by the complaint process stated within that law or regulation. Violations of State or local law or regulations will be under the jurisdiction of State or local authorities.

20. No Federal Government Obligations to Third Parties

The Purchaser and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the Purchaser, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

21. False or Fraudulent Statements or Claims

the Contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may apply, the Contractor also acknowledges that if it makes a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986, as amended, on the Contractor to the extent the Federal Government deems appropriate.

(2) The Contractor also acknowledges that if it makes a false, fictitious, or fraudulent claim, statement, submission, certification, assurance or representation to the Federal Government or includes a false, fictitious, or fraudulent statement or representation in any agreement involving a project authorized under 49 U.S.C. chapter 53 or any other Federal statute, the Federal Government reserves the right to impose on the Contractor the penalties of 18 U.S.C. § 1001 or other applicable Federal statute to the extent the Federal Government deems appropriate.

(3) The Contractor agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

22. Record Retention and Access to Records and Reports

The Contractor agrees to permit, and require its subcontractors to permit, the U.S. Secretary of Transportation, and the Comptroller General of the United States, and, to the extent appropriate, the State, or their authorized representatives, upon their request to inspect all Project work, materials, payrolls, and other data, and to audit the books, records, and accounts of the Contractor and its subcontractors pertaining to the Project, as required by 49 U.S.C. § 5325(g).

Contractor also agrees, pursuant to 49 C.F.R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor’s records and construction sites pertaining to a major capital project, defined at 49 U.S. D. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5303, 5307, 5309, 5310, 5311, 5316, or 5317.

The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

The State of North Carolina, Office of the State Auditor, now requires that all records now be retained for five (5) years after that date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly
authorized representatives have disposed of all such litigation, appeals, claims or exceptions related thereto.

23. **Privacy**

To the extent that the Contractor, or its subcontractors, if any, or any to their respective employees administer any system of records on behalf of the Federal Government, Contractor agrees to comply with, and assure the compliance of its subcontractors, if any, with the information restrictions and other applicable requirements of the Privacy Act of 1974, as amended, 5 U.S.C. Sect. 552, (the Privacy Act).

The Contractor also agrees to include these requirements in each subcontract to administer any system of records on behalf of the Federal Government financed in whole or in part with Federal assistance provided by FTA.

24. **Contract Work Hours and Safety Standards Act**

The Contract Work Hours and Safety Standards Act is codified at 40 USC 3701, et seq. The Act applies to grantee contracts and subcontracts "financed at least in part by loans or grants from ... the [Federal] Government." 40 USC 3701(b)(1)(B)(iii) and (b)(2), 29 CFR 5.2(h), 49 CFR 18.36(i)(6). Although the original Act required its application in any construction contract over $2,000 or non-construction contract to which the Act applied over $2,500 (and language to that effect is still found in 49 CFR 18.36(i)(6)), the Act no longer applies to any "contract in an amount that is not greater than $100,000." 40 USC 3701(b)(3)(A)(iii).

The Act applies to construction contracts and, in very limited circumstances, non-construction projects that employ "laborers or mechanics on a public work." These non-construction applications do not generally apply to transit procurements because transit procurements (to include rail cars and buses) are deemed "commercial items." 40 USC 3707, 41 USC 403 (12). A grantee that contemplates entering into a contract to procure a developmental or unique item should consult counsel to determine if the Act applies to that procurement and that additional language required by 29 CFR 5.5(c) must be added to the basic clause below.

The clause language is drawn directly from 29 CFR 5.5(b) and any deviation from the model clause below should be coordinated with counsel to ensure the Act’s requirements are satisfied.

**Clause Language:**

**Contract Work Hours and Safety Standards**

(1) **Overtime requirements** - No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless
such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages - In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of $10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

(3) Withholding for unpaid wages and liquidated damages - The (write in the name of the grantee) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

(4) Subcontracts - The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs (1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section.

25. Transit Employee Protective Agreements

The Transit Employee Protective Provisions apply to each contract for transit operations performed by employees of a Contractor recognized by FTA to be a transit operator. (Because transit operations involve many activities apart from directly driving or operating transit vehicles, FTA determines which activities constitute transit "operations" for purposes of this clause.) These provisions are applicable to all contracts and subcontracts at every tier.

Transit Employee Protective Provisions.
(1) The Contractor agrees to the comply with applicable transit employee protective requirements as follows:

(a) General Transit Employee Protective Requirements - To the extent that FTA determines that transit operations are involved, the Contractor agrees to carry out
the transit operations work on the underlying contract in compliance with terms and conditions determined by the U.S. Secretary of Labor to be fair and equitable to protect the interests of employees employed under this contract and to meet the employee protective requirements of 49 U.S.C. § 5333(b), and U.S. DOL guidelines at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions are identified in U.S. DOL's certification of public transportation employee protective arrangements to FTA, the date of which appears in the Grant Agreement or Cooperative Agreement for the Project. The Recipient agrees to implement the Project in accordance with the conditions stated in that U.S. DOL certification. That certification and any documents cited therein are incorporated by reference and made part of the Grant Agreement or Cooperative Agreement for the Project. The requirements of this Subsection of the Master Agreement do not apply to Projects for elderly individuals or individuals with disabilities authorized by 49 U.S.C. § 5310(a)(2) or subsection 3012(b) of SAFETEA-LU, Projects for nonurbanized areas authorized by 49 U.S.C. § 5311; or Projects for the over-the-road bus accessibility program authorized by section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. § 5310 note. Separate requirements for those Projects are set forth in Subsections (b), (c), and (d), respectively, below. [Amendments to U.S. DOL guidelines, "Section 5333(b), Federal Transit Law," 29 C.F.R. Part 215, were published at 73 Fed. Reg. 47046 et seq., August 13, 2008.]

(b) Public Transportation Employee Protective Arrangements for Elderly Individuals and Individuals with Disabilities for the Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program. To the extent that the U.S. Secretary of Transportation has determined or determines in the future that employee protective arrangements required by 49 U.S.C. § 5333(b) are necessary or appropriate for a governmental authority subrecipient participating a Project authorized by 49 U.S.C. § 5310(b)(2) or subsection 3012(b) of SAFETEA-LU, 49 U.S.C. § 5310 note, the Recipient agrees to carry out the Project in compliance with the terms and conditions determined by the U.S. Secretary of Labor necessary to comply with the requirements of 49 U.S.C. § 5333(b), in accordance with U.S. DOL guidelines, "Section 5333(b), Federal Transit Law," at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions, if any, are identified in the U.S. DOL's certification of public transportation employee protective arrangements to FTA, the date of which appears in the Grant Agreement. The Recipient agrees to implement the Project in compliance with the conditions stated in that U.S. DOL certification, to the extent that certification is required. Any U.S. DOL certification that may be provided and any documents cited therein are incorporated by reference and made part of the Grant Agreement. [New amendments to U.S. DOL guidelines, "Section 5333(b), Federal Transit Law," 29 C.F.R. Part 215, were published at 73 Fed. Reg. 47046 et seq., August 13, 2008.]

(c) Public Transportation Employee Protective Arrangements for Projects in Nonurbanized Areas Authorized by 49 U.S.C. § 5311. The Recipient agrees to comply with the terms and conditions of the Special Warranty for the Nonurbanized Area Program that is most current as of the date of execution of the Grant Agreement or Cooperative Agreement for the Project, and any alternative

(d) Employee Protective Arrangements for Projects Financed by the Over-the-Road Bus Accessibility Program. The Recipient agrees to comply with the terms and conditions of the Special Warranty for the Over-the-Road Bus Accessibility Program that is most current as of the date of execution of the Grant Agreement or Cooperative Agreement for the Project, and any alternative comparable arrangements specified by U.S. DOL for application to the Recipient's project, in accordance with U.S. DOL guidelines, "Section 5333(b), Federal Transit Law," 29 C.F.R. Part 215, and any revisions thereto. [New amendments to U.S. DOL guidelines, "Section 5333(b), Federal Transit Law," 29 C.F.R. Part 215, were published at 73 Fed. Reg. 47046 et seq., August 13, 2008.]

(2) The Contractor also agrees to include the any applicable requirements in each subcontract involving transit operations financed in whole or in part with Federal assistance provided by FTA.

26. **Project Labor Agreements (formerly Neutrality in Labor Relations)**

As a condition of contract award, the Owner may require a third party contractor or subcontractor to have an affiliation with a labor organization such as a project labor agreement, consistent with Executive Order No. 13502, "Use of Project Labor Agreements [PLA] for Federal Construction Projects," February 6, 2009, 41 U.S.C. ch. 39, Refs & Annos., except as the Federal Government determines otherwise in writing.

27. **Federal Motor Carrier Safety Administration**

The Contractor and its subcontractors, lessees or third party contractors will comply to the applicable provisions of the following promulgated U.S. FMCSA regulations.

**Financial Responsibility.**

1. To extent that the Contractor or its subcontractor, lessee or third party is engaged in interstate commerce and not within a defined commercial zone, the Contractor agrees to comply with U.S. FMCSA regulations, "Minimum Level of Financial Responsibility for Motor Carriers", 49 U.S.C. Part 387, Dealing with economic registration and insurance requirements.

   a) The amount of insurance required of Federal assistance recipients (5307, 5310 and 5311) is reduced to the highest amount of any state in which the transit provider operates.
2. To extent that the Contractor or its subcontractor, lessee or third party is engaged in interstate commerce and not within a defined commercial zone, and the grant recipient is not a unit of government (defined as Federal Government, a state, any political subdivision of a state or any agency established under a compact between states), the Contractor agrees to comply with U.S. FMCSA regulations, Subpart B, "Federal Motor Carrier Safety Regulation", at 49 CFR Parts 390 through 396.

Driver Qualifications.
1. The Contractor or its subcontractor, lessee or third party agree to comply with U.S. FMCSA’s regulations, “Commercial Driver's License Standards, Requirements, and Penalties”, 49 CFR Part 383.

2. The Contractor or its subcontractor, lessee or third party agree to comply with U.S. FMCSA’s regulations, “State Compliance with Commercial Driver’s License”, 49 CFR Part 384.

Substance Abuse Rules for Motor Carriers
1. The Contractor or its subcontractor, lessee or third party agree to comply with U.S. FMCSA’s regulations, “Drug and Alcohol Use and Testing Requirements” 49 CFR Part 382, which apply to transit providers that operate a commercial motor vehicle that has a gross vehicle weight rating over 26,001 pounds or is designed to transport sixteen (16) or more passengers, including the driver.


To the extent applicable, the Contractor agrees to conform to the National Intelligent Transportation Systems (ITS) Architecture and Standards requirements of 23 U.S.C. § 517(d), as amended by MAP-21, and follow the provisions of FTA Notice, “FTA National ITS Architecture Policy on Transit Projects,” 66 Fed. Reg. 1455 et seq., January 8, 2001, and any other implementing directives FTA may issue at a later date, except to the extent FTA determines otherwise in writing. (applicable to ITS projects)

29. Charter Service

The Charter Bus requirements apply to all Operational Service Contracts. The Charter Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

The contractor agrees that no project financed under 49 U.S.C. chapter 53 or under 23 U.S.C. §§ 133 or 142, will engage in charter service operations, except as authorized by 49 U.S.C. § 5323(d) and FTA regulations, “Charter Service,” 49 C.F.R. Part 604, and any Charter Service regulations or FTA directives that may be issued, except to the extent that FTA determines otherwise in writing. The Charter Service Agreement the Grant Recipient has selected in its latest annual Certifications and Assurances is incorporated by reference and made part of the Grant Agreement or Cooperative
Agreement for the Project and part of this procurement. The following FTA’s Charter Service regulations, apply: (1) the requirements of FTA’s Charter Service regulations and any amendments thereto will apply to any charter service it or its subrecipients, lessees, third party contractors, or other participants in the Project provide; (2) the definitions of FTA’s Charter Service regulations will apply to the Recipient’s charter operations, and (3) a pattern of violations of FTA’s Charter Service regulations may require corrective measures and imposition of remedies, including barring the Recipient, subrecipient, lessee, third party contractor, or other participant in the Project operating public transportation under the Project from receiving Federal financial assistance from FTA, or withholding an amount of Federal assistance as set forth in Appendix D to those regulations. [Amendments to FTA regulations, “Charter Service,” 49 C.F.R. Part 604, were published at 73 Fed. Reg. 2325 et seq., January 14, 2008, and amended at 73 Fed. Reg. 44927 et seq., August 1, 2008, and at 73 Fed. Reg. 46554 et seq., August 11 2008.]

30. **School Bus Operations**

The School Bus requirements apply to all Operational Service Contracts. The School Bus requirements flow down from FTA recipients and subrecipients to first tier service contractors.

Pursuant to 49 U.S.C. 5323(f) or (g), as amended by MAP-21 for project activities supported with FTA Fiscal Year 2013 or subsequent funding and 49 CFR Part 605, recipients and subrecipients of FTA assistance may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators unless qualified under specified exemptions. When operating exclusive school bus service under an allowable exemption, recipients and subrecipients may not use federally funded equipment, vehicles, or facilities.

If a Recipient or Third Party Contractor has operated school bus service in violation of FTA’s School Bus laws and regulations, FTA may

1. Require the Recipient Third party Participant to take such remedial measures as FTA considers appropriate, or
2. Bar the Recipient or Third Party Contractor from receiving federal transit funds.

31. **Drug and Alcohol Testing**

The Contractor agrees to comply with the Amendments to the FTA regulations "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655, published June 25, 2013. These regulations implement 49 U.S.C. § 5331, as amended by MAP-21 and any subsequent revisions or amendments thereto, in establishing and implementing a drug use and alcohol misuse testing program. This program is to be strictly applied to all safety sensitive employees of the Contractor for pre-employment, random, reasonable suspicion, post-accident, and return-to-duty testing. This program takes effect immediately upon the execution of the contract.
MAP-21 amended the remedy for non-compliance with FTA regulations, 49 CFR Part 655, so that a FTA has more discretion to determine the amount of funding to withhold from a Third Party Contractor that has not complied with those regulations.

32. **State and Local Disclaimer**

The Owner does not warrant or make any representation as to the accuracy or completeness of the information, text, graphics, links and other items contained in this document or on this server or any other server. Such materials have been compiled from a variety of sources and are subject to change without notice from the State and FTA.

33. **Geographic Preference**

Procurements shall be conducted in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in evaluation or award of bids or proposals, except where applicable Federal statutes expressly mandate or encourage geographic preference. This does not preempt State licensing laws.

34. **Incorporation of Federal Transit Administration (FTA) Terms**

The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1F, dated November 1, 2008, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Contractor shall not perform any act, fail to perform any act, or refuse to comply with any (name of grantee) requests which would cause (name of grantee) to be in violation of the FTA terms and conditions.

35. **Hold Harmless**

Except as prohibited or otherwise limited by State law, the Contractor agrees to indemnify, save, and hold harmless the Owner of this Contract and its officers, agents, and employees acting within the scope of their official duties against any liability, including all claims, losses, costs and expenses accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the contractor or subcontractor in the performance of this contract and that are attributable to the negligence or intentionally tortuous acts of the contractor.
36. **Safe Operation of Motor Vehicles**

a. **Seat Belt Use.**

Pursuant to Executive Order No. 13043, April 16, 1997, 23 U. S. C. § 402, the Contractor is encouraged to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned, rented, or personally-operated vehicles and include this provision in any third party subcontracts, leases or similar documents in connection with this project.

b. **Distracted Driving, Including Texting While Driving.**

Consistent with Executive Order No. 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009, 23 U.S.C. Section 402 note, and DOT Order 3902.10, "Text Messaging While Driving," December 30, 2009, FTA encourages each third party contractor to promote policies and initiatives for its employees and other personnel that adopt and promote safety policies to decrease crashes by distracted drivers, including policies to ban text messaging while driving, and to include this provision in any third party subcontract leases or similar documents in connection with this project.

c. **Safety.** The Contractor is encouraged to:

   (a) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving—

   Company-owned or rented vehicles; Privately-owned vehicles when on official Project related business or when performing any work for or on behalf of the Project; or any vehicle, on or off duty, and using an electronic device.

   (b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

c. **Definitions**

(1) "Driving" means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise. "Driving" does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

(2) "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in
any other form of electronic data retrieval or electronic data communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or answer an incoming call, unless the practice is prohibited by State or local law.

37. **Exclusionary or Discriminatory Specifications or Requirements**

The Contractor agrees that it will comply with the requirements of 49 U.S.C. Sect. 5325(h) by refraining from using any funds derived from FTA in performance of this Contract to support any sub-contracts that use exclusionary or discriminatory specifications or requirements.

38. **North Carolina State Ethic’s Requirement**

Pursuant to Governor Perdue’s Executive Order # 24, this section should be included in the terms and conditions of all contracts let by the Governor’s Cabinet Agencies and the Office of the Governor:

1) “By Executive Order 24, issued by Governor Perdue, and N.C. G.S.§ 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor’s Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

(1) have a contract with a governmental agency; or
(2) have performed under such a contract within the past year; or
(3) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24.”

To be added near the signature portion of all contracts let by the Governor’s Cabinet Agencies and the Office of the Governor:

“N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this
procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.”

39. **Sensitive Security Information**


40. **NC E-Verify Requirements**

To ensure compliance with the E-Verify requirements of the General Statutes of North Carolina, all contractors, including any subcontractors employed by the contractor(s), by submitting a bid, proposal or any other response, or by providing any material, equipment, supplies, services, etc., attest and affirm that they are aware and in full compliance with Article 2 of Chapter 64, (NCGS§64-26(a)) relating to the E-Verify requirements by executing and submitting the E-verify Affidavit included in this Invitation for Bids as Attachment E.
ATTACHMENT A

CERTIFICATION REGARDING LOBBYING

(To be submitted with all bids or offers exceeding $100,000; must be executed prior to Award)

The undersigned, Timothy C. Smith, certifies, to the best of his or her knowledge and belief, that:

(Contractor)

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding to any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.)]

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transactions imposed by 31, U.S.C. 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than $10,000 for each such expenditure or failure.]

The Contractor, Timothy C. Smith, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Section A 3801 et seq., apply to this certification and disclosure, if any.

[Signature]

[Name and Title of Contractor's Authorized Official]

DAVIE W. SMITH
NOTARY PUBLIC
New Hanover County
North Carolina
My Commission Expires May 8, 2017

Subscribed and sworn to before me this 24th day of Nov., 2015, in the State of North Carolina and the County of New Hanover

[Notary Public]

My Appointment Expires May 8, 2017

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ATTACHMENT B

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY and VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTION

(To be submitted with all bids or offers exceeding $25,000.)

(1) The prospective lower tier participant (Bidder/Contractor) certifies, by submission of this bid or proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) The prospective Bidder/Contractor also certifies by submission of this bid or proposal that all subcontractors and suppliers (this requirement flows down to all subcontracts at all levels) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(3) Where the prospective lower tier participant (Bidder/Contractor) is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this bid or proposal.

The lower tier participant (Bidder/Contractor) certifies or affirms the truthfulness and accuracy of this statement of its certification and disclosure, if any.

[Signature]

SIGNATURE

TITLE

COMPANY

DATE

DAVIE W. SMITH
NOTARY PUBLIC
New Hanover County
North Carolina
My Commission Expires May 6, 2017

State of

County of

Subscribed and sworn to before me this day of , 2015.

Notary Public

My Appointment Expires

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ATTACHMENT E

STATE OF NORTH CAROLINA
COUNTY OF New Hanover

AFFIDAVIT OF COMPLIANCE WITH N.C. E-VERIFY STATUTES
(To be submitted with all bids)

I, Timothy Cobbett (hereinafter the "Affiant"), duly authorized by and on behalf of Business Name (hereinafter the "Employer") after being first duly sworn deposes and says as follows:

1. I am the President (President, Manager, CEO, etc.) of the Employer and possess the full authority to speak for and on behalf of the Employer identified above.

2. Employer understands that "E-Verify" means the federal E-Verify program operated by the United States Dept. of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

3. Employer employs 25 or more employees, and is in compliance with the provisions of N.C. General Statute §84-26. Employer has verified the work authorization of its employees through E-Verify and shall retain the records of verification for a period of at least one year.

Employer employs fewer than 25 Employees and is therefore not subject to the provisions of N.C. General Statute §84-26.

4. All subcontractors engaged by or to be engaged by Employer have or will have likewise complied with the provisions of N.C. General Statute §84-26.

5. Employer shall keep the State of North Carolina informed of any change in its status pursuant to Article 2 of Chapter 84 of the North Carolina Statutes.

This 24th day of November, 2015.

DAVIE W. SMITH
NOTARY PUBLIC
New Hanover County
North Carolina
My Commission Expires May 6, 2017

Signature of Affiant
Printed Name and Title

State of North Carolina
County of New Hanover

Subscribed and sworn to before me this 24th day of November, 2015.

Notary Public

My Appointment Expires May 6, 2017

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ATTACHMENT F

OVERDUE TAXES

(To be submitted with all bids)

Instructions: Use company letterhead. All documents requiring the signature of the authorized representative for the Service Provider must be an original signature and the same representative must sign each copy of the Overdue Tax Letter, Conflict of Interest and Contract.

Date: 11-24-15

To: New Hanover County

Certification: I, Timothy Cockrell, being duly sworn, say that I am President of Access to Wilmington, in the State of North Carolina, in the capacity of Authorized Official; and that the foregoing certification is true, accurate and complete to the best of our knowledge and was made and subscribed by me. I also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.

(Signature must be the same as the person signing the contract)

1 G.S. 105-243.1 defines: Overdue tax debt. — Any part of a tax debt that remains unpaid 90 days or more after the notice of final assessment was mailed to the taxpayer. The term does not include a tax debt, however, if the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the notice of final assessment was mailed and has not failed to make any payments due under the installment agreement.
Lett’s Taxi & Limousine  
1740 Airport Blvd Ste 1  
Wilmington, NC 28405

5-13-2015

RE: Non-Emergency Transportation  
RFP 15-0326 / Financial Statements

New Hanover County,

Please find enclosed the above referenced RFP. EFM Group, Inc (d.b.a. Lett’s Taxi & Limousine) is requesting that the Company’s Financial Statements remain private and confidential.

EFM Group, Inc, which is a privately held company, is requesting that the Financial Statements do not become part of the public record at the conclusion of the process. Additionally, EFM Group, Inc is requesting that all five (5) copies of the Financial Statements be returned to the Company. We have included a pre-addressed stamped envelope for the Counties convenience.

Thank you for your time and consideration of our proposal. We look forward to our continued business relationship with New Hanover County.

Sincerely,

[Signature]

Mark A. Pacheco  
President
Section 4

A. Letter of Transmittal

EFM Group, Inc (d.b.a. Lett’s Taxi & Limousine) has read and understands the requirements of RFP 15-0326 published by New Hanover County on April 15th, 2015.

Mark A. Pacheco is the President of Lett’s Taxi & Limousine and has the sole authority to sign and execute contracts. Mark Pacheco can be reached at:

Lett’s Taxi & Limousine
1740 Airport Blvd Ste 1
Wilmington, NC 28405
Office: 910-762-4404
Fax: 910-762-4405
markapacheco@gmail.com

The information contained in this proposal or any part thereof, including any exhibits, schedules, and other documents and instruments delivered or to be delivered to New Hanover County, are true, accurate, and complete. This proposal includes all information necessary to ensure that the statements therein do not in whole or part mislead New Hanover County as to any material facts.

B. Minimum Requirements

a. Evidence of Insurance – see Attachment A
b. Not applicable
c. Articles of Incorporation – see Attachment B
d. Operating Permit – see Attachment C
e. E-Verify – see attached
f. Overdue Tax Letter – see attached
g. Certification Regarding Lobbying – see attached
h. Certification Regarding Debarment – see attached
i. Financial Statements – see Attachment D
j. Not applicable

C. Financial Information

1. BB & T – Kristi K Sullivan, Vice-President, ksullivan@bbandt.com,
   910-815-2701, 115 North Third Street Wilmington, NC 28401
Hughes Brothers Tires – Don Pierce, hughesbrosinc@hotmail.com, 910-762-3341, 1101 Market St Wilmington, NC 28401

Sea Coast Communications, Inc – Paul Holiday, seacoast2way@yahoo.com, 910-392-4848, 1027 S. Kerr Ave Wilmington, NC 28403

2. Lett’s Taxi & Limousine has never filed for bankruptcy

3. Lett’s Taxi & Limousine does not have any past or pending legal proceeding. Therefore nothing of this nature will affect the company’s financial position or ability to provide and complete it’s service to New Hanover County.

4. No reports, bulletins, or published statements have been issued by these agencies.

5. Lett’s Taxi & Limousine currently does not have any plans for a divestiture, acquisition, or spin-off of any of its business segments. Additionally no of the above-mentioned have occurred in the past two (2) years.

6. See Attachment D

D. Company Information

1. Executive Summary

Lett’s Taxi has been serving New Hanover County for approximately 30 years. The current owner Mark Pacheco has been operating Lett’s Taxi & Limousine since 2008 and has been contracted by the County during this time.

The Management team at Lett’s Taxi includes: Mark Pacheco – President, Diana Peterson – Office Manager, Winfred Meeks – Operations Manager, and Suzanne Hyatt – Dispatch Supervisor. All members of management have experience driving a taxicab. This experience provides management with a comprehensive understanding of client / driver relationships. As a result, Lett’s Taxi has a distinct advantage in resolving any issues, which may arise between the Agency, client, and or drivers.

The Company’s prime objective is to provide safe, clean, courteous, and on-time transportation to the County’s Agencies and its clients. The company prides itself on identifying and taking care of all clients
needs including those with special requirements. Lett’s Taxi is serving clients for the Senior Resource Center and New Hanover County Schools.

Lett’s Taxi and its associated company Carolina Yellow Cab operate the largest fleet of taxis in the County with a total of 59 vehicles, including and A.D.A compliant Handicap Accessible Van. The Company serves New Hanover and surrounding Counties 24 hours a day, 365 days a year.

In order to better serve the New Hanover County and the Company’s clients “state of the art” dispatch software was purchased in 2015. The software enables the Company to communicate with customers and drivers on a real time basis via a mobile data terminal installed in each vehicle. The new GPS based software creates efficiencies resulting in reduced late pick-ups, drop-offs, and the vehicles non-productive time. All vehicles are GPS tracked in real time.

Customer service begins with customer safety. All customers are treated with respect and integrity. All complaints are handled immediately by management. Communication with the County Agencies and their clients is of prime importance. In calendar year 2014 Lett’s Taxi vehicles travelled approximately 1.1 million miles and recorded only 1 at-fault accident. Customer complaints were less than .005% of total trips completed.

Lett’s Taxi operates a fully staffed maintenance facility at its business office. All vehicles receive regularly scheduled service at 4,000, and 24,000 miles. Vehicles are cleaned and inspected daily.

Lett’s Taxi’s computerized dispatch facility is located at Wilmington International Airport. It is important to note that in the event of a power failure the Company will continue serve it’s clients without interruption due to the power supplied by ILM’s backup generators.

In conclusion, we look forward to continuing to serve New Hanover County and their Agencies during the contract period. Please contact us if you have any questions or concerns.

2. EFM Group, Inc (d.b.a. Lett’s Taxi & Limousine) has been under current ownership and management since 2008. Herbert Lett originally founded Lett’s Taxi & Limousine in New Hanover County in approximately 1985. The company has been serving customers in New Hanover County for approximately 30 years.
3. EFM Group, Inc (d.b.a. Lett's Taxi & Limousine) is a corporation domiciled in North Carolina. The company currently contracts with its sister company Yellow Cab to perform its management, dispatch, and maintenance service. Yellow Cab currently has 15 full and part-time employees. The company's vehicles consist of 28 taxicabs, 2 limousines, 1 Cadillac Escalade, and 1 Lincoln Town Car making it the only full service transportation company in New Hanover County. Lett's Taxi additionally has a sister company, Carolina Yellow Cab, Inc. Yellow Cab has an additional 31 taxicabs and 1 handicap accessible van.

4. EFM Group, Inc (d.b.a. Lett's Taxi & Limousine) is a privately held corporation wholly owned by Mark Pacheco. Carolina Yellow Cab, Inc is also owned by Mark Pacheco.

5. Lett's Taxi will continue use the current process in place with the Senior Resource Center, unless the agency requests changes. The Senior Resource Center currently faxes the information. All transportation requests during normal business hours are received and entered into the software by our Dispatch Supervisor.

6. Lett's Taxi is managed in three basic business divisions. All divisions report to Mark Pacheco the President of the company.

Office Manager - Diana Peterson is responsible for handling customer and vendor requests and requirements as well as all customer billing. In addition she has the responsibility of working with our Dispatch Supervisor in hiring office staff and dispatchers.

Operations Manager - Winfred Meeks is responsible for hiring drivers, and mechanics. His responsibilities include ensuring all preventative maintenance, repairs, inspections are completed in a timely manner on all vehicles.

Dispatch Supervisor – Suzanne Hyatt's, responsibilities include hiring and scheduling of dispatchers and call takers. She is also responsible for scheduling future customer pick-ups.

7. Lett's Taxi currently does not have any plans for a divestiture, acquisition, or spin-off of any of its business segments. None of the above-mentioned or organizational changes have occurred in the past two (2) years.

8. The Company's business office and maintenance facility is located at 1610 North 6th Street Wilmington, NC 28401.
The Company's dispatch office is located inside the Wilmington International Airport located at 1740 Airport Blvd Ste 1 Wilmington, NC 28405.

E. Background and Experience

1. Lett's Taxi has been successfully providing transportation for persons with special needs since 1995 (20 yrs). We work hard to customize the transportation based on the individual's requirements. In most instances the Company pair's drivers who are familiar with the individual customers special needs.

2. The majority of communication between the county will be routed through the Office Manager, Diana Peterson, and or Suzanne Hyatt the Dispatch Supervisor. Mark Pacheco the President is always available to anyone from New Hanover County. All forms of communication are available via phone, email, fax, mail, and hand delivery.

3. Delta Airlines, Jay P. Michaud, jay.michaud@delta.com, 910-763-2493, 1740 Airport Blvd Wilmington, NC 28405

    Elderhaus Pace, John Fogal, john.fogal@elderhaus.com, 910-343-8209, 1950 Amphitheater Dr Wilmington, NC 28401

    Holiday Inn Express, Steve Janoski, Hiegm@lrhotels.com, 910-392-3327, 160 Van Campen Blvd Wilmington, NC 28403

4. Lett's Taxi has been under contract with the Senior Resource Center for the past 8 years. Additionally we have been contracted to provide transportation services for the following: Delta Airlines, US Airways, Atlantic Surgicenter, Elderhaus Pace, Express Care, Key Risk Management, General Electric, Pender County Memorial Hospital, Scotland Memorial Hospital, New Hanover County Regional Medical Center, PPD, Wilmington Health Associates, Holiday Inn Express, Fairfield Inn, AAI Pharma, Benefits Management, Plantation Village, UNCW, Staybridge Suites, Port City Collision, Polyquest Corporation, Holiday Inn, Hampton Inn Medical Park, Atlantic Southeast, South East Area Health Education Center.

5. The most prominent risk associated with any transportation contract would be accidents and timely service. These risks are mitigated with protocols for any such incident. We have a set procedure in place to maintain 24-hour continual contact between Management, Dispatch, and Drivers. We attempt to manage the risk of terrorism by having procedures in place should such an event occur. These plans include, having the ability move our Dispatch Office from the ILM to our
customers, County Agencies, and law enforcement emergency personal.

6. We do not foresee any major obstacles in the implementation of this transportation contract. We view this as a continuation of the service currently being provided to New Hanover County and the individual Agencies. Management will continue to consult the Agencies on a daily basis to ensure a continued high level of service is being delivered. We currently have procedures in place to ensure timely and safe service. Let's Taxi will continue to use these procedures unless an Agency requests a change.

F. Staffing / Organization

1. Mark Pacheco – President, all staff and employees report to the President

Diana Peterson – Office Manager, Dispatch Supervisor and all dispatch employees report to the Office Manager

Winfred Meeks – Operations Manager, all mechanics and drivers report to the Operations Manager

Suzanne Hyatt – Dispatch Supervisor, all dispatch employees report to the Dispatch Supervisor
2. The following staff will be the Counties main contacts in regards to transportation being provided by Lett’s Taxi.

Diana Peterson, Office Manager will be responsible for all billing and complaints involving transportation for New Hanover County. Ms. Peterson has over 20 years experience in the transportation business with 10 years of that experience as the Office Manager of Yellow Cab.

Suzanne Hyatt, Dispatch Supervisor will be the contact point and have the responsibility of scheduling and ensuring on-time service for all New Hanover County transportation needs. Ms. Hyatt has 8 years of experience in the transportation industry with 6 years of experience as Lett’s Taxi Dispatch Supervisor.

3. Mark Pacheco, President will be responsible for the overall management of the RFP.

Diana Peterson, Office Manager. Her responsibilities will include billing the agencies for services and acting as the liaison between the agencies and Lett’s Taxi.

Suzanne Hyatt, Dispatch Supervisor. Her responsibilities will include coordinating trips and communicating with drivers and agency staff as needed.

Winfred Meeks, Operation Manager. His responsibilities will include management of the drivers and the overall maintenance of the vehicles.

4. Lett’s Taxi recruits its staff and drivers through all forms of advertising media, as well as word of mouth recommendations. Dispatch and Call Takers must have basic computer skills, the ability to multi-task with an emphasis on good customer service phone skills. Additionally they must be able to type a minimum of 45 words per minute. All office employees are subjected to a background check and random drug testing.

All driver applicants must consent to be fingerprinted and subjected to a criminal history check through the North Carolina Department of Justice and a national criminal history records check through the Federal Bureau of Investigation. If an applicant has been convicted of any of the following federal or state statues within the past five (5) years they shall be disqualified from employment:

1. Any felony
2. Manslaughter by automobile
3. Reckless Driving  
4. Operation of automobile under the influence of an intoxicant  
5. A violation of any law relating to prostitution  
6. A violation of any law relating to possession, sale, or transportation of intoxicating liquors or controlled substances  
7. Any applicant with an accumulation of more than 12 points within a 3-year period shall be disqualified.

5. Lett’s Taxi continually works to improve its quality service both internally and externally to the clients it serves. Internally we are always looking for ways improve our processes and procedures in an effort to increase efficiencies and reduce cost.

In February of 2015 Lett’s Taxi purchased state of the art dispatch software. The new software has numerous custom features, which enable the company to effectively manage its overall business on a real time basis. The software allows Lett’s Taxi to GPS track it’s fleet at all times. The software does the majority of the vehicle dispatching depending on the dispatch variables set by management, i.e. dispatching the closest vehicle, dispatching the vehicle on stand-by the longest or dispatching a particular driver. In addition, the software sends an automatic text message to the customer once the vehicle is on-route and again once the vehicle arrives to the pick up location. Thus keeping the client better informed on the status of their ride. The software also provides many reporting tools for management, i.e. dispatch performance, vehicle on-time reporting, trip details, trip histories, future trip bookings, daily and weekly job counts to name a few.

6. Lett’s Taxi and its sister company Yellow Cab both owned by Mark Pacheco are the leaders in the local transportation business in changing and applying new technologies to the industry. When Mark Pacheco first purchased Lett’s Taxi in 2008, he immediately began implementing a new computerized GPS dispatch system. Lett’s Taxi was the first company in New Hanover County to implement such technologies to the taxi industry. Lett’s Taxi was the only company using such technologies. Other major taxi companies in New Hanover County were all still limited to the two-way radio technology. In 2010, when Mark Pacheco purchased Yellow Cab, new technology was again implemented. Within one year other major taxi companies followed suite in procuring the technology that Lett’s Taxi had deployed back in 2008. Lett’s Taxi and Yellow Cab continually looks at and evaluates...
emerging technologies to gain efficiencies and the ability to deliver timely and quality transportation to all of its customers.

7. Lett’s Taxi and its management team driven by Mark Pacheco, strive to hire and retain quality individuals in an effort to better serve its clients. Management believes that we must take care of each individual customer and their needs. Priorities are customer first, employee second, and company third. Lett’s Taxi has never been involved in a dispute or strike by organized labor.

8. Quality assurance is managed through the use of the latest software reporting tools. Management reviews reports on daily basis for on-time pick ups, the number of calls received by dispatch per shift, the number of jobs completed, number of jobs cancelled and the number of jobs that no show, as well as taxi availability.

G. Customer Service

1. Customer Service begins first and foremost with customer safety. We strive to delivery fast, friendly, and on-time service. This is communicated daily to all, by management. Our philosophy is that all customers are to be treated with respect and integrity equally. We do place an emphasis on account customers with priority dispatch and pick up.

2. Customer complaints are immediately logged and addressed by management. We attempt to contact the customer prior to addressing the individual within the company. We have a formal process and complaint form in every vehicle for the customer to fill out, in the event that the complaint involves dispatch. Resolutions to the complaint can vary and are based on the nature of the complaint. Resolution can include, refunding the customer, future rides at no charge, and up to and including termination of the staff member.

3. The minimum standards on contracts are as follows:
   a. No more than 10 minutes late on drop offs.
   b. No more than 5 minutes late on pick ups.
   c. The most direct route between the pick up and drop off point in order to minimize travel time.
   d. No shows do not occur due to our real time GPS tracked vehicles and the size of our fleet.

H. Employee Training

1. Lett’s Taxi does all of it’s training on a one on one individual basis. Dispatcher and call taker training takes place in our dispatch office
with Suzanne Hyatt the Dispatch Supervisor. This training is done in a live setting with actual customers and pick up requests. The training typically will last for approximately 40 hrs. The training also includes a systems training manual. Please see Attachment E.

Driver Training occurs in a similar manner. Each new driver will spend a day inside the office with the Operations Manager learning company systems and protocols. Once this portion of the training is completed, the driver will spend anywhere from 1 to 3 days riding with a training driver performing the duties of the position. The training period is based on the trainee’s comfort and the trainer’s opinion of the potential driver candidate’s ability. The training also includes a driver systems training manual. Please see Attachment F.

2. Lett’s Taxi’s safety and security program begins with ensuring all vehicles are maintained and serviced at appropriate intervals. Each vehicle is inspected daily by the driver for tire wear, tire pressure, properly functioning brakes, fluid levels, and that windshield and wipers are in good working order. We have a formalized written process to address all vehicle maintenance concerns. During driver training special attention is paid to the importance of safe operation of the vehicle. A quarterly staff and driver meetings are held to review all safety and maintenance policies and procedures. Should an accident or incident occur the dispatcher is required to notify law enforcement and or EMS if necessary. They are requested to go to the scene in every case. Secondly the dispatcher must notify the Operations Manager of the incident immediately. The Operations Manager then notifies the President and one or both will then immediately proceed to the location of the incident. Should the incident involve a Lett’s Taxi account, the Office Manager will simultaneously notify the account contact person.

In 2014 Lett’s Taxi completed 5,902 trips for New Hanover County with total miles of 37,384 with zero accidents.

3. Lett’s Taxi takes the misuse of alcohol and controlled substances very seriously. The basic tenant of our business is to provide safe transportation, any misuse of alcohol or controlled substances will result in immediate termination. All staff members are subjected to random drug screening. All drivers are subjected to an annual drug screen as well as random screening. Any driver involved in an accident is required to immediately submit to a drug screening.

4. All staff, dispatchers, and drivers are required to complete customer service training. The training is an ongoing process. Management continuously has conversations and reminders with staff about
delivering quality customer service. When necessary, management will hold one on one coaching sessions with staff, using specific examples of how they and we can improve our ability to deliver exceptional service.

5. Lett’s Taxi does not provide Wheelchair transportation. Carolina Yellow Cab, Inc the sister company can and will provide this service.

I. Operations

1. The Company's central dispatch office is located in the Wilmington International Airport located at 1740 Airport Blvd Wilmington, NC. This office remains open 24 hrs a day, 365 day per year. Our business office and maintenance facility is located at 1610 N. 6th Street Wilmington, NC. This office is open 7 days a week from 8 a.m. to 5 p.m.

2. Lett’s Taxi has a 2015 state of the art computerized dispatch software system. All vehicles are GPS tracked in real time. Vehicle history locations are stored within the system indefinitely. Vehicles are dispatched by the software in multiple ways. The two most common are, software that enables the vehicle to pickup the closest client via an electronic computer display. The second method would be for the dispatcher to assign a specific driver each customer. Software will then send the pick up information electronically to the vehicle computer display. All vehicles have the ability to send custom electronic messages to the dispatch system as well as receive messages in the vehicle. Additionally all taxicabs are equipped with a two-way radio enabling them to communicate with the dispatch office. We are open 24hrs hours, enabling clients to contact us at anytime. Management is on a rotating 24 hrs availability contact schedule.

3. Lett’s Taxi in February 2015 purchased and implemented new dispatch and management software by Get A Cab. The Company has also purchased 3 new 64-bit Hewlett Packard dispatch computers in 2014. Our dispatch Internet connection runs on a high-speed broadband Time Warner Static IP address with speeds of 12m x 15m.

4. Lett’s Taxi only has the ability to deliver non-ambulatory service. Its’ sister company Yellow Cab can deliver both ambulatory and non-ambulatory service.

5. Lett’s Taxi’s main service area is New Hanover and surrounding Counties. Lett’s Taxi has and will serve the entire East Coast. We have
been as far as Florida and New York in order to serve our customers requests for transportation.

6. All vehicles are inspected daily. Each vehicle is serviced every 4,000 miles and 24,000 miles. All maintenance, service, and repairs are tracked and recorded within the maintenance software system. We have formalized maintenance form for drivers to request vehicle maintenance. Although mechanical failures occur on occasion, Lett’s Taxi is in a position to continue to deliver service to its clients due its large fleet and the availability of back up vehicles. Lett’s Taxi’s service complaints are less .005 % of the total trips completed per year. In 2014 Lett’s Taxi travelled approximately 1.1 million miles. During this period the company was involved in one (1) at-fault accident, which equates to 1.1 million miles between at-fault accidents. In 2014 the company was involved in 9 not at-fault accidents which equates to 122,222 miles between accidents.

7. Communication between dispatch and driver is done through two systems. Each vehicle is equipped with a mobile data unit. The mobile data unit enables the driver to receive trip details and messages from the dispatch office. Drivers are also able to send electronic messages to the dispatch office and the business office through the mobile data unit. Lett’s Taxi additionally equips all of its vehicles with a two-way radio to communicate with the dispatch office and business office.

8. Lett’s Taxi is open and available to its accounts and customers 24 hours a day, 7 days a week, 365 days a year.

9. System Safety Program Plan

a. Driver / Employee

Lett’s Taxi has two plans in place addressing both drivers and employees. Due to the difference in the nature of the day-to-day functions of the employees, it is necessary to address each individually. Drivers undergo rigorous background checks and drug/alcohol screenings as well as driving record checks. These are noted in section F part 4. Drivers are also subjected to mandatory drug screening should they be involved in an accident. Random drug screenings are also preformed.

Employees are subjected to background checks when hired as well as random drug screening. It is imperative on management’s part to emphasize that employees and dispatchers play a key role in the safety of drivers and clients.
b. Driver / Employee Training

Driver training is a key element in the safety plan being implemented by Lett’s Taxi. It is our fundamental mission to provide safe transportation for all of our clients. From the first moment a potential driver applies for a position, management begins to stress the importance. Safety begins with the hiring of drivers that have this understanding. Lett’s Taxi requires a MVR at the date of hire. We additionally run MVR checks on drivers at least bi-annually. New hires will spend a day in the business office with management covering safety expectations and protocols of the company. Lett’s Taxi has designated training drivers. New hires will spend 1 to 3 days with a trainer in the vehicle. The training driver will continue to emphasize safe operating procedures and protocols.

Employees play a key role in safety throughout the entire company. Dispatchers are to be ever vigilant in tracking drivers on the GPS software, ensuring they are where they are supposed to be. Mechanics have the responsibility along with management to ensure all vehicles in service are in safe working order. This is done through standardized maintenance program.

c. Safety Data Acquisition Analysis

The company compiles on a per incident basis reports and information as it relates to the incident. i.e. accidents reports, insurance investigation reports, driver logs, and other data related to the incident. Each incident is filed and maintained in the business office. The company will review annually these files in an effort to improve on its’ safety practices and procedures.

d. Drug, Alcohol and Abuse Program

Lett’s Taxi has a zero tolerance policy as it relates to drug and alcohol abuse. All drivers and employees are subject to random screening.

e. Vehicle Maintenance

Lett’s Taxi and its’ staff understand that customers safety begins with proper maintenance of the fleet. All vehicles are inspected daily prior to operation. The company has a formalized maintenance program in place. All completed maintenance is recorded in the company’s software system. Please also see forms in Attachments G & H.

f. Security
Lett's Taxi takes a proactive role in planning and implementing a security plan. However, no matter how well planned and implemented there will always be security breaches. Therefore procedures for such incidents are a critical part of employee/driver training to ensure the security of staff and clients. It is imperative that in any such event all staff has a thorough understanding of their role and responsibilities in response to a security breach.

g. Blood Borne Pathogens and Control Plan
Universal precautions will taken by all staff in order to prevent contact with blood or potentially infectious material. All blood or other material will be considered infectious. Staff must wash their hands or other skin with soap and water, or flush mucous membranes with water; as soon as possible following suspected exposure. No eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lens is allowed if there is reasonable likelihood of potential exposure. Should suspected exposure occur in a vehicle or other work area, it should be decontaminated immediately or as soon as possible. A solution of 10% minimum chlorine bleach should be used to wipe down all contaminated surfaces. All potential and suspected exposures are to be immediately reported to management.

J. Fleet

1. Please see Attachment 1 for fleet of vehicles.

2. All vehicles are owned by EFM Group, Inc.

3. Lett's Taxi does not have any vehicles that meet the ADA requirements. Yellow Cab has 1 vehicle that meets the ADA requirements.


Lett's Taxi has 1 Dodge Durango with four-wheel drive and a passenger seating capacity of 7.

5. All vehicles are equipped with passenger restraint systems, airbags, and fire extinguishers.
6. All vehicles are light blue with back decals displaying the company name and phone number. All vehicles have a posted City of Wilmington permit and its corresponding permit number displayed in black lettering on three sides of the vehicle.

7. All Lett’s Taxi vehicles have a permanently installed mobile data unit.

K. Preventive Maintenance

1. All vehicles are inspected daily. Each vehicle in serviced every 4,000 miles and 24,000 miles. All maintenance, service, and repairs are tracked and recorded within the maintenance software system.

2. Please see Attachment G & H for maintenance forms

3. All vehicles are to be washed and vacuumed on a daily basis. Vehicles interiors are steamed cleaned twice a year.
Non-Emergency Transportation
RFP # 15-0326

Fill in the cost for providing the services listed below. You may also submit pricing for other services you provide out only those transit points you wish to service. Flat Rate Pricing is preferred.

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The Contractor may complete both columns or just one, each will be reviewed. The undersigned certifies that their service being offered will meet or exceed the minimum specifications as presented in the attached proposal package.

EFM Group, Inc

Company Name
1740 Airport Blvd Ste 1
Company Address
Wilmington, NC 28405

910-762-4404
Telephone Number
4-23-2105
Date
26-3337418
Federal Tax ID / SS#
EFM Group, Inc
d.b.a. Lett’s Taxi
1740 Airport Blvd Ste 1
Wilmington, NC 28405

4-23-2015

To: New Hanover County

Certification:

We certify that EFM Group, Inc does not have any overdue tax debts, as defined by N.C.G.S. 205-243.1, at the federal, state, or local level. We further understand that any person who makes a false statement in violation of N.C.G.S. 143C-6-23c is guilty of a criminal offense punishable as provided by N.C.G.S. 143C-10-1b.

I, Mark A. Pacheco being duly sworn, say that I am President of EFM Group, Inc of Wilmington in the State of North Carolina; and that the foregoing certification is true, accurate, and complete to the best of my knowledge and was made and subscribed by me. I also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.

[Signature]

Authorized Official
CERTIFICATION REGARDING LOBBYING

(To be submitted with all bids or offers exceeding $100,000; must be executed prior to Award)

The undersigned EFM Group, Inc certifies, to the best of his or her knowledge and belief, that:

(Contractor)

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding to any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1501, et seq.)]

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transactions imposed by 31, U.S.C. 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Note:
Pursuant to 31 U.S.C. 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than $10,000 for each such expenditure or failure.

The Contractor, EFM Group, Inc, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Section A 3801 et seq., apply to this certification and disclosure, if any.

4-23-2015

[Signature]

Date

Mark A. Pacheco
President

Name and Title of Contractor's Authorized Official

Subscribed and sworn to before me this 23rd day of April, 2015, in the State of NC, and the County of New Hanover

[Notary Public]

My Appointment Expires Aug 21, 2017

[Seal]

Page 19 of 20
AFFIDAVIT of COMPLIANCE with NC E-VERIFY STATUTES
(To be submitted with all bids)

STATE OF __________________________
COUNTY OF __________________________

1. Mark A. Pacheco (hereinafter the "Affiant"), duly authorized by and on behalf of EFM Group, Inc (hereinafter the "Employer") after being first duly sworn deposes and says as follows:

1. I am the __________________________ (President, Manager, CEO, etc.) of the Employer and possess the full authority to speak for and on behalf of the Employer identified above.

2. Employer understands that "E-Verify" means the federal E-Verify program operated by the United States Dept. of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

3. Employer employs 25 or more employees in the State of North Carolina, and is in compliance with the provisions of N.C. Gen. Stat. §64-26. Employer has verified the work authorization of its employees through E-Verify and shall retain the records of verification for a period of at least one year.

X Employer employs fewer than 25 Employees and is therefore not subject to the provisions of N.C. Gen. Stat. §64-26.

4. All subcontractors engaged by or to be engaged by Employer have or will have likewise complied with the provisions of N.C. Gen. Stat. §64-26.

5. Employer shall keep New Hanover County informed of any change in its status pursuant to Article 2 of Chapter 64 of the North Carolina General Statutes.

Further this affiant sayeth not.

This the ___________ day of April _______ 2015

STATE OF __________________________
COUNTY OF __________________________

Sworn to and subscribed before me this the ___________ day of April _______ 2015.

_________________________ [SEAL]
Notary Public

Page 17 of 20
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY and VOLUNTARY EXCLUSION
LOWER TIER COVERED TRANSACTION
(To be submitted with all bids or offers exceeding $25,000.)

(1) The prospective lower tier participant (Bidder/Contractor) certifies, by submission of this bid or proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) The prospective Bidder/Contractor also certifies by submission of this bid or proposal that all subcontractors and suppliers (this requirement flows down to all subcontracts at all levels) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(3) Where the prospective lower tier participant (Bidder/Contractor) is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this bid or proposal.

The lower tier participant (Bidder/Contractor) certifies or affirms the truthfulness and accuracy of this statement of its certification and disclosure, if any.

SIGNATURE

TITLE President

COMPANY EFM Group, Inc

DATE 4-23-2015

State of North Carolina

County of New Hanover

Subscribed and sworn to before me this 23th day of April, 2015.

(Seal)

DIANA M. PETERSON
NOTARY PUBLIC
NEW HANOVER COUNTY, NC

My Appointment Expires Aug 21, 2017
CERTIFICATE OF INSURANCE

This certificate is issued for informational purposes only. It certifies that the policies listed in this document have been issued to the Named Insured. It does not grant any rights to any party nor can it be used, in any way, to modify coverage provided by such policies. Alteration of this certificate does not change the terms, exclusions or conditions of such policies. Coverage is subject to the provisions of the policies, including any exclusions or conditions, regardless of the provisions of any other contract, such as between the certificate holder and the Named Insured. The limits shown below are the limits provided at the policy inception. Subsequent paid claims may reduce these limits.

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<tr>
<td>230 GOVERNMENT CENTER DR STE 125</td>
<td>1740 AIRPORT BLVD STE 1</td>
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<td>WILMINGTON, NC 28403-1740</td>
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Interested Party Type: CERTIFICATE HOLDER

This Certificate does not grant any coverage or rights to the Certificate Holder.

If this Certificate indicates that the Certificate Holder is an Additional Insured, the Policy(ies) must either be endorsed or contain specific language providing the Certificate Holder with additional Insured Status. The Certificate Holder is an Additional Insured only to the extent indicated in such policy language or endorsement.

Producer
LAGOMARAGER AGENCY

Authorized Representative: [Signature]  
Date: 05/12/2015

Includes copyrighted material of Insurance Services Office, Inc., with its permission.
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Wooten Insurance Center
P. O. Box 827
Statesville NC 28677

INSURED
EFM Group Inc
1740 Airport Blvd
Wilmington NC 28405

COVERAGES

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NEW HANOVER COUNTY, its officials, officers, agent and employees are listed as Additional Insured

910-798-8411

CERTIFICATE HOLDER

NEW HANOVER COUNTY
230 GOVERNMENT CENTER DR
WILMINGTON, NC 28403

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2014 ACORD CORPORATION. All rights reserved.
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SURROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Azalea Insurance Services, Inc
4685 Peachtree Avenue
Wilmington, NC 28403
Randy Lewis
910-799-8811
510-382-5522

INSURED
Let's Taxi
EFM Group Inc dba
1740 Airport Blvd Ste #1
Wilmington, NC 28405

INSURER(S) AFFORDING COVERAGE
The Hartford
19682

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, If more space is required)

CERTIFICATE HOLDER
New Hanover County
230 Government Ctr Dr, Ste 170
Wilmington, NC 28404

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Attachment B

ARTICLES OF INCORPORATION

FOR

EFM GROUP, INC.

The undersigned does hereby make and acknowledge these Articles of Incorporation for the purpose of forming a business corporation under and by virtue of the laws of the State of North Carolina.

ARTICLE I

Name

The name of this corporation is EFM GROUP, INC.

ARTICLE II

Initial Registered Office and Agent

The name of the initial registered agent of this corporation is Mark Alan Pacheco. The mailing and street address of the initial registered office of this corporation is 5601 East Whisper Creek Lane, Wilmington, New Hanover County, North Carolina 28409.

ARTICLE III

Capital Stock

Section 1. Authorized Shares. The corporation is authorized to issue one hundred thousand (100,000) shares of one class of stock with full voting rights and rights to received the net assets of the corporation upon dissolution.

Section 2. Preemptive Rights. The shareholders of the corporation have preemptive rights as and when additional stock is issued from time to time.
ARTICLE IV

Provisions for Regulation of the Corporation's Internal Affairs

Section 1. Meetings of Shareholders and Directors. Meetings of the shareholders and directors of this corporation may be held either within or without the State of North Carolina at such place or places as may from time to time be designated in the code of bylaws or by resolution of the Board of Directors.

Section 2. Code of Bylaws. The initial code of bylaws of this corporation shall be adopted by its initial Board of Directors. The power to amend or repeal the bylaws or to adopt a new code of bylaws shall be in the shareholders. The code of bylaws may contain any provisions for the regulation and management of this corporation which are not inconsistent with the Business Corporation Act, N.C.G.S. § 55-1-01 et seq. and these Articles of Incorporation.

Section 3. Contracts in Which Directors Have an Interest. No contract or other transaction of this corporation, or in which this corporation may have an interest, in the ordinary course of business with any person, firm or corporation shall be invalidated or affected by (a) the fact that one or more of the directors of this corporation is interested in, or is a director or officer of another corporation which is interested in, the contract or transaction, or (b) the fact that any director, individually or jointly with others, may be a party to or may be interested in the contract or transaction; and no such contract not in the ordinary course of business shall be invalidated or affected provided that a majority of the disinterested directors approve or ratify such contract. Each person who becomes a director of this corporation is hereby relieved from any liability that might otherwise arise by reason of this contracting with this corporation for the benefit of himself or any firm or corporation in which he may be interested; provided such contract is in the ordinary course of business or approved or ratified as set forth above.
Section 4. Compensation of Directors. The Board of Directors shall have the authority to make provisions for reasonable compensation to its members for their services as directors and to fix the basis and conditions in any other capacity and receive compensation therefrom in any form.

ARTICLE V

Incorporator

The name and address of the incorporator is Mark Alan Pacheco of 5601 East Whisper Creek Lane, Wilmington, New Hanover County, North Carolina 28409.

ARTICLE VI

Effective Date

The Articles of Incorporation for EFM GROUP, INC. shall become effective upon filing.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 4th day of September, 2008.

By:  

Mark Alan Pacheco, Incorporator

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, Alan M. Solana, a notary public of the state and county aforesaid, do hereby certify that Jeffrey E. Bernstein appeared before me this 4th day of September, 2008 and acknowledged the due execution of the foregoing Articles of Incorporation.

My commission expires:  
May 30, 2009

(AFFIX NOTARIAL SEAL)

Charter prepared by and return to:  
Alan M. Solana, Esquire  
219 North Second Street  
Wilmington, NC 28401
Attachment C

PRIVILEGE LICENSE
CITY OF WILMINGTON, NC

BUSINESS ADDRESS:
1740 AIRPORT BLV UNIT 1

LICENSE IS HEREBY GRANTED

LETT'S TAXI & LIMO SERVICE
ATTN: MARK PACHECO
1740 AIRPORT BLV UNIT 1
WILMINGTON NC 28405

POST IN A CONSPICUOUS PLACE
LIMITED TRANSFERABILITY

ACCOUNT NUMBER: 15-00028947
ISSUE DATE: June 24, 2014
EXPIRATION DATE: May 31, 2015

SECTION NUMBER - CITY FEE SCHEDULE
20510
TAXICAB - $15 PER VEHICLE PER YEAR

ISSUED BY: Debra H Mack
FINANCE DIRECTOR / TAX COLLECTOR
FINANCE DEPARTMENT - COLLECTION DIVISION

RPS811WULTRA® by Relyco - www.relyco.com

PRIVILEGE LICENSE
CITY OF WILMINGTON, NC

BUSINESS ADDRESS:
1740 AIRPORT BLV UNIT 1

LICENSE IS HEREBY GRANTED

LETT'S TAXI & LIMO SERVICE
ATTN: MARK PACHECO
1740 AIRPORT BLV UNIT 1
WILMINGTON NC 28405

POST IN A CONSPICUOUS PLACE
LIMITED TRANSFERABILITY

ACCOUNT NUMBER: 15-00029689
ISSUE DATE: June 24, 2014
EXPIRATION DATE: May 31, 2015

SECTION NUMBER - CITY FEE SCHEDULE
12210
LIMOUSINE SERVICE $50 PER YEAR

ISSUED BY: Debra H Mack
FINANCE DIRECTOR / TAX COLLECTOR
FINANCE DEPARTMENT - COLLECTION DIVISION
Financial Statements

of

EFM GROUP INC
dba LETT'S TAXI AND LIMO SERVICE
For the Period Ended December 31, 2014

See Accompanying Accountant's Compilation Report
Attachment E

Dispatch Training

Work Arrival

1. Punch in at workstation #2 with your employee number. Please remember to punch out at workstation #2 at the end of your shift.
2. Log into Get A Cab Software with your user id and password.
3. When the software comes up, make sure you are working under the Master Fleet. It should be the default highlighted fleet. If it is not, click Master Fleet Icon. System will confirm that you have changed to the correct fleet.
4. Click on the Dashboard icon. Make sure that the Open Requests, Zone Waiting, and Cab Details are open. If any icons are not open, click the appropriate icon on top of the screen to open it.
5. You are now ready to begin serving our customers.

Talking to the Customers

It is your responsibility to provide outstanding customer service.

Answer the phone by saying “Thank you for calling Wilmington Taxi Dispatch this is (your name) may I get the phone number you are calling from please”

Entering Customer Pick up requests (100% order entry is the expectation)

1. Click on Create Job Icon
   a. Enter the customers phone number
b. Enter customer name
c. Enter number of passenger (if more than 6 passengers, change Cab drop down box to appropriate number of cabs needed.)
d. Enter date of pick up from drop box.
e. Enter pick up time from drop down box
f. Enter pick up address (system will pre-fill address from Google maps)
g. Enter drop off address (system will pre-fill address from Google maps)
h. If customer has special requests. Click requests and add comments
i. Click “get distance’ to provide approximate fare quote
j. If this is a charge account, place price and other information needed by the driver in the ‘comments section”
k. Click Submit

2. At this point as you are ending the conversation with the customer. You need to let them know that they will be receiving 2 text messages from the software. When the cab is on-route and on-site. These text message will include the cab # and the drivers phone number.

3. The software will now dispatch the call to the appropriate driver based on how management has set dispatch priorities.

4. At any time if you have questions or need help, you can hit the “Help Icon”. Most of your questions can be answered in this section.
Monitoring Open Customer Requests

This part of your job is one of the most critical responsibilities you have as a dispatch employee. You are expected to monitor the “open requests” section of your dispatch board at all times. This allows us to monitor in real time the “state” of each customer call.

1. You must pay particular attention to “Call Age”, “Cab” and “Status”.

2. “Call Age” this tells you how many minutes ago the customer called us. If the call is highlighted in Gold, this is a time call. We have exactly 20 minutes to get to the customer and be ON-TIME.

3. “Cab” this will tell you what cab # has been assigned to the call. You can always click on the cab number to locate it’s exact position, as well as clicking on the address of the pick up to locate the location on the map.

4. “Status” this will tell you based on the vehicle color what state the driver is in with the customer. Gold – driver has accepted job, Yellow – driver is on-route to the customer, Light Green – Driver is at the pick up location, Dark Green – customer is in the cab and on the way to destination.

If a driver has accepted a call and is in the Gold status, and you notice they have not moved on the GPS. Drivers are allowed 5 minutes maximum to go on-route (yellow color). If they do not,
you are to immediately manually re-dispatch the call. We must serve our clients with fast and efficient service.

This is the one of the few exceptions that you may manually dispatch calls.

Please remember that great service is what makes us different from every cab company in Wilmington. You are the ones that make this difference. Treat every customer with dignity and respect. They are the ones that write your paycheck not management.

Unique customer requests and situations will arise, always remain calm. If you do not know the answer, let the customer know that you will get the answer and call them back. Management is here to help and support you, call us at anytime.

Dispatch Requirements

All calls must be dispatched through the computer system, in the event the computer system is down all calls are to be dispatched by the radio. Under no circumstance are calls to be dispatched over the phone, if a dispatcher is suspected of giving calls out over the phone disciplinary actions will be taken.

If a driver is sent on a call and the call is cancelled or is a no show upon arrival the driver is to be placed back at the top of the rotation, the computer will not automatically place them back at the top of the rotation. It will be up to you to get the driver place in the rotation. This is done by clicking on the cab # in the Zone Icon and clicking move to top.
If a driver refuses to get a trip after they have accepted the call for any reason they are to be logged out and sent to the office. This is done by clicking on cab # in the Zone Icon and choosing log out.

All calls are time stamped by the software with any changes that have been made to the call. The software will record the Dispatcher ID that changed the call. If a call is forced of manually dispatched to a driver you must be prepared to explain why the call was forced to a driver.

All DSS and CSX calls are to be entered in the system under the Yellow Cab Fleet. NO EXCEPTIONS!!!! This way the software will only dispatch the call to a Yellow Cab. All other calls are to be put in the system as Master Fleet.

There should be no communication gaps between the dispatchers and the drivers, a driver should not have to call a dispatcher more than two times before getting a response.

If there are two or more dispatchers scheduled to work at the same shift, one person must be sitting at workstation 3 at all times. FOR NO REASON IS THE OFFICE TO BE LEFT UNATTENDED.

Your attendance and punctuality is critical to the success of this Company. We expect employees to strive for perfect attendance in the event you will be absent or tardy for your scheduled shift, the following guidelines must be followed. If you are sick PLEASE give us at least 4 hours’ notice so we can cover your shift. If you need to request time off, all requests must be put in writing and submitted to Suzanne Hyatt the Dispatch Supervisor, DO NOT PUT YOUR TIME OFF REQUESTS ON THE CALENDER. Supervisors may deny your request for time off due to staffing shortages and or Company needs. If we are unable to accommodate your request you may ask a coworker to cover your shifts and you must notify management of the change. No Dispatcher is allowed to clock in or out early without permission from Management. If you leave the airport for any reason you must clock out unless you are asked to come to the Business Office.
Attachment F

Driver Training

PRE-TRIP:
1) Cab numbers
   a. Lett’s Cabs have their ID number in the lower right corner of windshield.
   b. Yellow Cabs use the “W” number replacing the “W” with a 3. All Yellow Cab ID numbers are “300” numbers. Thus W1 becomes 301, and W11 becomes 311.
2) Inspections
   a. Walk around your cab looking for new damage and cracks in windows. Take pictures and report to office. If no one is at office to report to, call dispatch to report damage.
   b. Lift hood and check fluids and belts. Fluids to check are: Coolant, Motor Oil, Brake Fluid, Power Steering Fluid, and Transmission Fluid. Start engine and check for leaks. Check transmission fluid twice. 1st when you start your motor, and 2nd after you have driven about 10 minutes to warm fluid. (IF YOU HAVE TO BUY FLUIDS TO PUT IN YOUR CAB, GET SALES RECEIPT, WRITE YOUR NAME AND CAB NUMBER AND CIRCLE AMOUNT PAID ON IT. PUT IN YOUR DROP SO YOU CAN BE REIMBURSED.)
   c. Check all lights: Brake lights (all 3), tail lights, turn signals (front and back), hazard lights, headlights. Make sure all work.
   d. Check your tires. If bald, or worn down to wear bars, write them up. Check air pressure and inflate if necessary. Proper pressure is between 30-35 psi.

TABLET:
1) Show process for powering up and powering down the tablet. As this takes some time you might also explain what to do in the event the tablet malfunctions (freezes, dropping calls, black screens, and force closures).
2) Explain how to tell if your call is an Account Charge Ticket or Cash/Voucher call.

Log into “Square Register” and then into the “Dispatch System (Tower).”
Remember to press the "On Route" button, "Onsite" button and "Onboard" button at the correct times. Press the "End Trip" button to move to the payment screens.
LOG ON/OFF:
1) The process for Log-on (AFTER PRE-TRIP INSPECTION COMPLETE)
   a. Turn tablet on. Turn radio on. Call dispatch on radio. When you call in you always identify yourself by your cab number. Wait 2 minutes before calling dispatch again as they may be on the phone with customers, at the counter helping a customer, walking a customer out to a waiting cab, or doing any other business.
   b. When dispatcher acknowledges you, state you are ready to log-on. When they are ready they will ask for your beginning mileage.
   c. Fill out top of Lessee Daily Log sheet. (Log-on uses the “ON” line, Log-off uses “OFF” line.)
   d. Units (Dollars already on meter) and Trips are found on the meter using the Function button. These are Functions 1 & 2. (Note: Some meters begin with function “0”. Function numbers are seen on far right end of meter. Ignore F-0. You only want F-1 and F-2. Put cab number, date, and your name on sheet.
2) End of shift Log-off
   a. Call dispatch and notify them you are going to fuel up and go to yard to log-off. Look over your cab. Does it need to be washed/vacuumed? Remember to turn your cab in CLEAN INSIDE AND OUT AND FULL TANK.
   b. When you get to the yard, call dispatch again. They will ask for your ending mileage.
   c. TURN OFF YOUR RADIO, AND ALL LIGHTS. Failure to do this may result in a dead battery.

CHARGE TICKETS:
1) When you get a call that is an “account charge,” the account information will appear in SPECIAL INSTRUCTIONS window, and comment sections of tablet display. The account name will be something like “NHCSRC, ELDERHAUS, HOLIDAY INN, DSS, CSX, etc.” It is usually followed by an authorization name and method of charge, “mileage, meter, $ amount Flat.”
2) Filling out the “Charge Tickets.” All lines must have something on it, even if it is another line to show this line is N/A. A ticket with blank lines may be charged back to you and you must then fix them, or not be paid for them. EVERYTHING YOU WRITE IS WRITTEN IN PENCIL. PASSENGER SIGNS IN INK.
   a. Mileage and date lines is self explanatory.
   b. Account line: Write account name / authorization name / method of charge (mileage, meter, or $XX.00 Flat)
   c. Services Rendered: Write passengers name (if more than one, may use Train lines to list all.)
   d. Arrival Time, Pick up Time and Vacate Time is self explanatory.
   e. Authorization #: Used for DSS or other accounts requiring a number. If no number, mark it as N/A. LETT’S DOES NOT DO DSS CALLS.
   f. Passengers: This line is a number of passengers on this call. Should be between 1-6. Vans are allowed up to 6 riders; sedans may take up to 4 riders.
   g. Train #: These 3 lines are for CSX trains and crew member names. LETT’S DOES NOT DO TRAIN RUNS. Mark as N/A.
   h. Trip # lines: “From” means physical pick-up address, and “To” Means physical drop-off address. Normally “Trip # 2” is not used, so mark each line as N/A.
i. Stops Enroute: If authorized to make stops, list all stops made. If more room is required, may use Train # lines or back of ticket. Otherwise mark as N/A.

j. Amount Trip + Wait Time + Extra Stops = Total lines: if mileage based, Call dispatch with miles driven to get dollar amount for “Amount Trip”. If stops authorized on route “Wait Time” is $.33 x number minutes waiting if wait time is authorized (contact dispatch for yes or no), “Extra Stops” is $2.00 per stop. Add lines across to get “Total.”

k. Drivers Name/Cab #: Your name and Cab number.

l. Approved: Passenger approves with signature in ink.

CREDIT CARDS:
Credit Cards are run on the tablet using the “Square APP.” MAKE SURE THE CARD READER IS PROPERLY CONNECTED. (You should see a pop up showing the reader connected). Enter fare amount, swipe card through card reader mounted on your tablet, press custom tip button and then enter tip amount. Customer is required to sign on tablet with finger tip (NOT FINGER NAIL). If a receipt is required, ask customer to enter an e-mail address or phone number for text receipt.

If your card reader is properly connected, and it will not read customer’s card, then enter information manually. After you have entered the fare amount, press the charge button showing the amount in the upper right hand side. A new window will open asking for charge type. With your finger press the credit card line, and then enter 16 digit card number, four digit expiration date, security code, and billing zip-code. Then press charge (continue) button.

If card is declined, go back and double check entered card information is correct. Hit continue button again. If still declined, ask customer for different form of payment.

VOUCHERS AND OTHER PAYMENT FORMS:
1) Vouchers may be given to passengers by the Hospitals, Airlines, or any other company agreeing to pay for a passengers trip. Most vouchers are issued on a flat rate and the dollar amount will be written on it. If no dollar amount is shown, call dispatch to ask for amount or if you should run meter. Write your taxi name, your name, and cab number and date on the voucher.

2) Other forms of payment include Safe Ride Tickets, Get Home Safe Tickets, or $3.00 off Coupon (Fare must be at least $10.00). These forms have expiration dates. Be sure they are not expired before accepting them. The S-R and G-H-S tickets are $5.00 each ticket, and you do not make change for them. S-R tickets are sold to students by UNCW, Get Home Safe (G-H-S) tickets are produced by an Auto Body Shop for special events or Holidays.

3) WE DO NOT ACCEPT CHECKS.

DOWN TIME:
When you are waiting for a call, you may want to find a busy place to park that is centrally located in a particular zone. Parking at shopping centers, eateries, bars, and hotels/motels increases the possibility of walk up customers.

RADIO USE AND “10 – CODES”:
When using the radio, remember that others may be listening in on your transmission. The radio is to be used for business purposes only. Keep your language clean and
professional. Remember also that someone else may have an emergency and need to contact dispatch for help. Don’t tie up the radio waves, and make sure you are not sitting on your keyed microphone. Following is a list of “10 Codes” we use.

10-3 means we are out of our cab and not accepting calls.
10-4 means I copy and understand. May also be used to answer in the affirmative.
10-5 means I am back in cab and ready for a call.
Other “10 Codes” are rarely if ever used. If asked for your “20.” state your location.

We do have an emergency code to use only if you feel you are in danger of harm (life or death situation). This code is 10-13. **DO NOT CALL IN TO DISPATCH AS NUMBER 13. WE DO NOT HAVE A CAB 13, 313, OR 513.** How does the dispatcher know who is in danger? Always identify your cab, and then tell them you are 10-13 and give your location if possible. **REMEMBER, THIS CODE IS FOR EMERGENCY ONLY. ANY OTHER USE OF THIS CODE WILL VIOLATE YOUR CONTRACT AND RESULT IN YOUR DISMISSAL.**
# Taxi Company

## MAINTENANCE SHEET

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### 4,000 MILE SERVICE ITEMS

- **☐ REPLACE ENGINE OIL AND FILTER**
- ✓ CHECK/CLEAN BATTERY TERMINALS
- ✓ GREASE FITTINGS INCLUDING ALL U-JOINTS
- ✓ CHECK ALL FLUID LEVELS AND FILL AS NECESSARY
- ✓ BATTERY
- ✓ RADIATOR
- ✓ POWER STEERING RESERVOIR
- ✓ WINDSHIELD WASHER
- ✓ MASTER CYLINDER

### TRANSMISSION

- ☐ CHECK/REPLACE BELTS
- ✓ CHECK ALL LIGHTS FOR PROPER OPERATION
- ✓ CHECK ALL TIRES FOR PROPER INFLATION

### 24,000 MILE SERVICE ITEMS

- ☐ Replace transmission fluid and filter
  - inspect cooling system hoses,
  - check windshield wipers,
  - Rotate tires
  - Inspect exhaust system for leaks
- ☐ Replace fuel filter
  - Brake Adjustment if needed
  - road test vehicle
  - Differential fluid, check CV Axles for wear

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Mechanics Signature:    Date:
**OPERATOR MAINTENANCE REQUEST**

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**PROBLEM(S)**

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**MECHANIC REPORT OF CORRECTIVE ACTION:**

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**LABOR (HOURS)**

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| 2001 | LINCOLN | TOWN CAR | ZD9186 | 776049092825055 | 1LNM83WX1Y352547 | 101 |
| 1977 | 4S      | LIMO     | ZD5935 | 77914082947055  | 1LNM81W9VY634379 | 102 |
| 2000 | LIMO    | ZC9096 | 7761650942055 | 1L1FM81W2Y836637 | 103 |
| 1999 | LIMO    | ZE4299 | 771496107140105 | 1L1FM81W9X640803 | 104 |
| 2007 | CADILLAC | ESP | ZE4298 | 771495110742085 | 1GYFK66886R200949 | 105 |
STATE OF NORTH CAROLINA
REGISTRATION CARD
NC LIC NUMBER: 7913344
PLT VALID THRU: 01/15/2016
INSPECTION DUE: 12/31/2015
VEHICLE ID #: 2D8RM4E494644641
MAKE/SERIES: DODG
TITLE #: 7J3971431750597
SHIPING WEIGHT: 2009
STYLE: VN
FUEL: P
TOTAL WT: 78.00
CLASSIFICATION: TAXI/PAAS VEH
VEHICLE BRAND:
CUSTOMER ID # OWNER 1: 000235644859
CUSTOMER ID # OWNER 2:
COUNTY: NEW R
EPM GROUP INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID
EPM GROUP INC
License: 78.00
Prop. Tax: 61.72
APPRaised VALUE: $5,750.00
APPEal Due Date: 01/04/2015
New Hanover County Tax Department
910-798-7300
TAXING UNIT: TAX RATE: AMOUNT
NEW HANOVER: 0.55400 56.02
FIRE DISTRICT: 0.079000 4.42

TOTAL: 139.72
069 12/06/2014 11CD595

A10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
048920078
POLICY NUMBER

SIGNATURE

62991351

STATE OF NORTH CAROLINA
REGISTRATION CARD
NC LIC NUMBER: 104G04M78211735
PLT VALID THRU: 10/15/2016
INSPECTION DUE: 09/30/2015
VEHICLE ID #: 104G04M78211735
MAKE/SERIES: DODG
TITLE #: 7J10641132885059
SHIPING WEIGHT: 2007
STYLE: VN
FUEL: P
TOTAL WT: 78.00
CLASSIFICATION: TAXI/PAAS VEH
VEHICLE BRAND:
CUSTOMER ID # OWNER 1: 000235644859
CUSTOMER ID # OWNER 2:
COUNTY: NEW R
EPM GROUP INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID
EPM GROUP INC
License: 78.00
Reg. Int: 3.90
Prop. Tax: 35.39
Fcal. Int: 1.77
APPRaised VALUE: $5,500.00
APPEal Due Date: 11/14/2014
New Hanover County Tax Department
910-798-7300
TAXING UNIT: TAX RATE: AMOUNT
NEW HANOVER: 0.55400 32.97
FIRE DISTRICT: 0.079000 4.42

TOTAL: 119.06
069 10/16/2014 11CD599

A10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
048920078
POLICY NUMBER

SIGNATURE

104G04M78211735

629833118
STATE OF NORTH CAROLINA
REGISTRATION CARD
NC LIC NUMBER: TB3894
PLT VALID THRU: 02/15/2016
INSPECTION DUE: 01/31/2016
VEHICLE ID: 0DA824R76B658459
GROSS WT: 78.00
MAKE/MODEL: DBODS
TITLE #: 77730314086059
EQUIP #:
SHIPPING WEIGHT:
STYLE YEAR: 2006
OWNER 1: CUSTOMER ID # 0000356644859
VEHICLE BRAND:
CLASSIFICATION:
OWNER 2: CUSTOMER ID #:
COUNTY:
SPM GROUP INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID
EPM GROUP INC
License: 78.00
Reg. Int: 3.30
Prop. Tax: 32.60
Total: 78.00

Appraised Value: $5,150.00
Appl Deadline: 03/17/2015
New Hanover County Tax Department
910-798-7300

Taxing Unit: Tax Rate: Amount
NEW HANOVER 0.554000 28.53
FIRE DISTRICT 0.079000 4.07

TOTAL 116.13
Property Tax 32.60
CHECK 71369620

A10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
048920078
POLICY NUMBER

ID4GP24R76B658459

STATE OF NORTH CAROLINA
REGISTRATION CARD
NC LIC NUMBER: TB1549
PLT VALID THRU: 11/15/2025
INSPECTION DUE: 10/31/2015
VEHICLE ID: 1DA9624XKX68573612
GROSS WT: 78.00
MAKE/MODEL: DBODS
TITLE #: 773178130935059
EQUIP #:
SHIPPING WEIGHT:
STYLE YEAR: 2006
OWNER 1: CUSTOMER ID # 0000366644859
VEHICLE BRAND:
CLASSIFICATION:
OWNER 2: CUSTOMER ID #:
COUNTY:
SPM GROUP INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID
EPM GROUP INC
License: 78.00
Prop. Tax: 31.58

Appraised Value: $4,990.00
Appl Deadline: 12/15/2014
New Hanover County Tax Department
910-798-7300

Taxing Unit: Tax Rate: Amount
NEW HANOVER 0.554000 27.64
FIRE DISTRICT 0.079000 3.94

TOTAL 105.58
Property Tax 31.58
CHECK 62985382

A10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
048920078
POLICY NUMBER

ID4GP45XKX68573612
STATE OF NORTH CAROLINA
REGISTRATION CARD

NC Lic Number: T76098
PLT VALID THRU: 10/15/2015
INSPECTION DUE: 09/30/2015

VEHICLE ID #: 1D4GP24R75B289424
MAKE/SERIES: GMC
DOT #: 775479103665059
EQUIP #: 17

SHIPPING WEIGHT: STYLE #
VNH YEAR FUEL TOTAL PEL: 2005 G 78.00

CLASSIFICATION: TAXI/PASS VEH

CUSTOMER ID #: OWNER 1: 200035644859
CUSTOMER ID #: OWNER 2: NEW H

EPM GROUP INC
1420 N 6TH ST
WILMINGTON NC 28401-2803

A 10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
048920078

TOTAL: 111.94

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC Lic Number: T11333
PLT VALID THRU: 05/15/2015
INSPECTION DUE: 09/30/2015

VEHICLE ID #: 1D4GP24R76B714690
MAKE/SERIES: GMC
DOT #: 779936121096059
EQUIP #: 1

SHIPPING WEIGHT: STYLE #
VNH YEAR FUEL TOTAL PEL: 2006 G 78.00

CLASSIFICATION: TAXI/PASS VEH

CUSTOMER ID #: OWNER 1: 000035644859
CUSTOMER ID #: OWNER 2: NEW H

EPM GROUP INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

A 10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
048920078

TOTAL: 113.64

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

EPM GROUP INC
License 78.00
Appra. Value: $4,520.00
Prop. Tax 35.64
App. Deadline: 11/14/2014
Total Tax 28.61
New Hanover County Tax Department
910-798-7300

Taxing Unit Tax Rate Amount
NEW HANOVER 0.654000 31.19
FIRE DISTRICT 0.079500 4.46

TOTAL 111.94

62983119

A 10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
048920078

TOTAL: 113.64

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

EPM GROUP INC
License 78.00
Appra. Value: $5,630.00
Prop. Tax 35.64
App. Deadline: 06/14/2014
New Hanover County Tax Department
910-798-7300

Taxing Unit Tax Rate Amount
NEW HANOVER 0.654000 31.19
FIRE DISTRICT 0.079500 4.46

TOTAL 113.64

62983119
NC DIVISION OF MOTOR VEHICLES RECEIPT OF FEES PAID

E&M GROUP INC

Appraised Value: $3,030.00
Appeal Deadline: 08/14/2014
New Hanover County Tax Department
910-788-7300

TAXING UNIT TAX RATE AMOUNT
NEW HANOVER 0.554000 16.79
FIRE DISTRICT 0.079000 2.59

TOTAL 97.18
059 07/15/2014 TL0096

58610930

STATE OF NORTH CAROLINA REGISTRATION CARD

NC LIC NUMBER T91581
PLT VALID THRU 07/15/2015
INSPECTION DUE 06/30/2016
GROSS WT
VEHICLE # 1B4GP64302B646729
MAKE/SERIES TOWN & COUNTRY
MODEL 2002
CLASSIFICATION 2071/PASS VEH
CUSTOMER ID # OWNER 1 000035644859
CUSTOMER ID # OWNER 2 COUNTY NEW R
E&M GROUP INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

A10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
048920076

POLICY NUMBER

SIGNATURE

STATE OF NORTH CAROLINA REGISTRATION CARD

NC LIC NUMBER T91581
PLT VALID THRU 09/15/2015
INSPECTION DUE 08/31/2015
GROSS WT
VEHICLE # 2C4GF74LX2R604364
MAKE/SERIES CHRY
MODEL 2002
CLASSIFICATION 2071/PASS VEH
CUSTOMER ID # OWNER 1 000035644859
CUSTOMER ID # OWNER 2 COUNTY NEW R
E&M GROUP INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

A10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
048920076

POLICY NUMBER

SIGNATURE

NC DIVISION OF MOTOR VEHICLES RECEIPT OF FEES PAID

E&M GROUP INC

Appraised Value: $3,286.00
Appeal Deadline: 10/15/2014
New Hanover County Tax Department
910-788-7300

TAXING UNIT TAX RATE AMOUNT
NEW HANOVER 0.554000 18.17
FIRE DISTRICT 0.079000 2.59

TOTAL 98.76
059 09/10/2014 TL0096

62974260
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1740 AIRPORT BLVD STE 1
WILMINGTON NC 28405-8062

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### NC DIVISION OF MOTOR VEHICLES
### RECEIPT OF FEES PAID

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Appraised Value: $3,360.00
Prop. Tax: 21.26
New Hanover County Tax Department
910-798-7300

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TOTAL: 99.26
Total Property Tax: 21.26

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### STATE OF NORTH CAROLINA
### REGISTRATION CARD

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1740 AIRPORT BLVD STE 1
WILMINGTON NC 28405-8062

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### NC DIVISION OF MOTOR VEHICLES
### RECEIPT OF FEES PAID

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Appraised Value: $3,360.00
Prop. Tax: 21.26
New Hanover County Tax Department
910-798-7300

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TOTAL: 98.89
Total Property Tax: 20.89

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### ALLSTATE INSURANCE COMPANY

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2R6829140256569997
54218129
STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER: TB1573

PLT VALID THRU: 06/15/2015
INSPECTION DUE: 09/30/2015

VEHICLE ID #: 1D4GF24R66621661
MAKE/MODEL: DODG
SHIPPING WEIGHT: 3,120 lbs
CLASSIFICATION: TAX/PASS VEH

CUSTOMER ID #: OWNER 1: 000035644959
OWNER 2: COUNTY

EPM GROUP INC
1610 N 6TH ST
WILMINGTON, NC 28401-2803

---

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

EPM GROUP INC

License: 78.00
Prop. Tax: 37.79

Appraised Value: $5,970.00
Prop. Tax: $33.07

New Hanover County Tax Department
910-798-7300

Taxing Unit: NEW HANOVER
Tax Rate: 0.554000
Amount: 33.07

Taxing Unit: FIRE DISTRICT
Tax Rate: 0.079000
Amount: 4.72

TOTAL: 115.79

059 06/12/2014 T100956
CHK

TOTAL PROPERTY TAX: 37.79

---

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER: TB1598

PLT VALID THRU: 06/15/2015
INSPECTION DUE: 09/30/2015

VEHICLE ID #: 1D4GP46R6B574747
MAKE/MODEL: DODG
SHIPPING WEIGHT: 3,120 lbs
CLASSIFICATION: TAX/PASS VEH

CUSTOMER ID #: OWNER 1: 000035644859
OWNER 2: COUNTY

EPM GROUP INC
1610 N 6TH ST
WILMINGTON, NC 28401-2803

---

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

EPM GROUP INC

License: 78.00
Reg. Int: 3.99
Prop Tax: 31.08
Ptd. Int: 1.58

Appraised Value: $4,990.00
Reg. Int: 1/14/2014
Prop Tax: 31.08

New Hanover County Tax Department
910-798-7300

Taxing Unit: NEW HANOVER
Tax Rate: 0.554000
Amount: 27.64

Taxing Unit: FIRE DISTRICT
Tax Rate: 0.079000
Amount: 3.94

TOTAL: 115.06

059 10/16/2014 T1C0953
CHK

TOTAL PROPERTY TAX: 31.58

---

A10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC

048920078

Policy Number

Signature
STATE OF NORTH CAROLINA
REGISTRATION CARD
NC LIC NUMBER 294603
PLT VALID THRU 08/31/2016
INSPEC. DUE 03/31/2016
GROSS WT 78.00
VEHICLE ID 
1D4GP24R8GBB555664
MAKE/SERIES DODGE
SHIPPING WEIGHT STYLE 
YEAR 2006
FUEL 0
TOTAL FEE 78.00
CLASSIFICATION TAX/PASS VEH
VEHICLE BRAND 0VR
CUSTOMER ID # OWNER 1
000364444816
CUSTOMER ID # OWNER 2
COUNTY NEW H
ETM GROUP INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

* TOTAL LOSS CLAIM *
A10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
049200078
POLICY NUMBER

SIGNATURE
1D4GP24R8GBB555664

STATE OF NORTH CAROLINA
REGISTRATION CARD
NC LIC NUMBER 3A9693
PLT VALID THRU 07/15/2015
INSPEC. DUE 06/10/2015
GROSS WT 78.00
VEHICLE ID 
2D4GP41L35R258437
MAKE/SERIES DODGE
SHIPPING WEIGHT STYLE 
YEAR 2006
FUEL 0
TOTAL FEE 78.00
CLASSIFICATION TAX/PASS VEH
VEHICLE BRAND 0VR
CUSTOMER ID # OWNER 1
000364444859
CUSTOMER ID # OWNER 2
COUNTY NEW H
ETM GROUP INC
1610 N 6TH ST
WILMINGTON NC 28401-2803

A10 - ALLSTATE INSURANCE COMPANY
INSURANCE COMPANY AUTHORIZED IN NC
049200078
POLICY NUMBER

SIGNATURE 2D4GP41L35R258437
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII) REVISION 1

Classification: IM
Electronic Authorization No.: 013
Date: 06/12/2014

Make: DODG
Year: 2003
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP2433B253979
County: NEW HANOVER
Registration: 314730490379

Class your vehicle's registration card for your next Inspection Date.

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Rearview mirror Light/ Switch PASS
Reverse Light PASS
Stop Light PASS
Directional Signal PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Brake System Brake PASS
Brake Pedal Mechanism PASS
Exhaust System PASS
Clearance Lights N/A
Reflector N/A
Window Tinting N/A

Vehicle Type: Light Duty
Plate Number: TA9891
Odometer Reading: 255817
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 255778

OBDII Test Results
FAIL

Fuel: No Fail
Exhaust: No Fail
Compliance: Pass

Engine: RPM at Reading: 753

Recall: Recalls: 0

Total Inspection Fee: $6.25

RETAIL THIS COPY FOR YOUR RECORDS

Condition of Air Quality = $0.00
Inspections Program = $3.60
Your Local Rescue/EMS = $0.1

Total Inspection Fee: $6.25

Inspection Station: 06/12/2014 - 06/12/2014

LOSSES

- Inspection Station = $0.00(min) - $23.75(max)

- Total Inspection Fee: $6.25
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)
REINSPECTION

Inspection Fee $0.00
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $6.25

Make: CHRY
Year: 2002
Engine Size (cc): 3800
Body Style: MINIVAN
VIN: 2C4GP74L22R604364
County: NEW HANOVER
TIN Number: 554610432274

Vehicle Type: Light Duty
Plate Number: TB1545
Odometer Reading: 259464
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 259457

Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting N/A

OBDII Test Results

* OBDII Test Results *
* FAIL *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Comanded-On Fail *
* Engine RPM at Reading 889 *

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic
SHANNON WARD

Owner's Repair Authorization

RETAIN THIS COPY FOR YOUR RECORDS

☐ Division of Air Quality = $0.85  ☐ Telecommunication = $1.75
☐ Emissions Program = $3.00  ☐ Highway Fund = $0.55
☐ Volunteer Rescue/EMS = $0.18  ☐ Rescue Squad Relief = $0.12
☐ Inspection Station = $0.30(min) - $23.75(max)*

Total Inspection Fee $6.25 (min) - $30.00

Analyzer Number: EZ520656 Ver. 1102
Receipt/Statement Number: 11204
Waiver Number: RER27254301
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)
REINSPECTION

Classification: IM
Electronic Authorization No.: 056
Date: 10/15/2014

Inspection Fee $0.00
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $6.25

Make: DODG
Year: 2003
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D8GP24R43B340518
County: NEW HANOVER
TIN Number: 254110453678

Vehicle Type: Light Duty
Plate Number: TA7588
Odometer Reading: 326120
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 326081
Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

********************************************************************************

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors PASS
Window Tinting N/A

********************************************************************************

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

********************************************************************************

* OBDII Test Results *
* FAIL *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Fail *
* Engine RPM at Reading 809 *

********************************************************************************

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic SHANNON WARD

Owner's Repair Authorization

********************************************************************************

RETAIN THIS COPY FOR YOUR RECORDS

☐ Habitat of Air Quality $3.00
☐ Telecommunications $1.75
☐ Emissions Program $3.00
☐ Highway Fund $0.50
☐ Volunteer Rescue/EMS $0.18
☐ Rescue Squad Relief $0.12
☐ Inspection Station $0.00(min) - $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

<table>
<thead>
<tr>
<th>Classification:</th>
<th>IM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic Authorization No.:</td>
<td>009</td>
</tr>
<tr>
<td>Date:</td>
<td>05/30/2014</td>
</tr>
</tbody>
</table>

**Passed**

<table>
<thead>
<tr>
<th>Inspection Fee:</th>
<th>$23.75</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-Auth. Fee:</td>
<td>$6.25</td>
</tr>
<tr>
<td>Window Tinting Fee:</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total Fees:</td>
<td>$30.00</td>
</tr>
</tbody>
</table>

| Make: | DODG |
| Year: | 2003 |
| Engine Size (cc): | 3300 |
| Body Style: | MINIVAN |
| VIN: | 1D4GP24353B284750 |
| County: | NEW HANOVER |
| TIN Number: | 504510476970 |

Vehicle Type: Light Duty
Plate Number: TA6786
Odometer Reading: 300111
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 
Motor Vehicle Dealer Number: 

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment

| Headlights | PASS |
| Parking Lights | PASS |
| Tail Lights | PASS |
| Beam Indicator Light/Switch | PASS |
| License Plate Light | PASS |
| Stop Light | PASS |
| Directional Signals | PASS |
| Horn | PASS |
| Windshield Wipers | PASS |
| Rear View Mirrors | PASS |
| Foot Brake | PASS |
| Emergency Brake | PASS |
| Steering Mechanism | PASS |
| Tires | PASS |
| Exhaust System | PASS |
| Clearance Lights | N/A |
| Reflectors | N/A |
| Window Tinting | 23.75 |

Tampering Inspection

| Catalytic Converter | PASS |
| Air Injection System | N/A |
| PCV Valve | PASS |
| Unleaded Gas Restrictor | PASS |
| Exhaust Gas Recirculation | N/A |
| Thermostatic Air Control | N/A |
| Fuel Evaporative Control | PASS |
| Oxygen Sensor | PASS |
| Gasoline Tank Cap | PASS |

OBDII Test Results

| MIL Bulb Working | Pass |
| Connector Damage | Pass |
| Communications Established | Pass |
| MIL Commanded-On | Pass |
| Engine RPM at Reading | 750 |

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number: 
Inspector-Mechanic: SHANNON WARD

Owner's Repair Authorization

RETAIN THIS COPY FOR YOUR RECORDS

Division of Air Quality = $0.65
Emissions Program = $3.00
Volunteer Rescue/EMS = $0.18
Inspection Station = $0.00(min) - $23.75(max) *
Telecommunication = $1.75
Highway Fund = $0.55
Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 027
Date: 06/30/2014

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Make: DODG
Year: 2003
Engine Size (cc): 4700
Body Style: SPORT/UTILITY
VIN: 1D4HS58N83F568141
County: NEW HANOVER
TIN Number: 224460411771

Vehicle Type: Light Duty
Plate Number: NONE
Odometer Reading: 143996
Number of Cylinders: 8
Type of Fuel: GASOLINE
Previous Odometer:

Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation N/A
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

* OBDII Test Results *
* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 735 *

Safet: Equipment
Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflector N/A
Window Tinting N/A

23.75

8.65
1.75
0.66
0.55
0.18
1.12

Station Number: 34447
Inspection Class: Emissions
Fares Exemption Number:

Analyzer Number: EZ520656
Ver. 1102
Receipt/Statement Number: 10870
Waiver Number:

Inspector-Mechanic SHANNON WARD

Owner's Repair Authorization

RETAINT HIS COPY FOR YOUR RECORDS

☐ Air Quality = $5.05
☐ Telecommunication = $1.75

☐ Emissions Program = $3.00
☐ Highway Fund = $0.85

☐ Vehicle Rescue/EMS = $0.18
☐ Rescue Squad Relief = $0.12

☐ Inspection Station = $0.00(min) $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 045
Date: 07/28/2014

Make: DODG
Year: 2003
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24363B165010
County: NEW HANOVER
TIN Number: 044110401570

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment
Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting 23.75

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation N/A
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

OBDII Test Results
PASS
MIL Bulb Working Pass
Connector Damage Pass
Communications Established Pass
MIL Commanded-On Pass
Engine RPM at Reading 772

Analyzer Number: EZ520656  Ver. 1102
Receipt/Statement Number: 10986

Owner's Repair Authorization

RETAINT HIS COPY FOR YOUR RECORDS

□ Division of Air Quality = $0.65
□ Emissions Program = $3.00
□ Volunteer Rescue/EMS = $0.18
□ Inspection Station = $0.00(min) - $23.75(max)*

□ Telecommunication = $1.75
□ Highway Fund = $0.55
□ Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
**STATE OF NORTH CAROLINA**  
VEHICLE INSPECTION RECEIPT/STATEMENT

**SAFETY AND EMISSIONS (OBDII)**

<table>
<thead>
<tr>
<th>Classification:</th>
<th>IM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic Authorization No.:</td>
<td>046</td>
</tr>
<tr>
<td>Date:</td>
<td>04/20/2015</td>
</tr>
</tbody>
</table>

**PASSED**

| Make: | DODG |
| Year: | 2006 |
| Engine Size (cc): | 3300 |
| Body Style: | MINIVAN |
| VIN: | 1D4GP25R76B714690 |
| County: | NEW HANOVER |
| TIN Number: | 244990463670 |

Vehicle Type: Light Duty  
Plate Number: TB1533  
Odometer Reading: 247824  
Number of Cylinders: 6  
Type of Fuel: GASOLINE  
Previous Odometer:  
Motor Vehicle Dealer Number:  

See your vehicle's registration card for your next Inspection Due Date.

**Tampering Inspection**

<table>
<thead>
<tr>
<th>Safety Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
</tr>
<tr>
<td>Parking Lights</td>
</tr>
<tr>
<td>Tail Lights</td>
</tr>
<tr>
<td>Beam Indicator Light/ Switch</td>
</tr>
<tr>
<td>License Plate Light</td>
</tr>
<tr>
<td>Stop Light</td>
</tr>
<tr>
<td>Directional Signals</td>
</tr>
<tr>
<td>Horn</td>
</tr>
<tr>
<td>Windshield Wipers</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
</tr>
<tr>
<td>Foot Brake</td>
</tr>
<tr>
<td>Emergency Brake</td>
</tr>
<tr>
<td>Steering Mechanism</td>
</tr>
<tr>
<td>Tires</td>
</tr>
<tr>
<td>Exhaust System</td>
</tr>
<tr>
<td>Clearance Lights</td>
</tr>
<tr>
<td>Reflectors</td>
</tr>
<tr>
<td>Window Tinting</td>
</tr>
</tbody>
</table>

**OBDII Test Results**

<table>
<thead>
<tr>
<th>Analyzer Number: EZ320656</th>
<th>Ver. 1102</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Meter Code: 12373</td>
<td>Waiver Number:</td>
</tr>
</tbody>
</table>

Owner's Repair Authorization _______________

**RETAIL THIS COPY FOR YOUR RECORDS**

- Division of Air Quality = $0.65
- Emissions Program = $3.20
- Volunteer Rescue/EMS = $0.18
- Inspection Station = $0.09(min) - $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 031
Date: 03/26/2015

Make: DODG
Year: 2006
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24R86B555664
County: NEW HANOVER
TIN Number: 534650469174

See your vehicle’s registration card for your next Inspection Due Date.

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflector N/A
Window Tinting 23.75

Tampering Inspection

Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

************************************************************

* OBDII Test Results *
* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 754 *

**************************

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic SHANNON WARD

Analyzer Number: EZ520656 Ver. 1102
Receipt/Statement Number: 12247
Waiver Number:

Owner’s Repair Authorization ___________________________

RETAiN THIS COPY FOR YOUR RECORDS

- Division of Air Quality = $0.65
- Telecommunication = $1.75
- Emissions Program = $3.00
- Highway Fund = $0.55
- Volunteer Rescue/EMS = $0.18
- Rescue Squad Relief = $0.12
- Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBD II)

Classification: IM
Electronic Authorization No.: 089
Date: 09/25/2014

Make: DODGE
Year: 2006
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP44R56B57477
County: NEW HANOVER
TIN Number: 184410479977

See your vehicle’s registration card for your next inspection Due Date.

******************************************************************************

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Roof View Mirrors PASS
Foot Brakes PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting N/A

******************************************************************************

Label - Inspection

Charger - Converter PASS
Air Fuel Ratio System N/A
CO2 PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS

******************************************************************************

BAD Test Results

* with both working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* No Commanded-Off Pass *

Rose Test Reading: 742 *

******************************************************************************

Station Number: 34447
Inspection Class: Emissions

Owner’s Name: WARD
Owner’s Address: 11304

RETAINT THIS COPY FOR YOUR RECORD

Total Inspection Fee: $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification:  IM
Electronic Authorization No.: 088
Date: 01/15/2015

***********************
* PASSED *
***********************

Make: DODG
Year: 2004
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP45R34B537726
County: NEW HANOVER
TIN Number: 584210478876

Vehicle Type: Light Duty
Plate Number: TB1520
Odometer Reading: 252276
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer:
Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

***********************
Safety Equipment
***********************

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflector N/A
Window Tinting 23.75% N/A

***********************
Tampering Inspection
***********************

Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

* OBDII Test Results *
* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 752 *

***********************
Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:
Inspector-Mechanic SHANNON WARD

Analyzer Number: EZ520656  Ver. 1102
Receipt/Statement Number: 11879
Waiver Number:

Owner's Repair Authorization _________________________

RETAIN THIS COPY FOR YOUR RECORDS

☐ Division of Air Quality = $0.85  ☐ Telecommunication = $1.75
☐ Emissions Program = $3.29  ☐ Highway Fund = $0.55
☐ Volunteer Rescue/EMS = $0.18  ☐ Rescue Squad Relief = $0.12

☐ Inspection Station - $0.00(min) - $23.75(max)*

Total Inspection Fee $6.25 (min) - $30.00

[Signature]
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 061
Date: 02/05/2015

Make: DODG
Year: 2006
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24R76B658459
County: NEW HANOVER
TIN Number: 564320448179

Vehicle Type: Light Duty
Plate Number: TB3894
Odometer Reading: 195398
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 

Motor Vehicle Dealer Number: 

See your vehicle’s registration card for your next Inspection Due Date.

******************************************************************************
Safety Equipment
-----------------------------------------------------------------------------
Headlights           PASS
Parking Lights       PASS
Tail Lights           PASS
Beam Indicator Light/Switch PASS
License Plate Light   PASS
Stop Light            PASS
Directional Signals  PASS
Horn                 PASS
Windshield Wipers    PASS
Rear View Mirrors    PASS
Foot Brake            PASS
Emergency Brake      PASS
Steering Mechanism   PASS
Tires                PASS
Exhaust System       PASS
Clearance Lights     N/A
Reflectors           N/A
Window Tinting       23.75

******************************************************************************

Tampering Inspection
---------------------------------------------------------------
Catalytic Converter         PASS
Air Injection System        N/A
PCV Valve                    PASS
Unleaded Gas Restrictor      PASS
Exhaust Gas Recirculation   PASS
Thermostatic Air Control    N/A
Fuel Evaporative Control    PASS
Oxygen Sensor                PASS
Gasoline Tank Cap            PASS

******************************************************************************

* OBDII Test Results*
* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 763 *

******************************************************************************

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:
Inspector-Mechanic WARD

Analyzer Number: EZ520656
Ver. 1102
Receipt/Statement Number: 11986
Waiver Number:

Owner’s Repair Authorization ________________

RETAINTHIS COPY FOR YOUR RECORDS

☐ Division of Air Quality = $0.65
☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.18
☐ Inspection Station = $0.00(min) - $23.75(max)*

☐ Telecommunication = $1.75
☐ Highway Fund = $0.50
☐ Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
**STATE OF NORTH CAROLINA**
**VEHICLE INSPECTION RECEIPT/STATEMENT**

**SAFETY AND EMISSIONS (OBDII)**

<table>
<thead>
<tr>
<th>Classification:</th>
<th>IM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic Authorization No.:</td>
<td>031</td>
</tr>
<tr>
<td>Date:</td>
<td>12/17/2014</td>
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</tbody>
</table>

- **Inspection Fee**: $23.75
- **E-Auth. Fee**: $6.25
- **Window Tinting Fee**: $0.00
- **Total Fees**: $30.00

**Make**: CHRY
**Year**: 2005
**Engine Size (cc)**: 3300
**Body Style**: MINIVAN
**VIN**: 1C4GP45RX5B379917
**County**: NEW HANOVER
**TIN Number**: 134110499177

See your vehicle's registration card for your next Inspection Due Date.

**Tampering Inspection**
- Catalytic Converter: PASS
- Air Injection System: N/A
- PCV Valve: PASS
- Unleaded Gas Restrictor: PASS
- Exhaust Gas Recirculation: PASS
- Thermostatic Air Control: N/A
- Fuel Evaporative Control: PASS
- Oxygen Sensor: PASS
- Gasoline Tank Cap: PASS

**OBDII Test Results**
- MIL Bulb Working: Pass
- Connector Damage: Pass
- Communications Established: Pass
- MIL Commanded-On: Pass
- Engine RPM at Reading: 756

**Station Number**: 34447
**Analyzer Number**: EZ520656
**Ver.**: 1102
**Inspection Class**: Emissions
**Receipt/Statement Number**: 11750
**Waiver Number**: 

**Owner's Repair Authorization**: 

---

**SHANNON WARD**

**RETAIL THIS COPY FOR YOUR RECORDS**

- Division of Air Quality = $0.65
- Telecommunication = $1.75
- Emissions Program = $3.00
- Highway Fund = $0.55
- Volunteer Rescue/EMS = $0.18
- Rescue Squad Relief = $0.12
- Inspection Station = $0.00(min) - $23.75(max)

**Total Inspection Fee**: $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 038
Date: 12/17/2014

Make: DODG
Year: 2007
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24R97B256265
County: NEW HANOVER
TIN Number: 634610427875

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>PASS</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Beam Indicator Light/Switch</td>
<td>PASS</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Stop Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>PASS</td>
</tr>
<tr>
<td>Horn</td>
<td>PASS</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>PASS</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>PASS</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>PASS</td>
</tr>
<tr>
<td>Tires</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>PASS</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>23.75</td>
</tr>
</tbody>
</table>

Tampering Inspection

<table>
<thead>
<tr>
<th>System</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalytic Converter</td>
<td>PASS</td>
</tr>
<tr>
<td>Air Injection System</td>
<td>N/A</td>
</tr>
<tr>
<td>PCV Valve</td>
<td>PASS</td>
</tr>
<tr>
<td>Unleaded Gas Restrictor</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust Gas Recirculation</td>
<td>PASS</td>
</tr>
<tr>
<td>Thermostatic Air Control</td>
<td>N/A</td>
</tr>
<tr>
<td>Fuel Evaporative Control</td>
<td>PASS</td>
</tr>
<tr>
<td>Oxygen Sensor</td>
<td>PASS</td>
</tr>
<tr>
<td>Gasoline Tank Cap</td>
<td>PASS</td>
</tr>
</tbody>
</table>

* OBDII Test Results
  * PASS
  * MIL Bulb Working Pass
  * Connector Damage Pass
  * Communications Established Pass
  * MIL Commanded-On Pass
  * Engine RPM at Reading 761

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number: 
Inspector-Mechanic
SHANNON WARD

Analyzer Number: EZ520656
Receipt/Statement Number: 11743
Waiver Number: 
Owner's Repair Authorization

RETAINTHISCOPYFORYOURRECORDS

☐ Division of Air Quality = $0.85
☐ Telecommunication = $1.75
☐ Emissions Program = $3.00
☐ Highway Fund = $0.55
☐ Volunteer Rescue/EMS = $0.18
☐ Rescue Squad Relief = $0.12
☐ Inspection Station = $0.00(min) - $23.75(max)*

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 035
Date: 12/17/2014

* PASSED *

----------

Identification
Make: DODG
Year: 2007
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D8GP45R07B139408
County: NEW HANOVER
TIN Number: 434090444578

Vehicle Type: Light Duty
Plate Number: TB1555
Odometer Reading: 220453
Number of Cylinders: 6
Type of Fuel: GASOLINE

Motor Vehicle Dealer Number:

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

OBDII Test Results
* PASS
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 750 *

Safety Equipment
Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting N/A

0.12 0.55 1.75 3.00 0.65

---

Station Number: 34447
Analyzer Number: EZ520656
Inspection Class: Emissions
Receipt/Statement Number: 11746
Parts Exemption Number:
Waiver Number:

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Owner's Repair Authorization

RETAINT THIS COPY FOR YOUR RECORDS

Division of Air Quality = $0.65
Telecommunication = $1.75

Emissions Program = $3.00
Highway Fund = $0.55

Volunteer Rescue/EMS = $0.18
Rescue Squad Relief = $0.12

Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 025
Date: 12/10/2014

Make: DODG
Year: 2005
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D8GP4SR85B264363
County: NEW HANOVER
TIN Number: 624670433573

Vehicle Type: Light Duty
Plate Number: TA8197
Odometer Reading: 348746
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer:

Motor Vehicle Dealer Number:

See your vehicle’s registration card for your next Inspection Due Date.

********************************************************************************
Safety Equipment
Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting 23.75

********************************************************************************

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

********************************************************************************

* OBDII Test Results *
* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 739 *

********************************************************************************

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:
Inspection-Mechanic
SHANNON WARD

Analyzer Number: EZ520656
Ver. 1102
Receipt/Statement Number: 11689
Waiver Number:

Owner’s Repair Authorization

RETAIL THIS COPY FOR YOUR RECORDS

☐ Division of Air Quality = $0.66
☐ Telecommunication = $1.75
☐ Emissions Program = $3.00
☐ Highway Fund = $0.55
☐ Volunteer Rascue/EMS = $0.18
☐ Rescue Squad Relief = $0.12
☐ Inspection Station = $0.90(min) - $23.75(max)*

Total Inspection Fee $6.25 (min) - $30.00
**STATE OF NORTH CAROLINA**
**VEHICLE INSPECTION RECEIPT/STATEMENT**

**SAFETY AND EMISSIONS (OBDII)**

Classification: IM  
Electronic Authorization No.: 028  
Date: 11/04/2014  

Make: DODGE  
Year: 2008  
Engine Size (cc): 3300  
Body Style: MINIVAN  
VIN: 2D8HN440668R55052  
County: NEW HANOVER  
TIN Number: 624570404872

* **PASSED** *

**---------------------------**
**---------------------------**

Inspection Fee $23.75  
E-Auth Fee $6.25  
Window Tinting Fee $0.00  
Total Fees $30.00

Vehicle Type: Light Duty  
Plate Number: 72179D  
Odometer Reading: 150034  
Number of Cylinders: 6  
Type of Fuel: GASOLINE  
Previous Odometer:

Motor Vehicle Dealer Number: 72179D

---

See your vehicle's registration card for your next Inspection Due Date.

**------------------------------**
**------------------------------**

Tampering Inspection  
Catalytic Converter PASS  
Air Injection System N/A  
PCV Valve PASS  
Unleaded Gas Restrictor PASS  
Exhaust Gas Recirculation PASS  
Thermostatic Air Control N/A  
Fuel Evaporative Control PASS  
Oxygen Sensor PASS  
Gasoline Tank Cap PASS

**------------------------------**
**------------------------------**

* **OBDII Test Results** *

* PASS *

* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 678 *

**------------------------------**
**------------------------------**

Station Number: 34447  
Inspection Class: Emissions  
Parts Exemption Number:  

Analyzer Number: EZ520656  
Receipt/Statement Number: 11539  
Waiver Number:  

Inspector-Mechanic  
SHANNON  
WARD

Owner's Repair Authorization ____________________________________________

RETAIN THIS COPY FOR YOUR RECORDS

**------------------------------**
**------------------------------**

No matching record was found on file for this vehicle on the State Host computer. It is your responsibility to contact DMV to resolve this issue and ensure credit for this inspection.

**------------------------------**
**------------------------------**

□ Division of Air Quality = $0.65  
□ Telecommunication = $1.75  
□ Emissions Program = $3.30  
□ Highway Fund = $0.55

□ Volunteer Rescue/EMS = $0.18  
□ Rescue Squad Relief = $0.12

□ Inspection Station = $5.69(min) - $23.75(max) *

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 047
Date: 10/29/2014

Make: DODG
Year: 2006
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP45RX6B573612
County: NEW HANOVER
TIN Number: 244110469772

See your vehicle's registration card for your next Inspection Due Date.

Tampering Inspection
Catalytic Converter: PASS
Air Injection System: N/A
PCV Valve: PASS
Unleaded Gas Restrictor: PASS
Exhaust Gas Recirculation: PASS
Thermostatic Air Control: N/A
Fuel Evaporative Control: PASS
Oxygen Sensor: PASS
Gasoline Tank Cap: PASS

** OBDII Test Results
* MIL Bulb Working: Pass
* Connector Damage: Pass
* Communications Established: Pass
* MIL Commanded-On: Pass
* Engine RPM at Reading: 757

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:
Inspector-Mechanic: SHANNON WARD

Analyzer Number: EZ520656
Ver. 1102
Receipt/Statement Number: 11518
Waiver Number:
Owner's Repair Authorization

RETAINTHIS COPY FOR YOUR RECORDS

☐ Division of Air Quality = $0.55
☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.18
☐ Inspection Station = $0.00(min) - $23.75(max)
☐ Telecommunication = $1.75
☐ Highway Fund = $0.55
☐ Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 054
Date: 11/10/2014

Make: Dodge
Year: 2006
Engine Size: 3800
Body Style: Minivan
VIN: 2D4GP44LX6R848670
County: NEW HANOVER
TIN: 651720160430

Vehicle Type: Light Duty
Plate Number: TB1551
Odometer Reading: 270203
Number of Cylinders: 6
Type of Fuel: Gasoline
Previous Odometer: 269151
Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date

***************************************************************
Safety Equipment
Headlights  Pass
Parking Lights  Pass
Tail Lights  Pass
Beam Indicator Light/Switch  Pass
License Plate Light  Pass
Stop Light  Pass
Directional Signals  Pass
Horn  Pass
Windshield Wipers  Pass
Rear View Mirrors  Pass
Foot Brake  Pass
Emergency Brake  Pass
Steering Mechanism  Pass
Tires  Pass
Exhaust System  Pass
Clearance Lights  N/A
Reflectors  N/A
Window Tinting  N/A

***************************************************************
Tampering Inspection
Catalytic Converter  Pass
Air Injection System  N/A
PCV Valve  Pass
Unleaded Gas Restrictor  Pass
Exhaust Gas Recirculation  Pass
Thermostatic Air Control  N/A
Fuel Evaporation Control  Pass
Oxygen Sensor  Pass
Gasoline Tank Cap  Pass

***************************************************************
OBDII Test Results
PASS
MIL Bulb Working  Pass
Connector Damage  Pass
Communications Established  Pass
MIL Commanded-On  Pass
Engine RPM at Reading  847

***************************************************************
Station Number: 80113
Inspection Class: Safety/Emission
Parts Exemption Number:
Inspector Mechanic: JOSHUA R. STRAND
Analyzer Number: DZ001878  Ver: 1104
Receipt/Statement Number: 00025761
Waiver Number:
Owner's Repair Authorization:

RETAIN THIS COPY FOR YOUR RECORDS

☐ Telecommunication = $1.75
☐ Emissions Program = $3.00
☐ Highway Fund = $0.55
☐ Volunteer Rescue/EMS = $0.18
☐ Rescue Squad Relief = $0.12
☐ Inspection Station = $0.00(min) - $23.75(max)
☐ Division of Air Quality = $0.65

Total Inspection Fee $6.25(min) - $30.00 (max)
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 047
Date: 10/29/2014

***************
* PASSED *
***************

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Make: DCXDG
Year: 2006
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP45RX6B573612
County: NEW HANOVER
TIN Number: 244110469772

Vehicle Type: Light Duty
Plate Number: TB1549
Odometer Reading: 193523
Number of Cylinders: 6
Type of Fuel: GASOLINE

Motor Vehicle Dealer Number:

See your vehicle’s registration card for your next Inspection Due Date.

Safety Equipment

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>PASS</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PASS</td>
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<tr>
<td>Beam Indicator Light/Switch</td>
<td>PASS</td>
</tr>
<tr>
<td>License Plate Light</td>
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</tr>
<tr>
<td>Stop Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Directional Signals</td>
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<td>Horn</td>
<td>PASS</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>PASS</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>PASS</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>PASS</td>
</tr>
<tr>
<td>Tires</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>PASS</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>23.75</td>
</tr>
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</table>

Tampering Inspection

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalytic Converter</td>
<td>PASS</td>
</tr>
<tr>
<td>Air Injection System</td>
<td>N/A</td>
</tr>
<tr>
<td>PCV Valve</td>
<td>PASS</td>
</tr>
<tr>
<td>Unleaded Gas Restrictor</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust Gas Recirculation</td>
<td>PASS</td>
</tr>
<tr>
<td>Thermostatic Air Control</td>
<td>N/A</td>
</tr>
<tr>
<td>Fuel Evaporative Control</td>
<td>PASS</td>
</tr>
<tr>
<td>Oxygen Sensor</td>
<td>PASS</td>
</tr>
<tr>
<td>Gasoline Tank Cap</td>
<td>PASS</td>
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</table>

OBDII Test Results

<table>
<thead>
<tr>
<th>Test</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIL Bulb Working</td>
<td>Pass</td>
</tr>
<tr>
<td>Connector Damage</td>
<td>Pass</td>
</tr>
<tr>
<td>Communications Established</td>
<td>Pass</td>
</tr>
<tr>
<td>MIL Commanded-On</td>
<td>Pass</td>
</tr>
<tr>
<td>Engine RPM at Reading</td>
<td>757</td>
</tr>
</tbody>
</table>

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:
Inspector-Mechanic: SHANNON WARD
Owner’s Repair Authorization ___________________________

Analyzer Number: EZS20656 Ver. 1102
Receipt/Statement Number: 11518
Waiver Number: _______________________

RETAIL THIS COPY FOR YOUR RECORDS

- Division of Air Quality = $0.35
- Emissions Program = $3.00
- Volunteer Reserve/EMS = $0.18
- Inspection Station = $0.60(min) - $23.75(max)*

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 010
Date: 11/12/2014

Make: DODG
Year: 2009
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 2D8HN44E49R644641
County: NEW HANOVER
TIN Number: 814450466071

See your vehicle's registration card for your next Inspection Due Date.

Tampering Inspection
- Catalytic Converter: PASS
- Air Injection System: N/A
- PCV Valve: PASS
- Unleaded Gas Restrictor: PASS
- Exhaust Gas Recirculation: PASS
- Thermostatic Air Control: N/A
- Fuel Evaporative Control: PASS
- Oxygen Sensor: PASS
- Gasoline Tank Cap: PASS

- OBDII Test Results
  - MIL Bulb Working: Pass
  - Connector Damage: Pass
  - Communications Established: Pass
  - MIL Commanded-On: Pass
  - Engine RPM at Reading: 735

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number: 
Inspector-Mechanic: SHANNON WARD

RETAIN THIS COPY FOR YOUR RECORDS

- Division of Air Quality = $0.66
- Telecommunication = $1.75
- Emissions Program = $3.00
- Highway Fund = $0.55
- Volunteer Fire/EMS = $0.18
- Rescue Squad false = $0.12
- Inspection Station = $0.00(min) - $23.75(max)*

Total Inspection Fee $6.25 (min) - $30.00

No matching record was found on file for this vehicle on the State Host computer. It is your responsibility to contact DMV to resolve this issue and ensure credit for this inspection.
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 024
Date: 09/16/2014

* PASSED *

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Make: DODG
Year: 2005
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24R75B289424
County: NEW HANOVER
TIN Number: 024220444474

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment

- Headlights: PASS
- Parking Lights: PASS
- Tail Lights: PASS
- Beam Indicator Light/Switch: PASS
- License Plate Light: PASS
- Stop Light: PASS
- Directional Signals: PASS
- Horn: PASS
- Windshield Wipers: PASS
- Rear View Mirrors: PASS
- Foot Brake: PASS
- Emergency Brake: PASS
- Steering Mechanism: PASS
- Tires: PASS
- Exhaust System: PASS
- Clearance Lights: N/A
- Reflectors: N/A
- Window Tinting: 23.75

Tampering Inspection

- Catalytic Converter: PASS
- Air Injection System: N/A
- PCV Valve: PASS
- Unleaded Gas Restrictor: PASS
- Exhaust Gas Recirculation: PASS
- Thermostatic Air Control: N/A
- Fuel Evaporative Control: PASS
- Oxygen Sensor: PASS
- Gasoline Tank Cap: PASS

OBDII Test Results

- MIL Bulb Working: Pass
- Connector Damage: Pass
- Communications Established: Pass
- MIL Commanded-On: Pass
- Engine RPM at Reading: 749

Analyzer Number: EZ520656
Receipt/Statement Number: 11253

RETAIL THIS COPY FOR YOUR RECORDS

- Division of Air Quality = $0.65
- Telecommunications = $1.78
- Emissions Program = $3.00
- Highway Fund = $0.56
- Volunteer Rescue/Emer = $0.18
- Rescue Squad Relief = $0.12
- Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00

Owner's Repair Authorization

Inspectors-Mechanic: SHANNON
Parts Exemption Number:

Ver. 1102
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 023
Date: 09/16/2014

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Make: CHEV
Year: 2004
Engine Size (cc): 3400
Body Style: SEDAN
VIN: 2G1WF52E849290748
County: NEW HANOVER
TIN Number: 324460471378

Vehicle Type: Light Duty
Plate Number: TA6095
Odometer Reading: 154467
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer:
Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

*****************************************
Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/ Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflector PASS
Window Tinting 23.75

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

OBDII Test Results
* MIL Bulb Working Pass
* Connector Damage Pass
* Communications Established Pass
* MIL Commanded-On Pass
* Engine RPM at Reading 724
* OBDII Test Results

*****************************************
Station Number: 34447
Inspector-Mechanic: SHANNON

Analyzer Number: EZS20656
Receipt/Statement Number: 11254

RETAIL THIS COPY FOR YOUR RECORDS

Division of Air Quality = $0.66
Telecommunication = $1.76
Emissions Program = $3.00
Highway Fund = $0.55
Volunteer Rescue/EMS = $0.18
Rescue Squad Relief = $0.12
Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 028
Date: 11/04/2014

* Passed *

Inspection Fee $23.75
E-Auth Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Make: DODG
Year: 2008
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 2D8HN44H68R655052
County: NEW HANOVER
TIN Number: 624570404872

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment
Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting 23.75

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

OBDII Test Results
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 678 *

Analyzer Number: EZ520656
Ver. 1102
Receipt/Statement Number: 11539
Waiver Number:

Owner's Repair Authorization

SHANNON WARD

RETAIL THIS COPY FOR YOUR RECORDS

No matching record was found on file for this vehicle on the State Host computer. It is your responsibility to contact DMV to resolve this issue and ensure credit for this inspection.

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 025
Date: 09/15/2014

Make: DODGE
Year: 2007
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24R47B211735
County: NEW HANOVER
TIN Number: 624390474575

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>PASS</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Beam Indicator Light</td>
<td>PASS</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Stop Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>PASS</td>
</tr>
<tr>
<td>Horn</td>
<td>PASS</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>PASS</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>PASS</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>PASS</td>
</tr>
<tr>
<td>Tires</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>PASS</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Tampering Inspection

<table>
<thead>
<tr>
<th>Component</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalytic Converter</td>
<td>PASS</td>
</tr>
<tr>
<td>Air Injection System</td>
<td>N/A</td>
</tr>
<tr>
<td>PCV Valve</td>
<td>PASS</td>
</tr>
<tr>
<td>Unleaded Gas Restrictor</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust Gas Recirculation</td>
<td>PASS</td>
</tr>
<tr>
<td>Thermostatic Air Control</td>
<td>N/A</td>
</tr>
<tr>
<td>Fuel Evaporative Control</td>
<td>PASS</td>
</tr>
<tr>
<td>Oxygen Sensor</td>
<td>PASS</td>
</tr>
<tr>
<td>Gasoline Tank Cap</td>
<td>PASS</td>
</tr>
</tbody>
</table>

**OBDII Test Results**

- MIL Bulb Working Pass *
- Connector Damage Pass *
- Communications Established Pass *
- MIL Commanded-On Pass *
- Engine RPM at Reading 757 *

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic: SHANNON WARD

Analyzer Number: EZ520656
Receipt/Statement Number: 11251
Waiver Number:

Owner's Repair Authorization ____________________________

RETAIN THIS COPY FOR YOUR RECORDS

☐ Division of Air Quality = $0.65
☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.18
☐ Inspection Station = $0.00(min) - $23.75(max)*

☐ Telecommunication = $1.75
☐ Highway Fund = $0.55
☐ Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 109
Date: 07/11/2014

[Image of a passed inspection]

Make: Dodge
Year: 2005
Engine Size: 3800
Body Style: Minivan
VIN: 2D4GP44L35R258437
County: NEW HANOVER
TIN: 502331147947

Vehicle Type: Light Duty
Plate Number: TA9893
Odometer Reading: 184038
Number of Cylinders: 6
Type of Fuel: Gasoline
Previous Odometer:
Motor Vehicle Dealer Number:

See your vehicle’s registration card for your next Inspection Due Date

Safety Equipment

<table>
<thead>
<tr>
<th>Item</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>Pass</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>Pass</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>Pass</td>
</tr>
<tr>
<td>Beam Indicator Light/ Switch</td>
<td>Pass</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>Pass</td>
</tr>
<tr>
<td>Stop Light</td>
<td>Pass</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>Pass</td>
</tr>
<tr>
<td>Horn</td>
<td>Pass</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>Pass</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>Pass</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>Pass</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>Pass</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>Pass</td>
</tr>
<tr>
<td>Tires</td>
<td>Pass</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>Pass</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflector</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Tampering Inspection

<table>
<thead>
<tr>
<th>Item</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalytic Converter</td>
<td>Pass</td>
</tr>
<tr>
<td>Air Injection System</td>
<td>N/A</td>
</tr>
<tr>
<td>PCV Valve</td>
<td>Pass</td>
</tr>
<tr>
<td>Unleaded Gas Restrictor</td>
<td>Pass</td>
</tr>
<tr>
<td>Exhaust Gas Recirculation</td>
<td>Pass</td>
</tr>
<tr>
<td>Thermostatic Air Control</td>
<td>N/A</td>
</tr>
<tr>
<td>Fuel Evaporation Control</td>
<td>Pass</td>
</tr>
<tr>
<td>Oxygen Sensor</td>
<td>Pass</td>
</tr>
<tr>
<td>Gasoline Tank Cap</td>
<td>Pass</td>
</tr>
</tbody>
</table>

OBDII Test Results

PASS

<table>
<thead>
<tr>
<th>Item</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIL Bulb Working</td>
<td>Pass</td>
</tr>
<tr>
<td>Connector Damage</td>
<td>Pass</td>
</tr>
<tr>
<td>Communications Established</td>
<td>Pass</td>
</tr>
<tr>
<td>MIL Commanded-On</td>
<td>Pass</td>
</tr>
<tr>
<td>Engine RPM at Reading</td>
<td>797</td>
</tr>
</tbody>
</table>

Station Number: 16124
Inspection Class: Safety/Emission
Parts Exemption Number:
Inspector Mechanic: MICHAEL E. TALLENT

Analyzer Number: DZ001659 Ver: 1104
Receipt/Statement Number: 00015925
Waiver Number:
Owner's Repair Authorization:

RETAINT THIS COPY FOR YOUR RECORDS

☑ Telecommunication = $1.75 ☑ Emissions Program = $3.00
☑ Highway Fund = $0.55 ☑ Volunteer Rescue/EMS = $0.18
☑ Rescue Squad Relief = $0.12 ☑ Inspection Station = $0.00(min) - $23.75(max)
☑ Division of Air Quality = $0.85

Total Inspection Fee $6.25(min) - $30.00 (max)
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 014
Date: 06/10/2014

Make: DODG
Year: 2006
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24R46B621666
Location: NEW HANOVER
Tit Number: 914610464471

Vehicle Type: Light Duty
Plate Number: TB1573
Vehicle Type: GASOLINE
Odometer Reading: 174335
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer:
Motor Vehicle Dealer Number:

Tampering Inspection
Catalytic Converter PASS
Air Inj. System N/A
PCV Valve PASS
Unleaded Gas.Restrictor PASS
Exhaust Gas Recirculation N/A
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

* OBDII Test Results*
* M/T, Bulb Working Pass
* Connector Damage Pass
* Communications Established Pass
* M/T, Commanded-On Pass
* Engine RPM at Reading 758

Safety Equipment
Headlight PASS
Parking Lights PASS
Tail Lights PASS
Front Indicator Light/Switch PASS
Side Marker Light PASS
Odometer Signals PASS
 Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Fuel Cap PASS
Emergency Brake PASS
Parking Mechanism PASS
Front Suspension PASS
Rear Suspension PASS
Front Brakes PASS
Rear Brakes PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting 23.75

Owner's Repair Authorization

PATENT NUMBER: 34447
Registration Class: Emissions
Permit Exemption Number:

Inspector/Mechanic
SHANNON WARD

RETAIN THIS COPY FOR YOUR RECORDS

Oxidation of Air Quality = $0.65
Highway Fuel = $0.65
Oxidation Program = $3.00
Rescue Squad Relief = $0.12
Occupational Air Quality = $0.19
Police Fire Station = $0.00

Total inspection Fee $6.25 (min) - $30.00
# STATE OF NORTH CAROLINA

**VEHICLE INSPECTION RECEIPT/STATEMENT**

## SAFETY AND EMISSIONS (OBDII)

<table>
<thead>
<tr>
<th>Classification:</th>
<th>IM</th>
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<tbody>
<tr>
<td>Electronic Authorization No.:</td>
<td>019</td>
</tr>
<tr>
<td>Date:</td>
<td>06/06/2014</td>
</tr>
<tr>
<td>Inspection Fee</td>
<td>$23.25</td>
</tr>
<tr>
<td>E-Auth. Fee</td>
<td>$6.25</td>
</tr>
<tr>
<td>Window Tinting Fee</td>
<td>$0.65</td>
</tr>
<tr>
<td>Total Fees</td>
<td>$30.69</td>
</tr>
</tbody>
</table>

**Make:** DODG
**Year:** 2005
**Engine Size (cc):** 3300
**Body Style:** MINIVAN
**VIN:** 1D4GP24R9B123678
**County:** NEW HANOVER
**Vehicle Type:** Light Duty
**Plate Number:** TA9534
**Odometer Reading:** 384095
**Number of Cylinders:** 6
**Type of Fuel:** GASOLINE
**Previous Odometer:**

### Safety Equipment
- **Headlights:** PASS
- **Parking Lights:** PASS
- **Tail Lights:** PASS
- **Turn Indicator Light/Switch:** PASS
- **License Plate Light:** PASS
- **Stop Light:** PASS
- **Directional Signals:** PASS
- **Horn:** PASS
- **Windshield Wipers:** PASS
- **Rear View Mirrors:** PASS
- **Floor Mats:** PASS
- **Emergency Brake:** PASS
- **Steering mechanism:** PASS
- **Tires:** PASS
- **Brake System:** PASS
- **Clearance Lights:** N/A
- **Reflector:** N/A
- **Window Tinting:** 23.75

### OBDII Test Results
- **PASS**
  - Catalytic Converter
  - Air Injection System
  - Emission Control
  - Evaporative System
  - Hydrocarbon Emissions
  - Oxygen Sensor
  - Gasoline Tank Cap

### Tampering Inspection
- **PASS**
  - Catalytic Converter
  - Air Injection System
  - Emission Control
  - Evaporative System
  - Hydrocarbon Emissions
  - Oxygen Sensor
  - Gasoline Tank Cap

**Analyzer Number:** EZN20656
**Receipt/Statement Number:** 10796

**Retain this copy for your records**

- **Exemptions:** Air Quality = $0.00, Emission = $1.75, Highway Fuel = $0.95, Volunteer Rescue/EMS = $0.18, Rescue Standby = $0.12
- **Inspection Station:** $0.00 (min) - $23.25 (max)

**Total Inspection Fee:** $30.69
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 024
Date: 05/08/2014

Inspection Fee $23.75
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $30.00

Vehicle Type: Light Duty
Plate Number: TB1568
Odometer Reading: 188919
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 

Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

---------- End of Vehicle Information ----------

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

**-----------------------------------------------**

OBDII Test Results
MIL Bulb Working Pass
Connector Damage Pass
Communications Established Pass
MIL Commanded-On Pass
Engine RPM at Reading 752

**-----------------------------------------------**

Station Number: 34447
Station Name: Emissions
Test Description Number:

Blog Mechanic WARD

RETAILER'S COPY FOR YOUR RECORDS

Owner's Repair Authorization

---------- End of Test Information ----------

This record was found on the State DMV's computer. It is your responsibility to contact DMV to resolve any issues and ensure credit for this inspection.

Inspection Station = Service Agent

Total Inspection Fee $36.25 (incl.) $30.00
**STATE OF NORTH CAROLINA**  
**VEHICLE INSPECTION RECEIPT/STATEMENT**  

**SAFETY AND EMISSIONS (OBDII)**

<table>
<thead>
<tr>
<th>Classification:</th>
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<tbody>
<tr>
<td>Electronic Authorization No.:</td>
<td>032</td>
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<tr>
<td>Date:</td>
<td>05/05/2014</td>
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</tbody>
</table>

**Passed**

| Inspection Fee | $23.75 |
| E-Auth. Fee | $6.25 |
| Window Tinting Fee | $0.00 |
| Total Fees | $30.00 |

**Make:** DODG  
**Year:** 2006  
**Engine Size (cc):** 3300  
**Body Style:** MINIVAN  
**VIN:** 1D4GP25R76B714690  
**County:** NEW HANOVER  
**TIN Number:** 734960469270

**Vehicle Type:** Light Duty  
**Plate Number:** TB1533  
**Odometer Reading:** 199146  
**Number of Cylinders:** 6  
**Type of Fuel:** GASOLINE  
**Previous Odometer:**

---

**Safety Equipment**

| Headlights | PASS |
| Parking Lights | PASS |
| Tail Lights | PASS |
| Beam Indicator Light/switch | PASS |
| License Plate Light | PASS |
| Stop Light | PASS |
| Directional Signals | PASS |
| Horn | PASS |
| Windshield Wipers | PASS |
| Rear View Mirrors | PASS |
| Foot Brake | PASS |
| Emergency Brake | PASS |
| Steering Mechanism | PASS |
| Tires | PASS |
| Exhaust System | PASS |
| Clearance Lights | N/A |
| Reflections | N/A |
| Window Tinting | 23.75 |

---

**Tampering Inspection**

| Catalytic Converter | PASS |
| Air Injection System | N/A |
| PCV Valve | PASS |
| Unleaded Gas Restrictor | PASS |
| Exhaust Gas Recirculation | PASS |
| Thermostatic Air Control | N/A |
| Fuel Evaporative Control | PASS |
| Oxygen Sensor | PASS |
| Gasoline Tank Cap | PASS |

---

**OBDII Test Results**

- MIL Bulb Working: Pass  
- Connector Damage: Pass  
- Communications Established: Pass  
- MIL Commanded-On: Pass  
- Engine RPM at Reading: 766  

---

**Station Number:** 34447  
**Inspection Class:** Emissions  
**Parts Exemption Number:**

**Inspector-Mechanic:** WARD

---

**Analyzer Number:** EZ520656  
**Receipt/Statement Number:** 10651  
**Waiver Number:**

---

**Owner's Repair Authorization**

---

**RETAINTHISCOPYFORYOURRECORDS**

- [ ] Station of Air Quality = $2.96
- [ ] Emissions Program = $3.00
- [ ] Vehicle Rescue/EMS = $0.15
- [ ] Inspection Station = $0.06(min) - 20% (max)

**Total Inspection Fee $30.00**
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 027
Date: 06/30/2014

**PASSED**

Make: DODG
Year: 2003
Engine Size (cc): 4700
Body Style: SPORT/UTILITY
VIN: 1D4HS58N83F568141
County: NEW HANOVER
TIN Number: 224460411771

See your vehicle's registration card for your next inspection due date.

Safety Equipment

<table>
<thead>
<tr>
<th>Item</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>PASS</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PASS</td>
</tr>
<tr>
<td>Beam Indicator Light/ Switch</td>
<td>PASS</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Stop Light</td>
<td>PASS</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>PASS</td>
</tr>
<tr>
<td>Horn</td>
<td>PASS</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>PASS</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>PASS</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>PASS</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>PASS</td>
</tr>
<tr>
<td>Tires</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust: System</td>
<td>PASS</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>23.75</td>
</tr>
</tbody>
</table>

Tampering Inspection

<table>
<thead>
<tr>
<th>Item</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalytic Converter</td>
<td>PASS</td>
</tr>
<tr>
<td>Air Injection System</td>
<td>N/A</td>
</tr>
<tr>
<td>PCV Valve</td>
<td>PASS</td>
</tr>
<tr>
<td>Unleaded Gas Restrictor</td>
<td>PASS</td>
</tr>
<tr>
<td>Exhaust Gas Recirculation</td>
<td>N/A</td>
</tr>
<tr>
<td>Thermostatic Air Control</td>
<td>N/A</td>
</tr>
<tr>
<td>Fuel Evaporative Control</td>
<td>PASS</td>
</tr>
<tr>
<td>Oxygen Sensor</td>
<td>PASS</td>
</tr>
<tr>
<td>Gasoline Tank Cap</td>
<td>PASS</td>
</tr>
</tbody>
</table>

* OBDII Test Results
  * MIL Bulb Working: Pass
  * Connector Damage: Pass
  * Communications Established: Pass
  * MIL Commanded-On: Pass
  * Engine RPM at Reading: 735

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic: SHANNON  WARD

Analyzer Number: EZ520656
Ver. 1102
Receipt/Statement Number: 10870
Waiver Number:

Owner's Repair Authorization

RETAIL THIS COPY FOR YOUR RECORDS

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civilian of Air Quality</td>
<td>$5.06</td>
</tr>
<tr>
<td>Emissions Program</td>
<td>$3.60</td>
</tr>
<tr>
<td>Volunteer Rescue/EMS</td>
<td>$0.16</td>
</tr>
<tr>
<td>Inspection Station</td>
<td>N/A</td>
</tr>
<tr>
<td>Total Inspection Fee</td>
<td>$6.25 (min) - $30.00</td>
</tr>
</tbody>
</table>
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 021
Date: 05/11/2015

Make: DODG
Year: 2005
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 2D4GP24R25R144924
County: NEW HANOVER
TIN Number: 924280499174

Vehicle Type: Light Duty
Plate Number: 72179D
Odometer Reading: 138246
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 
Motor Vehicle Dealer Number: 72179D

See your vehicle's registration card for your next Inspection Due Date.

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

SAVE THIS COPY FOR YOUR RECORDS

Division of Air Quality = $0.65
Emissions Program = $3.00
Volunteer Rescue/EMS = $0.18
Inspection Station = $0.00(min) - $23.75(max)*

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)
REINSPECTION

Classification: IM
Electronic Authorization No.: 052
Date: 09/10/2014

Make: CHRY
Year: 2002
Engine Size (cc): 3800
Body Style: MINIVAN
VIN: 2C4GP74LX2R604364
County: NEW HANOVER
TIN Number: 554610432274
See your vehicle's registration card for your next Inspection Due Date.

Tampering Inspection

Safety Equipment

- Headlights PASS
- Parking Lights PASS
- Tail Lights PASS
- Beam Indicator Light/Switch PASS
- License Plate Light PASS
- Stop Light PASS
- Directional Signals PASS
- Horn PASS
- Windshield Wipers PASS
- Rear View Mirrors PASS
- Foot Brake PASS
- Emergency Brake PASS
- Steering Mechanism PASS
- Tires PASS
- Exhaust System PASS
- Clearance Lights N/A
- Reflector N/A
- Window Tinting 23.75

Vehicle Type: Light Duty
Plate Number: TB1545
Odometer Reading: 259464
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 259457
Motor Vehicle Dealer Number:

Tampering Inspection

Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation N/A
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

OBDII Test Results
* FAIL
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Fail *
* Engine RPM at Reading 889 *

Station Number: 34447
Analyzer Number: EZ5200566
Ver. 1102
Inspection Class: Emissions
Receipt/Statement Number: 11204
Parts Exemption Number:
Waiver Number: RER27254301
Inspector-Mechanic SHANNON WARD
Owner's Repair Authorization

RETAINTHISCOPYFORYOURRECORDS

☐ Division of Air Quality = $0.65
☐ Emissions Program = $3.00
☐ Volunteer Rescuer/EMS = $0.18
☐ Inspection Station = $0.00(min) - $23.75(max)

☐ Telecommunication = $1.75
☐ Highway Fund = $0.55
☐ Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 009
Date: 05/30/2014

Make: DODG
Year: 2003
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP2435B284750
County: NEW HANOVER
TIN Number: 504510476970

Vehicle Type: Light Duty
Plate Number: TA6786
Odometer Reading: 300111
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 

Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment

Headlights: PASS
Parking Lights: PASS
Tail Lights: PASS
Beacon Indicator Light/Switch: PASS
License Plate Light: PASS
Stop Light: PASS
Directional Signals: PASS
Horn: PASS
Windshield Wipers: PASS
Rear View Mirrors: PASS
Foot Brake: PASS
Emergency Brake: PASS
Steering Mechanism: PASS
Tires: PASS
Exhaust System: N/A
Clearance Lights: N/A
Reflectors: N/A
Window Tinting: 23.75

Tampering Inspection
Catalytic Converter: PASS
Air Injection System: N/A
PCV Valve: PASS
Unleaded Gas Restrictor: PASS
Exhaust Gas Recirculation: N/A
Thermostatic Air Control: N/A
Fuel Evaporative Control: PASS
Oxygen Sensor: PASS
Gasoline Tank Cap: PASS

OBDII Test Results
* PASS
* MIL Bulb Working: Pass
* Connector Damage: Pass
* Communications Established: Pass
* MIL Commanded-On: Pass
* Engine RPM at Reading: 750

Analyzer Number: EZ520656
Ver. 1102
Receipt/Statement Number: 10748
Waiver Number:

Owner's Repair Authorization

RETAIN THIS COPY FOR YOUR RECORDS

☐ Division of Air Quality = $0.66
☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.18
☐ Inspection Station = $0.00(min) - $23.75(max)*

☐ Telecommunication = $1.75
☐ Highway Fund = $0.55
☐ Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization No.: 045
Date: 07/28/2014

Make: DODG
Year: 2003
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D4GP24363B165010
County: NEW HANOVER
TTN Number: 044110401570

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting 23.75

Total Inspection Fee $30.00

Tampering Inspection

Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation N/A
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

* OBDII Test Results *
* PASS *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Pass *
* Engine RPM at Reading 772 *

Inspector-Mechanic
SHANNON WARD

RETAIL THIS COPY FOR YOUR RECORDS

- Division of Air Quality = $0.65
- Emissions Program = $3.00
- Volunteer Rescue/EMS = $0.18
- Inspection Station = $0.00(min) - $23.75(max)*

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)
REINSPECTION

Classification: IM
Electronic Authorization No.: 052
Date: 09/10/2014

Inspection Fee $0.00
E-Auth. Fee $6.25
Window Tinting Fee $0.00
Total Fees $6.25

Make: CHRY
Year: 2002
Engine Size (cc): 3800
Body Style: MINIVAN
VIN: 2C4GP74LX2R604364
County: NEW HANOVER
TIN Number: 554610432274

Vehicle Type: Light Duty
Plate Number: TB1545
Odometer Reading: 259464
Number of Cylinders: 6
Type of Fuel: GASOLINE
Previous Odometer: 259457
Motor Vehicle Dealer Number:

See your vehicle's registration card for your next Inspection Due Date.

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors N/A
Window Tinting 23.75

Tampering Inspection
Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation N/A
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

****************************************************
** OBDII Test Results **
** FAIL **
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Fail *
* Engine RPM at Reading 889 *

Station Number: 34447
Inspection Class: Emissions
Parts Exemption Number:

Inspector-Mechanic SHANNON
WARD

Analyzer Number: EZ520656
Ver. 1102
Receipt/Statement Number: 11204
Waiver Number: RER27254301

Owner's Repair Authorization

RETAI N THIS COPY FOR YOUR RECORDS

☐ Division of Air Quality = $0.05
☐ Telecommunication = $1.75
☐ Emissions Program = $3.00
☐ Highway Fund = $0.55
☐ Volunteer Rescue/EMS = $0.18
☐ Rescue Squad Relief = $0.12
☐ Inspection Station = $0.10(min) - $23.75(max)*

Total Inspection Fee $6.25 (min) - $30.00
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)
REINSPECTION

Classification: IM
Electronic Authorization No.: 056
Date: 10/15/2014

Make: DODG
Year: 2003
Engine Size (cc): 3300
Body Style: MINIVAN
VIN: 1D8GP24R43B340518
County: NEW HANOVER
TIN Number: 254110453678

See your vehicle’s registration card for your next Inspection Due Date.

Safety Equipment

Headlights PASS
Parking Lights PASS
Tail Lights PASS
Beam Indicator Light/ Switch PASS
License Plate Light PASS
Stop Light PASS
Directional Signals PASS
Horn PASS
Windshield Wipers PASS
Rear View Mirrors PASS
Foot Brake PASS
Emergency Brake PASS
Steering Mechanism PASS
Tires PASS
Exhaust System PASS
Clearance Lights N/A
Reflectors PASS
Window Tinting 23.75

Tampering Inspection

Catalytic Converter PASS
Air Injection System N/A
PCV Valve PASS
Unleaded Gas Restrictor PASS
Exhaust Gas Recirculation PASS
Thermostatic Air Control N/A
Fuel Evaporative Control PASS
Oxygen Sensor PASS
Gasoline Tank Cap PASS

* OBDII Test Results *
* FAIL *
* MIL Bulb Working Pass *
* Connector Damage Pass *
* Communications Established Pass *
* MIL Commanded-On Fail *
* Engine RPM at Reading 809 *

Station Number: 34447
Inspection Class: Emisions
Parts Exemption Number:

Inspector-Mechanic
SHANNON WARD

OWNER'S REPAIR AUTHORIZATION

RETAIN THIS COPY FOR YOUR RECORDS

☐ Division of Air Quality = $8.85
☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.18
☐ Inspection Station = $0.00(min) - $23.75(max) *
☐ Telecommunication = $1.75
☐ Highway Fund = $0.55
☐ Rescue Squad Relief = $0.12

Total Inspection Fee $6.25 (min) - $30.00

Analyzer Number: EZ520656
Receipt/Statement Number: 11431
Waiver Number: RER29217944

Ver. 1102
2015
Proposal to New Hanover County
Non-Emergency Transportation Services RFP#
15-0326

Ronnie Parker, President
Deborah Thomas, Vice President
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Cover Letter

April 27, 2015

Lena L. Butler
Purchasing Supervisor
230 Government Center Drive
Suite 165
Wilmington, N.C. 28403
Subject: RFP # 15-0326
Deadline: 5:00 P.M. EST, May 15, 2015

Dear Ms. Butler,

Port City Taxi, Inc. is pleased to submit its proposal through this transmittal letter to New Hanover County in response to the above-referenced Request for Proposal (RFP) for Non-Emergency Transportation Services. Port City Taxi is proud of its history and experience with New Hanover County, as we have assisted in providing priority transportation services since 1998. This experience has allowed us to fully understand and appreciate the requirements under this RFP and we remain committed to providing exceptional service to your clients.

The information contained in this proposal or any part thereof, including any exhibits, schedules, and other documents and instruments delivered or to be delivered to New Hanover County, are true, accurate, and complete. This proposal includes all information necessary to ensure that the statements therein do not in whole or in part mislead New Hanover County as to any material facts. We believe that our response meets the requirements as indicated in this RFP. Using the information provided below, please contact me directly should you have any questions or need additional information.

On behalf of Port City Taxi, thank you for giving us the opportunity to respond to this RFP and we look forward to continuing a mutually rewarding partnership.

Respectfully,

Ronnie Parker
President
Office: 910.762.1165
Fax: 910.763.2186
B. **Minimum Requirements**

Please refer to appendices A through H for minimum requirements requested.

C. **Financial Information**

1. Please refer to Appendix I.
2. Port City Taxi has not declared bankruptcy within the last 5 years, nor have we ever.
3. No past or pending legal proceedings and judgments that could materially affect the financial position or ability to provide services to the county.
4. New Hanover County omitted from RFP.
5. No organizational changes have occurred in the last 2 years, nor are any changes anticipated in the future.
6. Please refer to Appendix H.

D. **Company Information**

Please refer to the following Executive Summary.
Executive Summary

Port City Taxi, Inc. has been locally owned and operated since 1979. By providing quality service 24 hours a day, 7 days a week, it has enabled us to build and maintain relationships with our clients. We currently have 26 vehicles servicing Wilmington, N.C. and the surrounding areas. Our drivers and staff are all thoroughly trained with our general philosophy: to provide safe, timely, and exemplary customer service to all passengers.

To ensure non-emergency transportation services for New Hanover County are top priority, our 24-hour dispatcher codes all New Hanover County passengers with highest priority, making certain a taxi is immediately dispatched upon receipt of notification or at the proper time for any standing order. All calls are taken by our phone operator, entered into our automatic digital dispatch system, and then assigned to the nearest driver through GPS tracking on tablets in vehicles. Our dispatcher on duty monitors all jobs in the computer to confirm the system always works properly and efficiently. The accounting department handles detailed billing information to ensure proper coding on all accounts. Management is on site to assist in maintaining productivity, as well as handle any questions or concerns, should they arise.

All vehicles undergo a routine monthly PMI (Preventive Maintenance Inspection Program) and also receive repairs as needed. It is our goal to provide passengers with satisfactory vehicle standards each time they are transported. Proper utilization of seat belts, and clean, sanitary, and safe operating conditions are among the vehicle expectations we strive to meet and exceed on a daily basis.

At Port City Taxi, the upkeep and protection of the environment is an important role we take pride to participate in. A few ways we contribute is by using biodegradable soap for washing our vehicles, as well as recycling oil, oil filters, and anti-freeze through Noble Oil Services. In addition, we also recycle all cardboard, plastic, scrap metal, and tires from our mechanic shop. We value the environment and steadily look for more ways to make contributions to its preservation.

Choosing Port City Taxi to continue providing service for New Hanover County passengers gives assurance for a prompt, courteous, and safe mode of transportation. We understand the needs of New Hanover County as outlined in this RFP, which is why we provide its passengers with top priority each and every time. Considering Port City Taxi has provided non-emergency transportation services to New Hanover County over the last 17 years, we have developed an excellent rapport with the Department of Social Services, as well as Department of Aging.
2. Port City Taxi, Inc.

3. Port City Taxi, Inc. originated in 1979 in Wilmington, N.C. and remains in the same location with a fleet of 26 vehicles.

4. Port City Taxi, Inc. is a locally owned and operated S Corporation with equal shares held by Ronnie Parker and Deborah Thomas.

5. The actions taken to provide Non-Emergency Transportation Services for New Hanover County include:
   - Always giving priority in dispatch queue; all passengers will receive prompt, reliable service above all others.
   - Taking all possible measures to continuously provide affordable rates.
   - Providing excellent customer care to all passengers.
   - Maintaining proper communication with New Hanover County and rapidly responding to requests, ensuring all passenger trips are handled efficiently.
   - Providing well-maintained, safe, and clean vehicles that comply with all applicable Federal, State, and local safety and mechanical standards.
   - Providing courteous drivers who are properly trained to meet expectations of safe driving, assisting customers with special needs, and maintaining professionalism at all times. All drivers will have current permits at all times.
   - Providing readily available service 24 hours a day, 7 days a week.

6. Reporting structures within business segments are included in the Executive Summary as quoted, “All calls are taken by our phone operator, entered into our automatic digital dispatch system, and then assigned to the nearest driver through GPS locators. Our dispatcher on duty monitors all jobs in the computer to confirm the system always works properly and efficiently. The accounting department handles detailed billing information to ensure proper coding on all accounts. Management is on site to assist in maintaining productivity, as well as handle any questions or concerns, should they arise.”

7. No organizational changes have occurred or are anticipated in the future.

8. Port City Taxi, Inc.’s office is located at 2027 Carolina Beach Road, Wilmington, N.C. 28401.

E. **Background and Experience**

1. Port City Taxi has been providing non-emergency transportation services for Vocational Rehabilitation Services, various companies through Worker’s Compensation, and New Hanover County Department of Social Services and Department of Aging for over 17 years.
2. Port City Taxi strives to maintain clear communication through the following methods:
   - Telephone: (910)762-1165 | (910)762-5230
   - Fax: (910)763-2186
   - Email: rideportcitytaxi@aol.com

3. Port City Taxi would like to request New Hanover County review its history providing services since 1998 as a reference. In addition, the following accounts may be referenced:
   - **North Carolina Department of Health and Human Services Division of Vocational Rehabilitation Services**
     Contact: Brandon Nance
     3340 Jaeckle Drive
     Suite 201
     Wilmington, N.C. 28403
     Office: (910)251-5710
     Fax: (910)251-2659
   - **Wilmington Shipping**
     Contact: Gene Creech
     330 Shipyard Blvd.
     Wilmington, N.C. 28412
     Office: (910)392-8220
     Fax: (910)392-8247
   - **New Hanover County Schools**
     Contact: Lisa Burriss
     6410 Carolina Beach Road
     Wilmington, N.C. 28412
     Office: (910)254-4324
     Fax: (910)254-4430

4. Please refer to the above listed accounts for existing similar contracts within the last 3 years.

5. Port City Taxi does not foresee any risks associated with this contract. However, in the unlikely event of terrorism, our drivers and staff are properly trained to handle emergency situations in the following manner:
   - At the first sign of danger, drivers should immediately radio call dispatch using the code “cab 13,” followed by their cab number. This indicates to dispatch an emergency is taking place, at which time the dispatcher or phone operator on duty shall immediately contact local authorities for assistance.
     Drivers are trained to put safety first for themselves and any passengers.
     Depending on the situation, drivers may or may not be able to disclose their location to dispatch. In the event that a driver is unable to disclose their location, the dispatcher may locate the taxi using GPS locators in the computer system and relay that information to authorities.
   - Drivers may use their cellular phones to contact authorities directly, but dispatch must be contacted and informed of any emergency as soon as possible.
   - All tablets in vehicles have an emergency message option. When drivers select this option, all staff members logged in to our computer system will receive an
emergency notification, which overrides any activity being performed on the computer and flashes until each staff member acknowledges the notification.

- Any emergency involving a passenger of an account will result in Port City Taxi notifying the account contact person immediately.

In the event of a vehicle breakdown, Port City Taxi will ensure that another of its vehicles will be immediately sent for the passengers and they arrive to their destination as soon as possible.

6. To ensure that the transition/implementation for this project runs smoothly, Port City Taxi will take the following steps:

- Generally, passenger details are either called or faxed in by the account holder. Phone operators will enter all information pertaining to the passenger into the computer system, including but not limited to: passenger name, contact number, highest priority code, pick up address, drop off address, any approved stops for the passenger, time and date, account information, approval name(s), and any special instructions.

- Once submitted into the system, the dispatcher on duty will ensure the job is dispatched out promptly and properly.

- The driver who is allocated the job will send a text message to the passenger via the dispatch system on their tablet upon acceptance, which states, “Cab number (#) is on the way and should arrive shortly. The driver’s phone number is (#). Thank you for using Port City Taxi.”

- When the driver arrives at the location of pick up, the driver will then send out a second text message to the passenger, which states, “Cab number (#) has arrived and is waiting. The driver’s phone number is (#). Thank you for using Port City Taxi.”

Please note: we are aware that not all passengers have cellular phones and/or the ability to text. This is only a courtesy we offer to our passengers. Our dispatcher or phone operator will call customers if a driver has been waiting for a passenger to come out of their pick-up location to ensure the driver is at the correct location and the passenger is aware they are waiting.

- Upon a passenger arriving to the taxi, drivers may assist passengers as needed.
- Drivers are instructed to always take the shortest route to their destination, while driving safely and abiding by all traffic laws.
- Drivers are instructed to always maintain professionalism with passengers.
- Upon completion of a job with a passenger, drivers will record all information on a charge ticket, including pick-up and drop-off address, passenger name, number of passengers, miles driven, time and date, approval name for the job, driver’s name, and he/she will obtain the passenger’s signature.
- The accounting department at Port City Taxi will verify all charge tickets collected and submit them to New Hanover County.
- If any questions or concerns should arise, Port City Taxi will contact New Hanover County promptly for resolution.
F. Staffing/Organization

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Reports to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ronnie Parker</td>
<td>President</td>
<td>Ronnie Parker/Deborah Thomas</td>
</tr>
<tr>
<td>Deborah Thomas</td>
<td>Vice President</td>
<td></td>
</tr>
<tr>
<td>Heather LeQuire</td>
<td>General Manager</td>
<td>Ronnie Parker/Deborah Thomas</td>
</tr>
<tr>
<td>Julie Martin</td>
<td>Accounting</td>
<td>Heather LeQuire</td>
</tr>
<tr>
<td>Regenia Lewis</td>
<td>Dispatch Supervisor</td>
<td>Heather LeQuire</td>
</tr>
<tr>
<td></td>
<td>Dispatchers</td>
<td>Regenia Lewis/Heather LeQuire</td>
</tr>
<tr>
<td></td>
<td>Phone Operators</td>
<td>Regenia Lewis/Heather LeQuire</td>
</tr>
<tr>
<td></td>
<td>Drivers</td>
<td>Regenia Lewis/Heather LeQuire</td>
</tr>
</tbody>
</table>

2. Point of contact for New Hanover County:
   Heather LeQuire, General Manager
   Office: (910)762-1165
   Fax: (910)763-2186

Our project team is highly skilled and experienced in managing accounts and customer relations, ranging from 5 to 35 years of experience. Responsibilities of each team member are as follows:

- President and Vice President:
  - Oversee the complete operation of Port City Taxi.

- General Manager:
  - Maintain general oversight and ensure drivers, dispatchers, and phone operators follow and abide by Port City Taxi’s policies and procedures.
  - Build the company image by collaborating with customers, community organizations, and employees.
  - Recruitment and contracting of staff and drivers.
  - Staff and driver development and training.
  - Performance management and improvement systems.

- Accounting:
  - Establish new accounts and maintain existing accounts.
  - Ensure accuracy and detail for all accounts being billed.
  - Maintain accounts receivable.

- Dispatch Supervisor
  - Oversee all operations among dispatchers and phone operators.
  - Assist drivers, dispatchers, and phone operators with general questions or concerns.

3. Individuals assigned to work on this project hold the following job descriptions:
• **Drivers:** Safely transport passengers from pick-up location to destination. Complete charge tickets for all New Hanover County passengers including name of passenger, date and time of pick-up, number of passengers, miles driven for trip, pick-up and drop-off addresses, amount of fare, approval name for the trip, passenger’s signature, and driver’s name.

• **Dispatchers:** Ensure New Hanover County passengers are coded with highest priority through the automatic dispatch system. Maintain communication with drivers, confirming that all passengers are transported in a timely and efficient manner. Maintain communication with New Hanover County regarding new and existing passengers.

• **Phone operators:** Make certain all information pertaining to any New Hanover County passenger is entered into the digital dispatch system correctly. Maintain communication with New Hanover County regarding new and existing passengers.

• **Dispatch Supervisor:** Verify information entered into the digital dispatch system is accurate and correct by reviewing any paper work from New Hanover County and reviewing passenger information entered. Assist dispatchers and phone operators with any questions or concerns regarding New Hanover County passengers. Maintain communication with New Hanover County regarding new and existing passengers.

• **Accountant:** Confirm incoming charge tickets for New Hanover County include all required information. Maintain communication with New Hanover county regarding new and existing passengers. Bill to New Hanover County according to the needs of specific departments.

• **General Manager:** Ensure all project operations run fluently. Assist all staff with any questions or concerns pertaining to New Hanover County accounts and passengers. Maintain communication with New Hanover County regarding new and existing passengers.

• **Vice President:** Oversee all project operations and assist with any questions or concerns pertaining to New Hanover County accounts and passengers.

• **President:** Oversee all project operations and assist with any questions or concerns pertaining to New Hanover County accounts and passengers.

4. Port City Taxi is committed to seeking qualified applicants without regard to race, religion, gender, age, citizenship status, sexual orientation, national origin, military status, physical or mental impediment, disability or any other basis, as prescribed by law. As an equal opportunity employer, we are committed to diversity in our workforce.

Criteria for recruiting, hiring, and evaluating office staff:

• All new office staff must undergo an F.B.I. background check and drug screening prior to employment.

• Applicants must display basic computer skills.

• Applicants must display the ability to work in a fast-paced environment.

• Previous experience in customer service is preferred.

Criteria for recruiting and contracting new drivers:
Port City Taxi

- All applicants must undergo an F.B.I. background check and drug screening prior to obtaining a taxi permit through the Wilmington Police Department.
- Drivers must repeat drug screenings annually in order to renew their taxi permit.
- 7 years of driving experience is preferred.
- A clean driving record is preferred.
- Previous experience in customer service is preferred.

5. Port City Taxi is dedicated to continuous improvement in order to provide customers with safe, affordable, and timely service. We are constantly updating our fleet of vehicles, along with adding the latest technology in our vehicles and office. Improvements such as GPS locators, courtesy text messaging to passengers, and the use of automatic digital dispatch are among some of our latest improvements.

6. Our staff is highly skilled and proficient with our latest technology change. All staff and drivers have gone through extensive training with our digital dispatch system, such as operating the system and troubleshooting. All staff and drivers have received training manuals and troubleshooting guides, should they ever need to refer to them with questions or concerns.

7. Port City Taxi strives to maintain an ethical and well-rounded workforce. In the event a member of personnel has violated company policy, depending on severity, said member may receive a verbal warning. A member will remain on verbal warning for ninety days, during which time, any other violation of company policy will result in a written warning. Written warnings stand for six months and in that time, any violation of company policy will result in termination.

Violations such as sexual harassment, theft, plagiarism or sabotage of the company’s data will typically result in immediate termination.

8. In order to ensure customers have the best experience, quality assurance procedures, expectations, and measurements are implemented.
   - Procedures and expectations
     o All vehicles are cleaned before each shift and during a shift, as necessary.
     o All vehicles are in safe operating conditions.
     o All staff and drivers should display a neat and clean appearance at all times.
     o All staff and drivers should be polite and courteous to customers, offering assistance when needed.
     o Information submitted into the digital dispatch system should always be accurate and correct.
     o Communication must be maintained between drivers and dispatchers at all times.
     o All drivers should take the shortest route possible.
     o Professionalism should always be maintained amongst all staff and drivers.
     o Any issues or concerns should be promptly resolved or escalated to management for resolution when necessary.
Port City Taxi

- Measurements
  o Management will monitor activity performed by drivers and staff to ensure quality expectations are met.
  o Management will randomly follow-up on jobs submitted by staff to ensure accuracy.
  o Management will randomly monitor dispatchers and phone operators during customer calls to provide feedback and, when needed, discuss methods of improvement.
  o Management will inspect vehicles, ensuring they are clean and sanitary.
  o Mechanic will routinely maintain all vehicles to ensure safe operating conditions, as well as make any repairs when needed.
  o Management will address and rectify any concerns that do not meet quality expectations.

G. Customer Service

1. Port City Taxi values its customers and strives to exceed customer expectations. Drivers and staff are trained to provide superior service to ensure customer satisfaction. Ongoing training is provided to drivers and staff to continuously improve quality customer service.

2. In the event of a customer complaint, management and supervisors will promptly address any questions or concerns a customer may have in order to provide resolution.

3. Minimum standards on the following types of accounts:
   a. In resolving a complaint for a late drop off, management will first review all details of the job. Details reviewed include: verifying the time the job was entered into the digital dispatch system, time the job was dispatched and accepted by a driver, time the driver arrived to the pick-up location, time the passenger was loaded into the vehicle, and time it took to arrive at the drop-off destination. Reviewing these details will assist in determining the reason for a late drop-off, therefore providing answers in resolving the issue and helping take preventative measures in the future.

   b. In resolving a complaint for a late pick-up, management will first review all details of the job. Details reviewed include: verifying the correct address was given and entered, time the job was entered into the digital dispatch system, time the job was dispatched and accepted by a driver, and the time the driver arrived to the pick-up location. Reviewing these details will assist in determining the reason for a late pick-up, therefore providing answers in resolving the issue and helping take preventative measures in the future.

   c. In resolving a complaint for a longer ride time than usual, management will take into consideration the amount of traffic and determine if the driver took the shortest route to the destination.
d. In the unlikely event that a driver no-show occurs, management will review all details about the job. Management will confirm the correct address was given and entered and that the job was dispatched out properly at the correct time. If the job was dispatched out properly, management will have a meeting with the driver to discuss the issue and seek resolution.

H. Employee Training

1. All new staff and drivers must undergo training prior to performing job duties. Furthermore, any new technologies or policies and procedures to be implemented will require training as well.

New drivers will ride along with a high year tenure driver for a minimum of two shifts to learn duties such as filling out paper work, proper use of the two-way radio, proper use of the tablet and digital dispatch system, and providing quality customer service.

New staff members will train with a high year tenure staff member for a minimum of three shifts to learn duties such as entering data into the digital dispatch system correctly, filling out paper work, and providing quality customer service.

Upon completion of shift training, management will have the trainee come in and assess the progress made in the duration of training. During the assessment, management may determine whether the trainee is ready to perform job duties or needs more training.

2. Providing a safe environment, both in office and in taxis, is of utmost importance to Port City Taxi. During training, staff and drivers are strongly advised on the tremendous importance of the safety of themselves and their passengers. Management goes to the scene of any accident involving a Port City Taxi cab. All accident report are followed-up on and kept on file. Accident frequency rates are approximately three per one million miles.

3. All new drivers and staff are required to pass a drug screen prior to contracting and employment.

4. Customer service training for all staff and drivers is derived from the following key focuses:
   - Be polite and courteous
   - Maintain professionalism
   - Be patient
   - Be responsive
   - Show empathy
   - Use positive language
   - Present a neat and clean personal appearance
   - Present a neat and clean vehicle
   - Make customers feel appreciated
   - Provide assistance when needed
   - Request feedback
5. Wheelchair securement training is not applicable to Port City Taxi.

I. Operations

1. Port City Taxi’s Central Operations Site is:
   2027 Carolina Beach Road
   Wilmington, N.C. 28401

2. Drivers and dispatchers may communicate by way of either two-way radio, tablets that are installed in all vehicles, or by phone.

Port City Taxi operates 24 hours a day, 7 days a week.

3. Our staff uses HP Pavilion TouchSmart, all-in-one desktop PCs with 1.4 GHz Dual-Core Processors. Wireless internet is provided through Time Warner Cable. In the event of an internet issue, we also have broadband internet through AT&T as a back-up.

Our vehicles are all equipped with Samsung Galaxy Tablets through Sprint.

4. Port City Taxi provides non-ambulatory services.

5. Port City Taxi provides services in Wilmington, N.C. and surrounding areas.

6. In order to ensure customers have the best experience, quality assurance procedures, expectations, and measurements are implemented.
   • Procedures and expectations
     o All vehicles are cleaned before each shift and during a shift, as necessary.
     o All vehicles are in safe operating conditions.
     o All staff and drivers should display a neat and clean appearance at all times.
     o All staff and drivers should be polite and courteous to customers, offering assistance when needed.
     o Information submitted into the digital dispatch system should always be accurate and correct.
     o Communication must be maintained between drivers and dispatchers at all times.
     o All drivers should take the shortest route possible.
     o Professionalism should always be maintained amongst all staff and drivers.
     o Any issues or concerns should be promptly resolved or escalated to management for resolution when necessary.
   • Measurements
     o Management will monitor activity performed by drivers and staff to ensure quality expectations are met.
     o Management will randomly follow-up on jobs submitted by staff to ensure accuracy.
Management will randomly monitor dispatchers and phone operators during customer calls to provide feedback and, when needed, discuss methods of improvement.

Management will inspect vehicles, ensuring they are clean and sanitary.

Mechanic will routinely maintain all vehicles to ensure safe operating conditions, as well as make any repairs when needed.

Management will address and rectify any concerns that do not meet quality expectations.

It is our goal to be on-time for passengers. Occasionally due to traffic, weather, and peak demands we may be slightly late picking up passengers. Port City Taxi prides itself in having an excellent on-time performance rate.

Customer complaints are infrequent, however, all complaints are addressed and resolved to ensure customer satisfaction.

All vehicles undergo monthly inspection in order to prevent mechanical failures. Failures are less than twice per year, per vehicle.

Port City Taxi holds an outstanding safety record with three accidents per every one million miles, making our accidents far below the national average.

Communication is maintained between dispatchers and drivers by way of two-way radios, tablets in vehicles, and phones.

There is always a dispatcher on duty 24 hours a day, 7 days a week. Management is always readily available if additional assistance is needed.

System Safety Program Plan

a. Driver/Employee Section: Work areas are to be clean and sanitary at all times. All equipment is to be in proper working order and management is to be notified promptly of any repairs needed to be made.

b. Driver/Employee Training: Drivers and employees are trained to put safety first including driving, vehicle safety, and contacting local authorities in the event of an emergency.

c. Safety Data Acquisition Analysis: Data is collected on accidents, incidents, and hazards. This data is used to make operations safer by reducing the probability of future accidents and incidents.

d. Drug, Alcohol, and Abuse Program: Port City Taxi is committed to providing a healthy, safe, and positive environment for drivers, staff, and customers. All new staff and drivers undergo drug screening prior to employment. In addition, random drug screens are given no less than once per year.

e. Vehicle Maintenance: All vehicles undergo monthly inspection to ensure proper operating conditions.
f. Security: Port City Taxi’s premises are under 24 hour audio and video surveillance. All vehicles are equipped with tablets which have GPS tracking.

g. Blood Borne Pathogens Exposure and Control Plan: Blood and body fluid precautions must be used by all drivers and staff who come in contact with any human blood, body fluid, or other potentially infectious materials. In the event a driver or staff member believes to have been exposed to infection, he/she should be assessed by a physician before returning back to work.

J. Fleet

1-7. All vehicles are owned by Port City Taxi. No vehicles are equipped with wheelchair lifts, however if passengers have the ability to move themselves from the wheelchair and into the vehicle, the driver may assist by loading the wheelchair into the vehicle. All vehicles are equipped with proper safety belts for passengers.

Port City Taxi vehicles are all dark blue in color with yellow lettering.

Each vehicle is equipped with Samsung Galaxy tablets and Kenwood two-way radios.

<table>
<thead>
<tr>
<th>Cab #</th>
<th>Permit #</th>
<th>Year/Make/Model</th>
<th>Seating Capacity</th>
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<tr>
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<td>W36</td>
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<tr>
<td>2</td>
<td>W37</td>
<td>2007 Dodge Caravan</td>
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<tr>
<td>3</td>
<td>W38</td>
<td>2006 Chrysler Town &amp; Country</td>
<td>6</td>
</tr>
<tr>
<td>4</td>
<td>W39</td>
<td>2006 Chrysler Town &amp; Country</td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>W40</td>
<td>2006 Chrysler Town &amp; Country</td>
<td>6</td>
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<tr>
<td>6</td>
<td>W41</td>
<td>2005 Chrysler Town &amp; Country</td>
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<tr>
<td>7</td>
<td>W42</td>
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<td>27</td>
<td>W118</td>
<td>2005 Chrysler Town &amp; Country</td>
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</tr>
</tbody>
</table>
K. Preventive Maintenance

1. All Port City Taxi vehicles undergo a monthly PMI (Preventive Maintenance Inspection) to ensure satisfactory operating conditions by providing systematic inspection, detection, and correction of incipient failures either before they occur or before they develop into major defects. Maintenance, including tests, measurements, adjustments, and parts replacement, is performed specifically to prevent mechanical failures from occurring. In addition, all vehicles receive repairs as needed.

2. Please refer to Appendix J.

3. Port City Taxi takes pride in its vehicles and makes every effort to ensure its passengers rife in comfort to their satisfaction. All vehicles are cleaned daily at the end of each driver’s shift and during the shift, if necessary. Cleaning includes thoroughly washing the outside of the vehicle, vacuuming inside the vehicle, cleaning consoles, dashboard, door panels, cup holders, windows, etc.
Appendix A

COMMERCIAL AUTOMOBILE POLICY CERTIFICATE

Policy No. BA9135077-11

Named Insured and Mailing Address: PORT CITY TAXI INC
2027 CAROLINA BEACH ROAD
WILMINGTON, NC 28401

Policy Period: From 12/12/2014 to 12/12/2015

12:01 A.M. Standard Time at the address of the Named as stated herein.

This is to certify that this policy of insurance has been issued to the insured named above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions, and conditions of such policies.

<table>
<thead>
<tr>
<th>COVERAGES</th>
<th>COVERED AUTO SYMBOL</th>
<th>LIMITS OF LIABILITY</th>
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</thead>
<tbody>
<tr>
<td>Liability</td>
<td>2</td>
<td>The most we will pay for any one accident or loss</td>
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<tr>
<td>Bodily Injury - BI</td>
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<td>Property Damage - PD</td>
<td>$50,000 EACH ACCIDENT</td>
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<tr>
<td>Auto Medical Payments</td>
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<td>Uninsured Motorists - UM</td>
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<td>$300,000 EACH ACCIDENT</td>
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<td>Bodily Injury - BI</td>
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<td>Property Damage - PD</td>
<td>$50,000 EACH ACCIDENT</td>
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<tr>
<td>Underinsured Motorists - UIM</td>
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<td>Property Damage - PD</td>
<td>$50,000 EACH ACCIDENT</td>
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<tr>
<td>Physical Damage Coverage</td>
<td>Stated Amount, Actual Cash Value, or Cost of Repairs, whichever is less, minus deductible for each covered auto (see Schedule of Autos), No Ded. applies to loss caused by fire or lightning.</td>
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<td>Comprehensive Collision</td>
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<td>Hired Auto - Liability</td>
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<td>Non-Ownership Liability</td>
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<td>Property Damage - PD</td>
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NAME AND ADDRESS OF CERTIFICATE HOLDER
NEW HANOVER COUNTY IT’S OFFICERS, OFFICIALS, AGENTS AND EMPLOYEES
230 GOVERNMENT CENTER DR
WILMINGTON, NC 28403
(910) 392-7667

DESCRIPTION OF AUTO(S): SEE ATTACHED SCHEDULE

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policy.

Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 0 days written notice to the certificate holder named above, but failure to mail such notice shall impose no obligation or Liability of any kind upon the company, its agents or representatives.

By [Signature]
Authorized Representative

ACICOIA1 01-05
Includes copyrighted material of Insurance Services Office, Inc., with its permission.
Copyright, Insurance Services Office, Inc.
4/28/2015 2:04:12 PM ABLET28
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Azalea Insurance Services, Inc
4655 Peachtree Avenue
Wilmington, NC 28403
Randy Lewis
910-799-8611
910-392-9552

CONTACT
NAME: The Hartford
PHONE: 19682
FAX: 
EMAIL: 
ADDRESS: 

INSURER(S) AFFORDING COVERAGE

NAIC #: 

INSURED
PORT CITY TAXI INC
2027 Carolina Beach Road
Wilmington, NC 28401

INSURER A: 
INSURER B: 
INSURER C: 
INSURER D: 
INSURER E: 
INSURER F: 

COVERAGES

CERTIFICATE NUMBER: 

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

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<td>MOBILE LIABILITY</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ANY AUTO</td>
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<td></td>
<td>ALL OWNED AUTOS</td>
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<tr>
<td></td>
<td>HIRED AUTOS</td>
<td></td>
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<tr>
<td></td>
<td>UMBRELLA LB</td>
<td>OCCUR CLAIMS-MADE</td>
</tr>
<tr>
<td></td>
<td>EXCESS LB</td>
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</tr>
<tr>
<td></td>
<td>WORKERS COMPENSATION AND EMPLOYERS LIABILITY</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED</td>
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<td></td>
<td>(Mandatory in NH)</td>
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<td></td>
<td>N/A</td>
<td></td>
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<tr>
<td></td>
<td>66G3UB9623L19</td>
<td>11/26/14 11/26/15</td>
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<tr>
<td></td>
<td>J.PHER-104</td>
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<td></td>
<td>F.L. EACH ACCIDENT: $100,000</td>
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<tr>
<td></td>
<td>F.L. DISABILITY - 6A EMPLOYEE: $100,000</td>
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<tr>
<td></td>
<td>F.L. DISABILITY - POLICY LIMIT: $500,000</td>
<td></td>
</tr>
</tbody>
</table>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 181, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

NEWHA13
New Hanover County
its officers, officials
agents & employees
230 Government Ctr Dr, Ste 125
Wilmington, NC 28403

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

\[\text{© 1988-2010 ACORD CORPORATION. All rights reserved.}\]

ACORD 25 (2010/05)

The ACORD name and logo are registered marks of ACORD

RFP # 15-0326 Port City Taxi Response
# Certificate of Liability Insurance

**Appendix A**

**Date (MM/DD/YYYY): 04/28/2015**

**Producer:** Able Auto & Cycle Ins Acgy Inc  
4209 Oleander Drive  
Wilmington NC 28403

**Insured:** Port City Taxi, Inc.  
2027 Carolina Beach Rd  
Wilmington NC 28401

**Insurer A:** Nautilus Insurance Company  
NAIC #: 17370

<table>
<thead>
<tr>
<th>COVERAGES</th>
<th>CERTIFICATE NUMBER:</th>
<th>REVISION NUMBER:</th>
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</thead>
</table>

**General Liability**

<table>
<thead>
<tr>
<th>TYPE OF INSURANCE</th>
<th>ABSOLUTELY</th>
<th>INCLUD</th>
<th>POLICY NUMBER</th>
<th>A</th>
<th>X</th>
<th>NNS47497</th>
<th>03/08/2015</th>
<th>03/08/2016</th>
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<tbody>
<tr>
<td>LIMITS</td>
<td>EACH OCCURRENCE</td>
<td>DAMAGE TO RENTED PREMISES (Ex. occurrence)</td>
<td>MED EXP (Any one person)</td>
<td>PERSONAL &amp; ADJ INJURY</td>
<td>GENERAL AGGREGATE</td>
<td>PRODUCTS - COMPROP AGG</td>
<td>INCLUDED</td>
<td></td>
</tr>
<tr>
<td>$1,000,000</td>
<td>$100,000</td>
<td>$5,000</td>
<td>$1,000,000</td>
<td>$2,000,000</td>
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<td>$</td>
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**Automobile Liability**

<table>
<thead>
<tr>
<th>TYPE OF INSURANCE</th>
<th>LIMITS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ANY AUTO</td>
<td>COMBINED SINGLE LIMIT (Per accident)</td>
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</tr>
<tr>
<td>ALL OWNED</td>
<td>BODILY INJURY (Per person)</td>
<td></td>
</tr>
<tr>
<td>HIRED AUTOS</td>
<td>BODILY INJURY (Per accident)</td>
<td></td>
</tr>
<tr>
<td>SCHEDULED AUTOS</td>
<td>PROPERTY DAMAGE (Per accident)</td>
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<tr>
<td>NONLOWNED AUTOS</td>
<td>EACH OCCURRENCE</td>
<td></td>
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<tr>
<td>OCCUR</td>
<td>AGGREGATE</td>
<td></td>
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<tr>
<td>CLAIMS-MADE</td>
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**Workers Compensation and Employers Liability**

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<tr>
<th>TYPE OF INSURANCE</th>
<th>LIMITS</th>
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<tr>
<td>WC STATUTORY LIMITS</td>
<td></td>
<td>OTH</td>
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<tr>
<td>N/A</td>
<td>E.L. EACH ACCIDENT</td>
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</tr>
<tr>
<td>E.L. DISEASE - EA EMPLOYEE</td>
<td>E.L. DISEASE - POLICY LIMIT</td>
<td></td>
</tr>
</tbody>
</table>

**Description of Operations / Locations / Vehicles:** (Attach ACORD 101 Additional Remarks Schedule if more space is required)

**Certificate Holder:** New Hanover County Their Officers, Officials, Agents & Employees  
230 Government Center Sr Suite 125  
Wilmington NC 28403

**CANCELLATION:** Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

**Authorized Representative:**

---

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RFP # 15-0326 Port City Taxi Response  
18
STATE OF NORTH CAROLINA

Department of The Secretary of State

To all whom these presents shall come, Greeting:

I, Rufus L. Edmisten, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached (5 sheets) to be a true copy of

ARTICLES OF INCORPORATION

OF

PORT CITY TAXI, INC.

and the probates thereon, the original of which was filed in this office on the 17th day of March 1989, after having been found to conform to law.

In Witness Whereof, I have hereunto set my hand and affixed my official seal.

Done in Office, at Raleigh, this 17th day of March in the year of our Lord 1989.

[Signature]

Secretary of State

RECORDED AND VERIFIED
REBECCA P. COBB, JR.
REGISTER OF DEEDS
NEW HANOVER CTY, NC

MAR 28 11:15 AM '89
ARTICLES OF INCORPORATION
OF
PORT CITY TAXI, INC.

The undersigned natural person of the age of eighteen
years or more, acting as the incorporator of the corporation,
hereinafter referred to as the "Company", under the provisions of
the North Carolina Business Corporation Act, adopts the following
Articles of Incorporation:

ARTICLE I
NAME

The name of the Company is PORT CITY TAXI, INC.

ARTICLE II
PERIOD OF EXISTENCE

The period of duration of the Company is perpetual.

ARTICLE III
PURPOSES AND POWERS

Section 1: The purposes and powers of the Company are
as follows:

A. To organize, maintain and operate for hire a
transportation service within the corporate limits of the City of
Wilmington, New Hanover County and surrounding Counties in the
State of North Carolina, upon and over the streets and highways
of said City, Counties and State in conformity with existing laws
and municipal ordinances of said City and Counties for the
purpose of transporting passengers or baggage by means of
taxicabs or vehicles of every kind; and to purchase, hold or
lease real estate for the purposes of carrying on the taxicab
business.

B. To conduct and carry on any other business and
manufacture which may be capable of being profitably conducted in
connection with the business of the Company, or conduct or carry
on any business that is adapted directly or indirectly to add to
the value of the property of the Company or the profits to be
derived from its authorized business.

C. To do everything necessary, proper, advisable or
convenient for the accomplishment of the purposes hereinabove set
forth and to do all things incidental thereto or connected therewith which are not forbidden by the Corporation Laws of the State of North Carolina, by other law or by these Articles of Incorporation.

D. To carry out the purposes hereinabove set forth in any State, territory, district or possession of the United States, or any foreign country, to the extent that such purposes are not forbidden by the Laws of such state, territory or possession of the United States or by such foreign country,

Section 2. Statutory Powers: Subject to any written limitations or restrictions imposed by the Act, by other law, or by these Articles of Incorporation and solely in furtherance of, but not in addition to, the limited purposes set forth in Section 1 of this Article, the Company shall have and exercise all the powers specified in Article IV and Article V of the Act as set out in Chapter 55 of the North Carolina General Statutes.

ARTICLE IV

TRANSFERABILITY OF SHARES

Section 1: If any shareholder shall desire to sell all or any portion of his stock he shall first give the other shareholders an opportunity to purchase said shares of stock at the same price at which he proposes to sell it to said other person or at a price equal to the book value of said stock plus the ten percent, whichever is lower. Upon the offer of said shareholder the rights of the other shareholders to purchase shall be in proportion to their ownership of stock in the corporation, and if any shareholder shall refuse to purchase said stock, the other shareholders shall have an opportunity under the same conditions to purchase same. The right to purchase can be exercised over any number of shares proposed to be sold.

The book value of the stock shall be determined periodically not less than every two years, and shall be done in a realistic manner. The book value for purposes of this Article only shall be the value established periodically by the Board of Directors and may be different from the book value established by normal accounting procedures in that it may include the
appreciated value of real estate, the goodwill of the company and any other factors that the Board of Directors may wish to consider.

Section 2: In the event the corporation proposes at any time to sell or offer to sell additional shares, the corporation shall not so sell the same until and unless it shall have first offered to all of the shareholders the right to subscribe for, purchase and receive a pro rata proportion of such shares within such reasonable time and at the price per share as the Board of Directors of the corporation may fix.

ARTICLE V

AUTHORIZED SHARES

Section 1. Number: The aggregate number of shares which the corporation shall have the authority to issue is 10,000 shares of capital stock with the par value of $10.00 per share. The Company shall have authority to issue stock in return for money, property, labor, services, securities or anything of value.

Section 2. Initial Shares: When the Company has received $500.00 in cash or its equivalent in property for which it has issued shares as determined by the Board of Directors, this shall constitute the initial issue of stock and this is a condition precedent to the commencement of business by the Company.

ARTICLE VI

ADOPTION OF BY-LAWS

The Board of Directors of the Company shall have the power of vote of a majority of all of the Directors and without the assent or vote of the shareholders to make, alter, amend and rescind the By-Laws of the Company. The code of By-Laws may contain any provisions for the regulation and management of the affairs of the Company not inconsistent with the Corporation Law of the State of North Carolina or these Articles of Incorporation.
ARTICLE VII
AMENDMENTS
The Company reserves the right from time to time to amend or repeal, or to add to its Articles of Incorporation in the manner prescribed by the North Carolina Corporation Act.

ARTICLE VIII
THE REGISTERED OFFICE AND AGENT
Section 1: The address of the initial registered office of the Company is 2027 Carolina Beach Road, Wilmington, New Hanover County, North Carolina, 28401.

Section 2: The name of the initial registered agent of the Company at said address is H. R. Faircloth.

ARTICLE IX
DATA RESPECTING DIRECTORS
Section 1: The initial Board of Directors shall consist of one member who need not be a resident of the State of North Carolina, or need be a shareholder of the Company but is anticipated to be both. The number of Directors may be increased or decreased and this may be provided for in the By-Laws, together with the manner in which the number of Directors shall from time to time be determined.

Section 2. The name and address of the person who is to serve as Director until the first annual meeting of the shareholders or until his successor has been elected is as follows:

H. R. Faircloth
401 Tennessee Avenue
Wilmington, N. C. 28401

ARTICLE X
DATA RESPECTING INCORPORATOR
The name and address of the incorporator of the Company is as follows:

L. Gleason Allen
217 North 5th Street
P. O. Box 241
Wilmington, North Carolina 28402
Appendix C

PRIVILEGE LICENSE
CITY OF WILMINGTON, NC

ACCOUNT NUMBER
15-00001035

ISSUE DATE
May 23, 2014

EXPIRATION DATE
May 31, 2015

BUSINESS ADDRESS:
2027 CAROLINA BEACH RD  WM

SECTION NUMBER – CITY FEE SCHEDULE
20510
TAXICAB - $15 PER VEHICLE PER YEAR

LICENSE IS HEREBY GRANTED
PORT CITY TAXI INC
ATTN: RONNIE PARKER
2027 CAROLINA BEACH RD
WILMINGTON NC 28401

POST IN A CONSPICUOUS PLACE
LIMITED TRANSFERABILITY

SUBJECT TO ORDINANCES IN FORCE
OR HEREAFTER ENACTED TO CONDUCT
THE ABOVE BUSINESS

ISSUED BY: Debra H. Mack
FINANCE DIRECTOR/ TAX COLLECTOR
FINANCE DEPARTMENT – COLLECTION DIVISION

RFP # 15-0326 Port City Taxi Response
AFFIDAVIT of COMPLIANCE with NC E-VERIFY STATUTES
(To be submitted with all bids)

STATE OF North Carolina

COUNTY OF New Hanover

I, Ronnie Parker (hereinafter the “Affiant”), duly authorized by and on behalf of Port City Taxi, Inc. (hereinafter the “Employer”) after being first duly sworn deposes and says as follows:

1. I am the President (President, Manager, CEO, etc.) of the Employer and possess the full authority to speak for and on behalf of the Employer identified above.

2. Employer understands that “E-Verify” means the federal E-Verify program operated by the United States Dept. of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

3. ___ Employer employs 25 or more employees in the State of North Carolina, and is in compliance with the provisions of N.C. Gen. Stat. §64-26. Employer has verified the work authorization of its employees through E-Verify and shall retain the records of verification for a period of at least one year.

   X ___ Employer employs fewer than 25 Employees and is therefore not subject to the provisions of N.C. Gen. Stat. §64-26.

4. All subcontractors engaged by or to be engaged by Employer have or will have likewise complied with the provisions of N.C. Gen. Stat. §64-26.

5. Employer shall keep New Hanover County informed of any change in its status pursuant to Article 2 of Chapter 64 of the North Carolina General Statutes.

Further this affiant sayeth not.

This the 29th day of April, 2015

Ronnie Parker

Affiant

STATE OF

COUNTY OF New Hanover

Sworn to and subscribed before me, this the 29th day of April, 2015

Notary Public

My commission expires: 9/12/15

PATTY KINSTON
NOTARY PUBLIC
BRUNSWICK COUNTY, NORTH CAROLINA
MY COMMISSION EXPIRES SEPTEMBER 12, 2015
OVERDUE TAXES
(To be submitted with all bids)

Instructions: Use company letterhead. All documents requiring the signature of the authorized representative for the Service Provider must be an original signature and the same representative must sign each copy of the Overdue Tax Letter, Conflict of Interest and Contract.

Date of Certification

To: New Hanover County

Certification:

We certify that Port City Taxi, Inc. does not have any overdue tax debts, as defined by N.C.G.S. 105-243.1, at the federal, State, or local level. We further understand that any person who makes a false statement in violation of N.C.G.S. 143C-6-23 c is guilty of a criminal offense punishable as provided by N.C.G.S. 143C-10-1b.

Sworn Statement:

I, Ronnie Parker being duly sworn, say that I am President of Port City Taxi, Inc. of Wilmington in the State of North Carolina; and that the foregoing certification is true, accurate and complete to the best of our knowledge and was made and subscribed by me. I also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.

Authorized Official

(Signature must be the same as the person signing the contract)

* G.S. 105-243.1 defines: Overdue tax debt. – Any part of a tax debt that remains unpaid 90 days or more after the notice of final assessment was mailed to the taxpayer. The term does not include a tax debt, however, if the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the notice of final assessment was mailed and has not failed to make any payments due under the installment agreement."
CERTIFICATION REGARDING LOBBYING

(To be submitted with all bids or offers exceeding $100,000; must be executed prior to Award)

The undersigned Port City Taxi, Inc., certifies, to the best of his or her knowledge and belief, that:

(Contractor)

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding to any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq .)]

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into these transactions imposed by 31, U.S.C. 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Note:
Pursuant to 31 U.S.C. 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than $10,000 for each such expenditure or failure.

The Contractor, Port City Taxi, Inc., certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Section A 3801 et seq., apply to this certification and disclosure, if any.

Date

Signature of Contractor's Authorized Official

Ronnie Parker, President

Name and Title of Contractors Authorized Official

Subscribed and sworn to before me this 29th day of April, 2015 in the State of and the County of Brunswick.

Notary Public

(Patty Kingston)

Notary Public, Brunswick County, North Carolina

My Commission Expires September 12, 2015
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION
LOWER TIER COVERED TRANSACTION
(To be submitted with all bids or offers exceeding $25,000.)

(1) The prospective lower tier participant (Bidder/Contractor) certifies, by submission of this bid or proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) The prospective Bidder/Contractor also certifies by submission of this bid or proposal that all subcontractors and suppliers (this requirement flows down to all subcontracts at all levels) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(3) Where the prospective lower tier participant (Bidder/Contractor) is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this bid or proposal.

The lower tier participant (Bidder/Contractor) certifies or affirms the truthfulness and accuracy of this statement of its certification and disclosure, if any.

Signature: Bonnie Parker
Title: President
Company: Port City Taxi, Inc.
Date: 5-4-15

State of North Carolina
County of New Hanover

Subscribed and sworn to before me this 4th day of May, 2015.

Notary Public

My Appointment Expires: April 7, 2019
Confidentiality Request

May 4, 2015

Lena L. Butler
Purchasing Supervisor
230 Government Center Drive
Suite 165
Wilmington, N.C. 28403
Subject: RFP # 15-0326
Deadline: 5:00 P.M. EST, May 15, 2015

Dear Ms. Butler,

In compliance with New Hanover County RFP # 15-0326, Port City Taxi has submitted financial statements. It is our request that the following financial statements remain confidential by New Hanover County, therefore not released for public knowledge. If additional financial documentation is needed, please let me know and I will provide that information. Thank you for your cooperation and understanding.

Respectfully,

Ronnie Parker
President
Office: 910.762.1165
Fax: 910.763.2186
Date: May 11, 2015

To: New Hanover County
   230 Government Center Dr
   Wilmington, NC 28403

Regarding Customer:
   Port City Taxi Inc.
   2027 Carolina Beach Rd
   Wilmington, NC 28401

To Whom It May Concern:

This letter is verification that the customer named above has an account with Wells Fargo. This account number ending in -7424, was opened 01/26/2009 and has a current balance of $X XX.

If you need deposit information, refer to the customer named above. The account holder can provide deposit information from their monthly statements.

If you have any questions please call us at 1-800-TO-WELLS (1-800-869-3557). Phone Bankers are available to assist you 24 hours a day, 7 days a week.

Sincerely,

Christopher Trey Webb
Customer Service and Sales Representative
(910)395-5011

WELLS FARGO BANK, N.A.
Independence
3750 Oleander Dr.
Wilmington, NC 28403

© 2010 Wells Fargo Bank, N.A. All rights reserved. Member FDIC.
DSG4236 (7-10 129971)
May 4, 2015

To Whom It May Concern:

The purpose of this letter is to let you know that Port City Taxi located at 2027 Carolina Beach Road in Wilmington has had an account with Auto Supply Company since 12/23/2003 and is a valued customer.

Their account is in good standing and payments are made promptly every month.

If you should need more information, please don't hesitate to contact me.

Carolyn Mouser
Lead A/R Associate
phone (336) 661-6113 ext 154
fax (336) 661-6120
eemail: carolynm@ascodc.com
5/5/2015

To whom it may concern:

Port City Taxi has been a long standing customer since 1960. They hold an excellent payment history and rapport with Sea Coast Communications Inc. If you have any further questions or concerns, please contact me directly at 910-392-4848 9:00am to 3:00pm weekdays.

 Regards,

Paul Holliday  
Pres.  
Sea Coast Communications Inc.
<table>
<thead>
<tr>
<th>Date</th>
<th>Description of repairs</th>
<th>Miles</th>
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<tbody>
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</tbody>
</table>
Section 8  Pricing Structure

Non-Emergency Transportation
RFP # 15-0326

Fill in the cost for providing the services listed below. You may also submit pricing for other services you provide out only those transit points you wish to service. Flat Rate Pricing is preferred.

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<th>TYPE OF SERVICE PROVIDED</th>
<th>FLAT RATE</th>
<th>ROUND TRIP</th>
<th>PRICE PER MILE</th>
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<td>$</td>
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<tr>
<td>Non-Ambulatory (Inside City Limits)</td>
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<td>$</td>
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<td>Ambulatory (Outside City/Within County)</td>
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<td>$</td>
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<td>Non-Ambulatory (Outside City/Within County)</td>
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<td>$</td>
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<td>Non-Ambulatory to Carolina Beach</td>
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<td>$</td>
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<td>$</td>
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</tr>
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<td>Ambulatory (Outside County)</td>
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<td>$ 1.60</td>
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</table>

The Contractor may complete both columns or just one, each will be reviewed. The undersigned certifies that their service being offered will meet or exceed the minimum specifications as presented in the attached proposal package.

Port City Taxi, Inc.
Company Name
2027 Carolina Beach Road
Company Address
Wilmington, N.C. 28401

910-762-1165
Telephone Number
May 4, 2015
Date
56-1649424
Federal Tax ID / SS#
Appendix L

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER TX2819 PLT VALID THRU 04/15/2016 INSPCTION DUE 03/31/2016 GROSS WT
VEHICLE ID # 1A4GP4S6B747383 MAKER/SERIES CHRY

SHIPPING WEIGHT STYLE YEAR 2006 FUEL 76.00 TOTAL FEE
CLASSIFICATION TAXI/PASS VEH VEHICLE BRAND

CUSTOMER ID # OWNER 1 00000024020651 CUSTOMER ID # OWNER 2 COUNTY NEW H
PORT CITY TAXI INC

2027 CAROLINA BEACH RD WILMINGTON NC 28401-7201

PORT CITY TAXI INC

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

PORT CITY TAXI INC License 79.00 Prop. Tax 51.71 Veh. Fee 5.00

Appraised Value: $5,100.00
New Hanover County Tax Department 910-798-7300

Taxing Unit Tax Rate Amount
NEW HANOVER 0.554000 28.25
WILMINGTON 0.460000 23.46
WILMINGTON VTEE 0.460000 5.00

TOTAL 134.71 Total Property Tax 56.71

059 03/27/2015 T1C0592

71376323

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER TX2819 PLT VALID THRU 04/15/2016 INSPCTION DUE 03/31/2016 GROSS WT
VEHICLE ID # 1A4GP4S6B747383 MAKE/SERIES CHRY

SHIPPING WEIGHT STYLE YEAR 2006 FUEL 76.00 TOTAL FEE
CLASSIFICATION TAXI/PASS VEH VEHICLE BRAND

CUSTOMER ID # OWNER 1 00000024020651 CUSTOMER ID # OWNER 2 COUNTY NEW H
PORT CITY TAXI INC

2027 CAROLINA BEACH RD WILMINGTON NC 28401-7201

PORT CITY TAXI INC

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

PORT CITY TAXI INC License 79.00 Prop. Tax 51.71 Veh. Fee 5.00

Appraised Value: $5,100.00
New Hanover County Tax Department 910-798-7300

Taxing Unit Tax Rate Amount
NEW HANOVER 0.554000 28.25
WILMINGTON 0.460000 23.46
WILMINGTON VTEE 0.460000 5.00

TOTAL 134.71 Total Property Tax 56.71

059 03/27/2015 T1C0592

71376324
STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER TA2821
PLT VALID THRU 04/15/2016
INSPECTION DUE 03/31/2016
VEHICLE ID # 2C4GPS4LX5R511630
MAKE/SERIES CHRY
TITLE # 779203141548059 EQUIP # 6
SHIPPING WEIGHT STYLE 1971 YEAR 2005 FUEL G TOTAL FEE $78.00
CLASSIFICATION TAXI/PASS VEH VEHICLE BRAND SUV
CUSTOMER ID # OWNER 1 00001542754
CUSTOMER ID # OWNER 2 00001542754
COUNTY NEW H
PORT CITY TAXI, INC
2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201

A69 - ATLANTIC CASUALTY INS CO
INSURANCE COMPANY AUTHORIZED ON NC
BA9135077
POLICY NUMBER

SIGNATURE

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER TA2821
PLT VALID THRU 04/15/2016
INSPECTION DUE 03/31/2016
VEHICLE ID # 2C4GPS4LX5R511630
MAKE/SERIES CHRY
TITLE # 779203141548059 EQUIP # 6
SHIPPING WEIGHT STYLE 1971 YEAR 2005 FUEL G TOTAL FEE $78.00
CLASSIFICATION TAXI/PASS VEH VEHICLE BRAND SUV
CUSTOMER ID # OWNER 1 00001542754
CUSTOMER ID # OWNER 2 00001542754
COUNTY NEW H
PORT CITY TAXI, INC
2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201

A69 - ATLANTIC CASUALTY INS CO
INSURANCE COMPANY AUTHORIZED ON NC
BA9135077
POLICY NUMBER

SIGNATURE

APPENDIX L

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

PORT CITY TAXI INC
License 78.00
Appraised Value: $4,790.00
Prop. Tax 48.10
Appeal Deadline: 10/15/2014
Veh. Fee 5.00
New Hanover County Tax Department
910-798-7300
TAXING UNIT TAX RATE AMOUNT
NEW HANOVER 0.554000 26.54
WILMINGTON 0.450000 21.56
WILMINGTON VFEES 5.00

TOTAL 131.10 Total Property Tax 53.10
059 08/15/2014 TIC0956

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

PORT CITY TAXI INC
License 78.00
Appraised Value: $5,670.00
Prop. Tax 56.48
Appeal Deadline: 05/15/2015
Veh. Fee 5.00
New Hanover County Tax Department
910-798-7300
TAXING UNIT TAX RATE AMOUNT
NEW HANOVER 0.554000 30.86
WILMINGTON 0.450000 25.62
WILMINGTON VFEES 5.00

TOTAL 139.48 Total Property Tax 61.48
059 03/27/2015 TIC0592

RFP # 15-0326 Port City Taxi Response
STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER TA2925
PLT VALID THRU 04/15/2016
INSPECTION DUE 03/31/2016
VEHICLE ID # 1GNDX036S4D126020
GROSS WGT 78.00
MAKE/SERIES CHEV
TITLE # 7717631213361056
EQUIP # 11
SHIPPING WEIGHT STYLE VN YEAR 2004 FUEL G TOTAL FEE 78.00
CLASSIFICATION TAX/PASS VEH VEHICLE BRAND SYR
CUSTOMER ID # OWNER 1 000242020651 CUSTOMER ID # OWNER 2 COUNTY NEW H
PORT CITY TAXI INC
2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

PORT CITY TAXI INC
License 78.00
Prop.Tax 34.68
Veh. Fee 5.00

Appraised Value: $3,420.00
Appeal Deadline: 05/15/2015
New Hanover County Tax Department
910-798-7300

Total Property Tax 39.68
059 03/27/2015 TIC0592
V V

A69 - ATLANTIC CASUALTY INS CO
INSURANCE COMPANY AUTHORIZED IN NC
BA9135077
POLICY NUMBER
SIGNATURE

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER TA2926
PLT VALID THRU 04/15/2016
INSPECTION DUE 03/31/2016
VEHICLE ID # 2G1WF52E149326862
GROSS WGT 78.00
MAKE/SERIES CHEV
TITLE # 779E55S11499056
EQUIP # 12
SHIPPING WEIGHT STYLE VN YEAR 2004 FUEL G TOTAL FEE 78.00
CLASSIFICATION TAX/PASS VEH VEHICLE BRAND SYR
CUSTOMER ID # OWNER 1 000242020651 CUSTOMER ID # OWNER 2 COUNTY NEW H
PORT CITY TAXI INC
2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

PORT CITY TAXI INC
License 78.00
Prop.Tax 40.96
Veh. Fee 5.00

Appraised Value: $4,040.00
Appeal Deadline: 05/15/2015
New Hanover County Tax Department
910-798-7300

Total Property Tax 45.96
059 03/27/2015 TIC0592
V V

A69 - ATLANTIC CASUALTY INS CO
INSURANCE COMPANY AUTHORIZED IN NC
BA9135077
POLICY NUMBER
SIGNATURE

71376319

RFP # 15-0326 Port City Taxi Response
Appendix L

STATE OF NORTH CAROLINA REGISTRATION CARD

NC LIC NUMBER: TB1519
PLT VALID THRU: 03/15/2016
INSPCTION DUE: 03/31/2016
GROSS WT:

VEHICLE ID #: 1A4G4582168550090
MAKE/SERIES: CHEV
TITLE #: 779462140428059
EQUIP #: 15
SHIPPING WEIGHT: 779462140428059
VEHICLE BRAND: CHEV

CUSTOMER ID # OWNER 1: 000024020651
CUSTOMER ID # OWNER 2: COUNTY NEW H

PORT CITY TAXI INC
2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201

NC DIVISION OF MOTOR VEHICLES RECEIPT OF FEES PAID

PORT CITY TAXI INC
License: 78.00
Prop. Tax: 51.71
Veh. Fee: 5.00

Appraised Value: $4,930.00
Appeal Deadline: 06/15/2015
New Hanover County Tax Department
910-798-7300

Taxing Unit: Tax Rate: Amount
NEW HANOVER: 0.554000 27.31
WILMINGTON: 0.460000 22.68
WILMINGTON V Fee: 5.00

TOTAL: 132.99

RFP # 15-0326 Port City Taxi Response
STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER: TA2830
VEHICLE ID #: 1GNDX03E44D114643
MAKE/SERIES: CHEV
MODEL: 2004 FUEL G TOTAL FEE: 78.00
CLASSIFICATION: TAXI/PASS VEH

CUSTOMER #1: 2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201
WILMINGTON VFD

APPENDIX L

PORT CITY TAXI INC

2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201

* 

A69 - ATLANTIC CASUALTY INS CO
INSURANCE COMPANY AUTHORIZED IN NC

BA9135077

POLICY NUMBER

SIGNATURE

1GNDX03E44D114643

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER: TA2831
VEHICLE ID #: 1DAGP4R75B118991
MAKE/SERIES: DODG
MODEL: 2005 FUEL G TOTAL FEE: 78.00
CLASSIFICATION: TAXI/PASS VEH

CUSTOMER #1: 2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201
WILMINGTON VFD

APPENDIX L

PORT CITY TAXI INC

2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201

* 

A69 - ATLANTIC CASUALTY INS CO
INSURANCE COMPANY AUTHORIZED IN NC

BA9135077

POLICY NUMBER

SIGNATURE

1DAGP4R75B118991

TOTAL 117.68
059 03/27/2015 T1C0592

71376330

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

Appraised Value: $3,420.00
Appeal Deadline: 05/15/2015
New Hanover County Tax Department
910-798-7300

New Hanover 0.55400 23.95
Wilmington 0.46000 19.73
Wilmington VFD 5.00

TOTAL 125.48
059 03/27/2015 T1C0592

71376331

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

Appraised Value: $4,150.00
Appeal Deadline: 05/15/2015
New Hanover County Tax Department
910-798-7300

New Hanover 0.55400 23.21
Wilmington 0.46000 19.73
Wilmington VFD 5.00

TOTAL 47.48
059 03/27/2015 T1C0592

44

RFP # 15-0326 Port City Taxi Response
STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER TA2832
PLT VALID THRU 04/15/2016
VEHICLE ID # 2D4GP44L5S456291
MAKE/SERIES DODG
STYLE VR
YEAR 2005
FUEL G
TAXI/PASS VEH
CLASSIFICATION VEHCLE BRAND SVYR
GROSS WT
TITLE # 770907132757059
EQUIP # 20
TOTAL FEE 78.00
CUSTOMER ID # OWNER 1 00001542754
CUSTOMER ID # OWNER 2 COUNTY NEW H
PORT CITY TAXI INC
2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201

PORT CITY TAXI, INC

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

PORT CITY TAXI INC
License 78.00
Reg 15.00
Prop. Tax 112.05
Veh. Fee 5.00
Appraised Value: $4,920.00
Appeal Deadline: 05/15/2015
New Hanover County Tax Department
910-798-7300
Taxing Unit Tax Rate Amount
NEW HANOVER 0.554000 27.26
WILMINGTON 0.460000 22.63
WILMINGTON V.FEE 5.00

TOTAL 132.89

A69 - ATLANTIC CASUALTY INS CO
INSURANCE COMPANY AUTHORIZED IN NC
BA9135077

059 03/27/2015 71376332

71376332

NC DIVISION OF MOTOR VEHICLES
RECEIPT OF FEES PAID

PORT CITY TAXI INC
License 78.00
Reg 15.00
Prop. Tax 112.05
Veh. Fee 5.00
Appraised Value: $11,050.00
Appeal Deadline: 04/14/2015
New Hanover County Tax Department
910-798-7300
Taxing Unit Tax Rate Amount
NEW HANOVER 0.554000 61.22
WILMINGTON 0.460000 50.63
WILMINGTON 5.00

TOTAL 210.05

A69 - ATLANTIC CASUALTY INS CO
INSURANCE COMPANY AUTHORIZED IN NC
BA9135077

059 01/20/2015 71364126

71364126
Appendix L

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER TA2820
PLT VALID THRU 04/15/2016
INSPECTION DUE 03/31/2016

VEHICLE ID # 1GDNV33B85D108496
MAKE/SERIES CHRY
SHIPPING WEIGHT STYLE VHX YEAR 2005
CLASSIFICATION TAXI/PASS VEH
CUSTOMER ID # OWNER 1 000024020651
PORT CITY TAXI INC
2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201

PORT CITY TAXI INC
License 78.00
Prop. Tax 44.00
Veh. Fee 5.00

A69 - ATLANTIC CASUALTY INS CO
INSURANCE COMPANY AUTHORIZED IN NC
BA9135077

SIGNATURE

STATE OF NORTH CAROLINA
REGISTRATION CARD

NC LIC NUMBER TA9493
PLT VALID THRU 06/15/2016
INSPECTION DUE 05/31/2016

VEHICLE ID # 1GMDX03B54D157487
MAKE/SERIES TITLE # 7723119121436059
SHIPPING WEIGHT STYLE VH YEAR 2004
CLASSIFICATION TAXI/PASS VEH
CUSTOMER ID # OWNER 1 000024020651
PORT CITY TAXI INC
2027 CAROLINA BEACH RD
WILMINGTON NC 28401-7201

PORT CITY TAXI INC
License 78.00
Prop. Tax 36.20
Veh. Fee 5.00

A69 - ATLANTIC CASUALTY INS CO
INSURANCE COMPANY AUTHORIZED IN NC
BA9135077

SIGNATURE

APPENDIX L
Vehicle Inspections
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 028
Date: 03/20/2015

Make: Dodge
Year: 2006
Engine Size: 2400
Body Style: Minivan
VIN: 1D4GP25B46B741865
County: NEW HANOVER
TIN: 225610381185

See your vehicle's registration card for your next Inspection Due Date

Safety Equipment
- Headlights: Pass
- Parking Lights: Pass
- Tail Lights: Pass
- Beam Indicator Light/Switch: Pass
- License Plate Light: Pass
- Stop Light: Pass
- Directional Signals: Pass
- Horn: Pass
- Windshield Wipers: Pass
- Rear View Mirrors: Pass
- Foot Brake: Pass
- Emergency Brake: Pass
- Steering Mechanism: Pass
- Tires: Pass
- Exhaust System: Pass
- Clearance Lights: N/A
- Reflectors: N/A
- Window Tinting: N/A

Tampering Inspection
- Catalytic Converter: Pass
- Air Injection System: N/A
- PCV Valve: Pass
- Unleaded Gas Restrictor: Pass
- Exhaust Gas Recirculation: Pass
- Thermostatic Air Control: N/A
- Fuel Evaporation Control: Pass
- Oxygen Sensor: Pass
- Gasoline Tank Cap: Pass

OBDII Test Results
- PASS
- MIL Bulb Working: Pass
- Connector Damage: Pass
- Communications Established: Pass
- MIL Commanded-On: Pass
- Engine RPM at Reading: 1055

Analyzer Number: DZ001799, Ver: 1104
Receipt/Statement Number: 00000878
Waiver Number:
Owner's Repair Authorization: 

RONNIE J. PARKER
RETAIL THIS COPY FOR YOUR RECORDS

☐ Telecommunication = $1.75
☐ Highway Fund = $0.55
☐ Rescue Squad Relief = $0.12
☐ Division of Air Quality = $0.05
☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.18
☐ Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25(min) - $30.00 (max)
STATE OF NORTH CAROLINA

VEHICLE INSPECTION RECEIPT/STATEMENT

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 037
Date: 03/04/2015

Make: Dodge
Year: 2007
Engine Size: 3300
Body Style: Minivan
VIN: 1D4GP24R47B253323
County: NEW HANOVER
TIN: 23527039783

See your vehicle's registration card for your next Inspection Due Date

Safety Equipment

<table>
<thead>
<tr>
<th>Feature</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>Pass</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>Pass</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>Pass</td>
</tr>
<tr>
<td>Beam Indicator Light/Switch</td>
<td>Pass</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>Pass</td>
</tr>
<tr>
<td>Stop Light</td>
<td>Pass</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>Pass</td>
</tr>
<tr>
<td>Horn</td>
<td>Pass</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>Pass</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>Pass</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>Pass</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>Pass</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>Pass</td>
</tr>
<tr>
<td>Tires</td>
<td>Pass</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>Pass</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Tampering Inspection

<table>
<thead>
<tr>
<th>Feature</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalytic Converter</td>
<td>Pass</td>
</tr>
<tr>
<td>Air Injection System</td>
<td>N/A</td>
</tr>
<tr>
<td>PCV Valve</td>
<td>Pass</td>
</tr>
<tr>
<td>Unleaded Gas Restrictor</td>
<td>Pass</td>
</tr>
<tr>
<td>Exhaust Gas Recirculation</td>
<td>Pass</td>
</tr>
<tr>
<td>Thermostatic Air Control</td>
<td>N/A</td>
</tr>
<tr>
<td>Fuel Evaporation Control</td>
<td>Pass</td>
</tr>
<tr>
<td>Oxygen Sensor</td>
<td>Pass</td>
</tr>
<tr>
<td>Gasoline Tank Cap</td>
<td>Pass</td>
</tr>
</tbody>
</table>

OBDII Test Results

PASS

Analyzer Number: DZ001799 Ver: 1104
Receipt/Statement Number: 00000869
Waiver Number:
Owner's Repair Authorization:

RONNIE J. PARKER

RETAIN THIS COPY FOR YOUR RECORDS

☐ Telecommunication = $1.75
☐ Highway Fund = $0.65
☐ Rescue Squad Relief = $0.12
☐ Division of Air Quality = $0.65
☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.18
☐ Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25(min) - $30.00 (max)
STATE OF NORTH CAROLINA  
VEHICLE INSPECTION RECEIPT/STATEMENT  
SAFETY AND EMISSIONS (OBDII)  

5/15/2015

Classification: IM  
Electronic Authorization Number: 026  
Date: 03/23/2015  

Make: Chrysler  
Year: 2006  
Engine Size: 3800  
Body Style: Minivan  
VIN: 1A4GP45R56B747383  
County: NEW HANOVER  
TIN: 825876332683

See your vehicle's registration card for your next Inspection Due Date

<table>
<thead>
<tr>
<th>Safety Equipment</th>
<th>Tampering Inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>Catalytic Converter</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>Air Injection System</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>PCV Valve</td>
</tr>
<tr>
<td>Beam Indicator Light/Switch</td>
<td>Unleaded Gas Restrictor</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>Exhaust Gas Recirculation</td>
</tr>
<tr>
<td>Stop Light</td>
<td>Thermostatic Air Control</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>Fuel Evaporation Control</td>
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<tr>
<td>Horn</td>
<td>Oxygen Sensor</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>Gasoline Tank Cap</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td></td>
</tr>
<tr>
<td>Foot Brake</td>
<td></td>
</tr>
<tr>
<td>Emergency Brake</td>
<td></td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td></td>
</tr>
<tr>
<td>Tires</td>
<td></td>
</tr>
<tr>
<td>Exhaust System</td>
<td></td>
</tr>
<tr>
<td>Clearance Lights</td>
<td></td>
</tr>
<tr>
<td>Reflectors</td>
<td></td>
</tr>
<tr>
<td>Window Tinting</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Safety Equipment**  
- Headlights: Pass  
- Parking Lights: Pass  
- Tail Lights: Pass  
- Beam Indicator Light/Switch: Pass  
- License Plate Light: Pass  
- Stop Light: Pass  
- Directional Signals: Pass  
- Horn: Pass  
- Windshield Wipers: Pass  
- Rear View Mirrors: Pass  
- Foot Brake: Pass  
- Emergency Brake: Pass  
- Steering Mechanism: Pass  
- Tires: Pass  
- Exhaust System: Pass  
- Clearance Lights: N/A  
- Reflectors: N/A  
- Window Tinting: N/A

**Tampering Inspection**  
- Catalytic Converter: Pass  
- Air Injection System: N/A  
- PCV Valve: Pass  
- Unleaded Gas Restrictor: Pass  
- Exhaust Gas Recirculation: Pass  
- Thermostatic Air Control: N/A  
- Fuel Evaporation Control: Pass  
- Oxygen Sensor: Pass  
- Gasoline Tank Cap: Pass

**OBD II Test Results**  
- MIL Bulb Working: Pass  
- Connector Damage: Pass  
- Communications Established: Pass  
- MIL Commanded-On: Pass  
- Engine RPM at Reading: 800

**Station Number:** 31358  
**Inspection Class:** Safety/Emission  
**Parts Exemption Number:**  
**Inspector Mechanic:** RONNIE J. PARKER

**RETAINThis COPY FOR YOUR RECORDS**

□ Telecommunication = $1.75  
□ Highway Fund = $0.55  
□ Rescue Squad Relief = $0.12  
□ Division of Air Quality = $0.65  
□ Emissions Program = $3.00  
□ Volunteer Rescue/EMS = $0.18  
□ Inspection Station = $0.00(min) - $23.75(max)

**Total Inspection Fee $6.25(min) - $30.00 (max)**
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)  
5/15/2015

Classification: IM
Electronic Authorization Number: 025
Date: 03/23/2015

Make: Chrysler
Year: 2006
Engine Size: 3800
Body Style: Minivan
VIN: 1A4GP45R16B673458
County: NEW HANOVER
TIN: 625550345588

See your vehicle's registration card for your next Inspection Due Date

**************************************************************************
Safety Equipment
**************************************************************************
Headlights ........................................ Pass
Parking Lights .................................. Pass
Tail Lights ....................................... Pass
Beam Indicator Light/Switch ................. Pass
License Plate Light .............................. Pass
Stop Light ......................................... Pass
Directional Signals ................................ Pass
Horn .................................................. Pass
Windshield Wipers ................................ Pass
Rear View Mirrors ................................ Pass
Foot Brake .......................................... Pass
Emergency Brake .................................. Pass
Steering Mechanism .............................. Pass
Tires .................................................. Pass
Exhaust System .................................... Pass
Clearance Lights .................................. N/A
Reflector .......................................... N/A
Window Tinting .................................... N/A

**************************************************************************
Tampering Inspection
**************************************************************************
Catalytic Converter ......................... Pass
Air Injection System ...................... N/A
PCV Valve ......................................... Pass
Unleaded Gas Restrictor ..................... Pass
Exhaust Gas Recirculation ................. Pass
Thermostatic Air Control .................... N/A
Fuel Evaporation Control .................... Pass
Oxygen Sensor ................................... Pass
Gasoline Tank Cap ............................. Pass

**************************************************************************
OBDII Test Results
**************************************************************************
PAS

**************************************************************************
Station Number: 31358
Inspection Class: Safety/Emission
Parts Exemption Number:  
Inspector Mechanic:

RONNIE J. PARKER

RETAI THIS COPY FOR YOUR RECORDS

☐ Telecommunication = $1.75
☐ Highway Fund = $0.55
☐ Rescue Squad Relief + $0.12
☐ Division of Air Quality = $0.85

☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.18
☐ Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25(min) - $30.00 (max)
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 028
Date: 07/28/2014

Make: Dodge
Year: 2005
Engine Size: 3300
Body Style: Minivan
VIN: 1D4GP45R55B144375
County: NEW HANOVER
TIN: 525710334885

Inspectors

PASSED

Inspection Fee: $23.75
E-Auth. Fee: $6.25
Window Tinting Fee: $0.00
Total Fees: $30.00

Vehicle Type: Light Duty
Plate Number: TA2894
Odometer Reading: 238731
Number of Cylinders: 6
Type of Fuel: Gasoline

Previous Odometer:

See your vehicle's registration card for your next Inspection Due Date

Safety Equipment

Headlights .......... Pass
Parking Lights .... Pass
Tail Lights .... Pass
Beam Indicator Light/Switch Pass
License Plate Light Pass
Stop Light .... Pass
Directional Signals Pass
Horn .... Pass
Windshield Wipers Pass
Rear View Mirrors Pass
Foot Brake Pass
Emergency Brake Pass
Steering Mechanism Pass
Tires .... Pass
Exhaust System N/A
Clearance Lights N/A
Reflectors N/A
Window Tinting N/A

Tampering Inspection

Catalytic Converter Pass
Air Injection System N/A
PCV Valve Pass
Unleaded Gas Restrictor Pass
Exhaust Gas Recirculation Pass
Thermostatic Air Control N/A
Fuel Evaporation Control Pass
Oxygen Sensor Pass
Gasoline Tank Cap Pass

OBDII Test Results

PASS

MIL Bulb Working Pass
Connector Damage Pass
Communications Established Pass
MIL Commanded-On Pass
Engine RPM at Reading 891

Station Number: 31358
Inspection Class: Safety/Emission
Parts Exemption Number: 
Inspector Mechanic: RONNIE J. PARKER
Analyzer Number: DZ001799 Ver: 1104
Receipt/Statement Number: 00000818
Waiver Number:
Owner's Repair Authorization:

RETAI this COPY FOR YOUR RECORDS

☐ Telecommunication = $1.75 ☐ Emissions Program = $3.00
☐ Highway Fund = $0.55 ☐ Volunteer Rescue/EMS = $0.18
☐ Rescue Squad Relief = $0.12 ☐ Inspection Station = $0.00(min) - $23.75(max)
☐ Division of Air Quality = $0.85

Total Inspection Fee $6.25(min) - $30.00 (max)
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 027
Date: 03/23/2015

Make: Chrysler
Year: 2005
Engine Size: 3800
Body Style: Minivan
VIN: 2C4GP54LX5R511630
County: NEW HANOVER
TIN: 525310362780

Vehicle Type: Light Duty
Plate Number: TA2821
Odometer Reading: 210477
Number of Cylinders: 6
Type of Fuel: Gasoline

Inspection Fee: $23.75
E-Auth. Fee: $6.25
Window Tinting Fee: $10.00
Total Fees: $40.00

Motor Vehicle Dealer Number:

See your vehicle's registration card for your next inspection due date.

Safety Equipment
Headlights Pass
Parking Lights Pass
Tail Lights Pass
Beam Indicator Light/Switch Pass
License Plate Light Pass
Stop Light
Directional Signals Pass
Horn Pass
Windshield Wipers Pass
Rear View Mirrors Pass
Foot Brake Pass
Emergency Brake Pass
Steering Mechanism Pass
Tires
Exhaust System Pass
Clearance Lights Corr.
Reflectors Corr.
Window Tinting

Tampering Inspection
Catalytic Converter Pass
Air Injection System N/A
PCV Valve Pass
Unleaded Gas Restrictor Pass
Exhaust Gas Recirculation Pass
Thermostatic Air Control N/A
Fuel Evaporation Control Pass
Oxygen Sensor Pass
Gasoline Tank Cap Pass

OBDII Test Results
PASS
MIL Bulb Working Pass
Connector Damage Pass
Communications Established Pass
MIL Commanded-On Pass
Engine RPM at Reading 1093

Station Number: 31358
Analyzer Number: DZ001799 Ver: 1104
Inspection Class: Safety/Emission
Receipt/Statement Number: 00000879
Parts Exemption Number: 
Inspector Mechanic: RONNIE J. PARKER
Waiver Number: Owner's Repair Authorization:

RETAIL THIS COPY FOR YOUR RECORDS

☐ Telecomunicacion = $1.75
☐ Emissions Program = $3.00
☐ Highway Trust = $0.55
☐ Volunteer Rescue/EMS = $0.18
☐ Rescue Squad Relief = $0.12
☐ Inspection Station = $0.00(min) - $23.75(max)
☐ Division of Air Quality = $0.65

Total Inspection Fee $6.25(min) - $30.00(max)
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 022
Date: 03/24/2015

Make: Dodge
Year: 2006
Engine Size: 3.300
Body Style: Minivan
VIN: 1D4GP25R06B728902
County: NEW HANOVER
TIN: 025010395282

See your vehicle's registration card for your next Inspection Due Date

Safety Equipment

- Headlights Pass
- Parking Lights Pass
- Tail Lights Pass
- Beam Indicator Light/Switch Pass
- License Plate Light Corr
- Stop Light Corr
- Directional Signals Pass
- Horn Pass
- Windsheild Wipers Pass
- Rear View Mirrors Pass
- Foot Brake Pass
- Emergency Brake Pass
- Steering Mechanism Pass
- Tires Pass
- Exhaust System Pass
- Clearance Lights N/A
- Reflectors N/A
- Window Tinting N/A

Tampering Inspection

- Catalytic Converter Pass
- Air Injection System N/A
- PCV Valve Pass
- Unleaded Gas Restrictor Pass
- Exhaust Gas Recirculation Pass
- Thermosstatic Air Control N/A
- Fuel Evaporation Control Pass
- Oxygen Sensor Pass
- Gasline Tank Cap Pass

OBDII Test Results

PASS
- MIL Bulb Working Pass
- Connector Damage Pass
- Communications Established Pass
- MIL Commanded-Off Pass
- Engine RPM at Reading 782

Analyzer Number: DZ001799 Ver: 1104
Receipt/Statement Number: 00000884
Waiver Number:
Owner's Repair Authorization:

RONNIE J. PARKER
RETAINT THIS COPY FOR YOUR RECORDS

Telecommunication = $1.76
Highway Fund = $0.55
Rescue Squad Relief = $0.12
Division of Air Quality = $0.65

Total Inspection Fee $6.25(min) - $30.00 (max)
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

5/15/2015

Classification: IM
Electronic Authorization Number: 033
Date: 03/11/2015

Make: Chevrolet
Year: 2004
Engine Size: 3400
Body Style: Sedan
VIN: 2G1WF52E149326862
County: NEW HANOVER
TIN: 135660388382

See your vehicle's registration card for your next Inspection Due Date

<table>
<thead>
<tr>
<th>Safety Equipment</th>
<th>Pass</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td></td>
</tr>
<tr>
<td>Parking Lights</td>
<td>Pass</td>
</tr>
<tr>
<td>Taillights</td>
<td></td>
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<tr>
<td>Beam Indicator Light/Switch</td>
<td>Pass</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>Pass</td>
</tr>
<tr>
<td>Stop Light</td>
<td>Pass</td>
</tr>
<tr>
<td>Directional Signals</td>
<td></td>
</tr>
<tr>
<td>Horn</td>
<td>Pass</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>Pass</td>
</tr>
<tr>
<td>Rear View Mirrors</td>
<td>Pass</td>
</tr>
<tr>
<td>Foot Brake</td>
<td>Pass</td>
</tr>
<tr>
<td>Emergency Brake</td>
<td>Pass</td>
</tr>
<tr>
<td>Steering Mechanism</td>
<td>Pass</td>
</tr>
<tr>
<td>Tires</td>
<td></td>
</tr>
<tr>
<td>Exhaust System</td>
<td>Pass</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Tampering Inspection

<table>
<thead>
<tr>
<th>Item</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catalytic Converter</td>
<td>Pass</td>
</tr>
<tr>
<td>Air Injection System</td>
<td>N/A</td>
</tr>
<tr>
<td>PCV Valve</td>
<td>Pass</td>
</tr>
<tr>
<td>Unleaded Gas Restrictor</td>
<td>Pass</td>
</tr>
<tr>
<td>Exhaust Gas Recirculation</td>
<td>Pass</td>
</tr>
<tr>
<td>Thermostatic Air Control</td>
<td>N/A</td>
</tr>
<tr>
<td>Fuel Evaporation Control</td>
<td>Pass</td>
</tr>
<tr>
<td>Oxygen Sensor</td>
<td>Pass</td>
</tr>
<tr>
<td>Gasoline Tank Cap</td>
<td>Pass</td>
</tr>
</tbody>
</table>

OBDII Test Results

PASS

<table>
<thead>
<tr>
<th>Test</th>
<th>Result</th>
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</thead>
<tbody>
<tr>
<td>MIL Bulb Working</td>
<td>Pass</td>
</tr>
<tr>
<td>Connector Damage</td>
<td>Pass</td>
</tr>
<tr>
<td>Communications Established</td>
<td>Pass</td>
</tr>
<tr>
<td>MIL Commanded-On</td>
<td>Pass</td>
</tr>
<tr>
<td>Engine RPM at Reading</td>
<td>1129</td>
</tr>
</tbody>
</table>

Station Number: 31358
Inspection Class: Safety/Emission
Parts Exemption Number: 
Inspector Mechanic:

RONNIE J. PARKER
RETAI THIS COPY FOR YOUR RECORDS

- Telecommunication = $1.76
- Highway Fund = $0.55
- Rescue Squad Relief = $0.12
- Division of Air Quality = $0.65
- Emissions Program = $0.75
- Volunteer Rescue/EMS = $0.16

Total Inspection Fee $6.25(min) - $30.00 (max)

Analyzer Number: DZ0017999 Ver: 1104
Receipt/Statement Number: 00000873
Waiver Number:
Owner's Repair Authorization:

RFP # 15-0326 Port City Taxi Response
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII) INSPECTION

Classification: IM
Electronic Authorization No: 028
Date: 04/03/2015

Vehicle Make: Chevrolet
Vehicle Year: 2005
Engine Size: 3400
Body Style: Minivan
VIN: 1GDV23E9D119128
County: NEW HANOVER
TIN Number: 32023617888

Safety Equipment
Headlights: PASS
Parking Lights: PASS
Taillights: PASS
Beam Indicator Light/Switch: PASS
License Plate Light: PASS
Stop Light: PASS
Directional Signals: PASS
Horn: PASS
Windshield Wipers: PASS
Rear View Mirrors: PASS
Foot Brake: PASS
Emergency Brake: PASS
Steering Mechanism: PASS
Tires: PASS
Exhaust System: PASS
Clearance Lights: N/A
Reflectors: N/A
Window Tinting: N/A

Tampering Inspection
Catalytic Converter: PASS
Air Injection System: N/A
PCV Valve: PASS
Unleaded Gas Restrictor: PASS
Exhaust Gas Recirculator: PASS
Thermostatic Air Control: N/A
Fuel Evaporation Control: PASS
Oxygen Sensor: PASS
Gasoline Tank Cap: PASS

OBDII Test Results
PASS
MIL Bulb Working: PASS
Connector Damaged: PASS
Communication Established: PASS
MIL Commanded ON: PASS
Engine RPM at Reading: 009900

Station Number: 65108
Inspection Class: IM
Parts Exemption Number: 
Inspector Mechanic: LEE SANDERS
Inspector-Mechanic’s Name: 

Analysis Number: BK036783
Receipt/Statement Number: 00000443
Waiver Number: 
Owner’s Repair Authorization: 

RETAIND THIS COPY FOR YOUR RECORDS

Pricing Chart legend
Division of Air Quality = $0.00
Emissions Program = $3.00
Volunteer Resource/M/S = $0.15
General Inspection Station = $0.00(min) - $23.75(max)
Total Inspection Fee $30.00(min) - $30.00 (max)
Appendix L

RFP # 15-0326 Port City Taxi Response

STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 034
Date: 03/11/2015

Make: Pontiac
Year: 2005
Engine Size: 3.460
Body Style: Minivan
VIN: 1GMDV23X5D136735
County: NEW HANOVER
TIN: 315310372485

Vehicle Type: Light Duty
Plate Number: TA2829
Odometer Reading: 317921
Number of Cylinders: 6
Type of Fuel: Gasoline
Previous Odometer: 
Motor Vehicle Dealer Number: 

See your vehicle's registration card for your next Inspection Due Date

Tampering Inspection
Catalytic Converter Pass
Air Injection System N/A
PCV Valve Pass
Unleaded Gas Restrictor Pass
Exhaust Gas Recirculation Pass
Thermostatic Air Control N/A
Fuel Evaporation Control Pass
Oxygen Sensor Pass
Gasoline Tank Cap Pass

OBDII Test Results
PASS
MI Bulb Working Pass
Connector Damage Pass
Communications Established Pass
MI Commanded-On Pass
Engine RPM at Reading 1080

Station Number: 31358
Inspection Class: Safety/Emission
Parts Exemption Number:
Inspector Mechanic: RONNIE J. PARKER

RETAINTHISCOPYFORYOURRECORDS

☐ Telecommunication = $1.75
☐ Highway Fund = $0.55
☐ Rescue Squad Relief = $0.12
☐ Division of Air Quality = $0.65

☐ Emissions Program = $3.00
☐ Volunteer Rescue/EMS = $0.10
☐ Inspection Station = $0.00(min) - $23.75(max)

Total Inspection Fee $6.25(min) - $30.00 (max)
Vehicles Inspection Receipt/Statement

SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 038
Date: 03/04/2015

Make: Chevrolet
Year: 2004
Engine Size: 3.400
Body Style: Minivan
VIN: 1GNDX03E44D114643
County: NEW HANOVER
TIN: 13543037883

Vehicle Type: Light Duty
Plate Number: TA2830
Odometer Reading: 281792
Number of Cylinders: 6
Type of Fuel: Gasoline

Safety Equipment

- Headlights: Pass
- Parking Lights: Pass
- Tail Lights: Pass
- Beam Indicator Light/Switch: Pass
- License Plate Light: Pass
- Stop Light: Pass
- Directional Signals: Pass
- Horn: Pass
- Windshield Wipers: Pass
- Rear View Mirrors: Pass
- Foot Brake: Pass
- Emergency Brake: Pass
- Steering Mechanism: Pass
- Tires: Pass
- Exhaust System: Pass
- Clearance Lights: N/A
- Reflectors: N/A
- Window Tinting: N/A

Tampering Inspection

- Catalytic Converter: Pass
- Air Injection System: N/A
- PCV Valve: Pass
- Unleaded Gas Restrictor: Pass
- Exhaust Gas Recirculation: Pass
- Thermostatic Air Control: N/A
- Fuel Evaporation Control: Pass
- Oxygen Sensor: Pass
- Gasoline Tank Cap: Pass

OBDII Test Results

- PASS

- MIL Bulb Working: Pass
- Connector Damage: Pass
- Communications Established: Pass
- MIL Commanded-On: Pass
- Engine RPM at Reading: 688

Station Number: 31358
Analyzer Number: DZ001799 Ver: 1104
Inspection Class: Safety/Emission
Receipt/Statement Number: 00000868

Inspector Mechanic:
RONNIE J. PARKER

RETAIN THIS COPY FOR YOUR RECORDS

Total Inspection Fee $6.25 (min) - $30.80 (max)
### STATE OF NORTH CAROLINA

#### VEHICLE INSPECTION RECEIPT/STATEMENT

**SAFETY AND EMISSIONS (OBDII)**

**Classification:** IM  
**Electronic Authorization Number:** 022  
**Date:** 03/24/2015  
**Make:** Dodge  
**Year:** 2006  
**Engine Size:** 3300  
**Body Style:** Minivan  
**VIN:** 1D4GP25R06B728902  
**County:** NEW HANOVER  
**TIN:** 02501036282

**Inspection Fee:** $23.75  
**E-Auth Fee:** $6.25  
**Window Tinting Fee:** $0.00  
**Total Fees:** $30.00  
**Vehicle Type:** Light Duty  
**Plate Number:** TA6064  
**Odometer Reading:** 121043  
**Number of Cylinders:** 6  
**Type of Fuel:** Gasoline

Motor Vehicle Dealer Number:

---

#### Safety Equipment

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Headlights</td>
<td>Pass</td>
</tr>
<tr>
<td>Parking Lights</td>
<td>Pass</td>
</tr>
<tr>
<td>Tail Lights</td>
<td>Pass</td>
</tr>
<tr>
<td>Beam Indicator Light/Switch</td>
<td>Pass</td>
</tr>
<tr>
<td>License Plate Light</td>
<td>Corr</td>
</tr>
<tr>
<td>Stop Light</td>
<td>Corr</td>
</tr>
<tr>
<td>Directional Signals</td>
<td>Pass</td>
</tr>
<tr>
<td>Horn</td>
<td>Pass</td>
</tr>
<tr>
<td>Windshield Wipers</td>
<td>Pass</td>
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<tr>
<td>Rear View Mirrors</td>
<td>Pass</td>
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<td>Foot Brake</td>
<td>Pass</td>
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<td>Emergency Brake</td>
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</tr>
<tr>
<td>Steering Mechanism</td>
<td>Pass</td>
</tr>
<tr>
<td>Tires</td>
<td>Pass</td>
</tr>
<tr>
<td>Exhaust System</td>
<td>Pass</td>
</tr>
<tr>
<td>Clearance Lights</td>
<td>N/A</td>
</tr>
<tr>
<td>Reflectors</td>
<td>N/A</td>
</tr>
<tr>
<td>Window Tinting</td>
<td>N/A</td>
</tr>
</tbody>
</table>

---

#### Tampering Inspection

- Catalytic Converter: Pass
- Air Injection System: N/A
- PCV Valve: Pass
- Unleaded Gas Restrictor: Pass
- Exhaust Gas Recirculation: Pass
- Thermostatic Air Control: N/A
- Fuel Evaporation Control: Pass
- Oxygen Sensor: Pass
- Gasoline Tank Cap: Pass

---

#### OBDII Test Results

- MIL Bulb Working: Pass
- Connector Damage: Pass
- Communications Established: Pass
- MIL Commanded-On: Pass
- Engine RPM at Reading: 782

---

**Station Number:** 31358  
**Inspection Class:** Safety/Emission  
**Parts Exemption Number:**  
**Inspector Mechanic:** Ronnie J. Parker

**Analyzer Number:** DZ001799  
**Receipt/Statement Number:** 00000884  
**Waiver Number:**  
**Owner's Repair Authorization:**

**RETAINThis COPY FOR YOUR RECORDS**

- Telegraphic = $1.75  
- Highway Fund = $0.55  
- Rescue Squad Relief = $0.12  
- Division Of Air Quality = $0.85

**Emissions Program = $2.00**  
**Volunteer Rescue/EMS = $0.18**  
**Inspection Station = $0.00(min) - $23.75(max)**

**Total Inspection Fee $6.25(min) - $30.90 (max)**
Appendix L

State of North Carolina
Vehicle Inspection Receipt/Statement
Safety and Emissions (OBDII)

Classification: IM
Electronic Authorization Number: 032
Date: 03/16/2015

Make: Dodge
Year: 2005
Engine Size: 3800
Body Style: Minivan
VIN: 2D4GP44L55R456291
County: NEW HANOVER
TIN: 635910327281

Inspection Fee: $23.75
E-Auth. Fee: $6.25
Window Tinting Fee: $0.00
Total Fees: $30.00

Vehicle Type: Light Duty
Plate Number: TA2832
Odometer Reading: 181679
Number of Cylinders: 6
Type of Fuel: Gasoline
Previous Odometer:

Motor Vehicle Dealer Number:

See your vehicle's registration card for your next inspection due date.

************** Safety Equipment **************

Tampering Inspection

Headlights ........ Pass
Parking Lights .......... Pass
Tail Lights .......... Pass
Beam Indicator Light/Switch .... Pass
License Plate Light .... Pass
Stop Light .......... Pass
Directional Signals .... Pass
Horn .......... Pass
Windshield Wipers .... Pass
Rear View Mirrors .... Pass
Foot Brake .......... Pass
Emergency Brake .... Pass
Steering Mechanism .... Pass
Tires .......... Pass
Exhaust System .... Pass
Clearance Lights .... N/A
Reflectors .......... N/A
Window Tinting .... N/A

************** OBDII Test Results **************

PASS

Analyzer Number: DZ001799 Ver: 1104
Receipt/Statement Number: 00000874
Waiver Number:
Owner's Repair Authorization:

************** Retain this copy for your records **************

□ Telecommunication = $1.75
□ Emissions Program = $3.00
□ Highway Fund = $0.55
□ Volunteer Rescue/EMS = $0.18
□ Rescue Squad Relief = $0.12
□ Inspection Station = $0.00 (min) - $23.75 (max)
□ Division of Air Quality = $0.65

Total inspection Fee $6.25 (min) - $30.00 (max)
### STATE OF NORTH CAROLINA

#### VEHICLE INSPECTION RECEIPT/STATEMENT

**Safet and Emissions (OBDII)**

- **Classification:** IM
- **Electronic Authorization Number:** 035
- **Date:** 03/09/2015

**Make:** Chrysler  
**Year:** 2006  
**Engine Size:** 3.306  
**Body Style:** MiniVan  
**VIN:** 1A4GP48666B698906  
**County:** NEW HANOVER  
**TIN:** 235020391586

**See your vehicle’s registration card for your next inspection due date.**

---

#### Tampering Inspection

- **Catalytic Converter:** Pass  
- **Air Injection System:** N/A  
- **PCV Valve:** Pass  
- **Unleaded Gas Restrictor:** Pass  
- **Exhaust Gas Recirculation:** Pass  
- **Thermostatic Air Control:** N/A  
- **Fuel Evaporation Control:** Pass  
- **Oxygen Sensor:** Pass  
- **Gasoline Tank Cap:** Pass

#### OBDII Test Results

- **PASS**
  - MIL Bulb Working: Pass  
  - Connector Damage: Pass  
  - Communications Established: Pass  
  - MIL Commanded-On: Pass  
  - Engine RPM at Reading: 919

---

**Station Number:** 31358  
**Inspection Class:** Safety/Emission  
**Parts Exemption Number:**  
**Inspector Mechanic:** RONNIE J. PARKER

---

**Analysis Number:** DZ0011799  
**Ver.:** 1104  
**Receipt/Statement Number:** 00000871  
**Waiver Number:** Owner's Repair Authorization:

---

**RETAIN THIS COPY FOR YOUR RECORDS**

- □ Telecommunication = $1.75
- □ Highway Fund = $0.55
- □ Rescue Squad Relief = $0.12
- □ Division of Air Quality = $0.65

- □ Emissions Program = $3.00
- □ Volunteer Rescue/EMS = $0.18
- □ Inspection Station = $0.00 (min) - $23.75 (max)

**Total Inspection Fee $6.25 (min) - $30.00 (max)**
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
REINSPECTION SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 020
Date: 03/30/2015

Make: Chevrolet
Year: 2005
Engine Size: 3400
Body Style: Minivan
VIN: 1GNDV33E85D108496
County: NEW HANOVER
TIN: 323950747086

Inspection Fee: $0.00
E-Auth. Fee: $6.25
Window Tinting Fee: $0.00
Total Fees: $6.25

Vehicle Type: Light Duty
Plate Number: TA2820
Odometer Reading: 273853
Number of Cylinders: 6
Type of Fuel: Gasoline
Previous Odometer: 273379

Motor Vehicle Dealer Odometer:

See your vehicle's registration card for your next Inspection Due Date

Safety Equipment

Headlights ........................................ Pass
Parking Lights .................................. Pass
Tail Lights ...................................... Pass
Beacon Indicator Light/Switch .............. Pass
License Plate Light ............................. Pass
Stop Light ....................................... Pass
Directional Signals ............................ Pass
Horn ................................................ Pass
Windshield Wipers ............................. Pass
Rear View Mirrors ............................... Pass
Foot Brake ...................................... Pass
Emergency Brake ............................... Pass
Steering Mechanism ......................... Pass
Tires .............................................. Pass
Exhaust System ................................. Pass
Clearance Lights ............................... N/A
Reflectors ...................................... N/A
Window Tinting ................................. N/A

Tampering Inspection

Catalytic Converter ......................... Pass
Air Injection System ......................... N/A
ICV Value ................................... Pass
Unleaded Gas Restrictor ..................... Pass
Exhaust Gas Recirculation ................. N/A
Thermostatic Air Control .................... N/A
Fuel Evaporation Control ................. Pass
Oxygen Sensor ................................ Pass
Gasoline Tank Cap ............................ Pass

OBDII Test Results

FAIL
MIL Bulb Working ......................... Pass
Connector Damage ......................... Pass
Communications Established .......... Pass
MIL Commanded-On ................. Fail
Engine RPM at Reading .............. 693

Station Number: 31335
Inspection Class: Safety/Emission
Parts Exemption Number:
Inspector Mechanic:  

RETAI NTHIS COPY FOR YOUR RECORDS

□ Highway Trust Fund = $0.25
□ Telecommunication = $1.75
□ Highway Fund = $0.55
□ Rescue Squad Relief = $0.12
□ Division of Air Quality = $0.85
□ Emissions Program = $3.00
□ Volunteer Rescue/EMS = $0.16
□ Inspection Station = $0.00(min) - $33.50(max)

Total Inspection Fee $6.25(min) - $30.00 (max)
Appendix L

RFP # 15-0326 Port City Taxi Response
STATE OF NORTH CAROLINA
VEHICLE INSPECTION RECEIPT/STATEMENT
REINSPECTION SAFETY AND EMISSIONS (OBDII)

Classification: IM
Electronic Authorization Number: 019
Date: 03/31/2015

Make: Dodge
Year: 2004
Engine Size: 3300
Body Style: Minivan
VIN: 1D4GP24R24B370321
County: NEW HANOVER
TIN: 115240332981

See your vehicle's registration card for your next inspection due date

Parking Lights Pass
Tail Lights Pass
Beam Indicator Light/Switch Pass
License Plate Light Pass
Stop Light Pass
Directional Signals Pass
Horn Pass
Windshield Wipers Pass
Rear View Mirrors Pass
Foot Brake Pass
Emergency Brake Pass
Steering Mechanism Pass
Tires Pass
Exhaust System Pass
Clearance Lights N/A
Reflectors N/A
Window Tinting N/A

Tampering Inspection
Catalytic Converter Pass
Air Injection System N/A
PCV Valve Pass
Unleaded Gas Restrictor Pass
Exhaust Gas Recirculation Pass
Thermostatic Air Control N/A
Fuel Evaporation Control Pass
Oxygen Sensor Pass
Gasoline Tank Cap Pass

OBDII Test Results
PASS
MIL Bulb Working Pass
Connector Damage Pass
Communications Established Pass
MIL Commanded-On Pass
Engine RPM at Reading 998

Station Number: 31358
Inspection Class: Safety/Emission
Parts Exemption Number:
Inspector Mechanic: RONNIE J. PARKER

RETAIN THIS COPY FOR YOUR RECORDS

Analyzer Number: DZ001799 Ver: 1104
Receipt/Statement Number: 00000092
Waiver Number:
Owner's Repair Authorization:

TOTAL INSPECTION FEE $6.25 (MIN) - $30.00 (MAX)
May 15, 2015

Ms. Lena L. Butler
Purchasing Supervisor
New Hanover County Government
230 Government Center Drive
Suite 165
Wilmington, NC 28403

RE: Letter of Transmittal - Non-Emergency Transportation Services – RFP #15-0326

Dear Ms. Butler,

I am pleased to submit for consideration Cape Fear Public Transportation Authority’s (d.b.a. Wave Transit) response to New Hanover County’s Request for Proposal #15-0326 – Non-Emergency Transportation Services.

This transmittal letter confirms that Wave Transit has reviewed and understands all requirements of the RFP. Below is the required contact information as I have the authority to execute the contract.

Albert Eby, Executive Director
aebv@wavetransit.com
505 Cando St.
PO Box 12630
Wilmington, NC 28405
Phone: 910-343-0106
Fax: 910-343-8317

The information contained in this proposal or any part thereof, including any exhibits, schedules, and other documents and instruments delivered or to be delivered to New Hanover County, are true, accurate, and complete. This proposal includes all information necessary to ensure that the statements therein do not in whole or in part mislead New Hanover County as to any material facts.

If you have any questions concerning proposal, please contact the Director of Operations, Jean Smith at 910-202-2062. We appreciate your consideration of this proposal and look forward to your decision.

Respectfully,

Albert Eby
Executive Director
SECTION B: Minimum Requirements

B1. Compliance with Federal, State, and local permits, licenses, laws, regulations and ordinances

The Cape Fear Public Transportation Authority meets the minimum requirements regarding permits, licenses, laws, regulations and ordinances. The Agency possesses all necessary service permits and licenses and abides by all applicable laws, regulations and ordinances of Federal, State, and local governments in which work under any resulting contract will be performed.

B2. Documentation

a. A Certificate of Liability Insurance is included at the end of Section B.

b. The Secretary of State Certificate of Authority is not necessary as the Cape Fear Public Transportation Authority is a North Carolina service provider.

c. Articles of Incorporation for the Cape Fear Public Transportation Authority are included at the end of Section B.

d. The Passenger Vehicle for Hire Company Operating Permit is not necessary as the Cape Fear Public Transportation Authority is not a passenger vehicle for hire company.

e. An affidavit attesting that the Cape Fear Public Transportation Authority is in compliance with the E-Verify provisions of Article 2 of Chapter 64 of the North Carolina General Statutes and ensuring that any subcontractors used by Service Provider on this County Project will also comply with the E-Verify provisions in included at the end of Section B. Complete and submit the E-Verify form.

f. The completed Overdue Tax Letter form is included at the end of Section B.

g. The completed Certification Regarding Lobbying form is included at the end of Section B.

h. The completed Certification Regarding Debarment form is included at the end of Section B.

i. An Audited Financial Statement (AFS) for the last period audited, and prepared for the Cape Fear Public Transportation Authority by a Certified Public Accountant, is included at the end of Section B. The AFS includes the following:
i. Statement of Net Financial Position.

ii. Statement of Revenues and Expenses.


iv. Independent Auditors’ Opinion.

v. Notes to Financial Statements and Supplement Information.

vi. The Notes to the Financial Statements are required as they provide additional detail and further explanation of the financial statements.

vii. Management’s discussion and analysis
### Certificate of Liability Insurance

**Certificate Holder:**

NEWHA-1

**New Hanover County**

230 Government Center Dr #125A

Wilmington, NC 28403

**Cancellation:**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**Authorized Representative:**

Harold W. Wells & Son, Inc.

---

**Coverages**

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<tr>
<th>INSURER (A)</th>
<th>NAIC #</th>
<th>INSURER (B)</th>
<th>NAIC #</th>
<th>INSURER (C)</th>
<th>NAIC #</th>
<th>INSURER (D)</th>
<th>NAIC #</th>
<th>INSURER (E)</th>
<th>NAIC #</th>
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<td>Selective Ins. Co. of S.C.</td>
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<td>Hartford Underwriters Ins Co</td>
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<td>Hartford Underwriters Ins Co</td>
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<td>Hartford Underwriters Ins Co</td>
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</tbody>
</table>

**Description of Operations / Locations / Vehicles**

AS REQUIRED BY WRITTEN CONTRACT NEW HANOVER COUNTY, ITS OFFICIALS, EMPLOYEES, AND AGENTS ARE LISTED AS ADDITIONAL INSURED ON THE GENERAL LIABILITY PER FORM CG7202.

---

**Important:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**Producer:**

Harold W. Wells & Son, Inc.

One North Third Street

Wilmington, NC 28401-4528

Harold W. Wells & Son, Inc.

---

**Certificate Number:**

S2128468

**Coverages**

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<th>Policy Eff</th>
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**Automobile Liability**

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**Workers Compensation and Employers Liability**

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<td>If yes, describe under DESCRIPTION OF OPERATIONS below</td>
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<td>E.L. DISEASE - POLICY LIMIT</td>
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</table>

**Description of Operations / Locations / Vehicles**

ACORD 25 (2014/01) The ACORD name and logo are registered marks of ACORD
New Hanover County Contract # 04-0275

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

INTERLOCAL AGREEMENT BETWEEN NEW HANOVER COUNTY AND THE CITY OF WILMINGTON TO CREATE A PUBLIC TRANSPORTATION AUTHORITY AND TO JOINTLY FUND AND SUPPORT THE AUTHORITY

This Interlocal Agreement made and entered into this the __th day of April, 2004, by and between New Hanover County, a North Carolina body politic and corporate (County) and the City of Wilmington, a North Carolina municipal corporation (City).

WITNESSETH

Whereas, New Hanover County, the City of Wilmington, the North Carolina Department of Transportation and other urban area jurisdictions adopted the Wilmington Urban Area Transportation Plan 1999-2025 dated June 4, 1999 (Master Plan); and

Whereas, the County and City recognized that traffic and transportation concerns are shared between jurisdictions regardless of jurisdictional boundaries; and

Whereas, N.C.G.S. Section 160A-462 authorizes units of government to establish a joint agency to carry out the joint exercise by such units of any power, function or public enterprise; and

Whereas, the parties desired to jointly operate transportation facilities and services throughout New Hanover County; and

Whereas, effective July 1, 2003 through June 30, 2004, the parties and Wilmington Transit Authority (WTA) established the Wilmington-New Hanover County Transportation Agency (Agency), a joint agency composed of the members of the WTA and the New Hanover Transportation Services Advisory Board to jointly operate transportation facilities and services throughout New Hanover County and to make recommendations to the County and City for merging the transportation facilities and services provided by the County, City and WTA; and

Whereas, the Agency recommended the creation of a public transportation authority pursuant to N.C.G.S. Chapter 160A, Article 25, effectively merging the transportation facilities and services provided by the County, City and WTA and allowing for the provision of such services up to within a boundary of thirty (30) miles outside of the corporate limits of the City of Wilmington (greater Wilmington region);
Whereas, the County and City desire to create the Cape Fear Public Transportation Authority to provide and operate a transportation system to serve the greater Wilmington region.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration set forth herein, the County and City do hereby agree as follows:

1. **Creation of Authority.** The City of Wilmington has repealed Article IV of Chapter 2 of the City Code entitled "Transit Authority" thereby dissolving the Wilmington Transit Authority effective at midnight on June 30, 2004. The City and County have jointly created by concurrent resolution in accordance with the provisions of N.C.G.S. Chapter 160A Article 25 (N.C.G.S. §160A-575 et seq.) the Cape Fear Public Transportation Authority (Authority) effective at 12:01 a.m. on July 1, 2004. The Authority is authorized to do business under the assumed name of Wave Transit.

2. **Functions and Powers.** The Authority shall operate the County and City transportation facilities and shall provide transportation services throughout the City of Wilmington and up to thirty (30) miles outside its corporate limits as extended from time to time. The Authority shall have all of the powers set forth in N.C.G.S. Section 160A-579, as amended.

3. **Authority Composition.** The Authority shall consist of eleven (11) members who shall reside within the territorial jurisdiction of the Authority. Initially, the eleven members shall be those members presently serving on the Agency for the duration of their terms. As the terms of these members expire, the Agency shall consist of five (5) members appointed by the County, five (5) members appointed by the City, and one (1) member appointed jointly by the County and City from a human service agency served by public transportation services. The members of the Authority shall elect a Chairman and Vice-Chairman from its membership, and a Secretary who need not be a member of the Authority.

4. **Financing and Budgeting.**

   (a) The Authority shall prepare an annual budget for its operation in accordance with the Local Government Budget and Fiscal Control Act. Each proposed annual budget shall be submitted to the County and City no later than March 15th of each year of this agreement. The annual budget shall be approved by the County Commissioners and City Council. The County and City shall continue its contracts for transportation services for fiscal year 2004-05 until these contracts are assigned by the
parties to the Authority. The County and City shall maintain at least their current levels of funding for transportation services for fiscal year 2004-05 and shall provide annual funding to the Authority as their budgets permit.

(b) The following limitations shall apply to the annual budget of the Authority:

(1) No receipts shall be transferred from the Authority to support County or City functions not related to public transportation. Transfers may be made from the Authority to either the County or City to pay for actual direct and indirect expenses and costs incurred in support of public transportation.

(2) Annual appropriations and transfers shall be made from the Authority to the County and City for the payment of debt service on public transportation if not paid directly by the Authority.

(c) Each fiscal year the Finance Officer for the Authority shall report to the County and City the results of operations upon completion of the Authority's annual audit.

5. Debt.

(a) The Authority shall not incur any debts for its operation without the prior approval of the County and City. Any debt necessary for the maintenance, improvement or expansion of the Authority shall be incurred by the County and City for the benefit of the Authority as set forth in this agreement.

(b) All bond obligations or other debt necessary for the expansion and improvement of the public transportation system shall be incurred by either the County or the City. Each party agrees to join in any deeds of trust, pledges of revenues or other documents necessary for the issuance of any bonds or debt obligations.

6. Rates. The Authority shall establish and revise, from time-to-time, schedules of rates, fees and charges for the use of the services of the Authority. Such schedules may vary according to types of service and/or areas of service.


(a) The Authority shall develop public transportation policies and recommend the share of costs of reduced headways, increased hours of operation, extensions of existing routes and the creation of new routes to be paid by the County, City and others served thereby. The extension policies shall be consistent with the current policies of the
County and City for the provision of public transportation. In addition, all such extensions shall be in accordance with the Master Plan. The Authority shall provide the County and City a quarterly report of extensions approved by the Authority during the prior calendar quarter.

(b) The Authority shall develop a Capital Improvements Program (CIP) for the expansion and improvement of public transportation covering at least a three-year period. The CIP shall be updated annually during the preparation of the Authority budget and presented to the County and City with the Authority's proposed budget. The CIP shall provide for the extension of service lines and services in accordance with the Master Plan adopted by the County and City.

8. Ownership of Property/Fund Balances.

(a) Except as otherwise provided in any existing agreements between the parties hereto, title to all personal property, equipment, fixtures and real property used for the provision of public transportation services and currently owned by the County and City shall remain with the current owner. All such property shall be held for the benefit and use of the Authority and may be leased to the Authority for a nominal sum. Attached hereto as Exhibit A is an inventory of such County property and Exhibit B is an inventory of such City property to be used by the Authority. The Authority shall be responsible for maintaining property insurance on its insurable interests in all such property. After the execution of this agreement and creation of the Authority, all property subsequently acquired for the provision of the services by the Authority shall be owned by the Authority.

(b) Upon termination of the existence of the Wilmington Transit Authority and the creation of the Authority, the Authority shall become the owner of all property and assets of the WTA and shall succeed to all rights, obligations and liabilities of the WTA acquired by the City as a result of the repeal of Article IV of Chapter 2 of the City Code.

(c) All funds held or collected by the Authority or fund balances of the Authority, if any, shall be held by the City for the benefit of the Authority. All such funds and any interest thereon shall be used for public transportation. The City shall provide an annual accounting of such funds to the Authority.


(a) Effective July 1, 2004 the Director for Wave Transit hired by the City and the Assistant Director and Administrative Assistant hired by the County to provide for its transportation services shall become employees of the Authority. The Authority shall have the power to hire, supervise and fire its employees.
(b) Effective July 1, 2004, the Authority shall have adopted personnel policies and procedures to govern its employees.

(c) From July 1, 2004 through December 31, 2004 the City shall continue to prepare payroll and pay the Authority Director and shall bill the Authority for these costs; and the County shall continue to prepare payroll for and pay the Authority's Assistant Director and Administrative Assistant with grant funds received by the County for such purpose.

(d) From July 1, 2004 through December 31, 2004 the City shall provide current City benefits to the Authority's Director; and the County shall provide current County benefits to the Authority's Assistant Director and Administrative Assistant.

(e) On or before July 1, 2005, the Authority shall make provisions for handling the payroll and payment of its employees and benefits to its employees.

(f) The Authority has the option to continue any of the arrangements in Section 9 subparagraphs (c) (d) and (e) hereinafter through June 30, 2005 upon written notice from the Authority to the County and City on or before November 30, 2004 and has the option to further continue any such arrangements up to and including June 30, 2006 upon notice to the County and City on or before May 31, 2005.

(g) The Authority shall be responsible for billing and collecting all monies due to the Authority.

(h) The Authority may select its own consultants. The Authority may utilize the services of the City Attorney and County Attorney jointly, or obtain other legal counsel, as the need therefor arises. The Authority may utilize the services of the City and the County Human Resources, Planning, Finance and Purchasing Departments as needed.

10. Rules and Regulations. The Authority shall adopt adequate and reasonable rules to protect and regulate the Authority. All regulations adopted by the Authority shall be adopted as ordinances of the County and City as necessary to ensure enforcement throughout New Hanover County and shall be enforced by appropriate officers and employees of the City and County throughout New Hanover County. All such officers and employees shall have all of the powers, duties, and obligations that an officer enforcing such rules and regulations in either the County or City would have.

11. Existing Agreements.

(a) The County and City currently are parties to certain outstanding agreements which include but may not be limited to the following:
(1) Transportation Agreement dated December 12, 2002 between the County and First Transit, Inc., successor to Coach USA, for the Company to operate and manage the public transportation system.

(2) Management Agreement dated July 29, 1999 between the City, Wilmington Transit Authority and Wilmington Transit Company for the Company to operate and manage the public transportation system.

(b) The parties agree that the Authority shall assume all responsibilities, obligations and rights of the County and/or City respectively under such agreements. The County and City may assign such agreements to the Authority.

12. Compliance with Law and Permits. The parties hereto will comply with any and all applicable federal, state and local standards, regulations, laws, statutes and ordinances regarding the provision of public transportation.

13. Term of Agreement. This agreement is effective for two (2) years beginning July 1, 2004 through June 30, 2006. Unless notice of termination is provided as set forth herein, this agreement shall be automatically renewed for successive (5) year terms after the initial term and any subsequent renewal terms.

14. Termination.

(a) Any party may terminate this agreement upon six (6) months written notice to the other party.

(b) Upon termination of the existence of the Authority, the property and assets of the Authority shall become the property of the County and City in proportion to their respective contributions towards the acquisition of such property and the County and City shall succeed to the rights, obligations and liabilities of the Authority in proportion to the County and City respective contributions to the Authority unless the County and City agree to a transfer of such property, assets, rights, obligations and liabilities to a successor to the Authority or to each other.

15. Notice. All notices requests and other correspondence hereunder shall be in writing and shall be deemed to have been duly given if delivered, or mailed first class, postage prepaid, addressed as follows:

(a) If to County:
County Manager
New Hanover County
320 Chestnut Street, Room 502
Wilmington, NC 28401
(b) If to City:
City Manager
City of Wilmington
Post Office Box 1810
Wilmington, NC 28402

16. Amendment of Agreement. This agreement may be amended or modified
upon mutual agreement of the Board of County Commissioners of New Hanover County
and the Council of the City of Wilmington provided that any such amendment shall be
reduced to writing and signed by the parties to this agreement.

17. Entire Agreement. This agreement constitutes the entire agreement and
understanding of the parties.

18. Binding Effect. This agreement shall be binding upon the successors, assigns,
agents, officials, employees, independent contractors, contractors and subcontractors of
the parties.

19. Continuing Obligation. The parties will make and execute all further
instruments and documents required to carry out the purposes and intent of this
agreement.

20. Reference. Use of the masculine herein includes the feminine and neuter;
singular includes plural; and captions and headings are inserted for convenience of
reference and do not define, describe, extend or limit the scope or intent of the agreement.

21. Interpretation. All of the terms and conditions contained herein shall be
interpreted in accordance with the laws of the State of North Carolina. In the event of a
conflict between the various terms and conditions contained herein or between these
terms and other applicable provisions, then the more particular shall prevail over the
general and the more stringent or higher standard shall prevail over the less stringent or
lower standard.

22. Immunity Not Waived. This agreement is governmental in nature, for the
benefit of the public, and is not intended to be for private profit or gain and the County
and City do not intend to waive their sovereign immunity by reason of this agreement.

23. Saving Clause. If any section, subsection, paragraph, sentence, clause, phrase
or portion of this agreement is for any reason held invalid, unlawful, or unconstitutional
by any court of competent jurisdiction, such portion shall be deemed severable and such
holding shall not affect the validity of the remaining portions hereof.
IN WITNESS WHEREOF, New Hanover County has caused this instrument to be executed in its behalf by its Board of Commissioners through its Chairman as authorized by resolution duly adopted at its regular meeting held on the 15th day of March, 2004, attested by its Clerk and its corporate seal to be hereto affixed; and the City of Wilmington has caused this instrument to be executed in its behalf by its City Council through its Mayor as authorized by resolution duly adopted at its regular meeting held on the 16th day of March, 2004, attested by its Clerk, and its corporate seal to be hereto affixed on the dates hereinafter set forth.

This the 31st day of March, 2004.

NEW HANOVER COUNTY

By: [Signature]

Robert G. Greer, Chairman
Board of County Commissioners

(SEAL)

ATTEST:

[Signature]

Clerk to Board

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

[Signature]

County Finance Director

APPROVED AS TO FORM:

[Signature]

County Attorney
This the _7_ day of _April_, 2004.

CITY OF WILMINGTON

(Seal)

By: _Spence H. Broadhurst_, Mayor

ATTEST:

_Denise S. Siddbury_
City Clerk

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_City Finance Director_

APPROVED AS TO FORM:

_City Attorney_

9

ORIGINAL
STATE OF North Carolina

COUNTY OF New Hanover

I, Albert Eby (hereinafter the "Affiant"), duly authorized by and on behalf of Cape Fear Public Transportation Authority (hereinafter the "Employer") after being first duly sworn deposes and says as follows:

1. I am the Executive Director (President, Manager, CEO, etc.) of the Employer and possess the full authority to speak for and on behalf of the Employer identified above.

2. Employer understands that "E-Verify" means the federal E-Verify program operated by the United States Dept. of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

3. X Employer employs 25 or more employees in the State of North Carolina, and is in compliance with the provisions of N.C. Gen. Stat. §64-26. Employer has verified the work authorization of its employees through E-Verify and shall retain the records of verification for a period of at least one year.

____ Employer employs fewer than 25 Employees and is therefore not subject to the provisions of N.C. Gen. Stat. §64-26.

4. All subcontractors engaged by or to be engaged by Employer have or will have likewise complied with the provisions of N.C. Gen. Stat. §64-26.

5. Employer shall keep New Hanover County informed of any change in its status pursuant to Article 2 of Chapter 64 of the North Carolina General Statutes.

Further this affiant sayeth not.

This the 12th day of May, 2015.

Affiant

STATE OF North Carolina

COUNTY OF New Hanover

Sworn to and subscribed before me, this the 12th day of May, 2015.

Notary Public
Date of Certification

To: New Hanover County

Certification:

We certify that the Cape Fear Public Transportation Authority does not have any overdue tax debts, as defined by N.C.G.S. 105-243.1, at the federal, State or local level. We further understand that any person who makes a false statement in violation of N.C.G.S. 143C-6-23 c is guilty of a criminal offense punishable as provided by N.C.G.S. 143C-10-1b.

Sworn Statement:

I, Albert Eby being duly sworn, say that I am the Executive Director of the Cape Fear Public Transportation Authority of Wilmington in the State of North Carolina; and that the foregoing certification is true, accurate and complete to the best of our knowledge and was made and subscribed by me. I also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.

__________________________
Authorized Official

(Signature must be the same as the person signing the contract)

1 G.S. 105-243.1 defines: Overdue tax debt. – Any part of a tax debt that remains unpaid 90 days or more after the notice of final assessment was mailed to the taxpayer. The term does not include a tax debt, however, if the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the notice of final assessment was mailed and has not failed to make any payments due under the installment agreement.)
CERTIFICATION REGARDING LOBBYING
(To be submitted with all bids or offers exceeding $100,000; must be executed prior to Award)

The undersigned Cape Fear Public Transportation Authority certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding to any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.)

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transactions imposed by 31, U.S.C. 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Note:
Pursuant to 31 U.S.C. 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than $10,000 for each such expenditure or failure.

The Contractor, Cape Fear Public Transportation Authority, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Section A 3801 et seq., apply to this certification and disclosure, if any.

May 12, 2015
Date

Signature of Contractor's Authorized Official

Albert Eby Executive Director

Name and Title of Contractors Authorized Official

Subscribed and sworn to before me this 12th day of May 2015 in the State of NC.

(Seal)

My Appointment Expires October 29, 2015

Notary Public

Page 19 of 20
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY and VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTION
(To be submitted with all bids or offers exceeding $25,000.)

(1) The prospective lower tier participant (Bidder/Contractor) certifies, by submission of this bid or proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) The prospective Bidder/Contractor also certifies by submission of this bid or proposal that all subcontractors and suppliers (this requirement flows down to all subcontracts at all levels) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(3) Where the prospective lower tier participant (Bidder/Contractor) is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this bid or proposal.

The lower tier participant (Bidder/Contractor) certifies or affirms the truthfulness and accuracy of this statement of its certification and disclosure, if any.

SIGNATURE ____________________________
TITLE Executive Director
COMPANY Cape Fear Public Transportation Authority
DATE May 12, 2015

State of North Carolina

County of New Hanover

Subscribed and sworn to before me this 12th day of May, 2015.

Notary Public

My Appointment Expires October 29, 2015

Page 20 of 20
Cape Fear Public Transportation Authority
(A Component Unit of the City of Wilmington)

Financial and Compliance Reports
Year Ended June 30, 2014
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- Report of Independent Certified Public Accountants
- Management's Discussion and Analysis
- Basic Financial Statements
- Notes to Basic Financial Statements
- Supplementary Financial Information
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Independent Auditor’s Report

To the Honorable Chairman and
Members of the Board of Directors
Cape Fear Public Transportation Authority
Wilmington, North Carolina

Report on the Financial Statements

We have audited the accompanying financial statements of Cape Fear Public Transportation Authority (the Authority) as of and for the year ended June 30, 2014, and the related notes to the financial statements, which collectively comprise the Authority’s basic financial statements as listed in the table of contents.

Management’s Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor’s Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor’s judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity’s preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity’s internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.
Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Cape Fear Public Transportation Authority as of June 30, 2014, and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management’s Discussion and Analysis, on pages 3 – 6, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise Cape Fear Public Transportation Authority’s basic financial statements. The accompanying schedules in the supplementary financial information, and the schedule of expenditures of federal and state awards as required by U. S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and the State Single Audit Implementation Act are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated November 24, 2014, on our consideration of the Cape Fear Public Transportation Authority’s internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering Cape Fear Public Transportation Authority’s internal control over financial reporting and compliance.

McGladrey & Pullen LLP

Wilmington, North Carolina
November 24, 2014
MANAGEMENT’S DISCUSSION AND ANALYSIS
As management of Cape Fear Public Transportation Authority (the Authority), we offer readers of the Authority's financial statements this narrative overview and analysis of the financial activities of the Authority for the fiscal year ended June 30, 2014.

Financial Highlights

- The assets of the Authority exceeded its liabilities at the close of the fiscal year by $14,483,016 (net position).
- The Authority's total net position increased by $3,998,157 during the fiscal year.
- The Authority had an operating loss of $6,394,383.
- Capital asset additions, including construction in process, totaled $5,136,811 during the fiscal year.
- The Authority had no long-term debt outstanding as of June 30, 2014.

Overview of the Financial Statements

This discussion and analysis are intended to serve as an introduction to Cape Fear Public Transportation Authority's basic financial statements. The financial statements of the Authority consist of three components. They are as follows:

- Management's Discussion and Analysis
- Basic Financial Statements
- Notes to the Basic Financial Statements

The Basic Financial Statements are prepared using the accrual basis of accounting. They consist of three statements, as required for entities engaged only in business-type activities.

The first statement is the statement of net position whereby net position is determined by the difference between assets plus any deferred outflows and liabilities plus any deferred inflows. Assets and liabilities are classified between current and long-term. This statement provides a summary of the Authority’s investment in assets and obligations to creditors. Liquidity and financial flexibility can be evaluated using the information contained in this statement.

The next statement is the statement of revenue, expenses and changes in net position. This statement is used in evaluating whether the Authority has recovered all of its costs through revenues. Its information is used in determining credit worthiness.

The final required statement is the statement of cash flows. This statement reports cash inflows and outflows in the following categories: operating, investing, capital and related financing and noncapital financing activities. Based on this data, the user can determine the sources of cash, the uses of cash, and the change in cash.

The notes to the basic financial statements provide more detailed information and should be read in conjunction with the statements. After the notes, supplementary financial information is provided to show additional details about the Authority's budgetary information.
Fiscal year 2013–2014 saw the Authority continuing the construction of the new operations and maintenance facility on Division Drive. A discussion of other financial developments follows.

Net position may serve over time as one useful indicator of a government’s fiscal health. Net investment in capital assets (net of related liabilities) totaled $14,735,971 which comprises vehicles, equipment, buildings, other improvements, construction in progress, and land. This is the main concentration of the Authority’s net position as of June 30, 2014. Unrestricted net position has no restrictions on its use.

A comparison of the statement of net position to the prior year shows an increase in net position by $3,998,157, resulting primarily from receiving federal funding and state matches for the construction of the new operations and maintenance facility. Total assets increased by $5,641,684 and liabilities increased by $1,643,527 from the prior year.

The statement of revenue, expenses and changes in net position for the current year shows that total operating expenses exceeded operating revenue and non-operating revenue (expense) by $822,524. The Authority earned $2,522,353 in transportation service fares and fees. Capital contributions, consisting of federal, State and local grants, totaled $4,820,681 for the year ended June 30, 2014. Operating grants and contributions totaled $5,571,859.
For the year ended June 30, 2014, the increase in net position is primarily due to receiving federal funding and state matches for the construction of the new operations and maintenance facility. The Authority had an operating loss of $6,394,383 from its operations, nonoperating revenue of $5,571,859 and capital contributions of $4,820,681. Capital contributions were primarily related to the construction of a new operations and maintenance facility. The Authority received an operating subsidy of $1,285,000 from its primary government, City of Wilmington, North Carolina. The remainder of the Authority’s operating and capital grants were received from the Federal Transit Administration, North Carolina Department of Transportation and New Hanover County. The Authority’s operating revenue increased by $198,001 from the prior year primarily due to a 33% increase in fares effective for a portion of the year ended June 30, 2013, starting in February, 2013, and all of the year ended June 30, 2014. The Authority’s expenses decreased by $319,213 over the prior year primarily due to decreases in fuel and oil costs, maintenance and repair costs, and depreciation.

**Capital Assets.** The undepreciated cost of the Authority’s capital assets consisted of the following as of June 30, 2014.

<table>
<thead>
<tr>
<th>Capital Assets</th>
<th>2014</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>$2,717,404</td>
<td>$2,717,404</td>
</tr>
<tr>
<td>Buildings and improvements</td>
<td>5,428,224</td>
<td>5,428,224</td>
</tr>
<tr>
<td>Buses</td>
<td>8,692,512</td>
<td>8,692,512</td>
</tr>
<tr>
<td>Other vehicles</td>
<td>1,753,476</td>
<td>1,837,887</td>
</tr>
<tr>
<td>Furniture, fixtures, machinery and equipment</td>
<td>1,541,266</td>
<td>1,495,262</td>
</tr>
<tr>
<td>Construction in progress</td>
<td>5,804,076</td>
<td>741,027</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$25,936,958</strong></td>
<td><strong>$20,912,316</strong></td>
</tr>
</tbody>
</table>

The Authority capital asset additions during the year ended June 30, 2014, included $5,063,049 related to the construction of the new operations and maintenance facility.

See Note 4 in the notes to basic financial statements for additional information.
Management's Discussion and Analysis (Unaudited)
June 30, 2014

Long-Term Debt. The Authority had no outstanding debt as of June 30, 2014.

Economic Factors

The Authority serves customers primarily in New Hanover County but also from Brunswick and Pender Counties. New Hanover County currently has an estimated population of 213,267 people. Of that amount, 112,067 reside in the City of Wilmington, which is the Authority’s primary government. The 2014 unemployment rate in the City was 6.4%, which was the same as the State of North Carolina unemployment rate, but higher than the federal unemployment rate. The Authority is impacted by a number of different economic factors and takes these in consideration when approving budgets. Potential budget reductions at the State level, as well as potential reductions in federal transit funding, are being closely monitored as well as any adverse trends in fuel costs. However, the Board and management are prepared to respond to any reductions in revenue or increased costs accordingly, to maintain the service levels enjoyed by the Authority’s customers. All of these factors were included in preparing the Authority’s budget for the 2015 fiscal year.

Requests for Information

This report is designed to provide an overview of the Authority’s finances for those with an interest in this area. Questions concerning any of the information found in this report or requests for additional information should be directed to the Executive Director, Cape Fear Public Transportation Authority, Forden Station, 505 Cando Street, Wilmington, NC, 28405

Albert Eby, Executive Director
Cape Fear Public Transportation Authority
Wilmington, North Carolina
Cape Fear Public Transportation Authority

Statement of Net Position
June 30, 2014

<table>
<thead>
<tr>
<th>Assets</th>
<th></th>
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<tbody>
<tr>
<td><strong>Current Assets</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and cash equivalents (Note 2)</td>
<td>$155,689</td>
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<td></td>
<td></td>
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<tr>
<td>Accounts receivable (Note 7)</td>
<td>26,470</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Due from other governments (Note 3)</td>
<td>2,294,145</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inventory of material and supplies</td>
<td>126,074</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Total current assets</strong></td>
<td>2,602,378</td>
<td></td>
<td></td>
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<tr>
<td><strong>Noncurrent Assets</strong></td>
<td></td>
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<tr>
<td>Capital assets (Note 4)</td>
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</tr>
<tr>
<td>Land</td>
<td>2,717,404</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Building and improvements</td>
<td>5,428,224</td>
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<td></td>
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</tr>
<tr>
<td>Buses</td>
<td>8,692,512</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other vehicles</td>
<td>1,753,476</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furniture, fixtures, machinery and equipment</td>
<td>1,541,266</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction in progress</td>
<td>5,804,076</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Less accumulated depreciation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total capital assets</strong></td>
<td>25,936,958</td>
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<tr>
<td><strong>Total assets</strong></td>
<td>17,588,987</td>
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<table>
<thead>
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<tbody>
<tr>
<td><strong>Current Liabilities</strong></td>
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<tr>
<td>Accounts payable</td>
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<tr>
<td>Trade</td>
<td>2,042,586</td>
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<tr>
<td>Capital</td>
<td>250,638</td>
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<tr>
<td>Due to primary governments (Note 5)</td>
<td>612,300</td>
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<tr>
<td>Compensated absences payable</td>
<td>151,489</td>
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<tr>
<td>Accrued expenses</td>
<td>48,958</td>
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<tr>
<td><strong>Total current liabilities</strong></td>
<td>3,105,971</td>
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Commitments and Contingencies (Notes 4, 6, 8, 9 and 10)

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<th>Net Position</th>
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<tbody>
<tr>
<td>Net investment in capital assets</td>
<td>14,735,971</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unrestricted (deficit)</td>
<td>(252,955)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total net position</strong></td>
<td><strong>$14,483,016</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

See Notes to Basic Financial Statements.
Cape Fear Public Transportation Authority

Statement of Revenue, Expenses and Changes in Net Position
Year Ended June 30, 2014

<table>
<thead>
<tr>
<th>Operating Revenue</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charges for services (Note 7)</td>
<td>$2,522,353</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operating Expenses</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor</td>
<td>3,580,425</td>
</tr>
<tr>
<td>Fringe benefits</td>
<td>1,131,698</td>
</tr>
<tr>
<td>Fuel and lubricants</td>
<td>1,126,155</td>
</tr>
<tr>
<td>Purchased services (Note 10)</td>
<td>537,780</td>
</tr>
<tr>
<td>Repairs and maintenance</td>
<td>423,708</td>
</tr>
<tr>
<td>Insurance</td>
<td>890,920</td>
</tr>
<tr>
<td>Advertising</td>
<td>48,217</td>
</tr>
<tr>
<td>Tires and tubes</td>
<td>82,901</td>
</tr>
<tr>
<td>Utilities</td>
<td>90,836</td>
</tr>
<tr>
<td>Materials and supplies</td>
<td>24,577</td>
</tr>
<tr>
<td>Office supplies</td>
<td>5,124</td>
</tr>
<tr>
<td>Other operating expenses</td>
<td>137,847</td>
</tr>
<tr>
<td>Depreciation</td>
<td>836,548</td>
</tr>
<tr>
<td><strong>Total operating expenses</strong></td>
<td><strong>8,916,736</strong></td>
</tr>
<tr>
<td><strong>Operating loss</strong></td>
<td><strong>(6,394,383)</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nonoperating Revenue</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal grants</td>
<td>2,984,432</td>
</tr>
<tr>
<td>State grants</td>
<td>937,590</td>
</tr>
<tr>
<td>Operating subsidy City of Wilmington, primary government</td>
<td>1,285,000</td>
</tr>
<tr>
<td>Operating subsidy from New Hanover County</td>
<td>273,000</td>
</tr>
<tr>
<td>Interest income</td>
<td>52</td>
</tr>
<tr>
<td>Miscellaneous income</td>
<td>89,901</td>
</tr>
<tr>
<td>Gain on disposition of capital assets</td>
<td>1,884</td>
</tr>
<tr>
<td><strong>Total nonoperating revenue</strong></td>
<td><strong>5,571,859</strong></td>
</tr>
<tr>
<td><strong>Loss before capital contributions</strong></td>
<td><strong>(822,524)</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Capital Contributions</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal grants</td>
<td>4,310,730</td>
</tr>
<tr>
<td>State grants</td>
<td>502,562</td>
</tr>
<tr>
<td>Other governments</td>
<td>7,389</td>
</tr>
<tr>
<td><strong>Total capital contributions</strong></td>
<td><strong>4,820,681</strong></td>
</tr>
<tr>
<td><strong>Increase in net position</strong></td>
<td><strong>3,998,157</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Net Position, Beginning</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10,484,859</td>
</tr>
<tr>
<td><strong>Net Position, Ending</strong></td>
<td><strong>$14,483,016</strong></td>
</tr>
</tbody>
</table>

See Notes to Basic Financial Statements.
# Cape Fear Public Transportation Authority

## Statement of Cash Flows
**Year Ended June 30, 2014**

<table>
<thead>
<tr>
<th>Cash Flows From Operating Activities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash received from customers and users</td>
<td>$898,990</td>
</tr>
<tr>
<td>Cash payments to suppliers for goods and services</td>
<td>$(2,181,643)</td>
</tr>
<tr>
<td>Cash payments to or on behalf of employees</td>
<td>$(4,701,967)</td>
</tr>
<tr>
<td><strong>Net cash used in operating activities</strong></td>
<td>$(5,984,620)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cash Flows From Noncapital Financing Activities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating grants</td>
<td>3,922,022</td>
</tr>
<tr>
<td>Operating subsidy from primary government</td>
<td>1,285,000</td>
</tr>
<tr>
<td>Operating subsidies from other governments</td>
<td>273,000</td>
</tr>
<tr>
<td>Advance from primary government</td>
<td>1,012,300</td>
</tr>
<tr>
<td>Repayment of advance from primary government</td>
<td>$(666,667)</td>
</tr>
<tr>
<td>Forgiveness of advance from other government</td>
<td>$(133,000)</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>89,901</td>
</tr>
<tr>
<td><strong>Net cash provided by noncapital financing activities</strong></td>
<td>$5,782,556</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cash Flows From Capital and Related Financing Activities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceeds from sale of capital assets</td>
<td>1,884</td>
</tr>
<tr>
<td>Acquisition of capital assets</td>
<td>$(4,902,787)</td>
</tr>
<tr>
<td>Capital contributions</td>
<td>4,820,681</td>
</tr>
<tr>
<td><strong>Net cash used in capital and related financing activities</strong></td>
<td>$(80,222)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cash Flows From Investing Activities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest on investments</td>
<td>52</td>
</tr>
<tr>
<td><strong>Net decrease in cash and cash equivalents</strong></td>
<td>$(282,234)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cash and Cash Equivalents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning</td>
<td>437,923</td>
</tr>
<tr>
<td>Ending</td>
<td>$155,689</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reconciliation of Operating Loss to Net Cash</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Used in Operating Activities</td>
<td></td>
</tr>
<tr>
<td>Operating loss</td>
<td>$(6,394,383)</td>
</tr>
<tr>
<td>Adjustments to reconcile operating loss to net cash used in operating activities:</td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>836,548</td>
</tr>
<tr>
<td>Changes in assets and liabilities:</td>
<td></td>
</tr>
<tr>
<td>Accounts receivable</td>
<td>$(1,623,363)</td>
</tr>
<tr>
<td>Inventory</td>
<td>(292)</td>
</tr>
<tr>
<td>Accounts payable – trade</td>
<td>1,191,037</td>
</tr>
<tr>
<td>Compensated absences payable</td>
<td>10,156</td>
</tr>
<tr>
<td>Accrued expenses</td>
<td>$(4,323)</td>
</tr>
<tr>
<td><strong>Net cash used in operating activities</strong></td>
<td>$(5,984,620)</td>
</tr>
</tbody>
</table>

| See Notes to Basic Financial Statements. |  |
NOTES TO BASIC
FINANCIAL STATEMENTS
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Cape Fear Public Transportation Authority

Notes to Basic Financial Statements

Note 1. Summary of Significant Accounting Policies

The accounting policies of Cape Fear Public Transportation Authority conform to generally accepted accounting principles (GAAP) as applicable to governments. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The following is a summary of the more significant accounting policies.

Reporting Entity:

Cape Fear Public Transportation Authority (the Authority), operating as Wave Transit, is a public authority created in 2005 by a concurrent resolution of New Hanover County (County) and the City of Wilmington (City). The interlocal agreement adopted by the County and City provides for the operation of transportation facilities and transportation services throughout the City of Wilmington and up to 30 miles outside its corporate limits and effectively merged the transportation facilities and services provided by the County and City. The interlocal agreement between the County and the City, with an initial effective term of two years beginning July 1, 2004, may be terminated upon six-months written notice to the other party. Unless notice of termination is provided, the agreement shall be automatically renewed for successive five-year terms. The agreement is currently in effect through June 30, 2016.

The Authority is governed by an eleven-member board. The Authority Board consist of five members appointed by the County, five members appointed by the City, and one member appointed jointly by the County and City from a human service agency served by the public transportation services.

Each proposed annual budget shall be submitted to the County and City for approval by the County Commissioners and City Council. The County and City shall provide annual funding to the Authority as their budgets permit. Any debt necessary for the maintenance, improvement or expansion of the Authority shall be incurred by the County or City for the benefit of the Authority. The Authority shall establish and revise, from time-to-time, a schedule of rates, fees and charges for the use of the services of the Authority. An interlocal agreement between the City and the Authority, effective July 1, 2005, provides that the City will (a) make available to the Authority on July 1 of each fiscal year the annual appropriation approved in the adopted City budget, and (b) allow the Authority access to additional necessary operating funds that exceed the City’s annual operating assistance where the Authority has not received awarded federal and/or State operating funds. The agreement may be terminated by the mutual written consent of the parties or upon the lack of an award or termination of federal and/or State funding to the Authority. For financial reporting purposes, in conformity with GASB Codification Section 2100, the Authority is a component unit of the City and is included as such in the City’s comprehensive annual financial report.

Basis of Presentation:

All activities of the Authority are accounted for within a single business-type activity and within a single proprietary (enterprise) fund. Enterprise funds may be used to report any activity for which a fee is charged to external users for goods or services. Activities are required to be reported as enterprise funds if any one of the following criteria is met.

a. The activity is financed with debt that is secured solely by a pledge of the net revenues from fees and charges of the activity. Debt that is secured by a pledge of net revenues from fees and charges and the full faith and credit of a related primary government or component unit—even if that government is not expected to make any payments—is not payable solely from fees and charges of the activity. (Some debt may be secured, in part, by a portion of its own proceeds but should be considered as payable "solely" from the revenues of the activity.)
Cape Fear Public Transportation Authority

Notes to Basic Financial Statements

Note 1. Summary of Significant Accounting Policies (Continued)

b. Laws or regulations require that the activities’ costs of providing services, including capital costs (such as depreciation or debt service), be recovered with fees and charges, rather than with taxes or similar revenues.

c. The pricing policies of the activity establish fees and charges designed to recover its costs, including capital costs (such as depreciation or debt service).

Measurement Focus and Basis of Accounting:

In accordance with North Carolina General Statutes, the Authority budgets and maintains its accounts during the year using the modified accrual basis of accounting, and thereafter prepares external financial statements in accordance with GAAP as applied to governmental entities.

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. Enterprise funds are accounted for on the economic resources measurement focus and on the accrual basis of accounting. Under the accrual basis of accounting, revenue is recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Nonexchange transactions, in which the Authority gives (or receives) value without directly receiving (or giving) equal value in exchange, include grants and donations. Revenue from grants and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Enterprise funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with an enterprise fund’s principal ongoing operations. The principal operating revenues of the Authority are charges for transportation services. The principal operating expenses for the Authority now include depreciation of capital assets, salaries and fringe benefits, maintenance and repairs and other operating expense. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

Under the terms of grant and loan agreements, the Authority funds certain operating and capital expenditures by a combination of specific cost-reimbursement grants, categorical formula grants, and operating revenues. Thus, when operating and capital expenditures are incurred, there are both restricted and unrestricted net position available to finance these expenditures. It is the Authority’s policy to first apply cost-reimbursement grant resources to fund these expenditures, followed by categorical formula grants and then by operating revenues.

Budgets:

Budgets are adopted utilizing the modified accrual basis of accounting as required by State statute. An annual budget ordinance is adopted for the operating fund (subfund). All annual appropriations lapse at fiscal year end. A project budget ordinance is adopted for the capital project fund (subfund). Project appropriations lapse at the completion of the project.
Note 1. Summary of Significant Accounting Policies (Continued)

Expenditures may not legally exceed appropriations at the fund level for the operating fund and at the fund level for the capital project fund. Any appropriations which increase the total amount of appropriations for a fund must be approved by the Board of Directors and the City Council and County Commissioners. The budget may be amended as necessary by the governing board. A budget calendar is included in the North Carolina General Statutes which prescribes the last day on which certain steps of the budget procedure are to be performed. The following schedule lists the tasks to be performed and the date by which each is required to be completed.

April 30 Each department head will transmit to the budget officer the budget requests as estimates for their department for the budget year.

June 1 The budget and the budget message shall be submitted to the governing board. The public hearing on the budget should be scheduled at this time.

July 1 The budget ordinance shall be adopted by the governing board.

Cash and Cash Equivalents:

The Authority considers all highly-liquid investments (including restricted assets) with a maturity of three months or less when purchased to be cash equivalents.

Deposits and Investments:

All deposits of the Authority are made in board-designated official depositories and are collateralized as required by State statute [G.S. 159-31]. Official depositories may be established with any bank or savings and loan association whose principal office is located in North Carolina. Also, the Authority may establish time deposit accounts such as NOW and SuperNOW accounts, money market accounts and certificates of deposits.

State statute [G.S. 159-30(c)] authorizes the Authority to invest in obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States; obligations of the State of North Carolina; bonds and notes of any North Carolina local government or public authority; obligations of certain non-guaranteed federal agencies; certain high quality issues of commercial paper and bankers’ acceptances; and the North Carolina Capital Management Trust (NCCMT). The securities of the NCCMT cash portfolio, a SEC-registered (2a-7) money market mutual fund, are valued at fair value, which is the NCCMT’s share price.

Accounts Receivable:

Accounts receivable include grant receivables for which eligibility requirements have been satisfied. Management evaluates receivables by identification of troubled accounts and applying historical experience. Management has determined that all receivables are collectible and no allowance for doubtful accounts is required.
Note 1. Summary of Significant Accounting Policies (Continued)

Inventory of Material and Supplies:

Materials (principally maintenance parts) and supplies’ inventories are valued at the lower of cost (first-in, first-out) or market.

Capital Assets, Including Construction in Progress:

Capital assets are defined by the government as assets with an initial, individual cost of more than $5,000 and estimated useful life in excess of two years. All purchased capital assets are valued at original cost at the time of acquisition, with cost including any net construction period interest. Donated capital assets are valued at their estimated or appraised fair market value on the date received. The cost of normal maintenance and repairs which do not add to the value of the asset or materially extend assets’ lives are not capitalized. The Authority’s capital assets include a transfer facility, garage and maintenance facilities, buses, other vehicles, certain equipment, land and construction in progress.

Depreciation is charged to operations using a straight-line method based on the following estimated useful lives:

<table>
<thead>
<tr>
<th>Asset Class</th>
<th>Estimated Useful Lives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building and improvements</td>
<td>40 years</td>
</tr>
<tr>
<td>Buses</td>
<td>10 – 12 years</td>
</tr>
<tr>
<td>Other vehicles</td>
<td>5 – 7 years</td>
</tr>
<tr>
<td>Furniture, fixtures, machinery and equipment</td>
<td>5 – 10 years</td>
</tr>
</tbody>
</table>

The Authority may consider capital assets impaired if both (a) the decline in service utility of the capital asset is large in magnitude and (b) the event or change in circumstances is outside the normal life cycle of the capital asset. Impaired assets will be appropriately reduced in value or discarded if idle. The Authority owns no significant assets that would be considered impaired.

Compensated Absences:

As more fully described in Note 10, the Authority contracts with a management company to provide management services, including the furnishing of certain employees to operate and maintain the equipment. As of June 30, 2014, the Authority recorded a liability of $151,489 for unused vacation benefits for employees of the management company and the Authority. The Authority’s vacation policy provides for the accumulation of up to 30 days earned vacation leave for all employees, with such leave been fully vested when earned.

The Authority has adopted a last-in first-out method of accumulating compensation time. The portion of accumulated leave time which is expected to be liquidated after the next fiscal year-end is not considered to be material and, therefore, no provision for noncurrent compensated absences has been made in the financial statements.
Note 1. Summary of Significant Accounting Policies (Continued)

The Authority’s sick leave policy allows for an accumulation of up to a maximum of 120 days for employees of the management company and indefinitely for Authority employees. Sick leave does not vest. The Authority has no obligation for accumulated sick leave until it is actually taken; therefore, no accrual for sick leave has been made. The management company provides other benefits to its employees that are reimbursed by agreement.

Net Position:

Net position consists of the following:

- Net investment in capital assets – This component of net position reflects amounts expended for capital assets, net of related debt, if any.

- Unrestricted net position – This component of net position consists of net positions that do not meet the definition of restricted or invested in capital assets.

Use of Estimates:

The preparation of financial statements requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, and disclosures of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates. The primary accounting estimates used by the Authority’s management having financial significance is the estimation of lives of the capital assets and valuation of receivables for collectability.

Note 2. Cash and Cash Equivalents

At June 30, 2014, cash and cash equivalents is comprised of the following:

Deposits:

All the deposits of North Carolina local governments are either insured or collateralized by using one of two methods. Under the Dedicated Method, all deposits that exceed the federal depository insurance coverage level are collateralized with securities held by the Authority’s agents in the Authority’s name. Under the Pooling Method, which is a statewide collateral pool, all uninsured deposits are collateralized with securities held by the State Treasurer’s agent in the name of the State Treasurer. Since the State Treasurer is acting in a fiduciary capacity for the Authority, these deposits are considered to be held by the Authority’s agents in their name. The amount of the pledged collateral is based on an approved averaging method for non-interest bearing deposits and the actual current balance for interest-bearing deposits. Depositories using the Pooling Method report to the State Treasurer the adequacy of their pooled collateral covering uninsured deposits. The State Treasurer does not confirm this information with the Authority or the escrow agents. Because of the inability to measure the exact amounts of collateral pledged for the Authority under the Pooling Method, the potential exists for under-collateralization, and this risk may increase in periods of high cash flows. However, the State Treasurer of North Carolina enforces strict standards of financial stability for each depository that collateralizes public deposits under the Pooling Method. The Authority has no formal policy regarding the custodial credit risk for deposits, but relies on the State Treasurer to enforce standards of minimum capitalization for all pooling method financial institutions and to monitor them for compliance. The Authority complies with the provisions of G.S. 159-31 when designating official depositories and verifying that deposits are properly secured.
Note 2.  Cash and Cash Equivalents (Continued)

At June 30, 2014, the Authority’s deposits had a carrying amount of $153,377 and a bank balance of $183,675. The bank balance was fully covered by federal depository insurance.

Cash on Hand:

The Authority’s cash on hand at June 30, 2014, consisted of various petty cash funds totaling $1,469.

Investments:

At June 30, 2014, the Authority’s investments consisted of $843 in North Carolina Capital Management Trust’s Cash Portfolio, which carried a credit rating of AAAm by Standard and Poor’s. The Authority’s had no policy for management interest rate or credit risk.

Note 3.  Due From Other Governments

The amount due from other governments as of June 30, 2014, consists of the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State operating grant revenues</td>
<td>$230,604</td>
</tr>
<tr>
<td>Federal operating grant revenues</td>
<td>1,863,641</td>
</tr>
<tr>
<td>Local government sales and use taxes</td>
<td>104,093</td>
</tr>
<tr>
<td>Other local government receivables</td>
<td>95,807</td>
</tr>
<tr>
<td></td>
<td>$2,294,145</td>
</tr>
</tbody>
</table>
Cape Fear Public Transportation Authority

Notes to Basic Financial Statements

Note 4.  Capital Assets

Capital asset activity for the year ended June 30, 2014, was as follows:

<table>
<thead>
<tr>
<th>Capital assets not being depreciated:</th>
<th>Balance</th>
<th>Additions</th>
<th>Deletions</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>$ 2,717,404</td>
<td>-</td>
<td>-</td>
<td>$ 2,717,404</td>
</tr>
<tr>
<td>Construction in progress</td>
<td>741,027</td>
<td>5,063,049</td>
<td>-</td>
<td>5,804,076</td>
</tr>
<tr>
<td>Total</td>
<td>3,458,431</td>
<td>5,063,049</td>
<td>-</td>
<td>8,521,480</td>
</tr>
</tbody>
</table>

Capital assets being depreciated:

| Buildings and improvements | 5,428,224 | - | - | 5,428,224 |
| Buses                     | 8,692,512 | - | - | 8,692,512 |
| Other vehicles            | 1,837,887 | 27,758 | (112,169) | 1,753,476 |
| Furniture, fixtures, machinery and equipment | 1,495,262 | 46,004 | - | 1,541,266 |
| Total capital assets being depreciated | 17,453,885 | 73,762 | (112,169) | 17,415,478 |

Less accumulated depreciation for:

| Buildings and improvements | (876,731) | (146,896) | - | (1,023,627) |
| Buses                     | (7,023,525) | (367,113) | - | (7,390,638) |
| Other vehicles            | (1,352,858) | (176,888) | 112,169 | (1,417,577) |
| Furniture, fixtures, machinery and equipment | (972,856) | (145,651) | - | (1,118,507) |
| Total accumulated depreciation | (10,225,970) | (836,548) | 112,169 | (10,950,349) |

Total capital assets being depreciated, net 7,227,915 6,465,129

Capital assets, net $10,686,346 $14,986,609

At June 30, 2014, the Authority has remaining commitments for an active project totaling $4,487,025. The original commitment was for $8,976,500. Net change orders as of June 30, 2014 totaled $271,526 for a total commitment of $9,248,026.

Note 5.  Due to Governments

The Authority has an agreement with the City whereby the City, subject to the availability of funds, may in its sole discretion allow the Authority access to additional necessary operating funds in an amount not to exceed $400,000, less any additional operating funds provided by the County in excess of the County's annual appropriation for public transportation, as an advance on funds to be received by the Authority on federal and State funds for public transportation. The advance shall be repaid to the primary government the earlier of June 30 of each year or 120 days following the advance. In the event the Authority does not repay the advance, the primary government will withhold the outstanding balance from its annual appropriation.

As of June 30, 2014, the Authority had non-interest bearing advances outstanding totaling $400,000 to the City. Additionally, the Authority had a payable outstanding to the City totaling $212,300 for fuel the Authority had purchased through the City’s fuel contract.
Note 6. Retirement Plans

North Carolina Local Government Employees’ Retirement System

Plan Description. The Authority contributes to the statewide Local Government Employees’ Retirement System (LGERS), a cost-sharing, multiple-employer defined benefit pension plan administered by the state of North Carolina. LGERS provides retirement and disability benefits to plan members and beneficiaries. Article 3 of G.S. Chapter 128 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly. LGERS is included in the Comprehensive Annual Financial Report (CAFR) for the state of North Carolina. The State’s CAFR includes financial statements and required supplementary information to LGERS. That report may be obtained by writing to the Office of the State Controller, 1410 Mail Service Center, Raleigh, North Carolina 27699-1410, or by calling (919) 707-0500.

Funding Policy. Plan members are required to contribute six percent of their annual covered salary. The Authority is required to contribute at an actuarial determined rate. For the Authority, the current rate is 7.07% of annual covered payroll. The contribution requirement of members and of Cape Fear Public Transportation Authority is established and may be amended by the North Carolina General Assembly. The Authority’s contributions to LGERS for the years ended June 30, 2014, 2013, and 2012 were $54,890, $53,628, and $67,353, respectively. The contributions made by the Authority equaled the required contributions for each year.

Supplemental Retirement Income Plan of North Carolina

Plan Description. The Authority contributes to the Supplemental Retirement Income Plan of North Carolina (Plan), a Section 401(k) defined contribution pension plan adopted by the state of North Carolina and administered by the Prudential Insurance Company of America. The Plan provides for retirement benefits for all employees that have elected to become members of the Plan.

Funding Policy. The Authority has elected to contribute on behalf of all employees full matching of employee contributions up to 4.5% of eligible compensation. Authority contributions on behalf of employees were $9,010 for the year ended June 30, 2014. The Plan provides for voluntary contributions on part of all employees of not less than 1% of eligible compensation. Voluntary contributions by employees were $34,492 for the year ended June 30, 2014.
Cape Fear Public Transportation Authority

Notes to Basic Financial Statements

Note 7. Major Customers

The Authority’s operating revenue consists of farebox and contract revenues. Transactions with various governmental agencies accounted for the following revenues and related accounts receivable at June 30, 2014:

<table>
<thead>
<tr>
<th>Customer</th>
<th>Revenues</th>
<th>Percentage of Operating Revenues</th>
<th>Accounts Receivable</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of North Carolina at Wilmington</td>
<td>$789,224</td>
<td>31.3%</td>
<td>$22,540</td>
</tr>
<tr>
<td>New Hanover County</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Social Services</td>
<td>560,327</td>
<td>22.2%</td>
<td>2,238</td>
</tr>
<tr>
<td>Department of Aging</td>
<td>25,215</td>
<td>1.0%</td>
<td>1,570</td>
</tr>
<tr>
<td>Other Agencies</td>
<td>5,827</td>
<td>0.2%</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>$1,380,593</td>
<td></td>
<td>$26,348</td>
</tr>
</tbody>
</table>

Note 8. Contingencies

The Authority receives significant operating and capital grants from the federal and State governments.

Under the terms of federal and State grants, monitoring and periodic audits are required and certain costs may be questioned as not being appropriate expenditures under the terms of the grants. Such audits could lead to reimbursements to the grantor agencies. The Authority’s management believes disallowances arising from such audits, if any, will not be significant. No provisions for the refund of grant monies have been made in the accompanying financial statements.

Also, under the terms of federal and State assistance programs, capital assets acquired partially or entirely with federal or State funds have asset disposition restrictions which provide for the disposition of assets or proceeds from the approved sales in accordance with federal or State regulations.

At June 30, 2014, the Authority was a party to various legal disputes and litigation. In the opinion of the Authority’s management, the ultimate effect of these matters will not have a material adverse effect on the Authority’s financial position.

Note 9. Risk Management

The Authority is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters.

The Authority obtains workers’ compensation coverage up the statutory limits through Key Risk Insurance Company, up to $1 million in public officials liability through AIG, $45,000 in property damage through Landmark American Insurance Company, $2 million general liability through National Fire & Marine Insurance Company, up to $1 million in auto coverage through National Indemnity Company, $1 million personal and advertising injury per person or organization with aggregate limit of $2 million through Essex, $500,000 ERISA and through Hiscox, and $4 million commercial umbrella policy through Lexington Insurance Company. The Authority does not currently maintain flood insurance as none of its structural property is located in a flood plain.

In accordance with G.S. 159-29, the Authority’s employees that have access to $100 or more at any given time of the Authority’s funds are performance bonded through a commercial surety bond. The Director of Finance is bonded for $250,000. The remaining employees that have access to funds are bonded under a blanket bond for $250,000.
Note 10. Management Agreement

The Authority retains a transit management company to provide management and operational services for the transportation system. For the year ended June 30, 2014, those services were provided under a contract with First Transit, Inc. (FTI), who shall employ, furnish and supervise certain personnel necessary for the management and operation of the public transportation system. In addition, the agreement provides for assistance with certain other managerial functions required for the day-to-day operations of the Authority. For the year ended June 30, 2014, the Authority incurred management fees totaling $373,926 which is included in purchased services. During 2014, the contract with FTI was extended through June 30, 2016, and provides for minimum payments of $377,665 and $383,320 for the years ended June 30, 2015 and 2016, respectively.

Note 11. Pronouncements Issued but Not Yet Effective

The GASB has issued several pronouncements prior to June 30, 2014, that have effective dates that may impact future financial presentations.

Management has not currently determined what, if any, impact implementation of the following statements may have on the financial statements of the Authority,

GASB Statement Number 68, “Accounting and Financial Reporting for Pensions – An Amendment of GASB Statement No. 27” will be effective for the Authority beginning with its year ending June 30, 2015.

GASB Statement Number 69, “Government Combinations and Disposals of Government Operations” will be effective for the Authority beginning with its year ending June 30, 2015.

GASB Statement Number 71, “Pension Transition for Contributions Made Subsequent to the Measurement Date (an amendment of GASB Statement No. 68)” will be effective for the Authority beginning with its year ending June 30, 2015.
SUPPLEMENTARY
FINANCIAL INFORMATION
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## Cape Fear Public Transportation Authority  
**Operating Subfund**  

### Schedule of Revenue and Expenditures, Budget and Actual,  
Non-GAAP, Modified Accrual Basis  
**For the Year Ended June 30, 2014**

<table>
<thead>
<tr>
<th>Operating revenues</th>
<th>Budget</th>
<th>Actual</th>
<th>Variance, Positive (Negative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farebox revenues</td>
<td>$ 1,626,540</td>
<td>$ 1,806,917</td>
<td>$ 180,377</td>
</tr>
<tr>
<td>Government contracted services</td>
<td>901,475</td>
<td>715,436</td>
<td>(186,039)</td>
</tr>
<tr>
<td><strong>Total operating revenues</strong></td>
<td>2,528,015</td>
<td>2,522,353</td>
<td>(5,662)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operating expenditures</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor</td>
<td>3,590,581</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fringe benefits</td>
<td>1,131,698</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fuel and lubricants</td>
<td>1,126,155</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchased services</td>
<td>537,780</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repairs and maintenance</td>
<td>423,708</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance</td>
<td>890,920</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advertising</td>
<td>48,217</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tires and tubes</td>
<td>82,901</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxicabs and leases</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities</td>
<td>90,836</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Materials and supplies</td>
<td>24,577</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office supplies</td>
<td>5,124</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other operating expenses</td>
<td>137,847</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total operating expenditures</strong></td>
<td>8,265,000</td>
<td>8,090,344</td>
<td>174,656</td>
</tr>
</tbody>
</table>

**Excess of operating expenditures over operating revenues**  
(5,736,985) (5,567,991) 168,994

(Continued)
### Nonoperating revenues

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>Actual</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal grants</td>
<td>$3,032,076</td>
<td>$2,984,432</td>
<td>$(47,644)</td>
</tr>
<tr>
<td>State grants</td>
<td>1,069,333</td>
<td>937,590</td>
<td>(131,743)</td>
</tr>
<tr>
<td>Operating subsidy from primary government</td>
<td>1,285,000</td>
<td>1,285,000</td>
<td>-</td>
</tr>
<tr>
<td>Operating subsidies from other governments</td>
<td>260,576</td>
<td>273,000</td>
<td>12,424</td>
</tr>
<tr>
<td>Other income</td>
<td>90,000</td>
<td>89,953</td>
<td>(47)</td>
</tr>
<tr>
<td><strong>Total nonoperating revenues</strong></td>
<td><strong>5,736,985</strong></td>
<td><strong>5,569,975</strong></td>
<td><strong>(167,010)</strong></td>
</tr>
</tbody>
</table>

### Excess revenues over expenditures

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>Actual</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td>1,984</td>
<td>$1,984</td>
</tr>
</tbody>
</table>

Reconciliation: modified accrual basis with full accrual:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Intergovernmental revenue from Capital Project Fund</td>
<td>4,820,681</td>
</tr>
<tr>
<td>Depreciation</td>
<td>(836,548)</td>
</tr>
<tr>
<td>Gain on disposal of capital assets</td>
<td>1,884</td>
</tr>
<tr>
<td>Compensated absences (change)</td>
<td>10,156</td>
</tr>
<tr>
<td><strong>Increase in net position</strong></td>
<td>$3,998,157</td>
</tr>
</tbody>
</table>
## Cape Fear Public Transportation Authority
### Capital Project Subfund

**Schedule of Revenue and Expenditures, Budget and Actual, Non-GAAP, Modified Accrual Basis**
**From Inception and for the Fiscal Year Ended June 30, 2014**

<table>
<thead>
<tr>
<th>Total</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Project Prior Current Total</td>
</tr>
<tr>
<td>Estimates</td>
<td>Years To Date</td>
</tr>
</tbody>
</table>

### Revenue
Restricted intergovernmental:
- Federal grants: $10,971,884, $363,002, $4,310,730, $4,673,732
- State grants: 1,264,285, 45,375, 502,562, 547,937
- Primary government: 1,494,435, -, 7,389, 7,389

**Total revenue**
- Total: 13,730,604, 408,377, 4,820,681, 5,229,058

### Expenditures
- Section 5307 Capital: 4,922,618, -, 427,033, 427,033
- Section 5309 Capital: 7,500,000, 424,991, 4,663,774, 5,088,765
- Section 5311 Capital: 568,486, -, 46,004, 46,004
- Advanced Technology Program: 15,750, -, -

**Total expenditures**
- Total: 13,006,854, 424,991, 5,136,811, 5,561,802

### Excess of expenditures over revenues
- Total: $723,750, $(16,614), $(316,130), $(332,744)
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INTERNAL CONTROL
AND
COMPLIANCE SECTION
Independent Auditor’s Report on
Internal Control Over Financial Reporting
and on Compliance and Other Matters Based on an Audit of
Financial Statements Performed in Accordance
With Government Auditing Standards

To the Honorable Chairman and
Members of the Board of Directors
Cape Fear Public Transportation Authority
Wilmington, North Carolina

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the financial statements of Cape Fear Public Transportation Authority as of and for the year ended June 30, 2014, and the related notes to the basic financial statements, which collectively comprise Cape Fear Public Transportation Authority’s basic financial statements, and have issued our report thereon dated November 24, 2014.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Cape Fear Public Transportation Authority’s internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Cape Fear Public Transportation Authority’s internal control. Accordingly, we do not express an opinion on the effectiveness of Cape Fear Public Transportation Authority’s internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.
Compliance and Other Matters

As part of obtaining reasonable assurance about whether Cape Fear Public Transportation Authority’s financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity’s internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity’s internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Wilmington, North Carolina
November 24, 2014
Independent Auditor’s Report
on Compliance for Major Federal Program
and on Internal Control Over Compliance in
Accordance With OMB Circular A-133 and the
State Single Audit Implementation Act

To the Honorable Chairman and
Members of the Board of Directors
Cape Fear Public Transportation Authority
Wilmington, North Carolina

Report on Compliance for Major Federal Program

We have audited Cape Fear Public Transportation Authority’s (the Authority) compliance with the types of compliance requirements described in the OMB Circular A-133 Compliance Supplement and the Audit Manual for Governmental Auditors in North Carolina, issued by the Local Government Commission, that could have a direct and material effect on each of the Authority’s major federal programs for the year ended June 30, 2014. The Authority’s major federal programs are identified in the summary of auditor’s results section of the accompanying schedule of findings and questioned costs.

Management’s Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditor’s Responsibility

Our responsibility is to express an opinion on compliance for each of the Authority’s major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; OMB Circular A-133 Audits of States, Local Governments, and Non-profit Organizations and the State Single Audit Implementation Act. Those standards, OMB Circular A-133, and the State Single Audit Implementation Act require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Authority’s compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the Authority’s compliance.

Opinion on Major Federal Program

In our opinion, Cape Fear Public Transportation Authority complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2014.
Report on Internal Control Over Compliance

Management of Cape Fear Public Transportation Authority is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Authority’s internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of Cape Fear Public Transportation Authority’s internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

McGladrey LLP

Wilmington, North Carolina
November 24, 2014
Independent Auditor’s Report on
Compliance for Major State Program and
on Internal Control Over Compliance in Accordance With
Applicable Sections of OMB Circular A-133 and the State
Single Audit Implementation Act

To the Honorable Chairman and
Members of the Board of Directors
Cape Fear Public Transportation Authority
Wilmington, North Carolina

Report on Compliance for Major State Program
We have audited Cape Fear Public Transportation Authority’s (the Authority) compliance with the types of
compliance requirements described in the Audit Manual for Governmental Auditors in North Carolina,
issued by the Local Government Commission that could have a direct and material effect on each of the
Authority’s major State programs for the year ended June 30, 2014. The Authority’s major State programs
are identified in the summary of auditor’s results section of the accompanying schedule of findings and
questioned costs.

Management’s Responsibility
Management is responsible for compliance with the requirements of laws, regulations, contracts, and
grants applicable to its State programs.

Auditor’s Responsibility
Our responsibility is to express an opinion on compliance for each of the Authority’s major State programs
based on our audit of the types of compliance requirements referred to above. We conducted our audit of
compliance in accordance with auditing standards generally accepted in the United States of America; the
standards applicable to financial audits contained in Government Auditing Standards, issued by the
Comptroller General of the United States; applicable sections of OMB Circular A-133 as described in the
Those standards, applicable sections of OMB Circular A-133, and the State Single Audit Implementation
Act require that we plan and perform the audit to obtain reasonable assurance about whether
noncompliance with the types of compliance requirements referred to above that could have a direct and
material effect on a major State program occurred. An audit includes examining, on a test basis, evidence
about the Authority’s compliance with those requirements and performing such other procedures as we
considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major State
program. However, our audit does not provide a legal determination of the Authority’s compliance.

Opinion on Major State Program
In our opinion, Cape Fear Public Transportation Authority complied, in all material respects, with the types
of compliance requirements referred to above that could have a direct and material effect on each of its
major State programs for the year ended June 30, 2014.
Report on Internal Control Over Compliance

Management of Cape Fear Public Transportation Authority is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Authority’s internal control over compliance with the types of requirements that could have a direct and material effect on each major State program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major State program and to test and report on internal control over compliance in accordance with applicable sections of OMB Circular A-133 and the State Single Audit Implementation Act, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of Cape Fear Public Transportation Authority’s internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a State program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of applicable sections of OMB Circular A-133 and the State Single Audit Implementation Act. Accordingly, this report is not suitable for any other purpose.

McGladrey LLP

Wilmington, North Carolina
November 24, 2014
Cape Fear Public Transportation Authority

Schedule of Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2014

Section 1. Summary of Independent Auditor’s Results

Financial Statements

Type of auditor’s report issued: Unmodified

Internal control over financial reporting:

- Material weakness(es) identified? Yes No
- Significant deficiency(ies) identified? Yes None Reported

Noncompliance material to financial statements noted? Yes No

Federal Awards

Internal control over major federal programs:

- Material weakness(es) identified? Yes No
- Significant deficiency(ies) identified? Yes None Reported

Type of auditor’s report issued on compliance for major federal program: Unmodified

Any audit findings disclosed that are required to be reported in accordance with Section 510(a) of Circular A-133? Yes No

Identification of major federal program:

<table>
<thead>
<tr>
<th>Program Name</th>
<th>CFDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Transit Formula Grant (Urbanized Area)</td>
<td></td>
</tr>
<tr>
<td>Formula Planning Cluster/Capital investment Grants</td>
<td>20.507/20.500</td>
</tr>
</tbody>
</table>

Dollar threshold used to distinguish between Type A and Type B Programs $300,000

Auditee qualified as low-risk auditee? Yes No

(Continued)
Cape Fear Public Transportation Authority

Schedule of Findings and Questioned Costs (Continued)
For the Fiscal Year Ended June 30, 2014

Section 1. Summary of Independent Auditor’s Results (Continued)

State Awards

Internal control over major State programs:

- Material weakness(es) identified? _______ Yes □ □ No □
- Significant deficiency(ies) identified? _______ Yes □ □ None Reported □

Type of auditor’s report issued on compliance for major State program: Unmodified

Any audit findings disclosed that are required to be reported in accordance with State Single Audit Implementation Act _______ Yes □ □ No □

Identification of major State program:

<table>
<thead>
<tr>
<th>Program Name</th>
<th>State ID Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Maintenance Assistance Program</td>
<td>DOT – 09</td>
</tr>
</tbody>
</table>

Section 2. Financial Statement Findings

None reported

Section 3. Federal Award Findings and Questioned Costs

None reported

Section 4. State Award Findings and Questioned Costs

None reported
No corrective action plan is required for the current year.
None reported in prior year.
Cape Fear Public Transportation Authority

Schedule of Expenditures of Federal and State Awards
Year Ended June 30, 2014

<table>
<thead>
<tr>
<th>Grantor/Pass Through</th>
<th>Federal CFDA Number</th>
<th>Grantor's Grantor/Program Title</th>
<th>Number</th>
<th>Federal Expenditures</th>
<th>State Expenditures</th>
<th>Federal Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Federal Assistance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U. S. Department of Transportation</td>
<td></td>
<td>Pass-Through Federal Transit Administration:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Urbanized Area Formula Planning Cluster</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Formula Grants (Operating)</td>
<td>20.507 NC-90-4502</td>
<td>$186,752</td>
<td>$ -</td>
<td>$186,751</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Formula Grants (Operating)</td>
<td>20.507 NC-90-4537</td>
<td>1,479,468</td>
<td>-</td>
<td>1,479,468</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Formula Grants (Capital)</td>
<td>20.507 NC-90-0545</td>
<td>573,000</td>
<td>-</td>
<td>143,250</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Formula Grants (Capital)</td>
<td>20.507 NC-95-0062</td>
<td>20,000</td>
<td>-</td>
<td>6,001</td>
</tr>
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<td></td>
<td></td>
<td>Formula Grants (Capital)</td>
<td>20.507 NC-95-0067</td>
<td>233,833</td>
<td>-</td>
<td>58,458</td>
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<tr>
<td></td>
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<td>Capital Investment Grants</td>
<td>20.500 NC-04-0043</td>
<td>3,948,778</td>
<td>498,239</td>
<td>438,753</td>
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<tr>
<td></td>
<td></td>
<td>Total Urbanized Area Formula Planning Cluster</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pass-Through North Carolina</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Department of Transportation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Formula Grants for other than Urbanized Areas (Operating)</td>
<td>20.509 14-CT-052A</td>
<td>134,739</td>
<td>8,420</td>
<td>30,561</td>
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<td>Urbanized Areas (Capital)</td>
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<td>34,595</td>
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<td>Urbanized Areas (Operating)</td>
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<td>160,230</td>
<td>-</td>
<td>160,230</td>
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<td></td>
<td></td>
<td>Urbanized Areas (Capital)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>New Freedom Program</td>
<td>20.521 13-NF-052</td>
<td>140,413</td>
<td>-</td>
<td>140,411</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total U. S. Department of Transportation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Grants (all direct)</td>
<td></td>
<td>Department of Transportation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Public Transportation Division</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>State Maintenance Assistance Program</td>
<td>DOT-09 13-SM-090</td>
<td>-</td>
<td>653,722</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pass-Through New Hanover County</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rural Operating Assistance Program</td>
<td>DOT-22 04-MA-002</td>
<td>-</td>
<td>229,461</td>
<td>13,283</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total Department of Transportation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Total Federal and State Expenditures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

$7,219,161 $1,433,741 $2,710,337
Note 1.   Basis of Presentation

The accompanying schedule of expenditures of federal and State awards includes the federal and State grant activity of Cape Fear Public Transportation Authority and is presented on the modified accrual basis of accounting. The information in this schedule is presented in accordance with the requirements of OMB Circular A-133, Audits of State, Local Governments, and Non-Profit Organizations and the State Single Audit Implementation Act. Therefore, some amounts presented in this schedule may differ from amounts presented in, or used in the preparation of, the basic financial statements.
SECTION C: Financial Information

C1. Three bank and/or vendor references:

1. Banking:
   Wells Fargo NA
   3001 S. College Street, 4th Floor
   Charlotte, NC 28202
   Kolissa Brost (336) 378-4060
   kolissa.brost1@wellsfargo.com

2. Vendor:
   First Transit
   22192 Network Place
   Chicago, IL 60673
   Bill Harned (864) 201-5563
   bill.harned@firstgroup.com

3. Vendor:
   City of Wilmington
   P.O. Box 1810
   Wilmington, NC 28402
   Bryon Dorey (910) 342-2730
   Bryon.Dorey@wilmingtonnc.gov

C2. The Cape Fear Public Transportation Authority has not declared bankruptcy within the last five (5) years, nor has any predecessor, guarantor or subcontractor of the Agency.

C3. No past or pending legal proceedings and judgments exist that could materially affect the financial position or ability to provide Services to the County.

C4. No credit reports, credit bulletins, or any other published statements by the most recognized agencies (Standard & Poor’s Rating Group, Moody, Investor Services, Dun & Bradstreet, and Value Line) have been issued or published about the Cape Fear Public Transportation Authority within the past five (5) years.

C5. No organizational changes have occurred in the last two (2) years nor are any changes are anticipated in the near future.

C6. The latest Audited Financial Statement is included at the end of Section B.
Cape Fear Public Transportation Authority
(A Component Unit of the City of Wilmington)

Financial and Compliance Reports
Year Ended June 30, 2014
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<td>Schedule of Revenue and Expenditures, Budget and Actual, Non-GAAP,</td>
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<td>Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards</td>
<td>25 – 26</td>
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<tr>
<td>Compliance for Major Federal Program and on Internal Control</td>
<td></td>
</tr>
<tr>
<td>Over Compliance in Accordance With OMB Circular A-133 and the State Single Audit Implementation Act</td>
<td>27 – 28</td>
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<tr>
<td>Compliance for Major State Program and on Internal Control</td>
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<tr>
<td>Over Compliance in Accordance With Applicable Sections of OMB Circular A-133 and the State Single Audit Implementation Act</td>
<td>29 – 30</td>
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<td>Summary Schedule of Prior Audit Findings</td>
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FINANCIAL SECTION

- Report of Independent Certified Public Accountants
- Management's Discussion and Analysis
- Basic Financial Statements
- Notes to Basic Financial Statements
- Supplementary Financial Information
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Independent Auditor’s Report

To the Honorable Chairman and
   Members of the Board of Directors
Cape Fear Public Transportation Authority
Wilmington, North Carolina

Report on the Financial Statements

We have audited the accompanying financial statements of Cape Fear Public Transportation Authority (the Authority) as of and for the year ended June 30, 2014, and the related notes to the financial statements, which collectively comprise the Authority’s basic financial statements as listed in the table of contents.

Management’s Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor’s Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor’s judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity’s preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity’s internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.
Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Cape Fear Public Transportation Authority as of June 30, 2014, and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management’s Discussion and Analysis, on pages 3 – 6, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise Cape Fear Public Transportation Authority’s basic financial statements. The accompanying schedules in the supplementary financial information, and the schedule of expenditures of federal and state awards as required by U. S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and the State Single Audit Implementation Act are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated November 24, 2014, on our consideration of the Cape Fear Public Transportation Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering Cape Fear Public Transportation Authority’s internal control over financial reporting and compliance.

Wilmington, North Carolina
November 24, 2014
MANAGEMENT’S DISCUSSION AND ANALYSIS
(This Page Was Intentionally Left Blank)
As management of Cape Fear Public Transportation Authority (the Authority), we offer readers of the Authority’s financial statements this narrative overview and analysis of the financial activities of the Authority for the fiscal year ended June 30, 2014.

Financial Highlights

- The assets of the Authority exceeded its liabilities at the close of the fiscal year by $14,483,016 (net position).
- The Authority’s total net position increased by $3,998,157 during the fiscal year.
- The Authority had an operating loss of $6,394,383.
- Capital asset additions, including construction in process, totaled $5,136,811 during the fiscal year.
- The Authority had no long-term debt outstanding as of June 30, 2014.

Overview of the Financial Statements

This discussion and analysis are intended to serve as an introduction to Cape Fear Public Transportation Authority’s basic financial statements. The financial statements of the Authority consist of three components. They are as follows:

- Management’s Discussion and Analysis
- Basic Financial Statements
- Notes to the Basic Financial Statements

The Basic Financial Statements are prepared using the accrual basis of accounting. They consist of three statements, as required for entities engaged only in business-type activities.

The first statement is the statement of net position whereby net position is determined by the difference between assets plus any deferred outflows and liabilities plus any deferred inflows. Assets and liabilities are classified between current and long-term. This statement provides a summary of the Authority’s investment in assets and obligations to creditors. Liquidity and financial flexibility can be evaluated using the information contained in this statement.

The next statement is the statement of revenue, expenses and changes in net position. This statement is used in evaluating whether the Authority has recovered all of its costs through revenues. Its information is used in determining credit worthiness.

The final required statement is the statement of cash flows. This statement reports cash inflows and outflows in the following categories: operating, investing, capital and related financing and noncapital financing activities. Based on this data, the user can determine the sources of cash, the uses of cash, and the change in cash.

The notes to the basic financial statements provide more detailed information and should be read in conjunction with the statements. After the notes, supplementary financial information is provided to show additional details about the Authority’s budgetary information.
Financial Analysis

Fiscal year 2013–2014 saw the Authority continuing the construction of the new operations and maintenance facility on Division Drive. A discussion of other financial developments follows.

Net position may serve over time as one useful indicator of a government’s fiscal health. Net investment in capital assets (net of related liabilities) totaled $14,735,971 which comprises vehicles, equipment, buildings, other improvements, construction in progress, and land. This is the main concentration of the Authority’s net position as of June 30, 2014. Unrestricted net position has no restrictions on its use.

Cape Fear Public Transportation Authority Condensed Statement of Net Position

Figure 1

<table>
<thead>
<tr>
<th></th>
<th>June 30,</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014</td>
</tr>
<tr>
<td>Current assets</td>
<td>$ 2,602,378</td>
</tr>
<tr>
<td>Capital assets, net</td>
<td>14,986,609</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td>17,588,987</td>
</tr>
<tr>
<td>Current liabilities</td>
<td>3,105,971</td>
</tr>
<tr>
<td>Net position:</td>
<td></td>
</tr>
<tr>
<td>Invested in capital assets</td>
<td>14,735,971</td>
</tr>
<tr>
<td>Unrestricted (deficit)</td>
<td>(252,955)</td>
</tr>
<tr>
<td><strong>Total net position</strong></td>
<td>$ 14,483,016</td>
</tr>
</tbody>
</table>

A comparison of the statement of net position to the prior year shows an increase in net position by $3,998,157, resulting primarily from receiving federal funding and state matches for the construction of the new operations and maintenance facility. Total assets increased by $5,641,684 and liabilities increased by $1,643,527 from the prior year.

The statement of revenue, expenses and changes in net position for the current year shows that total operating expenses exceeded operating revenue and non-operating revenue (expense) by $822,524. The Authority earned $2,522,353 in transportation service fares and fees. Capital contributions, consisting of federal, State and local grants, totaled $4,820,681 for the year ended June 30, 2014. Operating grants and contributions totaled $5,571,859.
Cape Fear Public Transportation Authority

Management's Discussion and Analysis (Unaudited)
June 30, 2014

Condensed Statement of Revenue, Expenses and Change in Net Position

Figure 2

<table>
<thead>
<tr>
<th></th>
<th>Year Ended June 30,</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014</td>
</tr>
<tr>
<td></td>
<td>2013</td>
</tr>
<tr>
<td>Operating revenue</td>
<td>$2,522,353</td>
</tr>
<tr>
<td></td>
<td>$2,324,352</td>
</tr>
<tr>
<td>Operating expenses</td>
<td>8,916,736</td>
</tr>
<tr>
<td></td>
<td>9,235,949</td>
</tr>
<tr>
<td>Operating loss</td>
<td>(6,394,383)</td>
</tr>
<tr>
<td></td>
<td>(6,911,597)</td>
</tr>
<tr>
<td>Nonoperating revenue</td>
<td>5,571,859</td>
</tr>
<tr>
<td></td>
<td>5,662,859</td>
</tr>
<tr>
<td>Loss before capital contributions</td>
<td>(822,524)</td>
</tr>
<tr>
<td>Capital contributions</td>
<td>4,820,681</td>
</tr>
<tr>
<td>Increase (decrease) in net position</td>
<td>$3,998,157</td>
</tr>
<tr>
<td></td>
<td>($254,495)</td>
</tr>
</tbody>
</table>

For the year ended June 30, 2014, the increase in net position is primarily due to receiving federal funding and state matches for the construction of the new operations and maintenance facility. The Authority had an operating loss of $6,394,383 from its operations, nonoperating revenue of $5,571,859 and capital contributions of $4,820,681. Capital contributions were primarily related to the construction of a new operations and maintenance facility. The Authority received an operating subsidy of $1,285,000 from its primary government, City of Wilmington, North Carolina. The remainder of the Authority’s operating and capital grants were received from the Federal Transit Administration, North Carolina Department of Transportation and New Hanover County. The Authority’s operating revenue increased by $198,001 from the prior year primarily due to a 33% increase in fares effective for a portion of the year ended June 30, 2013, starting in February, 2013, and all of the year ended June 30, 2014. The Authority’s expenses decreased by $319,213 over the prior year primarily due to decreases in fuel and oil costs, maintenance and repair costs, and depreciation.

Capital Assets. The undepreciated cost of the Authority’s capital assets consisted of the following as of June 30, 2014.

<table>
<thead>
<tr>
<th>Capital Assets</th>
<th>June 30,</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014</td>
</tr>
<tr>
<td></td>
<td>2013</td>
</tr>
<tr>
<td>Land</td>
<td>$2,717,404</td>
</tr>
<tr>
<td></td>
<td>$2,717,404</td>
</tr>
<tr>
<td>Buildings and improvements</td>
<td>5,428,224</td>
</tr>
<tr>
<td></td>
<td>5,428,224</td>
</tr>
<tr>
<td>Buses</td>
<td>8,692,512</td>
</tr>
<tr>
<td></td>
<td>8,692,512</td>
</tr>
<tr>
<td>Other vehicles</td>
<td>1,753,476</td>
</tr>
<tr>
<td></td>
<td>1,837,887</td>
</tr>
<tr>
<td>Furniture, fixtures, machinery and equipment</td>
<td>1,541,266</td>
</tr>
<tr>
<td></td>
<td>1,495,262</td>
</tr>
<tr>
<td>Construction in progress</td>
<td>5,804,076</td>
</tr>
<tr>
<td></td>
<td>741,027</td>
</tr>
<tr>
<td>Total</td>
<td>$25,936,958</td>
</tr>
<tr>
<td></td>
<td>$20,912,316</td>
</tr>
</tbody>
</table>

The Authority capital asset additions during the year ended June 30, 2014, included $5,063,049 related to the construction of the new operations and maintenance facility.

See Note 4 in the notes to basic financial statements for additional information.
Long-Term Debt. The Authority had no outstanding debt as of June 30, 2014.

Economic Factors

The Authority serves customers primarily in New Hanover County but also from Brunswick and Pender Counties. New Hanover County currently has an estimated population of 213,267 people. Of that amount, 112,067 reside in the City of Wilmington, which is the Authority’s primary government. The 2014 unemployment rate in the City was 6.4%, which was the same as the State of North Carolina unemployment rate, but higher than the federal unemployment rate. The Authority is impacted by a number of different economic factors and takes these in consideration when approving budgets. Potential budget reductions at the State level, as well as potential reductions in federal transit funding, are being closely monitored as well as any adverse trends in fuel costs. However, the Board and management are prepared to respond to any reductions in revenue or increased costs accordingly, to maintain the service levels enjoyed by the Authority’s customers. All of these factors were included in preparing the Authority’s budget for the 2015 fiscal year.

Requests for Information

This report is designed to provide an overview of the Authority’s finances for those with an interest in this area. Questions concerning any of the information found in this report or requests for additional information should be directed to the Executive Director, Cape Fear Public Transportation Authority, Forden Station, 505 Cando Street, Wilmington, NC, 28405

Albert Eby, Executive Director
Cape Fear Public Transportation Authority
Wilmington, North Carolina
BASIC
FINANCIAL STATEMENTS
(This Page Was Intentionally Left Blank)
# Cape Fear Public Transportation Authority

## Statement of Net Position

**June 30, 2014**

### Assets

#### Current Assets

- **Cash and cash equivalents (Note 2)**: $155,689
- **Accounts receivable (Note 7)**: $26,470
- **Due from other governments (Note 3)**: $2,294,145
- **Inventory of material and supplies**: $126,074

**Total current assets**: $2,602,378

#### Noncurrent Assets

- **Capital assets (Note 4)**
  - Land: $2,717,404
  - Building and improvements: $5,428,224
  - Buses: $8,692,512
  - Other vehicles: $1,753,476
  - Furniture, fixtures, machinery and equipment: $1,541,266
  - Construction in progress: $5,804,076

**Total capital assets**: $25,936,958

- **Less accumulated depreciation**: $(10,950,349)

**Total capital assets**: $14,986,609

**Total assets**: $17,588,987

### Liabilities

#### Current Liabilities

- **Accounts payable**
  - Trade: $2,042,586
  - Capital: $250,638
- **Due to primary governments (Note 5)**: $612,300
- **Compensated absences payable**: $151,489
- **Accrued expenses**: $48,958

**Total current liabilities**: $3,105,971

### Commitments and Contingencies (Notes 4, 6, 8, 9 and 10)

### Net Position

- **Net investment in capital assets**: $14,735,971
- **Unrestricted (deficit)**: $(252,955)

**Total net position**: $14,483,016

See Notes to Basic Financial Statements.
Cape Fear Public Transportation Authority

Statement of Revenue, Expenses and Changes in Net Position
Year Ended June 30, 2014

<table>
<thead>
<tr>
<th>Operating Revenue</th>
<th>$2,522,353</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charges for services (Note 7)</td>
<td>$2,522,353</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Operating Expenses</th>
<th>$8,916,736</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor</td>
<td>3,580,425</td>
</tr>
<tr>
<td>Fringe benefits</td>
<td>1,131,698</td>
</tr>
<tr>
<td>Fuel and lubricants</td>
<td>1,126,155</td>
</tr>
<tr>
<td>Purchased services (Note 10)</td>
<td>537,780</td>
</tr>
<tr>
<td>Repairs and maintenance</td>
<td>423,708</td>
</tr>
<tr>
<td>Insurance</td>
<td>890,920</td>
</tr>
<tr>
<td>Advertising</td>
<td>48,217</td>
</tr>
<tr>
<td>Tires and tubes</td>
<td>82,901</td>
</tr>
<tr>
<td>Utilities</td>
<td>90,836</td>
</tr>
<tr>
<td>Materials and supplies</td>
<td>24,577</td>
</tr>
<tr>
<td>Office supplies</td>
<td>5,124</td>
</tr>
<tr>
<td>Other operating expenses</td>
<td>137,847</td>
</tr>
<tr>
<td>Depreciation</td>
<td>836,548</td>
</tr>
<tr>
<td><strong>Total operating expenses</strong></td>
<td>8,916,736</td>
</tr>
<tr>
<td><strong>Operating loss</strong></td>
<td>(6,394,383)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nonoperating Revenue</th>
<th>$5,571,859</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal grants</td>
<td>2,984,432</td>
</tr>
<tr>
<td>State grants</td>
<td>937,590</td>
</tr>
<tr>
<td>Operating subsidy City of Wilmington, primary government</td>
<td>1,285,000</td>
</tr>
<tr>
<td>Operating subsidy from New Hanover County</td>
<td>273,000</td>
</tr>
<tr>
<td>Interest income</td>
<td>52</td>
</tr>
<tr>
<td>Miscellaneous income</td>
<td>89,901</td>
</tr>
<tr>
<td>Gain on disposition of capital assets</td>
<td>1,884</td>
</tr>
<tr>
<td><strong>Total nonoperating revenue</strong></td>
<td>5,571,859</td>
</tr>
<tr>
<td><strong>Loss before capital contributions</strong></td>
<td>(822,524)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Capital Contributions</th>
<th>$4,820,681</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal grants</td>
<td>4,310,730</td>
</tr>
<tr>
<td>State grants</td>
<td>502,562</td>
</tr>
<tr>
<td>Other governments</td>
<td>7,389</td>
</tr>
<tr>
<td><strong>Total capital contributions</strong></td>
<td>4,820,681</td>
</tr>
<tr>
<td><strong>Increase in net position</strong></td>
<td>3,998,157</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Net Position, Beginning</th>
<th>$10,484,859</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Position, Ending</td>
<td>14,483,016</td>
</tr>
</tbody>
</table>

See Notes to Basic Financial Statements.
Cape Fear Public Transportation Authority

Statement of Cash Flows
Year Ended June 30, 2014

<table>
<thead>
<tr>
<th>Cash Flows From Operating Activities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash received from customers and users</td>
<td>$ 898,990</td>
</tr>
<tr>
<td>Cash payments to suppliers for goods and services</td>
<td>(2,181,643)</td>
</tr>
<tr>
<td>Cash payments to or on behalf of employees</td>
<td>(4,701,967)</td>
</tr>
<tr>
<td><strong>Net cash used in operating activities</strong></td>
<td>(5,984,620)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cash Flows From Noncapital Financing Activities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating grants</td>
<td>3,922,022</td>
</tr>
<tr>
<td>Operating subsidy from primary government</td>
<td>1,285,000</td>
</tr>
<tr>
<td>Operating subsidies from other governments</td>
<td>273,000</td>
</tr>
<tr>
<td>Advance from primary government</td>
<td>1,012,300</td>
</tr>
<tr>
<td>Repayment of advance from primary government</td>
<td>(666,667)</td>
</tr>
<tr>
<td>Forgiveness of advance from other government</td>
<td>(133,000)</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>89,901</td>
</tr>
<tr>
<td><strong>Net cash provided by noncapital financing activities</strong></td>
<td>5,782,556</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cash Flows From Capital and Related Financing Activities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceeds from sale of capital assets</td>
<td>1,884</td>
</tr>
<tr>
<td>Acquisition of capital assets</td>
<td>(4,902,787)</td>
</tr>
<tr>
<td>Capital contributions</td>
<td>4,820,681</td>
</tr>
<tr>
<td><strong>Net cash used in capital and related financing activities</strong></td>
<td>(80,222)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cash Flows From Investing Activities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest on investments</td>
<td>52</td>
</tr>
</tbody>
</table>

| **Net decrease in cash and cash equivalents**                             | (282,234)|

<table>
<thead>
<tr>
<th>Cash and Cash Equivalents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning</td>
<td>437,923</td>
</tr>
<tr>
<td>Ending</td>
<td>$ 155,689</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reconciliation of Operating Loss to Net Cash</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating loss</td>
<td>$ (6,394,383)</td>
</tr>
</tbody>
</table>
| Adjustments to reconcile operating loss to net cash used in operating activities:
  Depreciation                                                              | 836,548  |
| Changes in assets and liabilities:                                        |          |
  Accounts receivable                                                      | (1,623,363)|
  Inventory                                                                | (292)    |
  Accounts payable – trade                                                 | 1,191,037|
  Compensated absences payable                                            | 10,156   |
  Accrued expenses                                                         | (4,323)  |
| **Net cash used in operating activities**                                 | $ (5,984,620)|

See Notes to Basic Financial Statements.
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NOTES TO BASIC
FINANCIAL STATEMENTS
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Note 1. Summary of Significant Accounting Policies

The accounting policies of Cape Fear Public Transportation Authority conform to generally accepted accounting principles (GAAP) as applicable to governments. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The following is a summary of the more significant accounting policies.

Reporting Entity:

Cape Fear Public Transportation Authority (the Authority), operating as Wave Transit, is a public authority created in 2005 by a concurrent resolution of New Hanover County (County) and the City of Wilmington (City). The interlocal agreement adopted by the County and City provides for the operation of transportation facilities and transportation services throughout the City of Wilmington and up to 30 miles outside its corporate limits and effectively merged the transportation facilities and services provided by the County and City. The interlocal agreement between the County and the City, with an initial effective term of two years beginning July 1, 2004, may be terminated upon six-months written notice to the other party. Unless notice of termination is provided, the agreement shall be automatically renewed for successive five-year terms. The agreement is currently in effect through June 30, 2016.

The Authority is governed by an eleven-member board. The Authority Board consist of five members appointed by the County, five members appointed by the City, and one member appointed jointly by the County and City from a human service agency served by the public transportation services.

Each proposed annual budget shall be submitted to the County and City for approval by the County Commissioners and City Council. The County and City shall provide annual funding to the Authority as their budgets permit. Any debt necessary for the maintenance, improvement or expansion of the Authority shall be incurred by the County or City for the benefit of the Authority. The Authority shall establish and revise, from time-to-time, a schedule of rates, fees and charges for the use of the services of the Authority. An interlocal agreement between the City and the Authority, effective July 1, 2005, provides that the City will (a) make available to the Authority on July 1 of each fiscal year the annual appropriation approved in the adopted City budget, and (b) allow the Authority access to additional necessary operating funds that exceed the City’s annual operating assistance where the Authority has not received awarded federal and/or State operating funds. The agreement may be terminated by the mutual written consent of the parties or upon the lack of an award or termination of federal and/or State funding to the Authority. For financial reporting purposes, in conformity with GASB Codification Section 2100, the Authority is a component unit of the City and is included as such in the City’s comprehensive annual financial report.

Basis of Presentation:

All activities of the Authority are accounted for within a single business-type activity and within a single proprietary (enterprise) fund. Enterprise funds may be used to report any activity for which a fee is charged to external users for goods or services. Activities are required to be reported as enterprise funds if any one of the following criteria is met.

a. The activity is financed with debt that is secured solely by a pledge of the net revenues from fees and charges of the activity. Debt that is secured by a pledge of net revenues from fees and charges and the full faith and credit of a related primary government or component unit—even if that government is not expected to make any payments—is not payable solely from fees and charges of the activity. (Some debt may be secured, in part, by a portion of its own proceeds but should be considered as payable "solely" from the revenues of the activity.)
Note 1. Summary of Significant Accounting Policies (Continued)

b. Laws or regulations require that the activities' costs of providing services, including capital costs (such as depreciation or debt service), be recovered with fees and charges, rather than with taxes or similar revenues.

c. The pricing policies of the activity establish fees and charges designed to recover its costs, including capital costs (such as depreciation or debt service).

Measurement Focus and Basis of Accounting:

In accordance with North Carolina General Statutes, the Authority budgets and maintains its accounts during the year using the modified accrual basis of accounting, and thereafter prepares external financial statements in accordance with GAAP as applied to governmental entities.

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. Enterprise funds are accounted for on the economic resources measurement focus and on the accrual basis of accounting. Under the accrual basis of accounting, revenue is recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Nonexchange transactions, in which the Authority gives (or receives) value without directly receiving (or giving) equal value in exchange, include grants and donations. Revenue from grants and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Enterprise funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with an enterprise fund’s principal ongoing operations. The principal operating revenues of the Authority are charges for transportation services. The principal operating expenses for the Authority now include depreciation of capital assets, salaries and fringe benefits, maintenance and repairs, and other operating expenses. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

Under the terms of grant and loan agreements, the Authority funds certain operating and capital expenditures by a combination of specific cost-reimbursement grants, categorical formula grants, and operating revenues. Thus, when operating and capital expenditures are incurred, there are both restricted and unrestricted net position available to finance these expenditures. It is the Authority’s policy to first apply cost-reimbursement grant resources to fund these expenditures, followed by categorical formula grants and then by operating revenues.

Budgets:

Budgets are adopted utilizing the modified accrual basis of accounting as required by State statute. An annual budget ordinance is adopted for the operating fund (subfund). All annual appropriations lapse at fiscal year end. A project budget ordinance is adopted for the capital project fund (subfund). Project appropriations lapse at the completion of the project.
Note 1. Summary of Significant Accounting Policies (Continued)

Expenditures may not legally exceed appropriations at the fund level for the operating fund and at the fund level for the capital project fund. Any appropriations which increase the total amount of appropriations for a fund must be approved by the Board of Directors and the City Council and County Commissioners. The budget may be amended as necessary by the governing board. A budget calendar is included in the North Carolina General Statutes which prescribes the last day on which certain steps of the budget procedure are to be performed. The following schedule lists the tasks to be performed and the date by which each is required to be completed.

April 30 Each department head will transmit to the budget officer the budget requests as estimates for their department for the budget year.
June 1 The budget and the budget message shall be submitted to the governing board. The public hearing on the budget should be scheduled at this time.
July 1 The budget ordinance shall be adopted by the governing board.

Cash and Cash Equivalents:

The Authority considers all highly-liquid investments (including restricted assets) with a maturity of three months or less when purchased to be cash equivalents.

Deposits and Investments:

All deposits of the Authority are made in board-designated official depositories and are collateralized as required by State statute [G.S. 159-31]. Official depositories may be established with any bank or savings and loan association whose principal office is located in North Carolina. Also, the Authority may establish time deposit accounts such as NOW and SuperNOW accounts, money market accounts and certificates of deposits.

State statute [G.S. 159-30(c)] authorizes the Authority to invest in obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States; obligations of the State of North Carolina; bonds and notes of any North Carolina local government or public authority; obligations of certain non-guaranteed federal agencies; certain high quality issues of commercial paper and bankers’ acceptances; and the North Carolina Capital Management Trust (NCCMT). The securities of the NCCMT cash portfolio, a SEC-registered (2a-7) money market mutual fund, are valued at fair value, which is the NCCMT’s share price.

Accounts Receivable:

Accounts receivable include grant receivables for which eligibility requirements have been satisfied. Management evaluates receivables by identification of troubled accounts and applying historical experience. Management has determined that all receivables are collectible and no allowance for doubtful accounts is required.
Note 1. Summary of Significant Accounting Policies (Continued)

Inventory of Material and Supplies:

Materials (principally maintenance parts) and supplies’ inventories are valued at the lower of cost (first-in, first-out) or market.

Capital Assets, Including Construction in Progress:

Capital assets are defined by the government as assets with an initial, individual cost of more than $5,000 and estimated useful life in excess of two years. All purchased capital assets are valued at original cost at the time of acquisition, with cost including any net construction period interest. Donated capital assets are valued at their estimated or appraised fair market value on the date received. The cost of normal maintenance and repairs which do not add to the value of the asset or materially extend assets’ lives are not capitalized. The Authority’s capital assets include a transfer facility, garage and maintenance facilities, buses, other vehicles, certain equipment, land and construction in progress.

Depreciation is charged to operations using a straight-line method based on the following estimated useful lives:

<table>
<thead>
<tr>
<th>Asset Class</th>
<th>Estimated Useful Lives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building and improvements</td>
<td>40 years</td>
</tr>
<tr>
<td>Buses</td>
<td>10 – 12 years</td>
</tr>
<tr>
<td>Other vehicles</td>
<td>5 – 7 years</td>
</tr>
<tr>
<td>Furniture, fixtures, machinery and equipment</td>
<td>5 – 10 years</td>
</tr>
</tbody>
</table>

The Authority may consider capital assets impaired if both (a) the decline in service utility of the capital asset is large in magnitude and (b) the event or change in circumstances is outside the normal life cycle of the capital asset. Impaired assets will be appropriately reduced in value or discarded if idle. The Authority owns no significant assets that would be considered impaired.

Compensated Absences:

As more fully described in Note 10, the Authority contracts with a management company to provide management services, including the furnishing of certain employees to operate and maintain the equipment. As of June 30, 2014, the Authority recorded a liability of $151,489 for unused vacation benefits for employees of the management company and the Authority. The Authority’s vacation policy provides for the accumulation of up to 30 days earned vacation leave for all employees, with such leave been fully vested when earned.

The Authority has adopted a last-in first-out method of accumulating compensation time. The portion of accumulated leave time which is expected to be liquidated after the next fiscal year-end is not considered to be material and, therefore, no provision for noncurrent compensated absences has been made in the financial statements.
Note 1. Summary of Significant Accounting Policies (Continued)

The Authority’s sick leave policy allows for an accumulation of up to a maximum of 120 days for employees of the management company and indefinitely for Authority employees. Sick leave does not vest. The Authority has no obligation for accumulated sick leave until it is actually taken; therefore, no accrual for sick leave has been made. The management company provides other benefits to its employees that are reimbursed by agreement.

Net Position:

Net position consists of the following:

- Net investment in capital assets – This component of net position reflects amounts expended for capital assets, net of related debt, if any.

- Unrestricted net position – This component of net position consists of net positions that do not meet the definition of restricted or invested in capital assets.

Use of Estimates:

The preparation of financial statements requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, and disclosures of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates. The primary accounting estimates used by the Authority’s management having financial significance is the estimation of lives of the capital assets and valuation of receivables for collectability.

Note 2. Cash and Cash Equivalents

At June 30, 2014, cash and cash equivalents is comprised of the following:

Deposits:

All the deposits of North Carolina local governments are either insured or collateralized by using one of two methods. Under the Dedicated Method, all deposits that exceed the federal depository insurance coverage level are collateralized with securities held by the Authority’s agents in the Authority’s name. Under the Pooling Method, which is a statewide collateral pool, all uninsured deposits are collateralized with securities held by the State Treasurer’s agent in the name of the State Treasurer. Since the State Treasurer is acting in a fiduciary capacity for the Authority, these deposits are considered to be held by the Authority’s agents in their name. The amount of the pledged collateral is based on an approved averaging method for non-interest bearing deposits and the actual current balance for interest-bearing deposits. Depositories using the Pooling Method report to the State Treasurer the adequacy of their pooled collateral covering uninsured deposits. The State Treasurer does not confirm this information with the Authority or the escrow agents. Because of the inability to measure the exact amounts of collateral pledged for the Authority under the Pooling Method, the potential exists for under-collateralization, and this risk may increase in periods of high cash flows. However, the State Treasurer of North Carolina enforces strict standards of financial stability for each depository that collateralizes public deposits under the Pooling Method. The Authority has no formal policy regarding the custodial credit risk for deposits, but relies on the State Treasurer to enforce standards of minimum capitalization for all pooling method financial institutions and to monitor them for compliance. The Authority complies with the provisions of G.S. 159-31 when designating official depositories and verifying that deposits are properly secured.
Note 2.  Cash and Cash Equivalents (Continued)
At June 30, 2014, the Authority’s deposits had a carrying amount of $153,377 and a bank balance of $183,675. The bank balance was fully covered by federal depository insurance.

Cash on Hand:

The Authority’s cash on hand at June 30, 2014, consisted of various petty cash funds totaling $1,469.

Investments:

At June 30, 2014, the Authority’s investments consisted of $843 in North Carolina Capital Management Trust’s Cash Portfolio, which carried a credit rating of AAAm by Standard and Poor’s. The Authority’s had no policy for management interest rate or credit risk.

Note 3.  Due From Other Governments
The amount due from other governments as of June 30, 2014, consists of the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State operating grant revenues</td>
<td>$ 230,604</td>
</tr>
<tr>
<td>Federal operating grant revenues</td>
<td>1,863,641</td>
</tr>
<tr>
<td>Local government sales and use taxes</td>
<td>104,093</td>
</tr>
<tr>
<td>Other local government receivables</td>
<td>95,807</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$ 2,294,145</td>
</tr>
</tbody>
</table>
Note 4.  Capital Assets

Capital asset activity for the year ended June 30, 2014, was as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital assets not being depreciated:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>$ 2,717,404</td>
<td>$</td>
<td>$</td>
<td>$ 2,717,404</td>
</tr>
<tr>
<td>Construction in progress</td>
<td>741,027</td>
<td>5,063,049</td>
<td>$</td>
<td>5,804,076</td>
</tr>
<tr>
<td></td>
<td>3,458,431</td>
<td></td>
<td></td>
<td>8,521,480</td>
</tr>
<tr>
<td>Capital assets being depreciated:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings and improvements</td>
<td>5,428,224</td>
<td>$</td>
<td>$</td>
<td>5,428,224</td>
</tr>
<tr>
<td>Buses</td>
<td>8,692,512</td>
<td></td>
<td></td>
<td>8,692,512</td>
</tr>
<tr>
<td>Other vehicles</td>
<td>1,837,887</td>
<td>27,758</td>
<td>(112,169)</td>
<td>1,753,476</td>
</tr>
<tr>
<td>Furniture, fixtures, machinery and equipment</td>
<td>1,495,262</td>
<td>46,004</td>
<td>$</td>
<td>1,541,266</td>
</tr>
<tr>
<td>Total capital assets being depreciated</td>
<td>17,453,885</td>
<td>73,762</td>
<td>(112,169)</td>
<td>17,415,478</td>
</tr>
<tr>
<td>Less accumulated depreciation for:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings and improvements</td>
<td>(876,731)</td>
<td>(146,896)</td>
<td>$</td>
<td>(1,023,627)</td>
</tr>
<tr>
<td>Buses</td>
<td>(7,023,525)</td>
<td>(367,113)</td>
<td>$</td>
<td>(7,390,638)</td>
</tr>
<tr>
<td>Other vehicles</td>
<td>(1,352,858)</td>
<td>(176,888)</td>
<td>112,169</td>
<td>(1,417,577)</td>
</tr>
<tr>
<td>Furniture, fixtures, machinery and equipment</td>
<td>(972,856)</td>
<td>(145,651)</td>
<td>$</td>
<td>(1,118,507)</td>
</tr>
<tr>
<td>Total accumulated depreciation</td>
<td>(10,225,970)</td>
<td>(836,548)</td>
<td>112,169</td>
<td>(10,950,349)</td>
</tr>
<tr>
<td>Total capital assets being depreciated, net</td>
<td>7,227,915</td>
<td>6,465,129</td>
<td>$</td>
<td>14,986,609</td>
</tr>
<tr>
<td>Capital assets, net</td>
<td>$ 10,686,346</td>
<td></td>
<td></td>
<td>$ 14,986,609</td>
</tr>
</tbody>
</table>

At June 30, 2014, the Authority has remaining commitments for an active project totaling $4,487,025. The original commitment was for $8,976,500. Net change orders as of June 30, 2014 totaled $271,526 for a total commitment of $9,248,026.

Note 5.  Due to Governments

The Authority has an agreement with the City whereby the City, subject to the availability of funds, may in its sole discretion allow the Authority access to additional necessary operating funds in an amount not to exceed $400,000, less any additional operating funds provided by the County in excess of the County's annual appropriation for public transportation, as an advance on funds to be received by the Authority on federal and State funds for public transportation. The advance shall be repaid to the primary government the earlier of June 30 of each year or 120 days following the advance. In the event the Authority does not repay the advance, the primary government will withhold the outstanding balance from its annual appropriation.

As of June 30, 2014, the Authority had non-interest bearing advances outstanding totaling $400,000 to the City. Additionally, the Authority had a payable outstanding to the City totaling $212,300 for fuel the Authority had purchased through the City’s fuel contract.
Note 6. Retirement Plans

North Carolina Local Government Employees’ Retirement System

Plan Description. The Authority contributes to the statewide Local Government Employees’ Retirement System (LGERS), a cost-sharing, multiple-employer defined benefit pension plan administered by the state of North Carolina. LGERS provides retirement and disability benefits to plan members and beneficiaries. Article 3 of G.S. Chapter 128 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly. LGERS is included in the Comprehensive Annual Financial Report (CAFR) for the state of North Carolina. The State’s CAFR includes financial statements and required supplementary information to LGERS. That report may be obtained by writing to the Office of the State Controller, 1410 Mail Service Center, Raleigh, North Carolina 27699-1410, or by calling (919) 707-0500.

Funding Policy. Plan members are required to contribute six percent of their annual covered salary. The Authority is required to contribute at an actuarial determined rate. For the Authority, the current rate is 7.07% of annual covered payroll. The contribution requirement of members and of Cape Fear Public Transportation Authority is established and may be amended by the North Carolina General Assembly. The Authority’s contributions to LGERS for the years ended June 30, 2014, 2013, and 2012 were $54,890, $53,628, and $67,353, respectively. The contributions made by the Authority equaled the required contributions for each year.

Supplemental Retirement Income Plan of North Carolina

Plan Description. The Authority contributes to the Supplemental Retirement Income Plan of North Carolina (Plan), a Section 401(k) defined contribution pension plan adopted by the state of North Carolina and administered by the Prudential Insurance Company of America. The Plan provides for retirement benefits for all employees that have elected to become members of the Plan.

Funding Policy. The Authority has elected to contribute on behalf of all employees full matching of employee contributions up to 4.5% of eligible compensation. Authority contributions on behalf of employees were $9,010 for the year ended June 30, 2014. The Plan provides for voluntary contributions on part of all employees of not less than 1% of eligible compensation. Voluntary contributions by employees were $34,492 for the year ended June 30, 2014.
Note 7. Major Customers

The Authority’s operating revenue consists of farebox and contract revenues. Transactions with various governmental agencies accounted for the following revenues and related accounts receivable at June 30, 2014:

<table>
<thead>
<tr>
<th>Customer</th>
<th>Revenues</th>
<th>Percentage of Operating Revenues</th>
<th>Accounts Receivable</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of North Carolina</td>
<td>$789,224</td>
<td>31.3%</td>
<td>$22,540</td>
</tr>
<tr>
<td>at Wilmington</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Hanover County</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Social Services</td>
<td>560,327</td>
<td>22.2%</td>
<td>2,238</td>
</tr>
<tr>
<td>Department of Aging</td>
<td>25,215</td>
<td>1.0%</td>
<td>1,570</td>
</tr>
<tr>
<td>Other Agencies</td>
<td>5,827</td>
<td>0.2%</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,380,593</strong></td>
<td><strong>26.5%</strong></td>
<td><strong>$26,348</strong></td>
</tr>
</tbody>
</table>

Note 8. Contingencies

The Authority receives significant operating and capital grants from the federal and State governments.

Under the terms of federal and State grants, monitoring and periodic audits are required and certain costs may be questioned as not being appropriate expenditures under the terms of the grants. Such audits could lead to reimbursements to the grantor agencies. The Authority’s management believes disallowances arising from such audits, if any, will not be significant. No provisions for the refund of grant monies have been made in the accompanying financial statements.

Also, under the terms of federal and State assistance programs, capital assets acquired partially or entirely with federal or State funds have asset disposition restrictions which provide for the disposition of assets or proceeds from the approved sales in accordance with federal or State regulations.

At June 30, 2014, the Authority was a party to various legal disputes and litigation. In the opinion of the Authority’s management, the ultimate effect of these matters will not have a material adverse effect on the Authority’s financial position.

Note 9. Risk Management

The Authority is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters.

The Authority obtains workers’ compensation coverage up the statutory limits through Key Risk Insurance Company, up to $1 million in public officials liability through AIG, $45,000 in property damage through Landmark American Insurance Company, $2 million general liability through National Fire & Marine Insurance Company, up to $1 million in auto coverage through National Indemnity Company, $1 million personal and advertising injury per person or organization with aggregate limit of $2 million through Essex, $500,000 ERISA and through Hiscox, and $4 million commercial umbrella policy through Lexington Insurance Company. The Authority does not currently maintain flood insurance as none of its structural property is located in a flood plain.

In accordance with G.S. 159-29, the Authority’s employees that have access to $100 or more at any given time of the Authority’s funds are performance bonded through a commercial surety bond. The Director of Finance is bonded for $250,000. The remaining employees that have access to funds are bonded under a blanket bond for $250,000.
Cape Fear Public Transportation Authority

Notes to Basic Financial Statements

Note 10. Management Agreement
The Authority retains a transit management company to provide management and operational services for the transportation system. For the year ended June 30, 2014, those services were provided under a contract with First Transit, Inc. (FTI), who shall employ, furnish and supervise certain personnel necessary for the management and operation of the public transportation system. In addition, the agreement provides for assistance with certain other managerial functions required for the day-to-day operations of the Authority. For the year ended June 30, 2014, the Authority incurred management fees totaling $373,926 which is included in purchased services. During 2014, the contract with FTI was extended through June 30, 2016, and provides for minimum payments of $377,665 and $383,320 for the years ended June 30, 2015 and 2016, respectively.

Note 11. Pronouncements Issued but Not Yet Effective
The GASB has issued several pronouncements prior to June 30, 2014, that have effective dates that may impact future financial presentations.

Management has not currently determined what, if any, impact implementation of the following statements may have on the financial statements of the Authority,

GASB Statement Number 68, “Accounting and Financial Reporting for Pensions – An Amendment of GASB Statement No. 27” will be effective for the Authority beginning with its year ending June 30, 2015.

GASB Statement Number 69, “Government Combinations and Disposals of Government Operations” will be effective for the Authority beginning with its year ending June 30, 2015.

GASB Statement Number 71, “Pension Transition for Contributions Made Subsequent to the Measurement Date (an amendment of GASB Statement No. 68)” will be effective for the Authority beginning with its year ending June 30, 2015.
SUPPLEMENTARY
FINANCIAL INFORMATION
Cape Fear Public Transportation Authority (Page 1 of 2)
Operating Subfund

Schedule of Revenue and Expenditures, Budget and Actual, Non-GAAP, Modified Accrual Basis
For the Year Ended June 30, 2014

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>Actual</th>
<th>Variance, Positive</th>
<th>Negative</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farebox revenues</td>
<td>$1,626,540</td>
<td>$1,806,917</td>
<td>$180,377</td>
<td></td>
</tr>
<tr>
<td>Government contracted services</td>
<td>901,475</td>
<td>715,436</td>
<td>(186,039)</td>
<td></td>
</tr>
<tr>
<td><strong>Total operating revenues</strong></td>
<td>2,528,015</td>
<td>2,522,353</td>
<td>(5,662)</td>
<td></td>
</tr>
</tbody>
</table>

| **Operating expenditures**     |              |              |                    |          |
| Labor                         | 3,590,581    |              |                    |          |
| Fringe benefits               | 1,131,698    |              |                    |          |
| Fuel and lubricants           | 1,126,155    |              |                    |          |
| Purchased services            | 537,780      |              |                    |          |
| Repairs and maintenance       | 423,708      |              |                    |          |
| Insurance                     | 890,920      |              |                    |          |
| Advertising                   | 48,217       |              |                    |          |
| Tires and tubes               | 82,901       |              |                    |          |
| Taxicabs and leases           | -            |              |                    |          |
| Utilities                     | 90,836       |              |                    |          |
| Materials and supplies        | 24,577       |              |                    |          |
| Office supplies               | 5,124        |              |                    |          |
| Other operating expenses      | 137,847      |              |                    |          |
| **Total operating expenditures** | 8,265,000 | 8,090,344   | 174,656            |          |

Excess of operating expenditures over operating revenues

(5,736,985) (5,567,991) 168,994

(Continued)
<table>
<thead>
<tr>
<th>Nonoperating revenues</th>
<th>Budget</th>
<th>Actual</th>
<th>Variance, Positive (Negative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal grants</td>
<td>$ 3,032,076</td>
<td>$ 2,984,432</td>
<td>$ (47,644)</td>
</tr>
<tr>
<td>State grants</td>
<td>1,069,333</td>
<td>937,590</td>
<td>(131,743)</td>
</tr>
<tr>
<td>Operating subsidy from primary government</td>
<td>1,285,000</td>
<td>1,285,000</td>
<td>-</td>
</tr>
<tr>
<td>Operating subsidies from other governments</td>
<td>260,576</td>
<td>273,000</td>
<td>12,424</td>
</tr>
<tr>
<td>Other income</td>
<td>90,000</td>
<td>89,953</td>
<td>(47)</td>
</tr>
<tr>
<td><strong>Total nonoperating revenues</strong></td>
<td>5,736,985</td>
<td>5,569,975</td>
<td>(167,010)</td>
</tr>
</tbody>
</table>

| Excess revenues over expenditures                       |          | 1,984    | $ 1,984                      |

Reconciliation: modified accrual basis with full accrual:
- Intergovernmental revenue from Capital Project Fund: 4,820,681
- Depreciation: (836,548)
- Gain on disposal of capital assets: 1,884
- Compensated absences (change): 10,156

**Increase in net position**: $ 3,998,157
Cape Fear Public Transportation Authority
Capital Project Subfund

Schedule of Revenue and Expenditures, Budget and Actual,
Non-GAAP, Modified Accrual Basis
From Inception and for the Fiscal Year Ended June 30, 2014

<table>
<thead>
<tr>
<th>Total</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Project Estimates</td>
</tr>
</tbody>
</table>

### Revenue

Restricted intergovernmental:

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal grants</td>
<td>$10,971,884</td>
<td>$363,002</td>
</tr>
<tr>
<td>State grants</td>
<td>1,264,285</td>
<td>45,375</td>
</tr>
<tr>
<td>Primary government</td>
<td>1,494,435</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total revenue</strong></td>
<td>13,730,604</td>
<td>408,377</td>
</tr>
</tbody>
</table>

### Expenditures

| Section 5307 Capital | 4,922,618 | - | 427,033 | 427,033 |
| Section 5309 Capital | 7,500,000 | 424,991 | 4,663,774 | 5,088,765 |
| Section 5311 Capital | 568,486 | - | 46,004 | 46,004 |
| Advanced Technology Program | 15,750 | - | - | - |
| **Total expenditures** | 13,006,854 | 424,991 | 5,136,811 | 5,561,802 |

### Excess of expenditures over revenues

| Excess of expenditures over revenues | $723,750 | $(16,614) | $(316,130) | $(332,744) |
INTERNAL CONTROL
AND
COMPLIANCE SECTION
Independent Auditor’s Report on
Internal Control Over Financial Reporting
and on Compliance and Other Matters Based on an Audit of
Financial Statements Performed in Accordance
With Government Auditing Standards

To the Honorable Chairman and
Members of the Board of Directors
Cape Fear Public Transportation Authority
Wilmington, North Carolina

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the financial statements of Cape Fear Public Transportation Authority as of and for the year ended June 30, 2014, and the related notes to the basic financial statements, which collectively comprise Cape Fear Public Transportation Authority’s basic financial statements, and have issued our report thereon dated November 24, 2014.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Cape Fear Public Transportation Authority’s internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Cape Fear Public Transportation Authority’s internal control. Accordingly, we do not express an opinion on the effectiveness of Cape Fear Public Transportation Authority’s internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.
Compliance and Other Matters

As part of obtaining reasonable assurance about whether Cape Fear Public Transportation Authority’s financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity’s internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity’s internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

McGladrey & Pullen

Wilmington, North Carolina
November 24, 2014

To the Honorable Chairman and Members of the Board of Directors
Cape Fear Public Transportation Authority
Wilmington, North Carolina

Report on Compliance for Major Federal Program

We have audited Cape Fear Public Transportation Authority’s (the Authority) compliance with the types of compliance requirements described in the OMB Circular A-133 Compliance Supplement and the Audit Manual for Governmental Auditors in North Carolina, issued by the Local Government Commission, that could have a direct and material effect on each of the Authority’s major federal programs for the year ended June 30, 2014. The Authority’s major federal programs are identified in the summary of auditor’s results section of the accompanying schedule of findings and questioned costs.

Management’s Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditor’s Responsibility

Our responsibility is to express an opinion on compliance for each of the Authority’s major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; OMB Circular A-133 Audits of States, Local Governments, and Non-profit Organizations and the State Single Audit Implementation Act. Those standards, OMB Circular A-133, and the State Single Audit Implementation Act require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Authority’s compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the Authority’s compliance.

Opinion on Major Federal Program

In our opinion, Cape Fear Public Transportation Authority complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2014.
Report on Internal Control Over Compliance

Management of Cape Fear Public Transportation Authority is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Authority’s internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of Cape Fear Public Transportation Authority’s internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

McGladey & Co.

Wilmington, North Carolina
November 24, 2014
To the Honorable Chairman and
Members of the Board of Directors
Cape Fear Public Transportation Authority
Wilmington, North Carolina

Report on Compliance for Major State Program
We have audited Cape Fear Public Transportation Authority’s (the Authority) compliance with the types of compliance requirements described in the Audit Manual for Governmental Auditors in North Carolina, issued by the Local Government Commission that could have a direct and material effect on each of the Authority’s major State programs for the year ended June 30, 2014. The Authority’s major State programs are identified in the summary of auditor’s results section of the accompanying schedule of findings and questioned costs.

Management’s Responsibility
Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its State programs.

Auditor’s Responsibility
Our responsibility is to express an opinion on compliance for each of the Authority’s major State programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; applicable sections of OMB Circular A-133 as described in the Audit Manual for Government Auditors in North Carolina, and the State Single Audit Implementation Act. Those standards, applicable sections of OMB Circular A-133, and the State Single Audit Implementation Act require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major State program occurred. An audit includes examining, on a test basis, evidence about the Authority’s compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major State program. However, our audit does not provide a legal determination of the Authority’s compliance.

Opinion on Major State Program
In our opinion, Cape Fear Public Transportation Authority complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major State programs for the year ended June 30, 2014.
Report on Internal Control Over Compliance

Management of Cape Fear Public Transportation Authority is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Authority’s internal control over compliance with the types of requirements that could have a direct and material effect on each major State program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major State program and to test and report on internal control over compliance in accordance with applicable sections of OMB Circular A-133 and the State Single Audit Implementation Act, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of Cape Fear Public Transportation Authority’s internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a State program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of applicable sections of OMB Circular A-133 and the State Single Audit Implementation Act. Accordingly, this report is not suitable for any other purpose.

McKissick, LLP

Wilmington, North Carolina
November 24, 2014
Cape Fear Public Transportation Authority

Schedule of Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2014

Section 1. Summary of Independent Auditor’s Results

Financial Statements

Type of auditor’s report issued: Unmodified

Internal control over financial reporting:

- Material weakness(es) identified? _____Yes  ✓ No
- Significant deficiency(ies) identified? _____Yes  ✓ None Reported

Noncompliance material to financial statements noted? _____Yes  ✓ No

Federal Awards

Internal control over major federal programs:

- Material weakness(es) identified? _____Yes  ✓ No
- Significant deficiency(ies) identified? _____Yes  ✓ None Reported

Type of auditor’s report issued on compliance for major federal program: Unmodified

Any audit findings disclosed that are required to be reported in accordance with Section 510(a) of Circular A-133? _____Yes  ✓ No

Identification of major federal program:

<table>
<thead>
<tr>
<th>Program Name</th>
<th>CFDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Transit Formula Grant (Urbanized Area)</td>
<td>20.507/20.500</td>
</tr>
<tr>
<td>Formula Planning Cluster/Capital investment Grants</td>
<td></td>
</tr>
</tbody>
</table>

Dollar threshold used to distinguish between Type A and Type B Programs $300,000

Auditee qualified as low-risk auditee? ✓ Yes  ___ No

(Continued)
Section 1. Summary of Independent Auditor’s Results (Continued)

State Awards

Internal control over major State programs:

- Material weakness(es) identified? ______ Yes __✓ No
- Significant deficiency(ies) identified? ______ Yes __✓ None Reported

Type of auditor’s report issued on compliance for major State program: Unmodified

Any audit findings disclosed that are required to be reported in accordance with State Single Audit Implementation Act ______ Yes __✓ No

Identification of major State program:

<table>
<thead>
<tr>
<th>Program Name</th>
<th>State ID Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Maintenance Assistance Program</td>
<td>DOT – 09</td>
</tr>
</tbody>
</table>

Section 2. Financial Statement Findings

None reported

Section 3. Federal Award Findings and Questioned Costs

None reported

Section 4. State Award Findings and Questioned Costs

None reported
No corrective action plan is required for the current year.
None reported in prior year.
Cape Fear Public Transportation Authority

Schedule of Expenditures of Federal and State Awards
Year Ended June 30, 2014

<table>
<thead>
<tr>
<th>Grantor/Pass Through</th>
<th>Federal CFDA Number</th>
<th>Grantor's Number</th>
<th>Federal Expenditures</th>
<th>State Expenditures</th>
<th>Local Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>U. S. Department of Transportation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pass-Through Federal Transit Administration:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urbanized Area Formula Planning Cluster</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Formula Grants (Operating)</td>
<td>20.507 NC-90-4502</td>
<td></td>
<td>$186,752</td>
<td>-</td>
<td>$186,751</td>
</tr>
<tr>
<td>Formula Grants (Operating)</td>
<td>20.507 NC-90-4537</td>
<td></td>
<td>1,479,468</td>
<td>-</td>
<td>1,479,468</td>
</tr>
<tr>
<td>Formula Grants (Capital)</td>
<td>20.507 NC-90-0545</td>
<td></td>
<td>573,000</td>
<td>-</td>
<td>143,250</td>
</tr>
<tr>
<td>Formula Grants (Capital)</td>
<td>20.507 NC-95-0062</td>
<td></td>
<td>20,000</td>
<td>-</td>
<td>6,001</td>
</tr>
<tr>
<td>Formula Grants (Capital)</td>
<td>20.507 NC-95-0067</td>
<td></td>
<td>233,833</td>
<td>-</td>
<td>58,458</td>
</tr>
<tr>
<td>Capital Investment Grants</td>
<td>20.500 NC-04-0043</td>
<td></td>
<td>3,948,778</td>
<td>498,239</td>
<td>438,753</td>
</tr>
<tr>
<td><strong>Total Urbanized Area Formula Planning Cluster</strong></td>
<td></td>
<td></td>
<td>6,749,184</td>
<td>537,814</td>
<td>2,361,528</td>
</tr>
<tr>
<td>Pass-Through North Carolina</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Transportation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Formula Grants for other than Urbanized Areas (Operating)</td>
<td>20.509 14-CT-052A</td>
<td></td>
<td>134,739</td>
<td>8,420</td>
<td>30,561</td>
</tr>
<tr>
<td>Urbanized Areas (Capital)</td>
<td>20.509 14-CT-052C</td>
<td></td>
<td>34,595</td>
<td>4,324</td>
<td>4,324</td>
</tr>
<tr>
<td>Urbanized Areas (Operating)</td>
<td>20.516 14-JA-052</td>
<td></td>
<td>160,230</td>
<td>-</td>
<td>160,230</td>
</tr>
<tr>
<td>Urbanized Areas (Capital)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Freedom Program</td>
<td>20.521 13-NF-052</td>
<td></td>
<td>140,413</td>
<td>-</td>
<td>140,413</td>
</tr>
<tr>
<td><strong>Total U. S. Department of Transportation</strong></td>
<td></td>
<td></td>
<td>7,219,161</td>
<td>550,558</td>
<td>2,697,054</td>
</tr>
</tbody>
</table>

| **State Grants (all direct)** | | | | | |
| **Department of Transportation** | | | | | |
| Public Transportation Division | | | | | |
| State Maintenance Assistance Program | DOT-09 13-SM-090 | | - | 653,722 | - |
| Pass-Through New Hanover County | | | | | |
| Rural Operating Assistance Program | DOT-22 04-MA-002 | | - | 229,461 | 13,283 |
| **Total Department of Transportation** | | | - | 883,183 | 13,283 |

| **Total Federal and State Expenditures** | | | 7,219,161 | 1,433,741 | 2,710,337 |
Note 1. Basis of Presentation

The accompanying schedule of expenditures of federal and State awards includes the federal and State grant activity of Cape Fear Public Transportation Authority and is presented on the modified accrual basis of accounting. The information in this schedule is presented in accordance with the requirements of OMB Circular A-133, Audits of State, Local Governments, and Non-Profit Organizations and the State Single Audit Implementation Act. Therefore, some amounts presented in this schedule may differ from amounts presented in, or used in the preparation of, the basic financial statements.
SECTION D: COMPANY INFORMATION

D1. Executive Summary

The Cape Fear Public Transportation Authority, operating as Wave Transit provides a variety of public transportation options to the citizens of the Cape Fear region, including fixed bus routes, shuttles, and a free downtown trolley. In addition, Wave Transit operates paratransit services under several programs, including Americans with Disabilities Act complementary paratransit, and several contracts throughout the county.

Wave Transit is looking forward to continuing the long established partnership with New Hanover County’s Department of Social Services and Senior Resource Center under this new Project. As outlined in this proposal, Wave Transit is proposing to provide the level of safe and efficient services that meet the requirements outlined in this Request for Proposal.

By utilizing our fleet of 24 fully ADA accessible vehicles, and our highly trained staff, Wave Transit is able to provide services within the City of Wilmington, New Hanover County, portions of Brunswick County and Out of County as needed. Wave Transit meets all Federal Transportation Administration (FTA) and State of North Carolina Department of Transportation (NCDOT) regulations. Over the last year, Wave Transit has successfully passed several reviews, including FTA Procurement Review, FTA Drug and Alcohol Program Review, FTA Triennial Review, and NCDOT System Safety Program Review.

Wave Transit will provide the service required using the most up to date technology, including real time vehicle tracking and passenger ride information by way of tablets and on board video surveillance. All personnel are trained on the technology and the use provides real time information to be used for data collection and reporting.

Wave Transit’s management philosophy is best reflected by our agency goals.

1. Provide cost effective transportation services which optimize the utilization of personnel, vehicles, and other resources and which are operated with a minimum of public subsidy.

2. Provide transportation services which meet the mobility needs of the community, within available financial resources.

3. Develop funding options which assure the continued stable operation of transportation services at a public subsidy level acceptable to the community.
4. Develop policies which assure, as much as possible, that transit services are designed and operated to encourage maximum utilization by the community. Service should be provided first in areas where the greatest potential for use exists.

5. Promote the use of public transportation services within the community. This includes both providing adequate and up-to-date information on services available and aggressively marketing the transit system.

6. Expand public transportation to new areas of the community as demand estimates and population densities indicate that service will be sufficiently utilized within established service standards.

D2. Legal Name of Company

Cape Fear Public Transportation Authority is the legal name with a registered doing business (d.b.a.) Wave Transit.

D3. Background

Created in 1974, the Wilmington Transit Authority (WTA) was initially implemented to provide public transportation to the citizens of the Wilmington area. In December 2002, the WTA adopted the name Wave, as well as a new logo and color scheme for the Authority. This change reflected a new vision for public transportation in Wilmington. Capitalizing on our coastal environment, the name Wave allowed greater name recognition throughout the area and positively represented public transportation throughout the region.

Rapid sprawl and rising traffic congestion throughout the region led the City of Wilmington and New Hanover County to enter into an historic agreement in June 2003. The city and county merged the WTA and New Hanover Transportation Services to form the Wilmington/New Hanover Transportation Agency (WNHTA). This agreement merged the respective organizations for one year, in order to provide oversight of both agencies under one public transportation authority.

In July of 2004 the WNHTA, the WTA and NHTS were dissolved and a new transportation authority was created. The merged entity officially became the Cape Fear Public Transportation Authority, but kept the name Wave Transit.

Wave Transit has twenty-four (24) vehicles available to provide the Non-Emergency Medical Transportation (NEMT) requirements outlined in the RFP. All vehicles are equipped with wheelchair lifts and two (2) wheelchair positions. All vehicles have a seating capacity of at least seven (7) ambulatory passengers.
D4. Ownership

Cape Fear Public Transportation Authority is a government entity.

D5. Approach

Wave Transit’s approach to performing Non-Emergency Transportation Services is to provide safe and efficient transportation to meet the needs New Hanover County. The mission of the Cape Fear Public Transportation Authority is to develop and maintain an effective, efficient, and safe system of public transportation services within Southeastern North Carolina which is responsive to the mobility needs of the community. Transportation services provided shall be designed to maintain and encourage the use of public transportation and shall contribute to the economic vitality of the community, the conservation of natural resources and the protection of the environment.

Performance for this project will be carried out by Wave Transit’s Paratransit Division. All staff and operators are highly trained in not only specific job duties, but also on providing superior customer service. The Division reports to the Director of Operations and is managed by the Paratransit Manager. They are responsible for the critical communication to County management on the project performance, and other operational and contractual matters.

D6. Business Segments

Wave Transit provides transportation for three modes of service; fixed route, paratransit and van pool. The Paratransit mode provides the services for NEMT. This segment of the agency is managed by the Paratransit Manager, who reports to the Director of Operations. The Director of Operations reports directly to the Executive Director of Wave Transit.

D7. Organizational Changes

Wave Transit has not experienced any organizational changes in the last two (2) years, nor are any changes anticipated in the near future.

D8. Physical Address

Wave Transit is moving to a new Operations Center and is expected to be fully operational in the new location at the start of the performance period of the contract. The Operations Center, which includes operational administrative offices, is located at 1480 Castle Hayne Rd., Wilmington NC 28401.
SECTION E: BACKGROUND and EXPERIENCE

E1. Experience

Wave Transit has over ten (10) years’ experience providing safe and reliable transportation services to persons with special needs through numerous contracted and non-contracted programs. Wave Transit services all of the City of Wilmington and New Hanover County as well as portions of Brunswick County. Other Out of County trips are provided as contracted. Wave Transit provides shared ride services, which enables all trips to be combined to provide the most efficient and effective service as possible.

E2. Communications

Wave Transit will ensure the County has several methods for the flow of communication concerning the Project.

a. Telephone: Telephone calls will be used as the most direct and immediate form of communication. The County will be provided with a direct phone number for the project as well as direct lines to the Paratransit Manager and the Director of Operations.

b. Email: Wave Transit has setup a dedicated email account for the County’s use to communicate. This email address goes to all Wave Transit dispatchers and managers directly associated with the County’s account on a day-to-day basis. This email ensures that multiple people will receive all emails from the County and not rely on one person.

c. Facsimile: A fax number that goes directly into the Paratransit dispatch offices will be used as the primary fax number. An alternative number will be provided as well.

d. Quarterly Meetings: As is the current practice, quarterly meetings between the County Project Supervisors and the Wave Transit Manager. These meetings provide a format to communicate issues, solve problems and review performance statistics.

E3. Reference Contacts

a. New Hanover County – DSS NEMT
Wanda Marino  
wm Marino@nhcgov.com  
1650 Greenfield St.  
Wilmington, NC 28401  
910-798-3400
b. New Hanover County – Work First Program
   Barbette Colvin
   bcolvin@nhcgov.com
   1650 Greenfield St.
   Wilmington, NC 28401
   910-798-3400

c. New Hanover County – Senior Resource Center
   Brenda Brow
   bbrow@nhcgov.com
   2222 South College Rd.
   Wilmington, NC 28403
   910-798-6400

E4. Similar Contracts

   Wave Transit provides both NEMT and other types of transportation services to a number of different agencies. A comprehensive listing of current similar contracts can be found at the back of Section E.

E5. Mitigation of Risks

   Wave Transit takes a very aggressive approach to risk management, including identification and mitigation of risks. Providing comprehensive initial and refresher training to all employees and establishing a comprehensive maintenance program is the key to mitigating risk.

   As required by the Federal Transportation Administration (FTA), Wave Transit has developed and maintains two policies pertaining to providing for risk contingencies and managing the risk of terrorism; the Continuity of Operations Plan (COOP) and the System Security Plan (SSP). The COOP provides procedures for mitigating risks before, during and after a disastrous event of any kind. This plan includes intergovernmental cooperation. The SSP is reviewed and updated yearly. The plan includes Risk Identification, Assessment and Resolution. The plan addresses risk from terrorism. Due to the sensitive and security issues outlined in the plan, this is an internal document only and not for distribution.

E6. Implementation

   Wave Transit anticipates a seamless transition into the Project. The services required for this Project are similar, if not the same, as the current Scope of Services provided. All aspects of the Project shall be transitioned smoothly.
Wave Transit Paratransit Accounts Overview

No Trip Purpose Restrictions:

**Dial-a-Ride Transportation (DART):** Our DART program is our only program mandated by the Americans with Disabilities Act. Transportation under this program is provided to individuals with disabilities that prevent them from utilizing the fixed route bus system. It provides equivalent service to the bus system, and therefore shares the fixed route operating hours and service area.

**Elderly and Disabled Transportation Assistance Program (EDTAP):** EDTAP is a state program under the Rural Operating Assistance Program (ROAP). This program is designed to provide transportation assistance to seniors and individuals with disabilities when there are no other options available. This results in the majority of passengers living in the outlying areas of New Hanover County.

**Medical Transportation**

**Department of Social Services Non-Emergency Medicaid Transportation:** Non-Emergency Medicaid Transportation is medical transportation for clients performed under contract with the Department of Social Services.

**Cypress Pointe Rehabilitation Center (CPRC):** Cypress Pointe is a private rehabilitation center. Wave Transit provides a small number of medical trips between the center and local medical facilities.

**Occupational Services**

**Department of Social Services Work First (DSSWF):** Work First transportation is provided to DSS clients needing transportation to jobs in the community. This program typically serves a small number of clients at any given time; however, those clients typically ride on a daily basis. Many clients under this program have small children who are dropped off at daycare on the way to taking the parent to work.

**New Hanover County Gets to Work (NHCGTW):** This program provides transportation for clients to get to work. The Department of Social Services approves clients for the program, and refers them to Wave Transit. Wave determines if that client will receive a 30 day fixed route bus pass, or transportation on a shared ride van. The majority of passengers receive bus passes; however, occasionally there is a passenger who is given access to the shared ride van.

**Coastal Enterprises, Inc. (CEI):** Coastal Enterprises is a non-profit group which provides rehabilitation and job training for individuals with disabilities in an effort to help them become self-sufficient and obtain meaningful employment. Wave Transit provides transportation to Coastal Enterprises clients to assist them in accessing these services.
Other

**Senior Resource Center (SRC):** The Senior Resource Center purchases transportation for local seniors. Many trips are for medical appointments; however, the Senior Resource Center determines passenger eligibility and trip purpose.
SECTION F: STAFFING / ORGANIZATION

F1. Organization Chart

The services that will be provided for this Project will be performed by the Paratransit division of Wave Transit. This division is a part of the Operations Department of Wave Transit. An Organization Chart showing the overall company, including directors, officer positions and reporting structure is included at the end of Section F.

F2. Point of Contact

a. Project Manager

The primary point of contact for this Project is Michael Williams, the Wave Transit Paratransit Manager. Michael can be reached at 910-202-2052 or mwilliams@wavetransit.com. Michael joined Wave Transit as the Paratransit Manager in January 2014. He came to Wave with over 6 years transit experience, including driving, dispatching, scheduling and supervising both paratransit and fixed route operators. Mr. Williams has overall responsibility for the day-to-day operation. He is responsible for all hiring/firing, training, reporting and invoicing. A comprehensive list of the Paratransit Manager responsibilities are included in the job descriptions submitted per Section F4.

b. Lead Dispatcher/Supervisor

Davida DeBose is the Lead Dispatcher for Paratransit Operations. In addition to regular dispatching duties, Ms. DeBose prepares weekly reports, reviews and updates schedule changes, and processes customer complaints. Ms. Debose has been with Wave Transit over 6 years and has performed driving duties as well as dispatching. A comprehensive list of the lead dispatcher responsibilities are included in the job descriptions submitted per Section F4.

c. Dispatchers

Currently Wave Transit has two other full time dispatchers; Trenetta Kelly and Donald Bradshaw. Ms. Kelly has been with Wave Transit for over 8 years and has performed driving duties as well as dispatching. Mr. Bradshaw has been with Wave Transit for going on 2 years. He has been in the position of dispatcher for one year, with prior experience as customer support representative. A comprehensive list of the dispatchers responsibilities are included in the job descriptions submitted per Section F4.
F3. Job Descriptions

Job descriptions for individuals assigned to work on this project can be found at the end of Section F.

F4. Recruiting, Hiring and Evaluating

Wave Transit’s SSPP, which is included in this proposal in Section I, fully describes the recruiting, hiring and evaluating of Paratransit employee. This section is a summary of the content in the SSPP.

a. Recruiting and Hiring

Fair hiring practices are used to select employees. Each potential employee will complete a written application. The hiring manager shall interview each employee. A background check, including driving record, will be conducted on candidates selected to continue in the hiring process. If the results of the background check are satisfactory and in accordance with the hiring criteria set forth in the SSPP, a pre-employment drug test and DOT physical will be performed. Additional checks will be performed in accordance with Drug and Alcohol program as applicable.

b. Training and Evaluation

The minimum requirements for vehicle operator training are Defensive Driving, Americans with Disabilities Act, Bloodborne Pathogens and Emergency Procedures for Vehicle Operators. In addition to the minimum requirements the following actions must be completed:

1. The training must be completed annually
2. The training material must be on file for review by NCDOT/PTD
3. Records of each individual trained must be retained on file for five (5) years
4. Each driver must have an annual driver’s performance evaluation to provide assess skills, techniques and knowledge, and receive refresher training as needed.

Each Wave Transit operator will have a behind the wheel evaluation not less than annually. New employees require two evaluations the first year of employment. (The first evaluation is due within three months and the second will be completed on or near their hiring date which will serve as their annual evaluation.) Periodic or special performance evaluations are subject to determination by competent authority, such as the management staff or an immediate supervisor.
F5. Total Quality Management

Wave Transit adopts quality management principles in all aspects of the operation and strives to improve on the service provided based on review and analysis of meeting quality performance measures. In order to accomplish this, Wave Transit tracks and reports FTA and NCDOT operational statistics that reflect the service quality. This data is used to continually improve performance.

Over the past two years, Wave Transit has implemented a ‘dashboard’ approach to quality measures and reviews the performance on a monthly basis both at the operational and executive level. This method has allowed us to identify areas for improvement and elements that affect service performance in timely manner, not just annually or quarterly. This has resulted in better service quality from month to month.

F6. Technologies

Wave Transit takes a very progressive approach to adapting to new and changing technologies. As an example, Wave Transit was one of the first transit agencies in North Carolina to implement the use of tablets for real time tracking and ride validation using the Paratransit software.

To ensure that personnel are qualified and proficient on new technologies, Wave Transit appoints a Project Manager for every technology project. This staff member is the ‘champion’ of the project from sourcing to go-live and beyond. Training is conducted to individuals, groups or by using a train-the-trainer approach. The use of electronic training tools is also used for ongoing training and improvements. When necessary, Wave Transit contracts out to the manufacturer or a qualified vendor for assistance.

F7. Deployment of Personnel

The Paratransit division is consists of three groups: operators, dispatchers/supervisors, and a manager. The operators play the critical role of being face to face with passengers, and thereby having the largest impact on the customer experience. Supervisors oversee the work of the operators, monitor service delivery during all service hours, are in constant communication with operators, provide incident and emergency response, and provide customer service from an office setting. The paratransit manager oversees the actions of both operators and supervisors, manages service delivery, and acts as a liaison between the County and Wave Transit.

Paratransit operators are direct employees of the Cape Fear Public Transportation Authority and are not subject to a collective bargaining agreement. The Paratransit division has not been the subject of a dispute or strike by organized labor in the last five years. All employees are subject to the Employee Policy Manual, Drug and Alcohol
Policy, and any other policies implemented by the Board. Operators are subject to the Paratransit Work Rules.

F8. Quality Assurance Procedures

Quality assurance is built into everything we do at Wave Transit. Quality comes first from the individuals performing each job. Therefore, Wave Transit follows stringent hiring criteria to ensure only the best employees join the team. Once on board, employees are prepared for service in a detailed training process to ensure they fully understand the responsibilities they hold in their position. Once successfully through the training process, employees are supervised continually, retrained periodically, and evaluated annually to ensure their quality of work continues to grow. When deficiencies in employee performance are identified, appropriate action is taken, depending on the nature of the finding, which may include counseling, retraining, discipline, or even termination. In the end, we work to ensure all employees are performing well to ensure the quality of service is not negatively impacted.

Even if employees perform their assigned job perfectly, it will only result in a quality service if the job was properly designed, and the larger system is efficiently and carefully crafted. At Wave Transit, we routinely evaluate every aspect of our service delivery to ensure what we are doing is the best possible practice for our customers and the industry. This includes researching other transit systems and industry groups to compare procedures and business models, always looking for potential improvements. Wave Transit’s staff has experience at multiple transit systems around the country, and the contacts at these locations are regularly used to ensure that if there is a better way out there, Wave Transit learns and benefits from it.

In addition, various performance factors measuring many angles of the service are regularly monitored and evaluated by Wave Transit’s staff. This provides an alert if something starts to go wrong, so that it can be quickly corrected. Areas that can be improved are then targeted, so that Wave Transit’s customers can receive the benefit of better service.

Wave Transit works at every level to monitor and improve the quality our customers expect to receive.

Wave Transit ensures the quality of operations, data collection, and invoicing by implementing a multi-tiered data review process. Initial data regarding pick up and drop off times, mileages, and locations are collected semi-automatically using GPS enabled mobile data terminals in all service vehicles. This data is then reviewed and validated on a daily basis by dispatchers to look for errors or inconsistencies. On a weekly basis, reports of passenger no shows are generated by the Lead Dispatcher and review for accuracy before being reported to County agencies.
Once a month, an extensive audit process is undertaken using software built in audit tools, as well as a check list review process. This audit is overseen by the Paratransit Manager. Once this is complete, the detail invoices are generated and sent to the County for review. Any errors identified by the County are investigated prior to agreement on the final invoice.

Once all data has been validated and audited, the Paratransit Manager generates internal reports to track performance on a number of issues. This information is shared internally with the Director of Operations, and used to identify areas needing improvement, or inefficiencies in the operation. While many different statistics are routinely investigated, the following are reported and monitored internally on a monthly basis to ensure quality.

Paratransit Dashboard:
- Ridership
- No shows
- Operator Overtime
- Missed Trips

Service Standard Tracking:
- On Time Performance
- Average Hours per Ride (Ride Time)
- Average Miles per Ride (Ride Distance)
- Rides per Hour
- Rides per Mile
- Operator Turnover

Complaint Log:
- Customer Complaints
- Customer Commendations
Cape Fear Public Transportation Authority
Paratransit Dispatcher

JOB DESCRIPTION

POSITION TITLE: Paratransit Dispatcher

JOB SUMMARY: Perform all Paratransit Dispatch duties as assigned.

WORK SCHEDULE:
- Forty (40) hour work week, during the span of service, including one (1) thirty (30) minute lunch period.
- Must be available during disaster and emergency events.

REPORTS TO: Paratransit Manager

DESCRIPTION OF DUTIES/RESPONSIBILITIES:

Customer Service
- Interact with clients, families of clients, and social service agency coordinators to register clients, resolve problems, provide general information, and provide exceptional customer service.
- Record all ADA passenger reservations, cancellations, and transfers on a daily basis using CTS software, e-mails, and voice mailbox.

Daily Operation and Staffing
- Open and/or secure facilities as required.
- Coordinate employees and vehicles to fill requirements of daily schedule and driver work load. Enter changes into CTS software and driver scheduling paperwork.
- Respond to accidents and incidents when needed.
- Monitor and respond to a variety of calls including two-way radios and mobile phones; verify and monitor staff unit locations; and relay transportation requests including emergency situations.

Vehicle Information and Maintenance
- Assist with coordination and documentation of use of paratransit vehicles, equipment, and maintenance.
- Create work orders, update vehicle information, and ensure no vehicle in need of safety maintenance or otherwise “shopped” is allowed into service.
- Coordinate with maintenance department and commercial vendors as needed.
- Ensure vehicle information, such as mileage and wheelchair meter lift readings, is updated in Assetworks on a daily basis.
- Monitor usage, care, and security of Mobile Data Terminals (MDTs) and associated equipment including chargers, mounts, and storage equipment.

Reporting and Fare Collection
- Validate trips through CTS software as needed.
- Conduct appropriate cash controls with respect to deposits in accordance with current established procedures.
• Report all work rule violations to the Paratransit Manager.
• Maintain accurate records for the purpose of financial audits, quarterly usage reports, and other administrative needs.

Other
• Occasionally drive paratransit vehicle when needed.
• Perform other duties as assigned.

QUALIFICATIONS:
• Must possess a high school diploma or a GED.
• Must possess an experienced level of knowledge, skills and abilities in the paratransit/transportation field.
• Must be experienced in emergency procedures and safety protocols.
• Must possess valid North Carolina driver license.
• Pre-employment background check and drug screen required.

SKILLS REQUIRED:
• Computer literate.

PHYSICAL REQUIREMENTS:
• Requires bending, twisting, squatting, crouching and kneeling.
• Typically requires sitting for extended periods of time.
• Typically requires talking, hearing, seeing, and repetitive motions.
• May require operating paratransit vehicles.
• May require lifting up to fifty pounds.

SPECIAL REQUIREMENTS: The incumbent may be required to assist in performing other administrative and operational duties as well as assist in operational tasks within the Authority.
Cape Fear Public Transportation Authority
Paratransit Dispatcher Lead
JOB DESCRIPTION

POSITION TITLE: Paratransit Dispatcher Lead

JOB SUMMARY: Perform all Paratransit Dispatch duties as assigned, including DART and EDTAP program management.

WORK SCHEDULE:
- Forty (40) hour work week, during the span of service, including one (1) thirty (30) minute lunch period.
- Must be available during disaster and emergency events.

REPORTS TO: Paratransit Manager

DESCRIPTION OF DUTIES/RESPONSIBILITIES:

Lead Specific Duties
- Oversees and organizes DART letters and applications for ADA Paratransit program.
- Ensures DART and EDTAP passengers have current eligibility, and notifies passengers as needed for recertification.
- Monitors EDTAP program, including organizing EDTAP applications, letters, wait list, rider accounts, and quarterly usage reviews.
- Act as the point of contact for customers and staff in the absence of the paratransit manager.

Customer Service
- Interact with clients, families of clients, and social service agency coordinators to register clients, resolve problems, provide general information, and provide exceptional customer service.
- Record all ADA passenger reservations, cancellations, and transfers on a daily basis using CTS software, e-mails, and voice mailbox.

Daily Operation and Staffing
- Open and/or secure facilities as required.
- Coordinate employees and vehicles to fill requirements of daily schedule and driver work load. Enter changes into CTS software and driver scheduling paperwork.
- Respond to accidents and incidents when needed.
- Monitor and respond to a variety of calls including two-way radios and mobile phones; verify and monitor staff unit locations; and relay transportation requests including emergency situations.

Vehicle Information and Maintenance
- Assist with coordination and documentation of use of paratransit vehicles, equipment, and maintenance.
• Create work orders, update vehicle information, and ensure no vehicle in need of safety maintenance or otherwise “shopped” is allowed into service.
• Coordinate with maintenance department and commercial vendors as needed.
• Ensure vehicle information, such as mileage and wheelchair meter lift readings, is updated in Assetworks on a daily basis.
• Monitor usage, care, and security of Mobile Data Terminals (MDTs) and associated equipment including chargers, mounts, and storage equipment.

Reporting and Fare Collection
• Validate trips through CTS software as needed.
• Conduct appropriate cash controls with respect to deposits in accordance with current established procedures.
• Report all work rule violations to the Paratransit Manager.
• Maintain accurate records for the purpose of financial audits, quarterly usage reports, and other administrative needs.

Other
• Occasionally drive paratransit vehicle when needed.
• Perform other duties as assigned.

QUALIFICATIONS:
• Must possess a high school diploma or a GED.
• Must possess an experienced level of knowledge, skills and abilities in the paratransit/transportation field.
• Must be experienced in emergency procedures and safety protocols.
• Must possess and maintain valid North Carolina driver license.
• Pre-employment background check and drug screen required.

SKILLS REQUIRED:
• Computer literate.

PHYSICAL REQUIREMENTS:
• Requires bending, twisting, squatting, crouching and kneeling.
• Typically requires sitting for extended periods of time.
• Typically requires talking, hearing, seeing, and repetitive motions.
• May require operating paratransit vehicles.
• May require lifting up to fifty pounds.

SPECIAL REQUIREMENTS: The incumbent may be required to assist in performing other administrative and operational duties as well as assist in operational tasks within the Authority.
Cape Fear Public Transportation Authority
Paratransit Manager
JOB DESCRIPTION

POSITION TITLE: Paratransit Manager

JOB SUMMARY: Oversees and manages the authority paratransit program.

WORK SCHEDULE:
- Forty (40) hour work week, typically 8:00 am until 5:00 pm Monday through Friday including one (1) hour lunch period.
- Must be available during disaster and emergency events.
- Must be available at times when authority paratransit vehicles are in service.

REPORTS TO: Director of Operations

DESCRIPTION OF DUTIES/RESPONSIBILITIES:
- Direct, supervise and evaluate paratransit dispatch staff.
- Supervise daily operations of paratransit operators.
- Coordinate paratransit training with Safety & Training Manager.
- Coordinate paratransit vehicle maintenance with New Hanover County Vehicle Maintenance Department and/or the Vehicle Maintenance Manager.
- Investigate and prepare reports regarding paratransit accidents and customer complaints.
- Recommend improvements in the delivery of paratransit services.
- Prepare paratransit reports as directed.
- Work closely with Safety & Training Manager regarding operator and passenger safety and training.
- Work closely with Safety & Training Manager regarding paratransit accident investigation.
- Ensure compliance with FTA, NCDOT and local paratransit training requirements.
- Assist Safety & Training Manager with oversight and monitoring of federal and state drug testing program.
- Work with agencies that purchase paratransit services from the authority.
- Work with disabled advocacy and support organizations to ensure community paratransit needs are being met.
- Prepare monthly invoices for submission to the Finance Department.
- Closely monitor and manage the paratransit budget.
- Recommend paratransit policy modifications.
- Other duties as assigned.

QUALIFICATIONS:
- Undergraduate degree in finance, management, business administration, public administration, planning or closely related field required.
- Preferred four (4) years verifiable paratransit management.
- Comprehensive knowledge of paratransit vehicle safety and operator training.
- Comprehensive knowledge of paratransit operator training.
• Must possess valid North Carolina driver license.
• Pre-employment background check and drug screen required.

SKILLS REQUIRED:
• Computer literate.

PHYSICAL REQUIREMENTS:
• Long periods of standing, talking and responding to questions in a training or classroom setting.
• Typically requires talking, hearing, seeing, and repetitive motions.
• May require lifting up to fifty pounds.
• May be subject to overnight travel.

SPECIAL REQUIREMENTS: The incumbent may be required to assist in performing other administrative and operational duties as well as assist in operational tasks within the Authority.

STATUS: FSLA Exempt
REVISION DATE: 07/07/2011
Cape Fear Public Transportation Authority
Paratransit Operator

JOB DESCRIPTION

POSITION TITLE: Paratransit Operator

JOB SUMMARY: Provides safe, efficient and on-time delivery of passengers.

WORK SCHEDULE:
- Must be able to work shift hours and days assigned during the span of service.
- Must be available during disaster and emergency events.

REPORTS TO: Paratransit Manager

DESCRIPTION OF DUTIES/RESPONSIBILITIES:
- Drives one of several different vans in a safe, courteous, and reliable manner throughout the service area within a daily assigned time schedule.
- Assists passengers to and from their origin/destination.
- Assists in the boarding of passengers using wheelchairs or other mobility aids and the proper securement of wheelchairs.
- Notifies dispatch of schedule deviations, running late or early for appointments, accidents, or passenger incidents.
- Notifies dispatch of passengers’ medical or behavioral problems and van mechanical or electrical issues.
- Sees that all trips follow pick up and drop off destinations exactly as stated on the trip sheet without deviations unless pre-approved by dispatch.
- Treats all passengers with respect providing courteous service at all times and in every situation. Advise passengers of rules and regulations when necessary.
- Completes and submits daily paperwork including written reports concerning passenger incidents, preventable and non-preventable accidents.
- Provides daily pre trip inspection of all vehicles before driving ensuring that all vehicles are well maintained and properly running and that all safety equipment is available and in good working order.
- Maintains the cleanliness of all vehicles and equipment seeing to it that all vans are clean of debris inside and outside the vehicle.
- Assumes additional responsibilities as required.

QUALIFICATIONS:
- Must possess a high school diploma or GED.
- Must possess a valid North Carolina driver license.
- Must be able to pass a Department of Transportation physical.
- Pre-employment background check and drug screen required.
SKILLS REQUIRED:

- Must possess good communication skills.

PHYSICAL REQUIREMENTS:

- Requires operating paratransit vehicles.
- Requires bending, twisting, squatting, crouching and kneeling.
- Requires sitting for extended periods of time.
- Requires assisting passengers in wheelchairs and lifting passenger walkers, strollers, and other mobility aids, up to 20 lbs., as often as 20 times per day.
- Must be able to read and comprehend written material.
- Must have good depth perception, peripheral vision, distance vision, and color perception necessary for driving.
- Requires effective verbal and non-verbal communication skills.
- Must be able to hear and understand normal speech, as most job information is received verbally.

SPECIAL REQUIREMENTS: The incumbent may be required to assist in performing other operational duties within the Authority.
SECTION G: Customer Service

G1. Customer service philosophy; communication and reinforcement

Wave Transit strives for customer service standards that exceed ridership expectations. This philosophy is consistently communicated and reinforced throughout the company. The Agency fosters a corporate culture that allows employees to demonstrate their best customer service. Wave Transit understands that customer dissatisfaction often stems from an inability to see, identify with, and resolve the customer’s concerns. To this end, the Agency focuses all customer service training on identifying the needs and expectations of the customer. Additionally, employees are empowered to go the extra mile to exceed ridership expectations. Wave Transit is committed to the establishment and maintenance of the highest level of customer service. We are confident that our employees will provide a safe, efficient, courteous, and quality experience to passengers today and in the future.

G2. Customer Complaint Procedure

When a complaint comes in, the person receiving the complaint completes the first page of the CFPTA Complaint Form. This page details the information about the complaint, information about the person making the complaint, and the desired means of contact should the complainant desire us to follow up with them. This form is then submitted to the Paratransit Manager.

The Paratransit Manager investigates the complaint as appropriate, using video footage, driver interviews, incident reports, trip records, or other means as necessary. Once a determination as to the nature of the incident and the validity of the complaint is made, the manager follows up with the complainant if requested and completes employee counseling, retraining, and/or discipline as needed. The action taken is completed on page 2 of the Complaint Form, and the completed form is filed in the Complaint Log by fiscal year. This log is kept in the Paratransit Manager’s office.

G3. Minimum standards on the following types of complaints:

a. Late drop off

Passengers will not be dropped off after the requested drop off time for medical appointments. In the unfortunate circumstances where passengers are dropped off after the scheduled appointment time and are unable to be seen, they will be transported back home as soon as possible, the trip will not be billed, and Wave Transit will call the medical establishment to confirm that the delay was due to Wave Transit, not the passenger, if this call is requested by the passenger. Passengers
returning home from appointments due not have scheduled drop off times. Rather, the passenger must be picked up in the window specified, and then their total ride time is monitored.

b. Late pick up

For trips to appointments, passenger pick up times are governed by the time necessary to get them to their appointment on time. If there is a failure of service on this end, it is treated as a late drop off as described above. For return trips, passengers will be picked up not later than one hour after the time originally scheduled for their pick up, or after the time they call stating they are ready, if applicable.

c. Ride time

Passengers will not ride on the van longer than 60 minutes, except where physically necessary due to the distance between the pick-up and drop off locations, and the road, weather, and traffic conditions existing between these routes at the time. Wave Transit is not responsible for ride times that exceed 60 minutes due to circumstances outside Wave Transit control, such as severe traffic conditions, accidents, road closures, weather, or other circumstances. However, Wave Transit will always work to ensure the minimum ride time possible in these circumstances.

d. Driver no-show

In the event that a passenger reports a driver failed to appear for a scheduled pick up, Wave Transit will thoroughly investigate this allegation. If it is found the failure was due to Wave Transit’s error (such as an incorrectly recorded address), Wave Transit will immediately work to rectify the situation if the passenger is still waiting.
**Operator Evaluation Form**

<table>
<thead>
<tr>
<th>Pre-Trip Inspection</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completes appropriate brake test</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completes outside pre-trip</td>
<td></td>
<td></td>
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<tr>
<td>Completes inside pre-trip</td>
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<tr>
<td>Completes pre-trip form</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Preparing to Drive</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Checks mirror adjustment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scans mirrors before moving</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turns headlights on before departure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses seat belt appropriately</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjusts driver’s seat</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Re-checks gauges before departure</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Passenger Management</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demonstrates passenger courtesy/assistance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deals with passenger inquiries effectively</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assists passengers on board when necessary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitors passenger safety</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Radio Procedures</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proper pickup and drop notification</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses radio appropriately</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communicates effectively</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Follows established procedure</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Defensive Driving</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aims high in steering</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gets the big picture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keeps eyes moving to see all hazards</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leaves an out by planning ahead</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Makes sure others see him / her</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Makes eye contact with other drivers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covers the brake when necessary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses proper hand positions on steering wheel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has appropriate clearance on sides of bus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accelerates / brakes and reacts smoothly</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses signals appropriately</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses horn appropriately</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obeys speed limit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintains proper following distance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses proper passing procedures</td>
<td></td>
<td></td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Driving Evaluation</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stays in appropriate lane for conditions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Displays courtesy to other drivers and conditions</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Backing Skills</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Backs only when necessary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Views path before backing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Backs slowly using all mirrors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses horn and hazards to warn others</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Backs no further than necessary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knows rear-end clearance to fixed objects</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Backs from driver’s side when possible</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses proper steering in relation to rear wheels</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses backing weave where practical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Follows all local backing requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Turning Skills</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approaches turn from proper lane</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turns into proper lane</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establishes proper lane position before turning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintains clearance and performs square turns</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses appropriate speed when turning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses reference points when turning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses mirrors appropriately when turning</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Intersections</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approaches intersections cautiously</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Covers brake when entering intersection</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obey all traffic controls</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is aware of stale and fresh green lights</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants right of way to pedestrians and other vehicles</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stops completely behind stop sign/stop line</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does not start too soon after green light</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scans intersections before moving</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Checks mirrors before moving</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Braking</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brakes smoothly to stop (no rebound)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brakes early to avoid unnecessary wear</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Understands braking system of bus being used</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
### Overall Operator Performance Evaluation

**Overall Evaluation:**
- [ ] Meets Expectations
- [ ] Needs Improvement

**Specific Areas of Concern:**

**Corrective Action:**

**Evaluator’s General Comments:**

---

**Passenger Pick Up / Drop Off**

<table>
<thead>
<tr>
<th>Task</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uses all appropriate signals prior to stop</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Selects a safe position for stop</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All appropriate warning lights are on</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proper position to curb at stop</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitors traffic at stop</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADA Announcements made</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses door safely at stop</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Passenger safety is monitored</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Passenger / Traffic check performed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signals to move into traffic</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Merges smoothly into traffic</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Railroad Crossing**

<table>
<thead>
<tr>
<th>Task</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uses appropriate lane</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses appropriate warning lights</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stops at appropriate distance (15 to 50 feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shuts off all noisy accessories</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Displays correct use of door and windows</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asks passengers to be quiet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Looks and listens in both directions for train</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensures clearance for vehicle after crossing tracks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses lowest gear when crossing tracks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is aware of different types of tracks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Re-enters traffic safely using appropriate signals</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Wheelchair Procedures**

<table>
<thead>
<tr>
<th>Task</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Places wheelchair on lift properly</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses proper load / unload procedures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secures the chair properly</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses tie-downs and ramp covers properly</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Passenger lap and shoulder strap used</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secures the vehicle when leaving seat (takes key)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Understands emergency-manual lift operation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Positions vehicle properly at loading zones</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Engine / Transmission Skills**

<table>
<thead>
<tr>
<th>Task</th>
<th>✓</th>
<th>○</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uses appropriate gears</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does not over rev engine</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitors idling time</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitors gauges while driving</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comes to a complete stop before changing from reverse to forward and vice versa</td>
<td></td>
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</tbody>
</table>

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I certify that this evaluation has been discussed with me. I understand my signature does not necessarily indicate agreement with the content of the evaluation.

Operator Signature ___________________________ Date: ___________________________

Recommended Training Plan Activity ___________________________ Time Required ___________________________ Scheduled Date ___________________________ Completed Date ___________________________
Training Calendar for FY 2015

<table>
<thead>
<tr>
<th>Month</th>
<th>Training</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2014</td>
<td></td>
</tr>
<tr>
<td>Aug 2014</td>
<td><strong>Hazardous Materials/ Communication; Pre- and Post-Trip Inspections and New Forms</strong></td>
</tr>
<tr>
<td>Sept 2014</td>
<td></td>
</tr>
<tr>
<td>Oct 2014</td>
<td></td>
</tr>
<tr>
<td>Nov 2014</td>
<td><strong>ADA / Wheelchair Securement Training; Winter Driving Precautions; Building Move Briefing</strong></td>
</tr>
<tr>
<td>Dec 2014</td>
<td></td>
</tr>
<tr>
<td>Jan 2015</td>
<td><strong>D&amp;A Training part 1, Blood borne Pathogens</strong></td>
</tr>
<tr>
<td>Feb 2015</td>
<td></td>
</tr>
<tr>
<td>March 2015</td>
<td><strong>D&amp;A Training part 2; Sexual Harassment</strong></td>
</tr>
<tr>
<td>April 2015</td>
<td><strong>Emergency Procedures and System Security</strong></td>
</tr>
<tr>
<td>May 2015</td>
<td><strong>Defensive Driving; Railroad Crossings</strong></td>
</tr>
<tr>
<td>June 2015</td>
<td></td>
</tr>
</tbody>
</table>

*Items in **BOLD** are required annual training by NCDOT and/or OSHA*
MEMORANDUM

TO: Community Transportation Systems

FROM: Debbie Collins, Director
Public Transportation Division

dqe

SUBJECT: Policy Guidance for Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators

The mission of the North Carolina Department of Transportation is “Connecting people and places in North Carolina - safely and efficiently, with accountability and environmental sensitivity.” Community Transportation systems must meet all federal and state guidelines, regulations and laws regarding the safe transportation of their passengers. The Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators are to be implemented by local systems as part of the effort toward meeting those requirements. This memorandum supersedes the memorandum dated October 1, 2011, same subject.

Please contact your regional safety and security specialist if you have any questions concerning this policy.

SOURCE DOCUMENTS

1. Federal Transit Administration (FTA) Circular 9040.1F “Non-Urbanized Area Formula Program Guidance and Grant Application Instructions” effective April 1, 2007, Section X (see 49 U.S.C. Chapter 53 - Section 5329: Investigation of Safety Hazards)
2. 29 CFR 1910.1030(g)(2)-Bloodborne pathogens-Information and Training
4. 49 CFR 37.173-Americans with Disabilities Act-Training requirements
5. NCGS Statute 95 and Department of Labor Guidance

Attachment: Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators
Minimum Training Standards for Community and Human Service
Transportation System Vehicle Operators

- **Defensive Driving**
  - Shall include all vehicle operators, including any employees that operate the vehicles in revenue service or carry passengers for any other trip purpose;
  - Initial training must be a certified program, or curriculum must be equal to an existing certified program.
  - *Training must be completed upon hire and annually.*

- **Americans with Disabilities Act (ADA)**
  - Shall include at a minimum the following training (for further guidance refer to 49 CFR Part 37—Transportation Services for Individuals with Disabilities (ADA))
    - Sensitivity training
    - Passenger assistance
    - Wheelchair handling
    - Wheelchair securement (passenger and mobility)
    - Wheelchair lift inspection
    - Wheelchair lift operation (normal and emergency)
  - ADA requires training all personnel to “proficiency”, which is defined as *expert performance*.
  - *Training must be completed upon hire and annually.*

- **Bloodborne Pathogens**
  - Shall follow the Occupational Safety and Health Administration guidelines for the training as listed in Standard 29 CFR 1910.1030(g)(2)
  - The OSHA Standard spells out the content of the training.
  - *Training must be completed upon hire and annually.*

- **Emergency Procedures**
  - Shall include all procedures required to report or react to an emergency by transit system staff:
    - Communication and notification procedures
    - Accident/Incident reporting procedures
    - Passenger handling procedures
    - Vehicle and facility evacuation procedures
    - Driver and passenger security training
    - Emergency evacuation procedures and training
    - Emergency equipment usage
      - First aid (drivers must be trained in first aid to include use of kit)
      - Bloodborne Pathogens (drivers must be trained in bloodborne pathogens to include use of kit and transit system specific engineering controls to minimize driver exposure, cleanup procedures and waste disposal)
      - Emergency triangles (drivers must be trained to properly setup equipment)
      - Fire extinguishers (drivers must be trained to properly inspect and use equipment)
      - Web cutter (drivers must be trained to properly use equipment)
  - Participation in local or regional Emergency Management drills is strongly encouraged.
  - *Training must be completed upon hire and annually.*
• Ride Check – Driver Evaluations
  o Newly hired drivers must have a Ride Check – Driver Evaluation before being allowed to operate a transit vehicle unsupervised in revenue service.
  o All drivers must have an annual evaluation to assess the driver’s performance of techniques, skills and knowledge gained through training of each of the above categories.
  o Remedial training will be provided as needed in addition to the required annual training.
  o Training must be completed upon hire and annually.

• Illegal Drug Use
  o Shall include all training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
  o This shall be done upon hire. (Required under 49 CFR 655.14)

• General
  o All new hires must complete all of the minimum training requirements before operating a transit vehicle unsupervised in revenue service.
  o Reflective vest will be worn by drivers when performing job functions.
  o Drivers that are not meeting proficiency, expert performance level, must be given remedial training until they are proficient.
  o Refresher (annual) training must be completed annually (within 1-year of last training date).
  o All of the training materials and documentation must be on file for review by the NCDOT/PTD. Materials shall include but not be limited to course outline (may be included in instructor’s manual), instructor’s manual, sample student manual (if one is used), handouts and copy of Power Point slides if used in lieu of instructor’s manual.
  o Records of qualifications and training performed (for each individual trained) must be kept on file for a minimum of five (5) years. Records shall include proof of attendance (roster or certificate of completion, if provided), date of the course, and type of instruction delivery (instructor led, self-instruction, etc.), name and certification (if applicable) of instructor.

• Minimum Training Standards Reporting Procedures
  o Grantees must submit the following information to the Safety and Security Unit.
    • Number of employees who received training by category/type
  o A spreadsheet will be provided by the Safety and Security Unit for the purposes of reporting training.
  o The report must be submitted no later than the fifteenth (15) day of the month following the end of the quarter (Dates due: January 15, April 15, July 15, and, October 15).
  o Submit reports by e-mail to the Safety and Security Specialist assigned to your area and courtesy copy to safetyptd@ncdot.gov.
Title:
Accident Procedure with Injury or Damage

Owner:
Operations Department – Safety Training Division

Coordination:
• Employee
• Supervisor
• Manager
• Safety Manager

Definitions:

1. **Accident**: An accident is defined as any instance where a vehicle is involved in any type of contact with another vehicle or object, or where the vehicle was forced to operate out of the normal operating parameters, i.e. sudden braking. A non-vehicle accident is defined as any circumstance where equipment or tools are improperly operated resulting in damage to another object or person.

2. **Damage**: Damage is defined as any harm, mutilation, or destruction to a vehicle, equipment or other authority property of any monetary or non-monetary value or caused intentionally or by accident.
Injury Accidents or Damage Procedure

**Employee**

1. Notify Dispatch/Supervisor

   - Check Passengers and Collect Courtesy Cards
   - Driver Injured?
     - No
     - Yes
       - 4 Collect Accident Information

2. Injury or Damage?
   - No
     - 2 Refer to Accident/Damage without Injury Procedure
   - Yes
     - 3a Report to Scene
       - 3b Send out Notification

3. Collect Accident Information

4. Prepare Supervisor Report

5. Complete Statement

6. Report for D/A Screening

7. Preventable?
   - Yes
     - 16b Complete Retraining
   - No
     - End

**Supervisor**

3a. Report to Scene

3b. Send out Notification

**Manager**

3c. Send out Second Level Notification

7. Collect Accident Information

8. Prepare Supervisor Report

9. Pull Tape

10. Turn in Reports and Tape to Manager

11. Review Reports for Completeness

12. Notify Safety Manager

13. Contact Risk Mgmt/Workers Comp Firms

14. Determine Preventable/Non-Preventable
   - Preventable?
     - Yes
       - Conduct Retraining
     - No
       - End

15. Schedule Retraining/Implement Discipline

16. Continue to Work with Risk Mgmt/Workers Comp Firms
Action Steps:

1. **Notify Dispatch**: An employee notifies a Supervisor that an accident or incident has or may have just occurred.

2. **Accident Procedure**: The supervisor determines if there were any injuries or damages involved. If no, PROC-OPS-001 Accident Procedure without Injuries/Damages is followed.

3a. **Report to Scene**: The supervisor reports to scene with accident kit and replacement vehicle and/or driver as applicable.

3b. **Send out Notification**: The supervisor calls police/emergency personnel as needed and sends email notification to all operations manager.

3c. **Send out Second Level Notification**: Depending on the severity of the accident/damage, the Manager sends out second level notifications to the Executive Director and the UNCW Point of Contact if applicable.

4. **Collect Accident Information**: If the employee is not injured, they collect accident information such as other driver information, vehicle information, and witness statements.

5. **Complete Statement**: The employee completes the statement with the details of the report. The statement must be completed within eight (8) hours of being notified by the supervisor that a report is needed.

6. **Report for Drug and Alcohol Screening**: When notified by the Supervisor, the employee will be transported to Drug and Alcohol Screening facility.

7. **Collect Accident Information**: If the employee is injured, the Supervisor collects the accident information in Step 4.

8. **Prepare Supervisor Report**: The Supervisor reviews the Employee’s Statement for completeness and prepares the Supervisor report. The report must be completed with ten (10) hours of the report being submitted by the employee, or immediately after the employee completes their statement.

9. **Pull Tape**: The Supervisor pulls the camera video tape from the vehicle, if applicable.

10. **Turn in Reports and Tape to Manager**: The Supervisor turns and forwards to the Manager.

11. **Review Reports for Completeness**: The Manager reviews the Supervisor Report and all associated documents including video. The Manager also requests/obtains a police report if applicable.

12. **Notify Safety Manager**: The Manager notifies the Safety Manager that all accident information is compiled and ready.

13. **Contact Risk Management/Workers Compensation Firms**: The Safety Manager contacts and opens cases with the Risk Management and/or Workers Compensation firms. This must be done by the Manager or Supervisor in the absence of the Safety Manager.
14. **Determine Preventable/Non Preventable:** The Manager, with assistance from the Safety Manager as needed, determines if the accident was preventable or non-preventable.

15. **Schedule Retraining/Implement Discipline:** If the accident is determined to be preventable, the Manager schedules retraining for the employee and implements discipline as appropriate. If the accident is determined to be non-preventable no retraining or discipline is needed.

16a **Conduct Retraining:** The Safety Manager conducts retraining as appropriate to the nature of the preventable accident. This retraining may be done by another operation supervisor.

16b. **Complete Retraining:** The Employee must attend and successfully complete retraining before resuming normal work duties.

17. The Safety Manager continues to work with Risk Management and Workers Compensation firms and provides update as additional information, i.e. accident repair costs, are obtained.
Cape Fear Public Transportation Authority

Drug & Alcohol Policy

Effective: July 1, 2014
Revision 004
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1.0 POLICY
Cape Fear Public Transportation Authority is dedicated to providing safe, dependable, and economical transportation services to our passengers. Our employees are our most valuable resource and it is our goal to provide a healthy, satisfying work environment, which promotes personal opportunities for growth. In meeting these goals, it is our policy to:

- Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner
- Create a workplace environment free from adverse effects of drug and alcohol substance abuse or misuse
- Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances
- To encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

2.0 PURPOSE
2.1 The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the use of alcohol and prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and anti-alcohol programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has enacted 49 CFR Part 655, as amended, urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also enacted 49 CFR Part 40, as amended that sets standards for the collection and testing of urine and breath specimens. In addition, the DOT has enacted 49 CFR Part 29, “The Drug-Free Workplace Act of 1988,” which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

2.2 All provisions set forth in italics are under the authority of Cape Fear Public Transportation Authority over and above the requirements set forth in 49 CFR Part 655 and Part 40, as amended. The federal government is not responsible for the parts of this policy not mandated by federal regulation.

3.0 APPLICABILITY
3.1 This policy is effective 07/01/2014. This policy applies to all safety-sensitive and non-safety-sensitive Authority employees, part-time employees, and contractors when they are on transit property or when performing any transit-related business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work.

3.2 Employees who perform safety-sensitive functions will be subject to random testing. A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation, dispatch, and maintenance of a revenue service vehicle (whether or not the vehicle is in revenue service), when operating a non-revenue vehicle, any position that requires carrying a fire arm for security purposes, and any other employee who holds a Commercial Driver’s License and is required to operate a vehicle that requires a CDL as part of their job duties. A list of safety-sensitive positions is set forth in Appendix A.

4.0 EDUCATION AND TRAINING
Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health,
safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Under the authority of Cape Fear Public Transportation Authority, supervisory personnel will also be trained on how to intervene constructively and how to effectively integrate an employee back into his/her work group following intervention and/or treatment.

5.0 PROHIBITED SUBSTANCES

5.1 Illegally Used Controlled Substance or Drugs
Under the Federal Transit Administration drug testing regulation for safety-sensitive employees, it is required that laboratory testing of urine specimens be conducted for five types of drugs. Identification of either a drug or its metabolite in the urine indicates use of the drug in the recent past. A metabolite is a modified form of a drug that has been chemically altered by the body’s metabolic system. The detection period ranges from less than one day to about a month, depending on the drug and the person’s usage habits. The FTA regulation requires testing for the following drugs (or their metabolites): marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

5.2 Legally Prescribed Drugs
The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected is prohibited while performing work-related duties and must be reported to supervisory personnel and medical advice should be sought by the employee, as appropriate, before performing work-related duties.

A legally prescribed drug means that individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient’s name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legally prescribed drugs while performing transit business is prohibited.

5.3 Alcohol
The use of beverages containing alcohol or any medication or substance such that alcohol is present in the body while performing transit business is prohibited. It is prohibited for any employee to have an alcohol concentration of 0.04 or greater as measured by an evidential breath testing device while on duty. Alcohol use is impermissible for four (4) hours prior to performing safety-sensitive functions. Employees having an alcohol concentration of 0.04 or greater are prohibited from performing safety-sensitive functions.

6.0 PROHIBITED CONDUCT

6.1 Manufacture, Trafficking, Possession, and Use
The manufacture, distribution, dispensing, possession, or use of illegal substances on Authority premises, in transit vehicles, in uniform, or while conducting business is prohibited.

6.2 Compliance with Testing Requirements
Participation in the Authority’s prohibited substance testing program is a requirement of each employee and, therefore, is a condition of employment. All safety-sensitive and non-safety-sensitive employees will be subject to urine drug testing and breath alcohol testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately, and their employment
Refusal can include an inability to provide a specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test. **Test refusal will result in termination.**

### 6.3 Definition of Test Refusals

The following are considered a refusal to test if the employee:

- Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
- Fails to remain at the testing site until the testing process is complete
- Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
- Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
- Fails or declines to take a second test the employer or collector has directed you to take
- Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” or “shy lung” procedures
- Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
- If the MRO reports that there is verified adulterated or substituted test result
- Failure or refusal to sign Step 2 of the alcohol testing form
- Failure to follow the observer’s instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- Admit to the collector or MRO that you adulterated or substituted the specimen.

### 6.4 Required Hours of Compliance

Use and ingestion of prohibited drugs are prohibited and employees must be free of the presence of any prohibited substance at all times while performing work-related duties.

No safety-sensitive or *non-safety-sensitive* employee should report for duty or remain on duty when his/her breath alcohol concentration is 0.04 or greater. No employee shall consume alcohol four hours prior to performing a safety-sensitive function or up to eight hours following an accident or until the employee undergoes a post-accident test, whichever occurs first. Employees having an alcohol concentration of 0.04 or greater are prohibited from performing safety-sensitive functions.

### 6.5 Intoxication/Under the Influence

Any safety-sensitive or *non-safety-sensitive* employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

### 6.6 Notifying the Authority of Criminal Drug Conviction

Any employee who fails to immediately notify the Authority of any criminal drug statute conviction will result in termination.
6.7 **Proper Application of the Policy**

The Authority is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

7.0 **TESTING FOR PROHIBITED SUBSTANCES**

7.1 **General**

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulation. All safety-sensitive and non-safety-sensitive employees shall be subject to testing prior to employment, for reasonable suspicion, and following an accident. All safety-sensitive employees shall be subject to random drug testing.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. Urine Specimen Collection Procedures are set forth in Appendix B. Breath Specimen Collection Procedures are set forth in Appendix C.

The drugs that will be tested for are marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each specimen. For those specimens that are positive, a confirmatory gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. Test for alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. 49 CFR Part 40.89(b) requires that specimen validity testing be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted or if the specimen was substituted. Part 655.35(a) states “No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until (1) The employee's alcohol concentration measures less than 0.02; or (2) The start of the employee’s next regularly scheduled duty period, but not less than eight hours following administration of the test.”

*A confirmed positive drug and/or alcohol test will result in termination.* Per 49 CFR part 655.61(a)(1), If a covered employee has a verified positive drug test result, or has a confirmed alcohol test of 0.04 or greater, or refuses to submit to a drug or alcohol test required by this part, The Authority shall advise the employee of the resources available for evaluating and resolving problems associated with prohibited drug use and alcohol misuse including the names, addresses, and telephone numbers of substance abuse professionals (SAPs), state licensed marriage and family therapist and counseling and treatment programs.

7.2 **Release of Testing Records and Results**

The Authority affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

7.2.1 In accordance with FTA regulations, testing records and results can be released only under the following circumstances:
When an employee gives written instruction that the Authority may release information or copies of records regarding an employee’s test results to a third party or subsequent employer;

When, due to a lawsuit, grievance, or proceeding initiated on behalf of the employee tested, the result must be released to the decision-maker in the case;

When an employee provides a written request for copies of his/her records relating to the test(s) (cannot be contingent on payment);

When an accident investigation is being performed by the National Transportation Safety Board (NTSB) and the post-accident test results are needed for the investigation;

When records are requested by the DOT or any DOT agency with regulator authority over the employer or any of its employees or to a state oversight agency authorized to oversee rail fixed guideway systems.

7.2.2 The Authority must ensure that each request for release of information specifically identifies the person to whom the information is to be released, the circumstances under which the release is authorized, and the specific kind of information to be released. This documentation must be maintained for seven (7) years.

7.2.3 A separate release must be signed each time information is to be disclosed.

7.2.4 In cases where records are subpoenaed in criminal or civil suits, required for inspection by the state highway patrol or state transportation safety board, or other freedom of information statues, the Authority will first consult with legal staff regarding jurisdiction over these records before they are released.

7.2.5 Requests for test result information by an unemployment service bureau can be granted, if the individual’s dismissal was a result of a positive drug or alcohol test, because the request for unemployment benefits was initiated by the former employee.

7.3 Pre-Employment Testing

All safety-sensitive and non-safety-sensitive position applicants shall undergo urine drug testing. In order to begin safety-sensitive job functions, a pre-employment drug test with a confirmed negative result must be obtained. This includes established employees who are transferring from a non-safety sensitive position into a safety sensitive position or a covered safety sensitive employee who has been out of the random pool for longer than ninety (90) days regardless of the reason(s) for absence. Applicants will be notified of this requirement during the interview process and the test may be given separately or as part of the pre-employment physical. If a pre-employment drug screen is canceled, the applicant must retake the test and have a confirmed negative result before performing any safety sensitive job duties.

Applicants are required (even if ultimately not hired) to provide their consent to the Authority to request FTA drug and alcohol records from all previous, DOT-covered, employers that the applicant has worked for within the last two years report previous DOT covered employer drug and alcohol test result. Failure to do so will result in the employment offer being rescinded. The Authority is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide the Authority proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

"it is the policy of Cape Fear Public Transportation Authority that any applicant who fails a drug test for any of the five scheduled drugs on a pre-employment test will be disqualified as an applicant for employment."
### 7.4 Reasonable Suspicion Testing

All employees may be subject to a fitness for duty evaluation, to include appropriate urine and breath alcohol testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse. The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The Authority may direct any covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

### 7.5 DOT Post-Accident Testing

Safety sensitive employees are required, by regulations set forth in 49 CFR part 655, to undergo urine and breath testing if they are involved in an accident with a transit vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. Safety-sensitive employees not on the vehicle (e.g., maintenance personnel) whose performance could have contributed to the accident (as determined by the transit agency using the best information available at the time of the accident) will also be tested.

Additionally, a safety-sensitive employee will be required to undergo DOT post-accident testing (unless the employee’s performance can be completely discounted as a contributing factor to the accident). A DOT post-accident test will be conducted if an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or, a vehicle incurs disabling damage which precludes the departure of a motor vehicle from the scene of the accident after simple repair; or, if a transit vehicle is removed from revenue service.

If an alcohol test required by this section is not administered within two (2) hours following the accident, the Authority shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the accident, the Authority shall cease attempts to administer an alcohol test and maintain the record. If a drug test required by this section is not administered within 32 hours following the accident, the Authority shall cease attempts to administer a drug test and shall prepare and maintain on file a record stating the reasons the drug test was not promptly administered.

Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

### 7.6 Non DOT Post-Accident Testing

All employees are required to undergo urine and breath testing if they are involved in an accident with any Authority vehicle, unless the employee’s performance can be completely discounted as a contributing factor to the accident. A Non DOT test will be performed under the authority of the Authority.
If an alcohol test required by this section is not administered within two (2) hours following the accident, the authority shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the accident, the authority shall cease attempts to administer an alcohol test and maintain the record. If a drug test required by this section is not administered within 32 hours following the accident, the authority shall cease attempts to administer a drug test and shall prepare and maintain on file a record stating the reasons the drug test was not promptly administered.

Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

7.7 Random Testing
Employees in safety-sensitive positions will be subjected to random, unannounced testing. The percentage of safety sensitive employees tested will be determined by the Federal Transit Administration annually. Random selection shall be made by a scientifically valid method by using computerized random selection software. Each covered employee shall have an equal chance of being tested each time selections are made. Random tests will be reasonably spread throughout the year and random testing will be continuous and conducted on all days and hours during which the Authority is in operation. Random test will be unannounced and immediate. Each covered employee who is notified of selection for random drug or random alcohol testing shall proceed to the test site immediately.

Per 49 CFR part 655.45(1) a safety sensitive employee will only be randomly tested for alcohol misuse while the employee is performing a safety sensitive function; just before the employee is to perform a safety sensitive function; or just after the employee has ceased performing such a function.

7.8 Promotion Testing
Employees being transferred into safety-sensitive positions will be given pre-employment drug and alcohol tests. Employees may not be assigned to the safety-sensitive function until a confirmed negative test is received.

7.9 Periodic Testing
Periodic drug testing will occur when a safety-sensitive employee submits himself/herself to a medical examination. Employees will be notified up to one week in advance of the medical exam. Failure to submit to a periodic test or failing a periodic test will subject an employee to discipline up to and including termination.

7.10 Employee Requested (Split Specimen) Testing
Any employee who questions the results of a required drug test under paragraphs 7.3 through 7.9 of this policy may request that an additional test be conducted. This test must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are paid by the employer unless the employee requests that a testing DHHS-certified laboratory other than the company contracted testing DHHS-certified laboratory be used. The method of collection, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee’s request for a re-test must be made, to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that are beyond the control of the employee.
7.11 **Dilute Testing**

Any covered employee’s verified test result being reported as negative dilute where the creatinine concentration of the dilute specimen is greater than 5 mg/dl, shall require no further testing (49 CFR Part 40.197).

Any covered employee’s verified test result being reported as negative dilute where the MRO reports that the creatinine concentration of the specimen was equal to or greater than 2 mg/dl, but less than or equal to 5 mg/dl will be required to submit to a recollection under direct observation (49 CFR Part 40.155 (c)) as outlined in Appendix E. Verified Negative Dilute [40.197] shall be accepted as a negative result. Verified Positive Dilute [40.197] shall be accepted as a positive result.

8.0 **SYSTEM CONTACT**

Any questions regarding this policy or any other aspect of the drug-free and alcohol-free transit program should contact the following Authority representative:

**DER – Designated Employee Representatives**

Michael Williams  
(910) 202-2052  
Paratransit Manager

**DAPM – Drug and Alcohol Program Manager**

Jean Smith  
(910) 202-2062  
Director of Operations

It shall be the policy of the Authority that each employee shall be made aware of this policy. Further, periodic training sessions for employees on substance abuse shall be held. The goal of the Authority is a 100 percent drug and alcohol free workplace. You are urged to review the procedures of this policy carefully. This policy protects the Authority’s most valuable resource -- its employees -- while at the same time protecting the health and safety of the general public.

9.0 **EFFECTS OF ALCOHOL**

Information on the effects of alcohol misuse on an individual’s health, work, and personal life; signs and symptoms of an alcohol problem; and available methods of intervening when an alcohol problem is suspected are set forth in Appendix D.
Cape Fear Public Transportation Authority
WAVE TRANSIT

Adopted at a regular meeting
on

By: __________________________________________
David R. Scheu, Chairman

Attest

(seal)

Don Betz, Secretary
APPENDIX A - SAFETY SENSITIVE POSTITIONS

(Testing to be conducted under DOT authority)

Para Transit Manager
Dispatchers
Operators
CDL Holders required to drive a vehicle that requires a CDL for their job duties
APPENDIX B - URINE SPECIMINE COLLECTION PROCEDURE
(For Employees Required to Provide Urine Specimens for Drug Testing)

1. Report to the specimen collection site as soon as possible after notification to report. Refusal to report for collection or refusal to cooperate with the collection process will result in a determination of a refusal to provide a specimen.

2. Show the collection site personnel an official photo identification card, (e.g. driver’s license).

3. Check your outer garments with the collection site personnel for safekeeping. You have the right to retain your wallet and to ask for a receipt for your belongings. You must empty your pockets and display the items in your pockets to the collection site personnel to ensure that no items are present which could be used to adulterate the specimen. If nothing is there that can be used to adulterate a specimen, the collection site personnel will allow the items to be placed back in the pocket.

4. Rinse and dry your hands.

5. Obtain a wrapped specimen container from the specimen collection personnel.

6. Proceed to the privacy enclosure and provide a specimen in the collection container. At least 45 milliliters of urine are required for analysis. If an insufficient amount of urine is provided, the original specimen will be discarded and you will be required to consume not more than 40 ounces of fluids in over a three hour period to provide another specimen. Do not tamper with the specimen or make substitutions. The specimen will be visually inspected for unusual color and sediment.

Specimen collection will be witnessed by a collection site employee of the same gender only under the following circumstances:

- All return-to-duty tests
- All follow-up tests
- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90F- 100F
- Anytime the employee is directed to provide another specimen because the original specimen appeared to have an attempt to tamper with
- Anytime a collector observes materials brought to the collection site to tamper with the specimen, or the employee’s conduct clearly indicates an attempt to tamper with a specimen
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the results
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated, or substituted, but had to be cancelled because the test of the split specimen could not be performed.
7. The temperature of the specimen will be measured and must fall within an acceptable range (90 F to 100 F)

8. Give the specimen to the specimen collection personnel and watch the sealing and labeling of the bottles. Initial the labels verifying that the specimen is yours.

9. You may wish to indicate on the back of your copy of the custody and control form any medications you are currently using. This list may serve as a memory jogger in the event a Medical Review Officer calls you to discuss the results of your test.

10. The results of the laboratory analysis will be forwarded to your employer’s Medical Review Officer. If the results are negative (no drugs detected), the MRO will notify your employer. If the laboratory confirms a positive result (drugs detected), the MRO will contact you at the telephone number you provided to give you the opportunity to discuss the test results and to submit information demonstrating authorized use of the drugs in question.

11. If the MRO verifies a positive result (drugs detected), the employee will be notified by the MRO that the employee has 72 hours in which to request a test of the split specimen. If the employee requests an analysis of the split specimen within 72 hours of having been informed of a verified positive test, the MRO will direct, in writing, the laboratory to ship the split specimen to another DHHS-certified laboratory for analysis.

12. If the analysis of the split specimen fails to confirm the presence of the drugs(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable or inadequate for testing, the MRO shall cancel the test and report the cancellation and the reasons for it to the DOT, the employer, and the employee.

13. If the employee has not contacted the MRO within 72 hours of being notified of a verified positive drug test, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from contacting the MRO in time.

14. If the MRO concludes that there is a legitimate explanation for the employee’s failure to contact the MRO within 72 hours, the MRO shall direct that the analysis of the split specimen be performed.

15. If the MRO concludes that there is no legitimate explanation for the employee’s failure to contact the MRO within 72 hours, then the MRO is not required to direct the analysis of the split specimen to be performed.

16. If, after the MRO makes all reasonable efforts (and documents them), and is unable to reach the individual directly, the MRO shall contact the designated employer representative who shall direct the individual to contact the MRO as soon as possible. If, after making all reasonable efforts, the designated management official is unable to contact the employee, the employer may place the employee on temporary unqualified status or medical leave.

17. Each verified test result will be reported to the person designated by the Authority to receive results. Reporting of a verified positive result is not delayed pending the split specimen analysis.
APPENDIX C - ALCOHOL BREATH TESTING PROCEDURE

1. Preparation

Upon arrival at the alcohol collection site, the employee must provide positive identification to the Breath Alcohol Technician (BAT). The identification can be in the form of a company identification card, driver’s license, or identification by an employer representative.

After the testing procedures are explained to the employee, the employee must complete, date, and sign the alcohol testing form. The employee sign the form indicating that the employee is present and providing a breath specimen. Employers may not modify or revise this form, unless the form is directly generated by an Evidential Breath Testing device (EBT) (i.e., the space for affixing a separate printed result is omitted). At the completion of the testing process, the BAT signs and dates the alcohol testing form. The form must provide triplicate (or three consecutive identical) copies. Copy 1 (white) must be transmitted to the employer. Copy 2 (green) must be provided to the employee. Copy 3 (blue) must be retained by the BAT.

2. SCREENING TEST

The BAT will inform the employee of the need to conduct a screening test. The BAT must open an individually sealed, disposable mouthpiece in view of the employee and attach it to the EBT.

The BAT will instruct the employee to blow forcefully into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained. Following the screening test, the BAT must show the employee the result displayed on the EBT or the printed result.

If the result of the screening test is an alcohol concentration of less than 0.02, no further testing is required and the test will be reported to the employer as a negative test. The employee may then return to this/her safety-sensitive position.

3. CONFIRMATION TEST

If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test must be performed.

The confirmation test must be conducted at least 15 minutes, but not more than 30 minutes, after the completion of the initial test. This delay prevents any accumulation of alcohol in the mouth from leading to an artificially high reading. The BAT will inform the employee of the need to conduct a confirmation test. The employee will be instructed not to eat, drink, or put any object or substance in his or her mouth. The BAT will also instruct the employee not to belch to the extent possible while awaiting the confirmation test. The BAT must inform the employee that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instructions.

Before the confirmation test is administered, the BAT shall conduct an air blank on the EBT. If the reading is greater than 0.00, the BAT shall conduct one more air blank. If the second air blank reading is greater than 0.00, the EBT must not be used to conduct the test.

The confirmation test is conducted using the same procedures as the screening test. A new mouthpiece will be used.

If the initial and confirmatory test results are not identical, the confirmation test result is deemed to be the final result.
If the result displayed on the EBT is not the same as that on the printed form, the test will be canceled, and the EBT removed from service.

The BAT will sign and date the form. If the test result is 0.02 or higher, the employee will sign and date the certification statement, which includes a notice that the employee cannot perform safety-sensitive duties or operate a motor vehicle because the results are 0.02 or greater. The BAT will attach the alcohol test result printout directly onto the alcohol collection form with tamperproof tape (unless the results are printed directly on the form).

4. REPORTING

The BAT will transmit all results to the employer’s designated representative in a confidential manner (in writing, in person, by telephone or other electronic means). In the event an individual must be removed from safety-sensitive duties, the BAT will notify the employer’s representative immediately.

5. INCOMPLETE TEST

If a screening or confirmatory test cannot be completed, the BAT must, if practicable, begin a new test using a new alcohol testing form with a new sequential test number.

Refusal by an employee to complete and sign the alcohol testing form, to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the collection process must be noted on the form and the test will be terminated.

If an employee attempts and fails to provide an adequate amount of breath, the BAT must note this on the form and immediately inform the employer. The employer shall direct the employee to obtain, from a licensed physician who is acceptable to the employer, an evaluation concerning the employee’s medical ability to provide an adequate amount of breath. The evaluation should be made as soon as practical after the attempted breath test. If the physician indicates the there was a valid medical reason for the inadequate amount of breath, the employee’s failure to provide an adequate amount of breath will not be considered a refusal. If no valid medical reason is determined, the inadequate amount of breath must be considered a refusal to take the test.

6. TEST ACCURACY

To protect the integrity of the test and to ensure accurate results, the procedures for conducting an alcohol breath test are rigorous. Alcohol tests are considered invalid when the following occurs:

The external calibration check of the EBT produces a result outside the allowed tolerance levels.

A device other than a National Highway Traffic Safety Administration (NHTSA) approved EBT is used for confirmation tests.

The BAT does not wait 15 minutes between the screening and confirmatory test.

A valid air blank test that registers 0.00 is not performed before each confirmation test.

The EBT fails to print the confirmation results, the sequential test number on the EBT is not the same as the number on the printout, or the alcohol concentration displayed on the EBT is different from what is printed out.
APPENDIX D - EFFECTS OF ALCOHOL

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

1. SIGNS AND SYMPTOMS OF USE
   - Dulled mental processes
   - Lack of coordination
   - Odor of alcohol on breath
   - Possible constricted pupils
   - Sleepy or stuporous condition
   - Slowed reaction rate
   - Slurred speech

   (Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

2. HEALTH EFFECTS
   The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:
   - Decreased sexual functioning
   - Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
   - Fatal liver diseases
   - Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
   - Kidney disease
   - Pancreatitis
   - Spontaneous abortion and neonatal mortality
   - Ulcers
   - Birth defect (up to 54 percent of all birth defects are alcohol related).

3. SOCIAL ISSUES
   - Two-thirds of all homicides are committed by people who drink prior to the crime.
   - Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
   - Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
   - The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
   - Forty percent of family court cases are alcohol problem related.
   - Alcoholics are 15 time more likely to commit suicide than are other segments of the population.
   - More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents and 76 percent of private aircraft accidents are alcohol related.
4. **ANNUAL TOLL**

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accident.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

5. **WORKPLACE ISSUES**

- It takes an hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.
APPENDIX E – CIRCUMSTANCES FOR OBSERVED COLLECTIONS

The following are circumstances that require an Observed Collection of urine for the purposes of DOT drug testing. Observed collections afford less privacy in order to guard against the donor using items designed specifically to beat the testing process.

- All return-to-duty tests
- All follow-up tests
- Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90F-100F
- Anytime the employee is directed to provide another specimen because the original specimen appeared to have an attempt to tamper with
- Anytime a collector observes materials brought to the collection site to tamper with the specimen, to the employee’s conduct clearly indicates an attempt to tamper with a specimen
- Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the results
- Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated, or substituted, but had to be cancelled because the test of the split specimen could not be performed.
SECTION I: OPERATIONS

I1. Physical Address

Wave Transit will be operating out of a brand new Operations Center in June. The Operations Center will be used for all Paratransit operations. The physical address is 1480 Castle Hayne Rd, Wilmington, NC 28401.

I2. Mobile Communications System

Dispatchers and operators communicate using open channel two way radios communications and mobile data terminals (MDTs). Out of County operators who are beyond the range of the two way radio system are equipped with cell phones for communication with dispatch. There is no range limit on the mobile data terminals. Equipment and uses for each communication device are listed below.

a. Two Way Radios
   Motorola XTL 1500 mobile radios. Radios are used for regular voice communication between drivers and dispatchers.

b. Mobile Data Terminals
   Samsung Galaxy Tab 2.10 hardware, utilizing CTS Parascope and Google Maps software applications. MDTs are used for real time location tracking, historic location tracking, vehicle telemetry (i.e., current vehicle speed), GPS navigation, text message communication between operators and dispatchers, real time schedule updates (including pick-up and drop-off time and location), and passenger notes.

c. Cell Phone
   Operators are issued a company cell phone, of either LG or Samsung make, if they will be traveling out of county beyond the reach of the two way radio network. These cell phones are for communication with dispatch or emergency personnel as needed.

Dispatchers use the communication tools listed above to communicate schedules, routing information, and any incident management information needed to the operators. Operators have use of these communication tools to communicate with dispatch about scheduling issues, to request assistance locating a passenger, incident management, or other items as needed. Cell phones are never permitted to be used while in the driver’s seat, when in active control of the vehicle, or when assisting passengers. MDTs are not to be manipulated while the vehicle is in motion.

Wave Transit maintains a dispatcher on duty at all times that vehicles are in service. Therefore, there are no after hour call procedures for operators. Similarly, the dispatcher
is on duty to answer calls from passengers during all hours that vehicles are in service. Operators are required to have current contact information on file for dispatcher use in cases of emergency when they are not scheduled to work. The Paratransit Manager is on call at all times, as is the Lead Dispatcher. Any calls into the dispatch office after service hours are sent to a voicemail box that is accessible by all dispatchers to retrieve any calls.

I3. Computer Hardware and Software

The Paratransit manager and the dispatchers use either a desktop or laptop computer. The computers were all replaced during this current fiscal year. The operation uses CTS Scheduling software, AssetWorks Asset Management software, and the most recent version of Microsoft Office Products. Except for web based software (CTS and AssetWorks), all operation records are stored on a network. Wave Transit utilizes a fiber connection between the operating and administrative offices and internet connection.

I4. Transportation Services Provided

Wave Transit accommodates ambulatory passengers, as well as non-ambulatory passengers who utilize wheelchairs within the stated limits. A wheelchair and its occupant must weigh no more than 800 pounds total, and be no more than 32 inches wide and 50 inches long, including foot rests. Wheelchairs must be able to be safely secured using the four point securement method within the vehicle. Wave Transit reserves the right to deny service to a passenger in a wheelchair if the wheelchair is unable to be safely loaded, unloaded, and secured within the vehicle, per Wave Transit’s procedures and policy. In addition, wheelchairs which are broken in such a manner as to prevent safe transport of their occupant may result in a service denial. Wave Transit is not able to accommodate passengers on stretchers or reclining beds.

Wave Transit proposes to offer curb to curb service. This is defined as picking a passenger up at the nearest safe parking location near their entrance, excluding private residential driveways. Wave Transit does go into private parking lots when allowed by the premises. Wave Transit reserves the right to decline to travel down roads that are impassible due to safety concerns (for example, excessive mud, low branches, or potholes). In these circumstances, service will be provided from the nearest safe location to the impassible road. When safety permits, Wave Transit operators will, upon request, assist a passenger to the door as long as it is on the ground floor, does not require the operator to lose sight or control of the vehicle, and is a reasonable distance from the vehicle. Operators will never go inside a private residence. Wave Transit reserves the right to address individual circumstances on a case by case basis in order to protect the safety of our property, private property, and all people. In cases where assistance beyond the curb is deemed unsafe, service may be limited to the curb.

A brochure that describes current services can be found in the back of Section I.
I5. Geographic Market

Wave Transit services all of the City of Wilmington and New Hanover County as well as portions of Brunswick County. Other Out of County trips are provided as contracted.

I6. Quality Measures

For quality assurance procedures, expectations, and measurements, refer to Section 4.F.8. Below are the quality measures that Wave Transit uses to evaluate and improve service quality.

- Customer Complaints per Passengers Transported (FY 2015 to date): 1 complaint per 1,858 rides performed
- Average Miles between Road Calls (FY 2014): 35,793
- On Time Performance: Wave Transit does not calculate on time performance based on scheduled times. Rather, on time performance is tracked based on missed trips. Average Missed Trips per Passengers Transported (FY 14 to date): 1 missed trip per 650 rides performed
- Average Miles between Accidents: Accident Rates are reported in Section H.

These numbers reflect all Wave Transit Paratransit services operated, and are not broken down by individual client or contract.

I7. Communication

Dispatchers use the communication tools listed in 4.I.2 above to communicate schedules, routing information, and any incident management information needed to the operators. Operators have use of these communication tools to communicate with dispatch about scheduling issues, to request assistance locating a passenger, incident management, or other items as needed. Cell phones are never permitted to be used while in the driver’s seat, when in active control of the vehicle, or when assisting passengers. MDTs are not to be manipulated while the vehicle is in motion.

I8. After Hour Call Procedures

Wave Transit maintains a dispatcher on duty at all times that vehicles are in service. Therefore, there are no after hour call procedures for operators. Similarly, the dispatcher is on duty to answer calls from passengers during all hours that vehicles are in service. Operators are required to have current contact information on file for dispatcher use in cases of emergency when they are not scheduled to work. The Paratransit Manager is on call at all times, as is the Lead Dispatcher.
I9. System Safety Program Plan (SSPP)

The System Safety Program Plan (SSPP) meets all of NCDOT standards, including the six core elements. The SSPP, including the Maintenance Plan as an Appendix, can be found at the back of Section I.
WAVE TRANSIT

SYSTEM SAFETY PROGRAM PLAN

Effective March 1, 2015 Rev 003
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<td>Approved by the Board of Directors</td>
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<td>01/30/2013</td>
<td>001</td>
<td>No revisions required.</td>
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<tr>
<td>06/26/2014</td>
<td>002</td>
<td>Revision approved by the Board of Directors. Updates included Organizational Chart and Data Analysis and Reporting element.</td>
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<td>Revision approved by the Board of Directors. Updates include change to reporting and to information referenced in Maintenance Plan.</td>
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<td>4/6/2015</td>
<td>Minor Administrative Change</td>
<td>Changed Policy and Authority Statement Item #1: Changed date of Resolution from 2002 to 2003</td>
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1. POLICY AND AUTHORITY STATEMENT
The North Carolina Board of Transportation 2003 Resolution established the requirement for each transit system to develop and implement a System Safety Program Plan (SSPP). Wave Transit has established the plan as an operating document and has been prepared for and approved by the transit system Board of Directors.

The Executive Director has the authority to establish and implement the SSPP. The Director of Operations is responsible for maintaining, performing an annual review and ensuring all employees are trained on the content. All managers are responsible for the plan adherence.

2. PURPOSE
The SSPP describes the functions and responsibilities necessary to achieve and maintain the highest degree of safety possible. It provides a means of improving communication, documentation, and coordination within the entire system and can reduce actual and potential incidents of injuries, property damage, and delays in service. The SSPP applies to all employees and transportation provider contractors of the Authority. Each department within Wave Transit should be committed to prioritizing safety. Because safe practices are needed in all system activities, each department takes responsibility in ensuring that its department is contributing to the safety goals of the entire organization. In the event of a passenger, vehicle or traffic emergency, an employee must inform his or her supervisor immediately.

A Glossary of Safety Terms can be found in Appendix A.

3. GOALS
The overall goal of Wave Transit is to provide transportation services in a safe, effective and efficient manner. The overall goal of this plan is to identify, eliminate, minimize and control safety hazards and their attendant risks by establishing requirements, lines of authority, and accountability, along with methods of documentation for the agency.

The long term goal of the SSPP is to provide a framework for Wave Transit to operate under that will continually improve the safety record and culture of the operation.

4. OBJECTIVES
The objectives for attaining the safest operating conditions are as follows:
- Instill a safety culture and a safe work place/customer service environment
- Establish a commitment to safety
- Develop and maintain a comprehensive and structured safety program
- Develop and maintain safety standards and procedures
Identify, eliminate, minimize, and/or control all safety hazards
Reduce accident and injury rates
Provide formal safety training
Make necessary changes in the system to uphold safety
Procure vehicles and equipment that promotes safety
Continually increase employee safety awareness

The goal and objectives shall be reviewed during the annual review of the plan based on the prior year’s safety records and adjusted to meet the needs of the system, employees and passengers.

5. SYSTEM DESCRIPTION and ORGANIZATIONAL STRUCTURE
Created in 1974, the Wilmington Transit Authority (WTA) was initially implemented to provide public transportation to the citizens of the Wilmington area.

In December 2002, the WTA adopted the name Wave, as well as a new logo and color scheme for the Authority. This change reflected a new vision for public transportation in Wilmington. Capitalizing on our coastal environment, the name Wave allowed greater name recognition throughout the area and positively represented public transportation throughout the region.

Rapid sprawl and rising traffic congestion throughout the region led the City of Wilmington and New Hanover County to enter into an historic agreement in June 2003. The city and county merged the WTA and New Hanover Transportation Services to form the Wilmington/New Hanover Transportation Agency (WNHTA). This agreement merged the respective organizations for one year, in order to provide oversight of both agencies under one public transportation authority.

In July of 2004 the WNHTA, the WTA and NHTS were dissolved and a new transportation authority was created. The merged entity officially became the Cape Fear Public Transportation Authority, but kept the name Wave Transit.

In an effort to better serve the community, Wave Transit has restructured all fixed routes in the region. The new routes are based on a modern transfer facility, Forden Station, which is centrally located within the service area. A new maintenance and operations facility off MLK Parkway near completion and will be home to the maintenance, fixed route and paratransit operations. A downtown multimodal transportation center is also in the early planning phase.

Wave Transit operates fixed route, paratransit, van pool and university shuttle services serving the City of Wilmington, New Hanover County, and parts of Brunswick County. The Organizational Chart for the Authority can be found in Appendix B.
Executive Management Team
The Executive Management Team is responsible for ensuring a strong safety culture throughout the organization and that the safety program is compliant with all federal, state and local requirements.

Managers
All Managers are responsible for all safety aspects of the operations of the Authority. This includes ensuring the goals and objectives of this plan are practiced.

Employees
All employees are responsible for conducting their job duties in the safest manner possible and to adhering to all safety rules and regulations.

6. PROGRAM DESCRIPTION
The SSPP was developed utilizing established guidance listed in the procedural manuals of the North Carolina Department of Transportation Standard Operating Procedure SSPP-001 and the State Management Plan. The SPPP consists of and addresses the required six (6) core elements:

1. Driver/Employee Selection
2. Driver/Employee Training
3. Safety Data Acquisition Analysis
4. Drug, Alcohol and Abuse Program
5. Vehicle Maintenance
6. Security

The priority of the plan is the adherence to the core elements. All elements listed are equal in importance and the policies and procedures must be met. The compliance will ensure that we meet all Federal Transportation Administration (FTA) and North Carolina of Transportation Public Transportation Division (NCDOT/PTD) policies and regulations.

Driver/Employee Selection Element:
Fair hiring practices are used to select employees. Each potential employee will complete a written application. The hiring manager shall interview each employee. A background check, including driving record, will be conducted on candidates selected to continue in the hiring process. If the results of the background check are satisfactory and in accordance with the hiring criteria set forth in the SSPP, a pre-employment drug test and DOT physical will be performed. Additional checks will be performed in accordance with Drug and Alcohol program as applicable.
Driver/Employee Training Element:
The minimum requirements for vehicle operator training are Defensive Driving, Americans with Disabilities Act, Bloodborne Pathogens and Emergency Procedures for Vehicle Operators. In addition to the minimum requirements the following actions must be completed:

1. The training must be completed annually
2. The training material must be on file for review by NCDOT/PTD
3. Records of each individual trained must be retained on file for five (5) years
4. Each driver must have an annual driver’s performance evaluation to provide assess skills, techniques and knowledge, and receive refresher training as needed.

Safety Data Acquisition Analysis Element:
The goal of the Safety Program is the reduction of accidents and injuries to transit customers, employees and the general public. Safety is a shared responsibility between system management and employees. It is the policy of Wave Transit to provide a place of employment that is free from recognized hazards that could result in death or serious injury to employees, customers or the general public. It is the responsibility of each employee to report all incidents or unsafe conditions to their supervisor. Supervisors must immediately take necessary corrective action to prevent unsafe conditions.

Prohibited behaviors are behaviors that are in violation of the System Safety Policy. Such behaviors include those that threaten the safety of employees, customers and the general public. Other unacceptable behaviors include those that result in damage to the system, employee and public and/or private property. An employee who intentionally violates the safety policy and procedures will be subject to appropriate disciplinary action, as determined by the findings of an investigation. Discipline is up to and including termination. In addition, such actions may cause the employee to be held legally liable under State or Federal Law.

Drug Alcohol and Abuse Program Element:
The goal is to provide a safe, healthy and productive drug-free work environment for all employees. A person being under the influence of a drug or alcohol while on the job poses serious safety and health risk to the user, co-workers, passengers and the community. Wave Transit has established a policy of a drug-free work environment. A standard of zero tolerance, as outlined in the Drug and Alcohol Policy, is in effect.

Vehicle Maintenance Element:
The goal is to ensure each vehicle and wheelchair lift is properly maintained to maximize the service life, maintain reliability, mitigate high maintenance costs and sustain proper safety and mechanical condition. To accomplish this goal we will at a minimum adhere to the vehicle manufacturer’s maintenances/service manual and the wheelchair lift service manual.
**Security Element:**
The overall purpose of the Security Program is to optimize, within the constraints of time, cost, and operational effectiveness, the level of protection afforded to vehicles, equipment, facilities, passenger, employees, volunteers and contractors, and any other individuals who come into contact with the system both during normal operations and under emergency conditions.

The security of passengers and employees is paramount to promoting the objectives of FTA and NCDOT. We will take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, employees and equipment/facilities. To further this objective, we have developed security plans and procedures and emergency response plans and procedures. The plans have been coordinated with local law enforcement, and emergency services, which addresses the conduct of exercises in support of emergency plans and assesses critical assets and measures to protect these assets.

In order to reflect the changing needs of the safety program, Wave Transit will continually monitor the plan and adjust accordingly. At a minimum, the plan must be reviewed, and the review documented, on a yearly basis. Minor or administrative updates should not need re-approval by the Board of Directors, but major changes, or any changes to the Goals and Objectives must be approved by the Board of Directors.

Cape Fear Public Transportation Authority
WAVE TRANSIT

Adopted at a regular meeting
on _________________________

By: _________________________
Jeffrey B. Petroff; Chairman

Attest

Don Betz, Secretary
STATE OF NORTH CAROLINA: RESOLUTION FOR APPROVAL OF REQUIREMENT FOR COMMUNITY TRANSPORTATION SYSTEMS TO IMPLEMENT SYSTEM SAFETY PROGRAM PLANS

WHEREAS, the Federal Transit Administration’s strategic safety goal is to promote the public health and safety by working toward the elimination of transportation related deaths, injuries and property damage;

WHEREAS, the Federal Transit Administration and the National Transportation Safety Board require the reporting of certain transportation related accidents;

WHEREAS, the vision for public transportation services in North Carolina includes the provision of safe, affordable transportation choices, statewide to those who have travel options and to those whose options are limited;

WHEREAS, the development and implementation of System Safety Program Plans by Community Transportation systems is a fundamental step toward these goals;

WHEREAS, the North Carolina Department of Transportation, Public Transportation Division recognizes the safety implications of the development of System Safety Program Plans and provides training and technical assistance to transit systems to assist in the development and implementation of their System Safety Program Plans;

WHEREAS, rural transit systems receiving federal and state funds are not currently required to have a System Safety Program Plan;

WHEREAS, the Public Transportation Division, in an effort to promote safe public transportation services recommends requiring that each rural transit system in the state that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting;

WHEREAS, the Transit, Rail and Ferry Committee has concurred in this recommendation.

THEREFORE BE IT RESOLVED AS FOLLOWS:

That the North Carolina Board of Transportation approves the recommended requirement that each Community Transportation System that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting.
7. DRIVER/EMPLOYEE SELECTION
In an effort to ensure that the most competent and safe employees are employed at Wave Transit, the following eligibility criteria must be met by each prospective/current employee seeking/holding a safety sensitive position.

Safety sensitive positions within the organization are:
- Fixed Route Operator
- Paratransit Operator
- Fixed Route Dispatcher
- Paratransit Dispatcher
- Mechanics (all classifications)
- Service Crew

**Application**
Each potential employee shall complete a written safety sensitive application.

**Interviews**
The hiring manager shall interview each potential employee.

**Physical Requirements**
Each safety sensitive applicant must meet the requirements defined in 49 CFR Part 391.41 of the Federal Motor Carrier Safety Regulations.

- **Eyesight** – Employees must have vision in both eyes, normal depth perception, normal peripheral vision and be free of any disease or condition that could impair vision. Employees must have 20/40 vision in each eye with or without corrections, and 140 degrees or better horizontal vision. Employees must be able to distinguish between green, red and yellow.
- **Hearing** – Employees shall have adequate hearing to assure safe response to vehicle horns, emergency vehicle sirens, and train signals.
- **Physical Ability:** Employees must have the physical strength to assist passengers using wheelchairs and other passengers needing assistance when loading and unloading the vehicle.

**Age**
Employees shall be at least twenty-one (21) years of age.

**Knowledge of English**
Employees shall be able to read, write, and speak the English language.
**Driver Requirements**
Drivers transporting people shall hold a valid NC Driver’s License or Commercial Driver’s License as appropriate. *In no case will an individual perform any safety sensitive functions without a confirmed compliant driver’s license check and drug test result.*

The criteria for hiring safety sensitive applicants are listed below. Any deviations to the below criteria must be approved by the Director of Operations.

- Good driving record with no Driving While Intoxicated (DWI), Driving Under the Influence (DUI) or similar charges.
- No reckless driving, railroad crossing violations, running school bus red lights, or leaving the scene of an accident offenses within the past ten (10) years.
- No more than a total of two moving violations or accidents within the last three (3) years.
- No suspended or revoked licenses within the past ten (10) years for moving violations or violations of criminal laws.
- Absence of any combination of violations, unfavorable road observations or accidents that indicates a pattern of unsafe vehicle operation behavior.
- Minimum of five (5) years driving experience.
- Ability to perform simple math.
- Reasonable knowledge of the service area and ability to read basic maps.

**Criminal Record Checks**
A criminal record check will be obtained by Wave Transit as part of the application process. Persons with any felony convictions are unacceptable. Other unacceptable convictions include crimes of violence, drug usage for a minimum of ten (10) years, or sales, physical abuse, registered sex offender, fraud or theft. A pattern of unlawful behavior shall also disqualify an applicant.

**8. DRIVER and EMPLOYEE TRAINING**

**A. MINIMUM TRAINING STANDARDS**
Wave Transit maintains the minimum training standards as prescribed by NCDOT. The Memorandum dated May 23, 2014 from NCDOT outlining the minimum training standards is attached below in Appendix C.

**B. REFRESHER TRAINING**
Annual refresher training will be provided to all employees. Records of attendance and training will be documented with written details of the topic of discussion and each employee’s signature indicating training was received. In the event an employee is unable to attend a regularly scheduled safety meeting, make-up training will be provided to that individual within 30 days of the meeting. Documentation of the make-up will be recorded and kept in the training record.
C. OPERATOR TRAINING OUTLINE

The following subjects will be included in the training program and trainees will demonstrate expertise in:

- System Policies and Procedures
- The department employee handbook
- Federal and State Guidelines and Regulations
- Drug and Alcohol Program
- Bloodborne Pathogens
- ADA Requirements
- Defensive Driving
- Smith System
- Emergency Procedures
- OSHA Hazard Communication
- Spill containment and reporting procedures.
- Pre and Post Trip Inspections - operators will be trained on DOT and Wave Transit requirements for completion of vehicle inspections.
- Vehicle Familiarization – operators will be given a complete familiarization of the vehicle including engine compartment, all operator controls, emergency equipment, and customer safety devices.
- Basic Operations and Maneuvering – training will include starting, stopping, left and right turns, and parking.
- Boarding and Alighting Customers – operators will be trained on proper vehicle placement at all passenger stops.
- Railroad Crossings – operators will be trained to DMV and DOT standards for approaching and crossing Railroad tracks.
- Backing – operators will be trained on proper backing procedures
- Distracted Driving – operators will receive training on the effects and consequences of distracted driving.
- Fatigue Management- operators will receive training on ways to recognize and combat effects of fatigue.
- Safety and Security – all employees will receive training on threats to public safety.
- Loading and Unloading Wheelchair passengers – including prohibiting rearward facing passengers.
- Successful completion of driving test.

D. PERFORMANCE EVALUATIONS

Each Wave Transit operator will have a behind the wheel evaluation not less than annually. New employees require two evaluations the first year of employment. (The first evaluation is due within three months and the second will be completed on or near their hiring date which will serve as their annual evaluation.) Periodic or special
performance evaluations are subject to determination by competent authority, such as the management staff or an immediate supervisor.

E. REMEDIAL TRAINING
Wave Transit will provide remedial training for all employees when there is cause for retraining such as a preventable accident, a poor performance evaluation or a history of customer complaints. Remedial training will be documented and kept in the employee’s training record.

F. REQUIRED DOCUMENTATION
Each driver’s completed evaluation sheet will be reviewed with him/her by the immediate supervisor or other designated personnel. Both the supervisor and the employee will sign and date the evaluation sheet in the appropriate places. The employee may attach comments to explain or clarify any points made in the evaluation. It will then be filed in the employee’s training record in a confidential manner. Evaluation results will be the basis for promotion, salary actions, demotions, suspensions, dismissals, and other disciplinary actions. All behind the wheel appraisals are maintained in a secure manner.

9. SAFETY DATA ACQUISITION & ANALYSIS
Data collection is an important tool in the SSPP. Reliable data enables Wave Transit to reduce risks associated with safety with proper planning. Data that is collected includes:

- Incident/Accident Reports
- Pre/Post Trip Inspections
- Training Reports
- Employee Development
- Hazard Identification and Resolution Process

The Director of Operations is responsible for reviewing data for trends and reporting as required to FTA, NCDOT, and other entities.

A. SAFETY PLAN PURPOSE
A System Safety Plan has many beneficial purposes. A plan provides:

- A documented approach to accomplishing a system safety program.
- A of providing safety policies and procedures to all employees.
- A way to reduce accidents and injuries through preventative measures.

B. SAFETY OBJECTIVES
In the transit environment, when properly applied, system safety:
1. Ensures safety is addressed during system planning, design and construction.
2. Provides analysis tools and methodologies to promote safe system operation through
   the identification of safety hazards and the implementation of technology, procedures,
   training, and safety devices to resolve hazards.

C. SAFETY PHILOSOPHY

A Safety Philosophy is part of the NCDOT mission. NCDOTPTD can uphold this
mission by acknowledging and implementing safety philosophy statements shown below:

- All accidents and injuries can be prevented.
- Management/supervisors are responsible, and will be held accountable, for
  preventing injuries and occupational illnesses.
- Occupational safety and health is part of every employee’s total job performance.
- Working safely is a condition of employment.
- All workplace hazards can be safeguarded.
- Training employees to work safely is essential and is the responsibility of
  management/ supervision.

10. DRUG AND ALCOHOL ABUSE PROGRAM

Wave Transit has established a Drug and Alcohol Policy that is applicable to all
employees. Wave Transit has implemented a zero tolerance policy to ensure a drug-free
work environment. Any location at which Wave Transit business is conducted is declared
to be a drug-free environment.

Drug/Alcohol tests are maintained by the Drug and Alcohol Program Manager. Drug test
results are only released per the Drug and Alcohol Program Policy.

A copy of Wave Transit’s Drug & Alcohol Policy is given to all employees upon initial
hire and training is provided annually or as FTA or DOT guidelines require.

11. VEHICLE MAINTENANCE

Wave Transit’s goal is to ensure each vehicle and its components, including wheelchair
lift/ramp, is properly maintained to maximize the service life, maintain reliability,
mitigate high maintenance costs and sustain proper safety and mechanical condition. To
accomplish this goal Wave Transit will at a minimum adhere to the vehicle
manufacturer’s maintenance/service manual and the wheelchair lift service manual for
specified preventive maintenance intervals. Wave Transit’s Maintenance Plan in included
as Appendix D.
A. PREVENTIVE MAINTENANCE STANDARDS

All vehicles, wheelchair lifts and associated equipment, owned by Wave Transit or operated under contract with the system, are placed on a comprehensive preventive maintenance program for the purpose of increasing safety and reducing operational costs.

The Preventive Maintenance Plan consists of:

- Conducting a Pre/Post-Trip Inspection course for driver
- Completing a corresponding inspection checklist
- Maintaining a comprehensive maintenance record on file for each vehicle
- Completing statistical reporting
- Reporting common problems
- Utilizing manufacturers Preventive Maintenance Guidelines
- Keeping all maintenance records for the life of the vehicle to include three (3) years after disposition

B. MAINTENANCE RECORDS

Wave Transit will retain all records pertaining to maintenance, service, warranty and other documents as required for vehicles and wheelchair lifts. The records will be maintained in accordance with the Wave Transit Record Retention Policy.

Maintenance Records Include:

- Documents showing vehicle identity
- Documents showing vehicle and wheelchair lift completed maintenance and preventive maintenance inspection dates
- Documents showing mileage
- Documents showing maintenance contractors’ names and addresses
- Documents reporting and evaluating maintenance systems
- Work Orders for accident repairs
- A copy of any document notifying NCDOT of a fatal accident by the close of business or the end of the working day, if applicable.

C. PRE AND POST TRIP INSPECTIONS

Each operator will complete a Pre and Post trip inspection of their assigned vehicle daily. During the pre-trip inspection all wheelchair securement devices must be checked for proper working condition and function. Operators are to note all defects on a Pre/Post-Trip inspection form. Inspection forms will be reviewed daily by maintenance/supervisor. Inspection forms are maintained for the life of the vehicle plus three years after disposition.
D. REPORTING DEFECTS IN SERVICE

If a defect develops while a vehicle is in service, the operator is to report the defect to dispatch immediately. Dispatch will inform maintenance. If the defect is determined to be a safety related issue, the vehicle will be taken out of service until that repairs are made. If a defect is not safety related, repairs will be made as soon as scheduling permits.

12. SECURITY

The overall purpose of the Security Program is to optimize within the constraints of time, cost, and operational effectiveness the level of protection afforded to vehicles, equipment, facilities, passengers, employees, volunteers, contractors, and any other individuals who come into contact with the system both during normal operations and under emergency conditions.

The security of passengers and employees is paramount to promoting the objectives of FTA and NCDOT. We will take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, employees, equipment, and facilities. To further this objective, we have developed security plans and procedures and emergency response plans. The plans have been coordinated with local law enforcement, emergency services and other regional transit providers. The plans address exercises in support of emergency plans, and assessment of critical assets and measures to protect these assets.

A. SECURITY AWARENESS FOR EMPLOYEES

All employees will receive training, upon initial hire and annual refresher training, detailing security concerns at Wave Transit. If during the course of their shift, an employee has reason to believe a valid security threat exists, they are to report the threat immediately to their supervisor. Supervisors will then make notifications as necessary. If the threat is one that poses imminent danger to employees or customers, emergency services should be contacted first and supervisory notifications become secondary. Life safety is Wave Transit’s priority.

B. NOTIFICATION OF EMERGENCY

When notice has been received that a security threat has occurred or the potential of a security threat occurring, which has or may produce a large number of casualties, the following information should be obtained by the person receiving the information:

1. Name of person making notification and from what telephone number.
2. Location of emergency including address.
3. Estimated number of casualties.
4. Type of emergency (fire, explosion, plane crash, natural, weather related, etc.).
5. Time notification received.
6. Estimated time of emergency event occurrence.

The supervisor receiving the call/information shall immediately report all information to emergency services and then their manager.

C. EVACUATIONS and FIRES

In the event one of Wave Transit’s buildings needs to be evacuated, all employees shall follow the direction of any emergency services personnel on site or move to an evacuation point that is uphill, upwind and upstream from the building, if possible. It is the responsibility of the most senior member of management on site to make notifications to off-site staff members and emergency services. If activation of the Continuity of Operations Plan (COOP) is required, the Executive Director will notify staff and staff members will carry out duties as outlined in the COOP.

In the event a fire is detected within any part of a facility, proceed according to the following plan:

1. Sound the alarm and call or have someone call 911.
2. Management staff will assist other staff and the general public in exiting the building to the parking lot.
3. After evacuation, everyone will meet in the parking lot for a head count.
4. Once out, no one will be allowed back in the building until released by fire department.

13. FACILITY INSPECTIONS

All facility inspections are conducted at least monthly by the designated facility representative. During the inspection, any potential OSHA or other safety or hazards will be identified and documented. If a condition is found that causes an immediate safety hazard, the inspector must immediately mitigate the problem by restricting the area or equipment. The Director of Operations must be notified immediately of the condition.

All inspections are to be documented with any follow up actions and maintained on file for a minimum of three years.

14. LOCAL AGENCY COORDINATION

Wave Transit will seek and promote maximum coordination of transportation resources with other local government organizations to ensure that transportation services are available during emergencies and practice drills. The Director of Operations shall assign appropriate personnel to participate in scheduled drills and on coordinated teams during emergencies.
APPENDIX A - SAFETY TERMS AND DEFINITIONS

Accident

An unforeseen event or occurrence that results in death, injury, or property damage – System Safety Program Training Participant’s Guide

An incident involving a moving vehicle. Includes collisions with another vehicle, object or person (except suicides) and derailment/left roadway. This also includes Personal Casualties incidents on the vehicle and entering/exiting the vehicle. – Federal Transit Administration (FTA) - Safety Management Information Statistics (1999 SAMIS Annual Report)(2000) [http://transit-safety.volpe.dot.gov/publications/default.asp](http://transit-safety.volpe.dot.gov/publications/default.asp)

Occurrence in a sequence of events that produces unintended injury, death or property damage. Accident refers to the event, not the result of the event. – National Safety Council (NSC), National Safety Council Statistics Glossary [online](Research & Statistics, 25 July 2000[15 March 2002]); [http://www.nsc.org/lrs/glossary.htm](http://www.nsc.org/lrs/glossary.htm)

Hazard

Any real or potential condition that can cause injury, death or damage to or loss of equipment or property
- theoretical condition
- identified before an incident actually occurs

Incident

An unforeseen event or occurrence which does not necessarily result in death, injury, contact or property damage - FTA - Implementation Guidelines for State Safety Oversight of Rail Fixed Guideway Systems (1996)

Risk

Probability of an accident multiplied by the consequences of an accident (often in $) - System Safety Program Training Participant’s Guide

Exposure or probable likelihood of a hazard (accident, crisis, emergency or disaster) occurring at a system. Risk is measured in terms of impact and vulnerability - FTA - Critical Incident Management Guidelines (1998)
Safety

Freedom from those conditions that can cause death, injury, occupational illness, damage to or loss of equipment or property, or damage to the environment – *Military Standard 882-D*


Security


[http://www.infoplease.com](http://www.infoplease.com)


System Security

All activities associated with providing security to transit patrons and securing transit property including supervision and clerical support. Includes patrolling revenue vehicles and passenger facilities during revenue operations; patrolling and controlling access to yards, buildings and structures; monitoring security devices; and, reporting security breaches – *US Department of Transportation, Bureau of Transportation Statistics, Transportation Expressions [online](1996[15 March 2002])*

APPENDIX B – ORGANIZATIONAL CHART

- Citizens and Passengers
  - Board Members (3) Appointed by JOC Commission
  - Human Services Board Member Jointly Appointed
  - Board Members (5) Appoint by Wilmington City Council

- A. Eby Executive Director

- J. Minkin Director of Finance and Administration
  - K. Mee Accounting
  - M. Crawford Accounting Clerk
  - A. McKoy-Hand Field Trip Clerk

- M. Mathes Director of Marketing and Development
  - K. Williams Director of Customer Service
  - K. Patrick Facilities Manager
  - C. Groverman Waste Television Operations Manager
  - H. Murry Assistant Director of Fleet Operations Manager

- M. Williams Positional Manager
  - J. Smith Director of Operations

- J. Miller Vehicle Maintenance Manager
  - K. Quinn Inventory Control Clerk

- A. Morlan Asst. Fleet Manager
  - W. Sutton Technical Mechanic
  - W. Prickett Service Technician

- H. Murray Vice President of Maintenance
  - Human Resources
  - Purchasing
  - Dispatch
  - Operations
  - Human Resources Administrator
MEMORANDUM

TO: Community Transportation Systems

FROM: Debbie Collins, Director
Pubic Transportation Division

SUBJECT: Policy Guidance for Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators

The mission of the North Carolina Department of Transportation is “Connecting people and places in North Carolina - safely and efficiently, with accountability and environmental sensitivity.” Community Transportation systems must meet all federal and state guidelines, regulations and laws regarding the safe transportation of their passengers. The Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators are to be implemented by local systems as part of the effort toward meeting those requirements. This memorandum supersedes the memorandum dated October 1, 2011, same subject.

Please contact your regional safety and security specialist if you have any questions concerning this policy.

SOURCE DOCUMENTS

1. Federal Transit Administration (FTA) Circular 9040.1F “Non-Urbanized Area Formula Program Guidance and Grant Application Instructions” effective April 1, 2007, Section X (see 49 U.S.C. Chapter 53 - Section 5329: Investigation of Safety Hazards)
2. 29 CFR 1910.1030(g)(2)-Bloodborne pathogens-Information and Training
4. 49 CFR 37.173-Amercians with Disabilities Act-Training requirements
5. NCGS Statute 95 and Department of Labor Guidance

Attachment: Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators
Minimum Training Standards for Community and Human Service
Transportation System Vehicle Operators

• **Defensive Driving**
  - Shall include all vehicle operators, including any employees that operate the vehicles in revenue service or carry passengers for any other trip purpose;
  - Initial training must be a certified program, or curriculum must be equal to an existing certified program.
  - *Training must be completed upon hire and annually.*

• **Americans with Disabilities Act (ADA)**
  - Shall include at a minimum the following training (for further guidance refer to 49 CFR Part 37—Transportation Services for Individuals with Disabilities (ADA))
    - Sensitivity training
    - Passenger assistance
    - Wheelchair handling
    - Wheelchair securement (passenger and mobility)
    - Wheelchair lift inspection
    - Wheelchair lift operation (normal and emergency)
  - ADA requires training all personnel to “proficiency”, which is defined as *expert performance*.
  - *Training must be completed upon hire and annually.*

• **Bloodborne Pathogens**
  - Shall follow the Occupational Safety and Health Administration guidelines for the training as listed in Standard 29 CFR 1910.1030(g)(2)
  - The OSHA Standard spells out the content of the training.
  - *Training must be completed upon hire and annually.*

• **Emergency Procedures**
  - Shall include all procedures required to report or react to an emergency by transit system staff:
    - Communication and notification procedures
    - Accident/Incident reporting procedures
    - Passenger handling procedures
    - Vehicle and facility evacuation procedures
    - Driver and passenger security training
    - Emergency evacuation procedures and training
    - Emergency equipment usage
      - First aid (drivers must be trained in first aid to include use of kit)
      - Bloodborne Pathogens (drivers must be trained in bloodborne pathogens to include use of kit and transit system specific engineering controls to minimize driver exposure, cleanup procedures and waste disposal)
      - Emergency triangles (drivers must be trained to properly setup equipment)
      - Fire extinguishers (drivers must be trained to properly inspect and use equipment)
      - Web cutter (drivers must be trained to properly use equipment)
  - Participation in local or regional Emergency Management drills is strongly encouraged.
  - *Training must be completed upon hire and annually.*
• **Ride Check – Driver Evaluations**
  - Newly hired drivers must have a Ride Check – Driver Evaluation before being allowed to operate a transit vehicle unsupervised in revenue service.
  - All drivers must have an annual evaluation to assess the driver’s performance of techniques, skills and knowledge gained through training of each of the above categories.
  - Remedial training will be provided as needed in addition to the required annual training.
  - Training must be completed upon hire and annually.

• **Illegal Drug Use**
  - Shall include all training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
  - *This shall be done upon hire.* (Required under 49 CFR 655.14)

• **General**
  - All new hires must complete all of the minimum training requirements before operating a transit vehicle unsupervised in revenue service.
  - Reflective vest will be worn by drivers when performing job functions.
  - Drivers that are not meeting proficiency, *expert performance level*, must be given remedial training until they are proficient.
  - Refresher (annual) training must be completed annually (within 1-year of last training date).
  - All of the training materials and documentation must be on file for review by the NCDOT/PTD. Materials shall include but not be limited to course outline (may be included in instructor’s manual), instructor’s manual, sample student manual (if one is used), handouts and copy of Power Point slides if used in lieu of instructor’s manual.
  - Records of qualifications and training performed (for each individual trained) must be kept on file for a minimum of five (5) years. Records shall include proof of attendance (roster or certificate of completion, if provided), date of the course, and type of instruction delivery (instructor led, self-instruction, etc.), name and certification (if applicable) of instructor.

• **Minimum Training Standards Reporting Procedures**
  - Grantees must submit the following information to the Safety and Security Unit.
    - Number of employees who received training by category/type
  - A spreadsheet will be provided by the Safety and Security Unit for the purposes of reporting training.
  - The report must be submitted no later than the fifteenth (15) day of the month following the end of the quarter (Dates due: January 15, April 15, July 15, and, October 15).
  - Submit reports by e-mail to the Safety and Security Specialist assigned to your area and courtesy copy to safetysec@ncdot.gov.
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1.0 PURPOSE
Maintenance plays a vital role in any organization, especially a large operation such as operating a public transportation fleet and supporting equipment. Everyone in the organization is an important part of the system. Maintenance is not just the responsibility of the shop and maintenance manager, everyone must work together to ensure the success of the overall operation. This manual explains our maintenance policies and procedures for day to day operations.

2.0 GOAL AND OBJECTIVES
In an effort to maintain the Wave Transit fleet to the highest possible standards, the authority has developed the following goals and objective for vehicle maintenance. These goals and objectives are to be followed by all authority and contracted employees;

1) Safety of passengers, employees and the public is the highest priority of the authority. Vehicles that pose any safety risk must be reported to a supervisor or the maintenance manager immediately. Vehicles that pose any safety risk are to be removed from service upon recognition of the defect and not returned to service until the threat is repaired.
2) Reliable vehicle service is the key to the success of Wave Transit. All vehicles are to be maintained in a manner that ensures the authority can meet its required levels of service.
3) Comfort of passengers will encourage repeat trips and ensure an enjoyable ride. Revenue vehicles are to be kept in a clean and well maintained manner to ensure a high level of customer service.

3.0 OPERATIONS
3.1 Fixed Route and Van Pool
The operation and maintenance of all fixed route vehicles and equipment owned by Cape Fear Public Transportation Authority are under the direct control of the contractor. The fleet consists of revenue and non-revenue vehicles. Vehicle records are kept on each vehicle. Records contain all maintenance tasks performed, vehicle miles, tires replaced, accident history and fuel consumption. All vehicle records are kept in the asset management software AssetWorks, and hard copy of records are kept in vehicle files as appropriate. Records kept are PM inspection sheets, repair orders, state safety inspections, accident repairs, and operator pre-trip sheets. Records are kept for the life of the vehicle plus three years.

Revenue Vehicles:

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27
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</tr>
<tr>
<td>2015</td>
<td>Ford Shuttle</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>

Non-Revenue Vehicles:

<table>
<thead>
<tr>
<th>Year</th>
<th>Type</th>
<th>Qty.</th>
<th>Service Life (Years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>Dodge Ram Pickup</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>2002</td>
<td>Dodge Ram Pickup</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>2005</td>
<td>Ford Taurus</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>2003</td>
<td>Hyster Forklift</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>2009</td>
<td>Hybrid Ford Escape</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>2006</td>
<td>Passenger Van</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>2008</td>
<td>Passenger Van</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>2015</td>
<td>Genie Scissorlift</td>
<td>1</td>
<td>4</td>
</tr>
</tbody>
</table>

3.2 Paratransit

The operation of all paratransit vehicles and equipment owned by Cape Fear Public Transportation Authority are under the direct control of the Authority. All maintenance actions are contracted out to the New Hanover County Fleet Maintenance and other vendors. The fleet consists of revenue vehicles only. Vehicle records are kept on each vehicle. Records contain all maintenance tasks performed, vehicle miles and fuel consumption. All vehicle records are kept in the asset management software AssetWorks, and hard copy of records are kept in vehicle files as appropriate. Records kept are PM inspection sheets, repair orders, state safety inspections, accident repairs, and operator pre-trip sheets.

Revenue Vehicles:

<table>
<thead>
<tr>
<th>Year</th>
<th>Type</th>
<th>Qty.</th>
<th>Service Life (Years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>Ford E350 Van</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Year</td>
<td>Model</td>
<td>Mileage</td>
<td>Age</td>
</tr>
<tr>
<td>------</td>
<td>----------------------------</td>
<td>---------</td>
<td>-----</td>
</tr>
<tr>
<td>2009</td>
<td>Ford E350 Van</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>2010</td>
<td>Ford E350 Van</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>2012</td>
<td>Champion Crusader LTV</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>2015</td>
<td>Champion Crusader LTV</td>
<td>5</td>
<td>4</td>
</tr>
</tbody>
</table>

### 4.0 RESPONSIBILITY

- **Supervisors** are responsible for the operation and maintenance of all vehicles and equipment under their control, this includes all assigned vehicles and equipment, plus other items they are using from another section. They will ensure that the operator performs the Daily Operator Pre-trip inspection and all deficiencies and faults are noted on the inspection form. If the deficiency is only a minor item that will cause no equipment may be utilized with the supervisor’s authorization and the deficiency simply noted on the inspection form. If the fault is such that the vehicle or equipment cannot be safely operated, the operator must bring this inspection list to their supervisor’s attention.

- **Operator** is the key person in the maintenance chain, this is the person who actually performs the daily inspections, operates the vehicle or equipment and knows by feel if something is going wrong. The operator must pay close attention every day to the state of repair of his/her vehicle or equipment. The operator will ensure that he/she signs the daily inspection form after they have completed the daily inspection. The operator must annotate all deficiencies on the daily inspection form and bring this to their supervisor’s attention of any faults that must be corrected before operation. Under no circumstance will a vehicle or piece of equipment be operated that is not in safe operating condition. Operators will assist the maintenance personnel or the maintenance contractor by reporting all deficiencies while on the road. Operators are responsible to keep the drivers area’s clean and to return to the office any items found on their bus at the end of shift.

- **Mechanic/Maintenance Personnel/Contractors** are responsible for properly performing maintenance operations on all vehicles and equipment. Mechanics must ensure repairs are performed correctly, and in accordance with manufacturer recommendations. No modifications or alterations of any item will be performed without the approval of the Maintenance Manager. Mechanics performing repairs on special vehicles and equipment must be certified or otherwise qualified as stated in OSHA, FTA or DOT regulations. State Safety inspections are to be performed only by State certified personal.

### 5.0 PREVENTIVE MAINTENANCE

Preventive maintenance (PM) is the most important part of any maintenance program. This is the most economical, efficient and effective means of maintaining a fleet of equipment. It is much cheaper and easier and causes much less down time to make scheduled repairs that run it till it quits. We all know that equipment tends to break down at the worst possible time and place. A good PM program will ensure many safe hours of operation.
Preventative maintenance functions are performed daily and at the manufacturer recommended intervals on all equipment. Also during preventive maintenance period, all accumulated pre-trip inspections are reviewed and the deferred shortcomings corrected. In addition, all tires are gauged for wear during all periodic maintenance and visually inspected each morning and evening. All repairs performed during the preventative maintenance period are recorded on the current work order.

Daily functions include fuel, fluid level checks (engine oil, transmission oil, engine coolant and hydraulic systems fluid), tires are checked for flats, wheel nuts are observed for loose wheels, exterior and interior lights are checked, operator’s trip report is checked for defects that may have been noted by the operator, money is removed from the farebox vault, and the interior of the vehicles are cleaned and checked for any damage. The service employees are to report any accident or damage found on any fleet vehicle found during washing and inside vehicle maintenance.

Vehicle records are kept on each individual vehicle. Records contain all maintenance tasks preformed, tires changed and vehicle miles. Currently records are maintained manually and through the asset management software.

The PM Schedule for the vehicles is shown below. Appendix A contains a sample of all vehicle preventive maintenance checklists.

<table>
<thead>
<tr>
<th>GILLIGS</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A Schedule</td>
<td>6,000 miles</td>
<td></td>
</tr>
<tr>
<td>B Schedule</td>
<td>12,000 miles</td>
<td></td>
</tr>
<tr>
<td>C Schedule</td>
<td>24,000 miles</td>
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</tr>
<tr>
<td>D Schedule</td>
<td>48,000 miles</td>
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<td>GOSHENS</td>
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</tr>
<tr>
<td>A Schedule</td>
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<tr>
<td>B Schedule</td>
<td>12,000 miles</td>
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</tr>
<tr>
<td>C Schedule</td>
<td>18,000 miles</td>
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<td>TROLLEYS</td>
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</tr>
<tr>
<td>A Schedule</td>
<td>6,000 miles</td>
<td></td>
</tr>
<tr>
<td></td>
<td>B Schedule</td>
<td>VANS/LTVs</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>A Schedule</td>
<td></td>
<td>5,000 miles</td>
</tr>
<tr>
<td>B Schedule</td>
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<td></td>
</tr>
<tr>
<td>BRAUN LIFT</td>
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<td>750</td>
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<td>A Schedule</td>
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</tr>
<tr>
<td>B Schedule</td>
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</tr>
<tr>
<td>DODGE PICKUP</td>
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<td>5000</td>
</tr>
<tr>
<td>A Schedule</td>
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<td>10000</td>
</tr>
<tr>
<td>B Schedule</td>
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<tr>
<td>FORD ESCAPE</td>
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<td>5000</td>
</tr>
<tr>
<td>A Schedule</td>
<td></td>
<td>10000</td>
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<tr>
<td>B Schedule</td>
<td>15000</td>
<td></td>
</tr>
<tr>
<td>FORD SEDAN</td>
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<td>5000</td>
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<tr>
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<td>10000</td>
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<tr>
<td>B Schedule</td>
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<td>60 Hours</td>
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<td>SCISSORLIFT</td>
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<tr>
<td>A Schedule</td>
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<td>300 Hours</td>
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<tr>
<td>B Schedule</td>
<td>600 Hours</td>
<td></td>
</tr>
<tr>
<td>C Schedule</td>
<td>1200 Hours</td>
<td></td>
</tr>
</tbody>
</table>

### 6.0 WORK ORDER PROCEDURES

A work order is the means as to how all items of maintenance, repair parts and labor are input into the system. A work order is generated every time any maintenance action is required. The work order is where all parts and materials are accounted for, all labor man-hours are listed, and all maintenance repairs are shown. The value of this system is that it compiles information. This same information can then be used to develop budgets, to see trends in maintenance failures, to determine exactly how much time and money is being spent on parts and labor to maintain a particular vehicle, or which mechanic is logging in the most man hours of labor. All of this information is available to supervisors upon request to the Maintenance Supervisor or Paratransit Manager.
The beginning of a work order usually starts when an operator finds a deficiency or fault on the equipment or vehicle and lists this on the Daily Operator Pre-trip Inspection form or notifies their supervisor. The deficiency is then either turned in on pre-trip inspection form through the supervisor, or if it were a serious fault the supervisor would notify the Maintenance Manager directly of the problem. The Maintenance Manager or the Paratransit Dispatch generates a work order. The work order will automatically be given a sequential number by the computer, it will show the vehicle number, description of the vehicle, and will show the items listed for repair. The work order will then be either assigned to a mechanic for repair, sent to the contractor with the vehicle, or scheduled for repair later. The Maintenance Manager will assign and schedule all work.

7.0 EMERGENCY MAINTENANCE

7.1 Fixed Route and Van Pool
Emergency maintenance is any time a vehicle or piece of equipment breaks down. If this occurs during the hours of 5:00 AM and 9:00 PM Monday through Saturday and from 8:00 AM until 6:00 PM on Sunday there will be a mechanic available on call to take immediate action depending on what type of maintenance needs to be done. Normally there is a mechanic in the shop office monitoring both radio systems and the telephone. Radio is the primary means of communication. Only if the radio fails should the phone be used to contact the shop.

Emergency maintenance procedures are the same as processing a normal work order stated in Section 6 of this manual. Except that depending on the situation, the item that is out of service and based on the nature of the breakdown, the maintenance process will begin immediately without waiting for a work order. Once the situation is under control and the equipment is back to operational status the work order will then be processed as usual. Again, the only difference here is that in order to save time, repairs will begin immediately rather than wait for normal work order processing. It is necessary to prioritize all work orders. Depending on the volume of work, it may be necessary to reschedule maintenance in other areas in order to see that all critical items of equipment remain operationally ready.

Emergency maintenance for the Van Pool program is covered under the program procedures.

7.2 Paratransit
Emergency vehicle maintenance requirements for paratransit vehicles are handled on a case-by-case basis. If the vehicle is not drivable, it will be towed to the contractor and a work order will
be issued for repair. If the maintenance issue is a safety related problem that can be fixed quickly, if the vehicle is in the area of the fixed route maintenance facility, the vehicle may be repaired by fixed route mechanics if agreed upon by the Paratransit Manager and Maintenance Manager. In all other instances, the vehicle will return to the Paratransit facility and the Paratransit Dispatch will work with the contractor to get the vehicle scheduled for maintenance.

8.0 SAFETY

Shop safety is always first in any operation. Never compromise safety in order to rush through a job and risk injury or death. Most of the maintenance is performed in the shop, but some repairs are performed on the road. In these situations extreme caution and safety measures shall be used.

9.0 VEHICLE SERVICING and CLEANING

9.1 Fixed Route and Van Pool

All vehicles that were in service will be serviced and cleaned daily. Servicing consists of fueling, checking fluids and probing/replacing farebox. All vehicle interiors will be cleaned daily. Only the exterior rear of the vehicle will be cleaned daily, and a complete exterior cleaning performed weekly. A detail cleaning shall be performed at least quarterly on each vehicle.

Vehicle servicing and cleaning for the Van Pool program is covered under the program procedures.

9.2 Paratransit

All vans that were in service will be cleaned daily and fueled as required. The operators are responsible for the cleanliness of the vehicles and supervisors will perform spot checks. Vehicles will be washed on an as needed basis. Operators must notify a supervisor when a vehicle is needed to be washed.

10.0 WARRANTY PROGRAM

All maintenance employees are responsible to follow the warranty program. If a vehicle is under warranty, any work on the vehicle or parts used shall be considered warranty work. Mechanics must immediately notify a supervisor when work is considered warranty. The Maintenance Manager is to track all parts, labor and other costs of the work on a Work Order.
The Director of Operations is responsible for reviewing and submitting Warranty Claims. Claims are tracked to ensure the vendor responds and the authority is appropriately credited.

11.0 CONTRACTOR OVERSIGHT

The Director of Operations will review and monitor the maintenance actions to ensure the contractor is compliant and meets the requirements of this plan and all procedures and regulations. In addition, the Director of Operations shall review AssetWorks maintenance records.
PM CHECKLIST

CLASS_CLASS_CODE = 51997-GILLIG

51997-GILLIG, A

<table>
<thead>
<tr>
<th>PM Task</th>
<th>Description</th>
</tr>
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<tr>
<td>PM51997-500</td>
<td>//GENERAL TASKS//</td>
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<tr>
<td>PM51997-01</td>
<td>TAKE OIL SAMPLE</td>
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<tr>
<td>PM035</td>
<td>ENGINE OIL FILTER CHANGE</td>
</tr>
<tr>
<td>CHSVPM-0168</td>
<td>INSPECT FOR LEAKS DIRT AND DEBRIS</td>
</tr>
<tr>
<td>PM123</td>
<td>HOSES AND FITTINGS - CHECK FOR DAMAGE- TIGHTNESS AND LEAKS</td>
</tr>
<tr>
<td>PM167</td>
<td>CHECK SURGE TANK PRESSURE RELIEF CAP</td>
</tr>
<tr>
<td>PM168</td>
<td>STEAM CLEAN ENGINE COMPARTMENT</td>
</tr>
<tr>
<td>PM169</td>
<td>CHECK MOUNTING HARDWARE INJECTION PUMP AIR COMP. ETC.</td>
</tr>
<tr>
<td>PM097</td>
<td>AIR CLEANER FILTER; CHECK FOR RESTRICTION</td>
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<td>PM045</td>
<td>CHARGE AIR PIPING</td>
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<td>CHANGE HYDRAULIC FILTER</td>
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<tr>
<td>PM164</td>
<td>CHECK FIRE SUPPRESSION SYSTEM</td>
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<tr>
<td>PM51997-510</td>
<td>//DRIVELINE//</td>
</tr>
<tr>
<td>PM170</td>
<td>INSPECT U-JOINTS AND SLIP YOKE FOR WEAR</td>
</tr>
<tr>
<td>CHSVPM-0207</td>
<td>LUBE STEERING COLUMN U-JOINTS</td>
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<td>PM51997-520</td>
<td>//AIR SYSTEM//</td>
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<tr>
<td>PM053</td>
<td>AIR COMPRESSOR MOUNTING BOLTS</td>
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<td>-------------------------------</td>
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<tr>
<td>CHPM-0074</td>
<td>CK AIR TANKS-MOUNTING-PIPEING</td>
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<td>PM019</td>
<td>AIR TANK DRAIN VALVES CHECK CHAFFING AIRLINES</td>
</tr>
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<td>PM51997-530</td>
<td>//BRAKES//</td>
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<tr>
<td>PM322</td>
<td>INSPECT BRAKE AIR HOSES FOR DAMAMGE</td>
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<tr>
<td>PM172</td>
<td>CHECK BRAKE CHAMBERS FOR LEAKS</td>
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<td>CHECK ACTUATOR LUBRICATE SLACK ADJUSTERS</td>
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<tr>
<td>CHPM-0117</td>
<td>CK AND LUBE SLACK ADJUSTERS AND CALIPERS</td>
</tr>
<tr>
<td>PM51997-540</td>
<td>//SUSPENSION//</td>
</tr>
<tr>
<td>PM173</td>
<td>CHECK SUSPENSION RIDE HEIGHT</td>
</tr>
<tr>
<td>PM021</td>
<td>FRONT AND REAR AXLE AND SUSPENSION</td>
</tr>
<tr>
<td>PM174</td>
<td>CHECK TORISON BAR FOR WEAR</td>
</tr>
<tr>
<td>PM51997-550</td>
<td>//STEERING/Front AXLE//</td>
</tr>
<tr>
<td>PM175</td>
<td>CHECK PITMAN ARM FOR WEAR DAMAGE</td>
</tr>
<tr>
<td>PM176</td>
<td>GREASE DRAGLINK STEERING ARM</td>
</tr>
<tr>
<td>PM177</td>
<td>TIE RODS TIE ROD ENDS</td>
</tr>
<tr>
<td>PM178</td>
<td>CHECK OIL IN FRONT HUBS INSPECT FOR METAL</td>
</tr>
<tr>
<td>PM51997-560</td>
<td>//DRIVE AXLE//</td>
</tr>
<tr>
<td>PM199</td>
<td>INSPECT SEALS AND GASKET ON DRIVE AXLE</td>
</tr>
<tr>
<td>PM200</td>
<td>CHECK GEAR OIL IN DRIVE AXLE</td>
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<tr>
<td>PM201</td>
<td>CHECK FOR PLAY IN DRIVE YOKE</td>
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<tr>
<td>PM51997-570</td>
<td>//ELECTRICAL (MISC COMPONENTS &amp; FUNCTIONS)\</td>
</tr>
<tr>
<td>PM202</td>
<td>CHECK THROTTLE &amp; BRAKE PEDAL FOR DIRT DEBRIS CORRISION</td>
</tr>
<tr>
<td>PM145</td>
<td>POWER CABLE</td>
</tr>
<tr>
<td>PM203</td>
<td>CHECK ENGINE COMPARTMENT LIGHTS AND LENSES</td>
</tr>
<tr>
<td>PM204</td>
<td>TEST LINEAR HEAT DETECTOR WIRES IN ENG. COMP.</td>
</tr>
<tr>
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<tr>
<td>PM207</td>
<td>CHECK THAT ALL COVERS ARE OVER FIRE SUPPRESSION NOZZLES</td>
</tr>
<tr>
<td>CHPM-0244</td>
<td>CK ALL EXTERIOR LIGHTS</td>
</tr>
<tr>
<td>PM51997-02</td>
<td>CHECK DASH GAUGES AND SWITCHES</td>
</tr>
<tr>
<td>PM208</td>
<td>JUMP START CONNECTIONS</td>
</tr>
<tr>
<td>PM209</td>
<td>VERIFY BOOT IN PLACE INSPECT CABLES</td>
</tr>
<tr>
<td>PM51997-580</td>
<td>//TIRES//</td>
</tr>
<tr>
<td>PM043</td>
<td>TIRE AIR PRESSURE; CONDITION; TREAD DEPTH</td>
</tr>
<tr>
<td>PM042</td>
<td>WHEELS: LUGS - RIMS AND AXLE BOLTS</td>
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<td>PM466</td>
<td>TIRES WEAR AND PRESSURE</td>
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<td>PM51997-590</td>
<td>//BATTERIES//</td>
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<tr>
<td>PM024</td>
<td>CHECK BATTERY CABLES HOLD DOWNS AND BOOTS</td>
</tr>
<tr>
<td>PM210</td>
<td>CLEAN BATTERIES</td>
</tr>
<tr>
<td>PM211</td>
<td>CHECK BATTERY OPEN CIRCUIT VOLTAGE WITH DMM</td>
</tr>
<tr>
<td>PM323</td>
<td>INSPECT BATTERIES FOR BULGING CASES</td>
</tr>
<tr>
<td>PM229</td>
<td>CHECK BATTERY ELECTROLYTE LEVEL AND CONNECTION TORQUES</td>
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<td>PM51997-600</td>
<td>//STARTER//</td>
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<td>PM212</td>
<td>INSPECT STARTER CABLES FOR DAMAGE OR CORRISION</td>
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<td>PM51997-610</td>
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<tr>
<td>PM213</td>
<td>INSPECT ALTERNATOR CABLES SUPPORT BRACKETS TORQUE BOLTS</td>
</tr>
<tr>
<td>PM214</td>
<td>INSPECT ALTERNATOR FOR OIL LEAKS</td>
</tr>
<tr>
<td>PM182</td>
<td>INSPECT SUPPORT BRACKETS AT ALTERNATOR</td>
</tr>
<tr>
<td>PM038</td>
<td>CHECK ALTERNATOR FOR DIRT BUILDUP GRIME</td>
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<tr>
<td>PM51997-620</td>
<td>//REAR MAIN FUSE PANEL//</td>
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<td>PM215</td>
<td>INSPECT REAR MAIN FUSE PANEL CABLES FOR DAMAGE CORRISION</td>
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<td>PM51997-630</td>
<td>//AC/HEATER UNIT//</td>
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<tr>
<td>PM159</td>
<td>POWER CABLE/GROUND CABLES</td>
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<tr>
<td>PM179</td>
<td>INSPECT ALL ELECTRICAL CONNECTIONS INSIDE RETURN AIR</td>
</tr>
<tr>
<td>PM51997-640</td>
<td>//BATTERY COMPARTMENT//</td>
</tr>
<tr>
<td>PM180</td>
<td>INSPECT DIRT CORRISION BATTERY EQUALIZER CUT OFF SWITCH</td>
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<tr>
<td>PM379</td>
<td>CHECK BATTERY CUTOFF SWITCH</td>
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<tr>
<td>PM51997-650</td>
<td>//FRONT MAIN FUSE PANEL (FLAG)//</td>
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<tr>
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<td>INSPECT FRONT MAIN FUSE PANEL</td>
</tr>
<tr>
<td>PM51997-660</td>
<td>//REAR MAIN AND EXIT DOOR I/O PANEL INSIDE//</td>
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<td>REAR MAIN &amp; EXIT DOOR I/O PANEL</td>
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<td>//FRONT MAIN AND FRONT CONSOLE I/O PANEL INSIDE//</td>
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<td>FRONT MAIN &amp; FRONT CONSOLE I/O PANELS</td>
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<td>//BODY AND CHASSIS//</td>
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<td>PM185</td>
<td>LUBRICATE WIPER ARM PIVOT POSTS</td>
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<tr>
<td>PM186</td>
<td>INSPECT BODY FOR FLUID LEAKS</td>
</tr>
<tr>
<td>PM187</td>
<td>CHECK OPERATION OF EMERGENCY WINDOWS</td>
</tr>
<tr>
<td>PM51997-04</td>
<td>INSPECT FRAMES FOR CRACKS</td>
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<td>VISUALLY INSPECT AC CLUTCH ARMATURE FOR WEAR</td>
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### PM Task | Description
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PM072 | VISUALLY INSPECT A/C UNIT FOR LOOSE- DAMAGED OR BROKEN PARTS
PM138 | CLEAN CONDENSER AND EVAPORATOR COILS

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PM233 | INSPECT FOR HEAT DAMAGE AROUND HOT AREAS
PM234 | CLEAN GROUNDS REINSTALL WITH KOPR-SHIELD AND TORQUE
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PM181 | INSPECT FRONT MAIN FUSE PANEL
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PM183 | FRONT MAIN & FRONT CONSOLE I/O PANELS
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PM187 | CHECK OPERATION OF EMERGENCY WINDOWS
PM235 | WASH UNDERBODY
PM51997-04 | INSPECT FRAMES FOR CRACKS
PM51997-690 | //DOORS//
PM188 | CHECK DOOR PANEL ALIGNMENT
PM189 | INSPECT DOOR SEALS FOR LEAKS OR DAMAGE
PM190 | INSPECT DOOR SENSITIVE EDGE
CHPM-0209 | LUBE ENTRANCE DOOR HINGES
PM236 | TEST EMERGENCY DOOR RELEASE
PM003 | 5 POSITION DOOR CONTROL AND INTERLOCK
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<td>PM241</td>
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| PM200     | CHECK GEAR OIL IN DRIVE AXLE |
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| PM202     | CHECK THROTTLE &amp; BRAKE PEDAL FOR DIRT DEBRIS CORROSION |
| PM145     | POWER CABLE |
| PM203     | CHECK ENGINE COMPARTMENT LIGHTS AND LENSES |
| PM204     | TEST LINEAR HEAT DETECTOR WIRES IN ENG. COMP. |
| PM205     | CHECK EMERGENCY EXIT OPERATION OF DOORS |
| PM207     | CHECK THAT ALL COVERS ARE OVER FIRE SUPPRESSION NOZZLES |
| PM228     | CHECK LUBRICATED BATTERY TRAY SLIDES AND ROLLERS |
| CHPM-0244 | CK ALL EXTERIOR LIGHTS |
| PM51997-02 | CHECK DASH GAUGES AND SWITCHES |
| PM208     | JUMP START CONNECTIONS |
| PM209     | VERIFY BOOT IN PLACE INSPECT CABLES |
| PM51997-580 | //TIRES/// |
| PM043     | TIRE AIR PRESSURE; CONDITION; TREAD DEPTH |
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| PM466     | TIRES WEAR AND PRESSURE |
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<tr>
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<tr>
<td>PM030</td>
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</tr>
<tr>
<td>PM250</td>
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</tr>
<tr>
<td>PM251</td>
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<td>PM262</td>
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<td>PM263</td>
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<tr>
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<td>VERIFY ROLLSTOP OPEN COMPLETELY WHEN PLATFORM LEAVES GROUND</td>
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<td>CHECK ROLLSTOP</td>
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<td>PM158</td>
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<td>PMS1997-08</td>
<td>VERIFY BRIDGEPLATE RESTS FLAT AGAINST BASEPLATE</td>
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<td>PM621</td>
<td>W/C REMOVE PUMP COVER INSPECT HOSES FITTINGS</td>
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<td>CHPM-0269</td>
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<td>CHPM-0074</td>
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<td>PM037</td>
<td>POWER STEERING FLUID LEVEL</td>
</tr>
<tr>
<td>PM043</td>
<td>TIRE AIR PRESSURE; CONDITION; TREAD DEPTH</td>
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<tr>
<td>PM034</td>
<td>ENGINE AND TRANSMISSION FLUID LEVEL AFTER TEST DRIVE</td>
</tr>
<tr>
<td>PM039</td>
<td>WATER PUMP</td>
</tr>
<tr>
<td>PM012</td>
<td>MIRRORS</td>
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<tr>
<td>PM022</td>
<td>SHOCK ABSORBERS</td>
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<tr>
<td>PM042</td>
<td>WHEELS: LUGS - RIMS AND AXLE BOLTS</td>
</tr>
<tr>
<td>PM050</td>
<td>RADIO AND PA SYSTEM</td>
</tr>
<tr>
<td>PM-ANU-17</td>
<td>EMERGENCY BRAKE</td>
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### PM Task Description

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<td>PM002</td>
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<td>BRAKES: PEDAL TRAVEL- BRAKE FLUID LEAKS AND STOPPING ABILITY</td>
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<td>PM008</td>
<td>WINDOWS: BREAKS- CHIPS OR FOGGED / WIPER BLADES</td>
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<tr>
<td>PM016</td>
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<tr>
<td>PM020</td>
<td>POWER STEERING BOX AND FLUID LINES</td>
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<tr>
<td>PM024</td>
<td>CHECK BATTERY CABLES HOLD DOWNS AND BOOTS</td>
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<td>PM028</td>
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<td>PM029</td>
<td>FLUID LEAKS</td>
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<td>PM030</td>
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<td>PM031</td>
<td>EXHAUST SYSTEM</td>
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<td>PM035</td>
<td>ENGINE OIL FILTER CHANGE</td>
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<td>PM036</td>
<td>BELTS: TENSION AND WEAR. A/C: _______ LBS.</td>
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<td>PM007</td>
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<td>SUN GRIP - REPLACE IF WORN OR MISSING</td>
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<td>PM015</td>
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<td>PM027</td>
<td>WATER HOSES- ELECTRICAL WIRES- AIR LINES- HYDRAULIC LINES</td>
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<td>PM051</td>
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<td>PM032</td>
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<td>PM170</td>
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<td>PM199</td>
<td>INSPECT SEALS AND GASKET ON DRIVE AXLE</td>
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<tr>
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<td>CHECK FLOOR COVERING SEAM SEALING</td>
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<td>TAKE OIL SAMPLE</td>
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<td>PM315</td>
<td>REPLACE WHEEL BEARING GREASE AND SEALS</td>
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# PM CHECKLIST

CLASS_CLASS_CODE = 51997-PM-BRAUNLIFT

## 51997-PM-BRAUNLIFT, LIFT-A

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<th>PM Task</th>
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<td>PMBL750-00</td>
<td>**** BRAUN WHEELCHAIR LIFT 750 CYCLE INSPECTION ****</td>
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<tr>
<td>PMBL750-01</td>
<td>APPLY LIGHT OIL OUTER BARRIER HINGE PILOT POINTS - 2</td>
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<tr>
<td>PMBL750-02</td>
<td>APPLY LIGHT OIL OUTER BARRIER LATCH - PIVOT / SLIDE POINTS</td>
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<tr>
<td>PMBL750-03</td>
<td>APPLY LIGHT OIL OUTER BARRIER LATCH LEVER PIVOT POINTS</td>
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<td>APPLY LIGHT OIL LIFT-TITE LATCHES - TOWER PIVOT POINTS - 2</td>
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<td>LIGHT OIL; LIFT-TITE LATCH GAS DAMPENING SPRING PIVOT PTS</td>
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<td>PMBL750-06</td>
<td>INSPECT-REPAIR LIFT-TITE LATCHES AND GAS SPRINGS</td>
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<tr>
<td>PMBL750-07</td>
<td>INSPECT OUTER BARRIER FOR PROPER OPERATION</td>
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<tr>
<td>PMBL750-08</td>
<td>INSPECT OUTER BARRIER LATCH FOR PROPER OPERATION</td>
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<tr>
<td>PMBL750-09</td>
<td>INSPECT AND CORRECT LIFT FOR WEAR DAMAGE OR ABNORMAL COND</td>
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<tr>
<td>PMBL750-10</td>
<td>INSPECT AND CORRECT LIFT FOR RATTLES</td>
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PMSEON-1 CHECK OPERATION; ADJUSTMENT AND CONDITION OF ALL CAMERAS

PMSEON-2 CHECK CAMERA SYSTEM DVR RECORDING PROPERLY; LIGHTS ON ETC

PMSEON-3 CLEAN BACK OF CAMERA DVR WITH COMPRESSED AIR

## 51997-PM-BRAUNLIFT, LIFT-B

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<td>PMBL750-02</td>
<td>APPLY LIGHT OIL OUTER BARRIER LATCH - PIVOT / SLIDE POINTS</td>
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<tr>
<td>PMBL750-03</td>
<td>APPLY LIGHT OIL OUTER BARRIER LATCH LEVER PIVOT POINTS</td>
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<td>PMBL750-04</td>
<td>APPLY LIGHT OIL LIFT-TITE LATCHES - TOWER PIVOT POINTS - 2</td>
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<td>PM Task</td>
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<tr>
<td>PMBL750-05</td>
<td>LIGHT OIL; LIFT-TITE LATCH GAS DAMPENING SPRING PIVOT PTS</td>
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<td>PMBL750-06</td>
<td>INSPECT-REPAIR LIFT-TITE LATCHES AND GAS SPRINGS</td>
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<td>INSPECT OUTER BARRIER FOR PROPER OPERATION</td>
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<td>INSPECT AND CORRECT LIFT FOR RATTLES</td>
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<td>APPLY LIGHT OIL PLATFORM PIVOT PIN BEARINGS - 2</td>
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<td>PMBL1500-02</td>
<td>APPLY LIGHT OIL PLATFORM FOLD AXLES - 2</td>
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<tr>
<td>PMBL1500-03</td>
<td>APPLY LIGHT OIL INNER ROLL STOP IB LEVER BEARINGS - 2</td>
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<td>PMBL1500-04</td>
<td>APPLY LIGHT OIL INNER ROLL STOP IB LEVER SLOTS - 2</td>
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<td>PMBL1500-05</td>
<td>APPLY LIGHT OIL ROTATING PIVOT SLIDE ARM PIVOT PINS - 2</td>
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<td>PMBL1500-06</td>
<td>APPLY LIGHT OIL PARALLEL ARM PIVOT BEARINGS - 16</td>
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<td>PMBL1500-07</td>
<td>APPLY LIGHT OIL HANDRAIL PIVOT PIN BEARINGS - 4</td>
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<td>PMBL1500-08</td>
<td>APPLY LIGHT OIL HYDRAULIC CYLINDER BUSHINGS - 8</td>
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<td>INSPECT-REPAIR LIFT-TITE LATCH ROLLERS FOR WEAR-DAMAGE</td>
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<tr>
<td>PMBL1500-10</td>
<td>INSPECT INNER ROLL STOP IB FOR: WEAR OR DAMAGE PROPER OP</td>
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<td>PMBL1500-11</td>
<td>INSPECT-REPAIR HANDRAIL COMPONENTS FOR WEAR OR DAMAGE</td>
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<tr>
<td>PMBL1500-12</td>
<td>INSPECT-REPAIR MICROSWITCHES FOR SECUREMENT-PROPER ADJUST</td>
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<tr>
<td>PMBL1500-13</td>
<td>MAKE SURE LIFT OPERATES SMOOTHLY - REALIGN TOWERS-ARMS</td>
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<td>PMBL1500-14</td>
<td>INSPECT-REPAIR EXTERNAL SNAP RINGS: HANDRAIL PIVOT PINS</td>
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<td>PMBL1500-15</td>
<td>INSPECT-REPAIR EXTERNAL SNAP RINGS - 2: INNER ROLL STOP</td>
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<td>PMBL1500-16</td>
<td>INSPECT-REPAIR PLATFORM FOLD AXLES AND BEARINGS FOR WEAR</td>
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<tr>
<td>PMBL1500-17</td>
<td>REMOVE PUMP MODULE COVER; INSPECT-REPAIR: HYDRAULIC HOSES</td>
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<tr>
<td>PMBL1500-18</td>
<td>REMOVE PUMP MODULE COVER: INSPECT-REPAIR: HARNESS CABLE</td>
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<tr>
<td>PMBL1500-19</td>
<td>REMOVE PUMP MODULE COVER: INSPECT-REPAIR: CONTROL BOARD</td>
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51997-PM-BRAUNLIFT, LIFT-C

PM Task | Description
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SSPP rev 003
March 2015
| PMBL4500-00 | **** BRAUN WHEELCHAIR LIFT 4500 CYCLE INSPECTION **** |
| PMBL750-01 | APPLY LIGHT OIL OUTER BARRIER HINGE PILOT POINTS - 2 |
| PMBL750-02 | APPLY LIGHT OIL OUTER BARRIER LATCH - PIVOT / SLIDE POINTS |
| PMBL750-03 | APPLY LIGHT OIL OUTER BARRIER LATCH LEVER PIVOT POINTS |
| PMBL750-04 | APPLY LIGHT OIL LIFT-TITE LATCHES - TOWER PIVOT POINTS - 2 |
| PMBL750-05 | LIGHT OIL; LIFT-TITE LATCH GAS DAMPENING SPRING PIVOT PTS |
| PMBL750-06 | INSPECT-REPAIR LIFT-TITE LATCHES AND GAS SPRINGS |
| PMBL750-07 | INSPECT OUTER BARRIER LATCH FOR PROPER OPERATION |
| PMBL750-08 | INSPECT OUTER BARRIER LATCH FOR PROPER OPERATION |
| PMBL750-09 | INSPECT AND CORRECT LIFT FOR WEAR DAMAGE OR ABNORMAL COND |
| PMBL750-10 | INSPECT AND CORRECT LIFT FOR RATTLES |
| PMBL1500-01 | APPLY LIGHT OIL PLATFORM PIVOT PIN BEARINGS - 2 |
| PMBL1500-02 | APPLY LIGHT OIL PLATFORM FOLD AXLES - 2 |
| PMBL1500-03 | APPLY LIGHT OIL INNER ROLL STOP IB LEVER BEARINGS - 2 |
| PMBL1500-04 | APPLY LIGHT OIL INNER ROLL STOP IB LEVER SLOTS - 2 |
| PMBL1500-05 | APPLY LIGHT OIL ROTATING PIVOT SLIDE ARM PIVOT PINS - 2 |
| PMBL1500-06 | APPLY LIGHT OIL PARALLEL ARM PIVOT BEARINGS - 16 |
| PMBL1500-07 | APPLY LIGHT OIL HANDRAIL PIVOT PIN BEARINGS - 4 |
| PMBL1500-08 | APPLY LIGHT OIL HYDRAULIC CYLINDER BUSHINGS - 8 |
| PMBL1500-09 | INSPECT-REPAIR LIFT-TITE LATCH ROLLERS FOR WEAR-DAMAGE |
| PMBL1500-10 | INSPECT INNER ROLL STOP IB FOR: WEAR OR DAMAGE PROPER OP |
| PMBL1500-11 | INSPECT-REPAIR HANDRAIL COMPONENTS FOR WEAR OR DAMAGE |
| PMBL1500-12 | INSPECT-REPAIR MICROSWITCHES FOR SECUREMENT-PROPER ADJUST |
| PMBL1500-13 | MAKE SURE LIFT OPERATES SMOOTHLY - REALIGN TOWERS-ARMS |
| PMBL1500-14 | INSPECT-REPAIR EXTERNAL SNAP RINGS: HANDRAIL PIVOT PINS |
| PMBL1500-15 | INSPECT-REPAIR EXTERNAL SNAP RINGS - 2: INNER ROLL STOP |
| PMBL1500-16 | INSPECT-REPAIR PLATFORM FOLD AXLES AND BEARINGS FOR WEAR |
| PMBL1500-17 | REMOVE PUMP MODULE COVER; INSPECT-REPAIR: HYDRAULIC HOSES |
| PMBL1500-18 | REMOVE PUMP MODULE COVER: INSPECT-REPAIR: HARNESS CABLE |
| PMBL1500-19 | REMOVE PUMP MODULE COVER: INSPECT-REPAIR: CONTROL BOARD |
| PMBL4500-01 | INSPECT-REPAIR COTTER PINS ON PLATFORM PIVOT PIN - 2 |
| PMBL4500-02 | CHECK HYDRAULIC FLUID PUMP; CHANGE IF VISIBLE CONTAMINATION |
| PMBL4500-03 | INSPECT HYDRAULIC SYSTEM CYLINDER HOSES FITTINGS SEALS |
| PMBL4500-04 | INSPECT-REPAIR CYLINDERS FITTINGS AND HYDRAULIC CONNECT |
| PMBL4500-05 | INSPECT AND REPLACE PARALLEL ARMS BUSHINGS AND PIVOT PINS |
| PMBL4500-06 | INSPECT TIGHTEN REPLACE OUTER BARRIER CYLINDER HOSE |
| PMBL4500-07 | INSPECT PARALLEL ARM PIVOT PIN MOUNTING BOLTS - 8 |
| PMBL4500-08 | INSPECT PLATFORM PIVOT PIN BUSHINGS; VERTICAL ARMS |
| PMBL4500-09 | INSPECT UPPER/LOWER FOLD ARMS; ROTATING PIVOT SIDE ARMS |
| PMBL4500-10 | INSPECT GAS SPRINGS AND CYLINDERS |
| PMBL4500-11 | INSPECT ROTATING PIVOT SLIDE ARM UHMW SLIDE BEARINGS; SLIDE |
| PMBL4500-12 | INSPECT; RESECURE; REPLACE VERTICAL ARM PLASTIC COVERS |
| PMBL4500-13 | INSPECT; RESECURE; REPAIR; REPLACE POWER CABLE |
| PMBL4500-14 | CHECK LIFT MOUNTING; SECURE; NO LOOSE BOLTS/STRESS FRACTURES |
| PMBL4500-15 | REPLACE WORN; MISSING; ILLEGIBLE DECALS |
| PMBL4500-16 | REPLACE WORN OR MISSING ANTISKID |
## PM CHECKLIST

90 Days Safety Inspection

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<td>PM-3M-00</td>
<td>***** SAFETY EQUIPMENT INSPECTION *****</td>
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<tr>
<td>PM-3M-01</td>
<td>FIRE EXTINGUISHER INSPECTIONS DONE/FLUIDS OK</td>
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<tr>
<td>PM-3M-02</td>
<td>SEAT BELT CUTTER IN PLACE</td>
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<tr>
<td>PM-3M-03</td>
<td>TRIANGLES IN PLACE</td>
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<tr>
<td>PM-3M-04</td>
<td>FIRST AID KIT IN PLACE / STOCKED</td>
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<tr>
<td>PM-3M-05</td>
<td>BLOOD BOURNE PATHOGEN KIT IN PLACE / STOCKED</td>
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<td>PM-3M-06</td>
<td>EMERGENCY ESCAPE HATCH CHECK (OPENED AND CLOSED) / TREATED</td>
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<tr>
<td>PM-3M-07</td>
<td>EMERGENCY DOOR ALARMS TESTED AND FUNCTION</td>
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## PM CHECKLIST

51997-DODGE PICKUP, A

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<td>PM007</td>
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<td>ENGINE OIL FILTER CHANGE</td>
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<td>PM042</td>
<td>WHEELS: LUGS - RIMS AND AXLE BOLTS</td>
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<td>TIRE AIR PRESSURE; CONDITION; TREAD DEPTH</td>
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<td>PM Task</td>
<td>Description</td>
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<td>BRAKES: PEDAL TRAVEL- BRAKE FLUID LEAKS AND STOPPING ABILITY</td>
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<td>SEATS- SEAT BELTS- WHEELCHAIR RESTRAINTS (IF APPLICABLE)</td>
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<td>PM028</td>
<td>COOLANT LEVEL</td>
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<td>PM033</td>
<td>DIFFERENTIAL FLUID LEVEL</td>
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<td>PM035</td>
<td>ENGINE OIL FILTER CHANGE</td>
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<td>BRAKE FLUID</td>
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<td>WINDSHIELD WASHER FLUID</td>
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<td>FRONT- AND REAR BRAKE PADS</td>
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<td>PM-ANU-02</td>
<td>DLC (DIAGNOSTIC LINK CONNECTOR)</td>
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<td>COMMUNICATION ESTABLISHED</td>
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<td>BEAM INDICATOR LIGHT/SWITCH</td>
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<td>PM-ANU-22</td>
<td>REFLECTORS</td>
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<td>PM-ANU-23</td>
<td>WINDOW TINTING VISIBLE LIGHT TRANSMISSIOM. 35% TOLARANCE</td>
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<td>CATALYTIC CONVERTER</td>
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<td>PM-ANU-25</td>
<td>AIR INJECTION SYSTEM (AIS)</td>
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<td>PM-ANU-26</td>
<td>PCV VALVE</td>
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<td>EXHAUST GAS REGULATOR (EGR)</td>
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<td>PM-ANU-31</td>
<td>OXYGEN (02) SENSOR</td>
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# PM CHECKLIST

51997-FORD HYBRID ESCAPE, A

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<td>ALL GLASS: WINDSHIELD; REAR; AND SIDE GLASS FOR CONDITION</td>
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<td>INSPECT COMPLETE EXHAUST SYSTEM AND HEAT SHIELDS</td>
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<td>PMSAC03</td>
<td>STEERING TIGHT / NO SLACK</td>
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<tr>
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<td>SHOCKS/STRUTS: OTHER SUSPENSION COMPONENTS; LEAKS / DAMAGE</td>
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<td>BRAKE SYSTEM: LINES; HOSES; PARKING BRAKE; WHEEL END PLAY / NOISE</td>
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<td>PMMP-03</td>
<td>ENGINE COOLING SYSTEM: HOSES AND CLAMPS</td>
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<td>CHECK OPERATION OF ALL EMERGENCY EXITS; HATCH/WINDOWS/DOORS</td>
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### PMRSV04
TREAD DEPTH R/R OUTSIDE _____/32 PRESSURE _____

### PMRSV05
TREAD DEPTH R/R INSIDE _____/32 PRESSURE _____

### PMDC01
***** OTHER ITEMS *****

### PMSAC28A
CHANGE OIL; REPLACE OIL FILTER; USE OEM RECOMMENDED OIL

### PMSAC93
INSPECT WHEELS FOR END PAY AND NOISE

### PMUHI05
BRAKE MASTER CYLINDER FULL / NO LEAKS

### PMWDE81A
INSPECT CABIN AIR FILTER (IF EQUIPPED)

### PM-QT12
CHECK OPERATION OF ALL EMERGENCY EXITS; HATCH/WINDOWS/DOORS

### PMUHI01
TRANSMISSION FLUID FULL / NO LEAKS

### PM255A
LUBRICATE FRONT AXLE & U-JOINTS

### PMSAC97
INSPECT HALF SHAFT DUST BOOTS; IF EQUIPPED

### PMSAC91A
INSPECT STEERING LINKAGE; DRIVESHAFT; BALL/U-JOINTS; LUBRICATE

### PMWDE81
REPLACE CABIN AIR FILTER (IF EQUIPPED)

### PMSAC52
CHANGE FUEL FILTER

### PMSAC51
CHANGE TRANSMISSION FLUID AND REPLACE FILTER

### PMSAC79
REPLACE WHEEL BEARING GREASE; GREASE 4X2 WHEEL BEARING SEALS

### PMSFW61
REPLACE CLIMATE-CONTROLLED SEAT FILTER (IF EQUIPPED)

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<table>
<thead>
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<th>Description</th>
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<tbody>
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<td>MIL INDICATOR BULB</td>
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<td>PM-ANU-02</td>
<td>DLC (DIAGNOSTIC LINK CONNECTOR)</td>
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<td>COMMUNICATION ESTABLISHED</td>
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| PM-ANU-07 | PARKING LIGHT |
| PM-ANU-08 | TAIL LIGHTS |
| PM-ANU-09 | BEAM INDICATOR LIGHT/SWITCH |
| PM-ANU-10 | LICENSE PLATE |
| PM-ANU-11 | STOP LIGHTS |
| PM-ANU-12 | DIRECTIONAL SIGNALS |
| PM-ANU-13 | HORN |
| PM-ANU-14 | WINDSHIELD WIPER |
| PM-ANU-15 | REAR VIEW MIRROR |
| PM-ANU-16 | FOOT BRAKE |
| PM-ANU-17 | EMERGENCY BRAKE |
| PM-ANU-18 | STEERING MECHANISM |
| PM-ANU-19 | TIRES |
| PM-ANU-20 | EXHAUST SYSTEM |
| PM-ANU-21 | CLEARANCE LIGHTS (BUSES; TRUCKS; TRAILERS) |
| PM-ANU-22 | REFLECTORS |
| PM-ANU-23 | WINDOW TINTING VISIBLE LIGHT TRANSMISSION. 35% TOLERANCE |
| PM-ANU-24 | CATALYTIC CONVERTER |
| PM-ANU-25 | AIR INJECTION SYSTEM (AIS) |
| PM-ANU-26 | PCV VALVE |
| PM-ANU-27 | UNLEADED GAS RESTRICTOR |
| PM-ANU-28 | EXHAUST GAS REGULATOR (EGR) |
| PM-ANU-29 | THERMOSTATIC AIR CONTROL (TAC) |
| PM-ANU-30 | FUEL EVAPORATION CONTROL |
| PM-ANU-31 | OXYGEN (O₂) SENSOR |
### PM CHECKLIST

#### 51997-FORD SEDAN, A

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<td>CHECK FLUID LEVELS</td>
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<td>PM097</td>
<td>AIR CLEANER FILTER; CHECK FOR RESTRICTION</td>
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<td>CHECK STEERING SYSTEM</td>
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<td>PM078</td>
<td>BRAKE INSPECTION</td>
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<td>TIRES WEAR AND PRESSURE</td>
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| PM Task | Description |
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| PM569 CHECK SUSPENSION AND STEERING FOR WEAR AND DAMAGE AND LUBE |
| PM245 CHECK FLUID LEVELS |
| PM097 AIR CLEANER FILTER; CHECK FOR RESTRICTION |
| PM250 CHECK STEERING SYSTEM |
| PM078 BRAKE INSPECTION |
| PM573 INSPECT BELTS AND HOSES REPLACE AS NEEDED |
| PM466 TIRES WEAR AND PRESSURE |
| PM210 CLEAN BATTERIES |
| PM084 LUBRICATE HINGES |
| PM106 REPLACE RETURN AIR FILTERS |
| PM514 CHANGE TRANSMISSION FLUID AND FILTER; CHECK FILL PLUG |
| PM572 REPLACE ALL FUEL FILTERS |
| PM035 ENGINE OIL FILTER CHANGE |

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<p>| PM Task | Description |
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| PM-ANU-01 MIL INDICATOR BULB |
| PM-ANU-02 DLC (DIAGNOSTIC LINK CONNECTOR) |
| PM-ANU-03 COMMUNICATION ESTABLISHED |
| PM-ANU-04 MIL COMMAND ON |
| PM-ANU-05 MIL INDICATOR BULB |
| PM-ANU-06 HEADLIGHT |</p>
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<td>COOLANT LEVEL</td>
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APPENDIX E – BLOOD BORNE PATHOGEN EXPOSURE CONTROL PLAN

**Policy**
The policy of WAVE Transit is to comply with all statutory obligations and to apply all known and reasonable procedures to prevent the exposure of its employees to potentially infectious materials.

All Wave Transit employees will be trained how to deal with blood borne pathogens. Blood borne pathogens kits shall be kept in all passenger vehicles. If any personnel is contaminated, they shall be given time off with pay to clean up and the vehicle shall be cleaned before it is allowed back in service.

**Background**
The mission of WAVE Transit is to provide safe, courteous, reliable transportation services to the people within our service area. In fulfilling this mission our employees may be exposed to body fluids, such as blood or other potentially infectious materials. While their risk of exposure is minimal, it is important for all employees to have current information about bloodborne diseases, their methods of transmission, and preventive measures which will reduce risk of exposure. Because of their assignments, Wave Transit employees are at different levels of exposure risk. Therefore, this Exposure Control Plan contains general requirements that pertain to all employees and specific requirements that pertain only to the employees in that department.

**Purpose**
The purpose of this Exposure Control Plan is to:

1. Increase employee awareness and understanding of the bloodborne diseases, Human Immune Deficiency Virus (HIV) and Hepatitis B Virus (HBV).
2. Instruct employees concerning the transmission of HIV and HBV.
3. Alleviate employee fears associated with HIV and HBV.
4. Reduce employee risk of exposure to infection through the implementation of work practice controls and the provision of personal protective equipment.

**Responsibility**
Wave Transit has the responsibility to develop and implement a formal infection control program tailored to the needs of the particular operation and to the type of hazards involved. This includes the following elements:

1. Training about bloodborne pathogen diseases and universal precautions.
2. Offering HBV vaccinations for those employees identified as at risk.
3. Providing the proper equipment.

At-risk employees are responsible for adopting behaviors at work that prevent or reduce their risk of exposure. These behaviors include following procedures and using appropriate equipment as described under the Universal Precautions section of this plan.

**Classification of Work** - 29 CFR 1910.1030(c)(2)
Wave Transit will provide an opportunity for all of its employees to receive training about bloodborne pathogen diseases and precautions that can reduce their risk of exposure. However, this plan applies to those employees who in the course of their assigned duties have a "reasonably anticipated potential for exposure to blood and/or other potentially infectious materials." A review of all positions identified the following job classifications as having a risk of exposure for all employees in these classifications:

- Drivers
- Dispatchers
- Maintenance and service personnel
- Facilities staff

**Training** – 29 CFR 1910.1030(g)(2)(ii)
Wave Transit will train all employees who have been identified as having an occupational risk of exposure in the provisions of this standard, the bloodborne diseases, and the universal precautions established for their particular job assignments. This training will take place within 1 month of assignment to tasks where occupational exposure may take place and at least annually thereafter.

Wave Transit will make training available to all employees regarding bloodborne pathogens and universal precautions. For some job descriptions this training will be included in the established position training.

**Infection Control**

**Universal Precautions**
Universal precautions is a system of infectious disease control that assumes that every direct contact with body fluids is infectious and requires every employee exposed to direct contact with body fluids to be protected as though the fluids were HIV or HBV infected. Employees will follow established work practice controls and use appropriate personal protective equipment to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluids types is difficult or impossible, all body fluids shall be considered potentially infectious materials.
UNIVERSAL PRECAUTION PROCEDURES (METHODS OF CONTROL)

1. Collection and Disposal Practices

A. Drivers who discover syringes or other items that may be contaminated with potentially infectious material shall notify dispatch. The employee will remove the item and place any needles or like items in a sharps container while wearing gloves.

B. If body fluids are spilled on a company vehicle, drivers shall notify dispatch and request instructions. When cleaning up a spill, the following steps will be followed:

1. Put on new personal protective equipment.
2. Contain the spill as best as possible with paper towels and/or solidifying powder.
3. If contaminated needles or broken glass is present, only use a mechanical device to place those objects into a sharps container.
4. Clean up the spill with paper towels, or if a solidifying powder is used, use a dustpan and brush.
5. Clean the area of spill with the cleaning or decontamination wipe.
6. Place all items used to clean the spill into bio-hazardous waste disposal bag.
7. If the exterior of the disposal bag has not been contaminated by the spill, remove both latex gloves, place them inside the bag and seal the bag.
8. Upon return to home base, notify the supervisor for disposal instructions.

C. Laundry such as blankets, clothing, cleaning materials, etc. that is overtly contaminated with blood or body fluids, shall be bagged in red plastic bags, or in a bag labeled "biohazard" and treated with bleach. These bags can be thrown in secure dumpsters. If an employee's clothing is contaminated, check with a supervisor regarding the treatment or disposal of the items.

D. In the case of an accident involving injuries, if employees have been trained to provide initial first aid, they should follow universal precaution procedures including wearing personal protective equipment.


Wave Transit will equip vehicles with bloodborne pathogens response kits which have latex or vinyl gloves, aprons, face shields and disinfectant materials.

A. Gloves –. Employees will ensure gloves have no holes or discoloration prior to use. Gloves shall be worn when the employee has the potential for the hands to have direct skin contact with infectious waste, or while handling items or surfaces soiled with blood or other potentially infectious materials. Disposable gloves shall not be reused. Any gloves will be thrown away if punctured or torn. While wearing gloves, employees
should not handle any personal items such as combs, wallets, pens and should avoid touching their faces or eyes.

B. Band-Aid's - Employees will cover any open cuts, sores, abrasions, chapping or wounds on their skin with a bandage or Band-Aids. (Particularly important for chapped hands and dermatitis).

C. Face shields/eye protection - Masks, eye protection or chin-length face shields shall be worn whenever eyes, nose, or mouth might be splashed by body fluids or cleaning solution.

D. Grabbers/tongs - As much as possible, employees shall use "grabbers" or tongs and gloves to pick up potentially infectious materials. Gloves must be worn before picking up these materials and where feasible, grabbers, shovels, rakes, or other tools will be used to pick up materials that may contain unknown objects.

E. Paper towels - Used to clean up potentially infectious matter.

F. Red Bags - Put all disposable (non-sharps) contaminated, or possibly contaminated, waste in red bags.

G. Sharps Containers - Put all sharp objects, i.e., broken glass, needles, small sharp steel, into sharps container. DO NOT RE-CAP NEEDLES!!!

F. Employees must wear gloves while cleaning equipment which may have been exposed to potentially infectious body fluids. After cleaning equipment, employees should discard gloves.

3. Disposal Practices

A. Needles - Hold discarded hypodermic needles by the barrel and place needle-down in the rigid, leak and puncture-proof sharps containers provided by the Agency. DO NOT EVER re-cap, break, bend, or dismantle a needle or syringe unit.

B. Cap the sharps container when it is between one-half and three-quarters full. The container will be sealed, labeled and stored as hazardous material. DO NOT dispose of in garbage cans or in the dumpster. Sharps containers will be disposed of by the Safety Manager when quantities warrant.

C. Condoms - May be thrown in the red bag.

D. Employees shall not use any body part such as feet, hands, etc., to compact trash.
E. Feces/blood/vomit -DO NOT place human or animal feces in the trash. Disposal options are:

1. Flush it down a toilet that is part of the sanitary sewer system.
2. Animal feces may be buried on site.
3. Human feces/blood/vomit may be washed down a drain that is part of the combined sanitary system, i.e., it winds up in the treatment plant. It is not acceptable to wash it into a storm drain as this is in direct violation of State and Federal codes.

F. Laundry such as blankets, clothing, cleaning materials, etc. that is overtly contaminated with blood or body fluids, shall be double-bagged in red plastic bags, or in a bag labeled "biohazard" and treated with bleach. These bags can be thrown in secure dumpsters. If an employee's clothing becomes contaminated, the employee shall change out of the contaminated clothing and check with a supervisor regarding the treatment or disposal of the items.

4. Personal Protection Procedures

A. Gloves worn during contact with potentially infectious body fluids shall be removed in the following manner:

1. With the right hand, pinch the palm of the left glove and pull left glove down and off your fingers. Form left glove into a ball and hold it in the fist of your right hand.
2. Insert two fingers of left hand under the inside rim of your right glove on the palm side.
3. Push glove inside out down onto your fingers and over balled left glove.
4. Grasp gloves, which are inside out and together - with your left hand and remove them from your right hand.
5. Discard gloves.

B. After removing gloves WASH HANDS!!! Employees shall wash their hands with soap and water immediately or as soon as possible after working with blood or other potentially infectious materials. Proper hand washing requires the use of soap and vigorous scrubbing for approximately 5 seconds, followed by 5 seconds of rinsing.

C. Employees will follow normal hygiene practices, including washing of their hands at regular intervals throughout the day and especially before eating, drinking, smoking, applying cosmetics or lip balm, handling contact lenses, or putting anything in the mouth during the day, if they have been working in an area where there is potential for occupational exposure. Commercially packaged moistened towelettes are an acceptable alternative when soap and water are not available. Remember fingernails.

D. If eyes are exposed, flush for 15 minutes with clean water.
Post Exposure Procedures

1. Any employee who experiences a needle stick; splash of blood or body fluids to the eyes, nose, mouth, open wounds, or to chapped, abraded, or otherwise damaged skin; or human bite with broken skin shall:

   A. Wash the affected area as quickly as possible with soap and water or cleaners to reduce contamination; or flush with water if the eye is affected.

   B. Immediately notify his or her supervisor. Both will treat the exposure as an industrial injury and will follow those procedures.

2. The incident report for bloodborne pathogen exposure will contain documentation of the route(s) of exposure, and circumstances under which exposure incident occurred.

3. The employee will then follow these procedures:

   A. Seek medical attention, no later than 24 hours after exposure.

   B. Follow the physician's recommendations regarding possible Hepatitis B vaccination, HBIG injection, and follow-up treatment.

   C. Report and seek medical care for any acute illness that occurs within 12 weeks after the exposure, especially one characterized by fever, rash, or disease of the lymph nodes.

   D. The physician shall collect blood from the exposed employee as soon as possible after the exposure incident for the determination of HBV/HIV status. Actual testing may be done at that time or a later date if the employee so requests. Results are confidential, and are released only to the person tested. Confidentiality of the results is waived if the employee files a subsequent insurance disability claim.

4. An employee who tests negative for HBV/HIV should be retested at 6 weeks, 12 weeks, and 6 months after exposure to determine whether transmission has occurred.

5. If the employee refuses to submit to #1 and #2 above, he or she will be required to complete a Hepatitis B Vaccination decision form indicating the decision to decline the vaccinations.

6. The appropriate managers must be notified when an exposure occurs.

**Immunizations** – 29 CFR 1910.1030(f)(1)
Wave Transit will offer the Hepatitis B vaccination series to all employees who have been identified as having risk of exposure. All employees in these positions must complete a "Hepatitis B Vaccination Declaration Form" that will be kept in the employee’s medical record files. In addition, a copy will be kept on file with the appropriate safety personnel.

**Recordkeeping** – 29 CFR 1910.1020

Wave Transit will establish and maintain an accurate record of each occupational incident. As required by the OSHA standard, this record will include:

1. The name and social security number of the employee.

2. A copy of the employee's HBV vaccinations and any medical records relative to the employee’s or volunteer’s ability to receive vaccination.

3. A copy of all results of examinations, medical testing, and follow-up procedures.

4. The employer's copy of the healthcare professional's written opinion. A copy of the information provided to the healthcare professional.

Wave Transit ensures that such records will be kept confidential and will not be disclosed or reported without the employee's expressed written consent to any person within or outside the workplace except as required by the standard, or law.

Wave Transit will also maintain a record of all training related to this standard. This record will include:

- The dates of the training sessions.
- The contents or a summary of the training sessions.
- The names of persons conducting the training.
- The names and job titles of all persons attending the training sessions.
SECTION J: Fleet

J1. Fleet

The Wave Transit Paratransit fleet consists of twenty-four vehicles. A fleet vehicle inventory, including back-up vehicles is included at the end of Section J.

J2. Vehicle Ownership

The Wave Transit Paratransit fleet consists of two Federally funded vehicles and nineteen State funded vehicles. Vehicle ownership is also indicated on the fleet inventory included at the end of Section J.

J3. ADA Accessibility

All vehicles meet the ADA requirements of accessibility. All are wheelchair lift equipped and have two spaces for wheelchair tie-downs.

J4. Seating Capacity

All vehicles have a seating capacity of eight ambulatory and two non-ambulatory seats.

J5. Restraints and Safety Equipment

All vehicles are equipped with two areas for wheelchair restraints and all seats have seat belts. Safety equipment includes; emergency exits, seatbelt cutter, traffic triangles, first aid kit, blood borne pathogen kit, spill kit and fire extinguisher. In addition, vehicles are equipped with a video surveillance camera system for the protection of passengers and the general public.

J6. Paint and identification or decal scheme

Below is the paint and identification scheme for Wave Transit vehicles.
J7. Mobile data units

All vehicles are equipped with Samsung Galaxy Tab 2.10 hardware, utilizing CTS Parascope and Google Maps software applications. MDTs are used for real time location tracking, historic location tracking, vehicle telemetry (i.e., current vehicle speed), GPS navigation, text message communication between operators and dispatchers, real time schedule updates (including pick-up and drop-off time and location), and passenger notes. All data collected goes through the verification process outlined in section 4.F.8.
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SECTION K: Preventative Maintenance

K1. Overall maintenance program for vehicles and equipment

In an effort to maintain the Wave Transit fleet to the highest possible standards, the authority has developed the following goals and objective for vehicle maintenance. The full Vehicle Maintenance Plan can be found in Appendix D of the System Safety Program Plan included at the end of Section I.

a. Safety of passengers, employees and the public is the highest priority of the authority. Vehicles that pose any safety risk must be reported to a supervisor or the maintenance manager immediately. Vehicles that pose any safety risk are to be removed from service upon recognition of the defect and not returned to service until the threat is repaired.

b. Reliable vehicle service is the key to the success of Wave Transit. All vehicles are to be maintained in a manner that ensures the authority can meet its required levels of service.

c. Comfort of passengers will encourage repeat trips and ensure an enjoyable ride. Revenue vehicles are to be kept in a clean and well maintained manner in order to ensure a high level of customer service.

The operation of all paratransit vehicles and equipment owned Wave Transit are under the direct control of the Agency. All maintenance actions are contracted out to the New Hanover County Fleet Maintenance and other vendors. The fleet consists of revenue vehicles only. Vehicle records are kept on each vehicle.

Records contain all maintenance tasks performed, vehicle miles and fuel consumption. All vehicle records are kept in the asset management software AssetWorks, and hard copy of records are kept in vehicle files as appropriate. Records kept are preventative maintenance (PM) inspection sheets, repair orders, state safety inspections, accident repairs, and Operator Pre-Trip Sheets.

K2. Copies of forms used for the preventative maintenance of vehicles and wheelchair lifts, as well as the Operator Pre-Trip Sheet are included at the end of Section K.

K3. Vehicle cleaning standards

a. All vans that were in service will be cleaned daily and fueled as required. The operators are responsible for the cleanliness of the vehicles and supervisors will
perform spot checks. Vehicles will be washed on an as needed basis. Operators must notify a supervisor when a vehicle is needed to be washed.
## Work Order Detail for Asset 51997-2505

<table>
<thead>
<tr>
<th>Status:</th>
<th>CLOSED</th>
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</table>

### Work Order: 51997-2015-2194

#### Dept: 51997 PT - PARATRANSIT

<table>
<thead>
<tr>
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<tr>
<td>License:</td>
<td>DCW6931</td>
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<tr>
<td>Job Type:</td>
<td>PM</td>
</tr>
<tr>
<td>Meter 1:</td>
<td>4,807.00</td>
</tr>
<tr>
<td>Meter 2:</td>
<td>0.00</td>
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<tr>
<td>Shop Hrs:</td>
<td>0.00</td>
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<tr>
<td>Serial No:</td>
<td>1FDEE3FLSFD17318</td>
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| Opened By: | DDEBOSE |
| Account: | 51997-54101-1-1200 |
| Warranty: | NO |
| Date In: | 5-6-2015 7:26 AM |
| Date Due: | 5-7-2015 7:26 AM |
| Opened: | 5-6-2015 7:26 AM |
| Finished: | 5-11-2015 1:44 PM |
| Closed: | 5-11-2015 1:44 PM |
| Warranty Expire: | 2-18-2016 |

#### Equipment Type: 51997-2015 CHAMP LTV

### Priority: 4 - PREVENTIVE MAINTENANCE

<table>
<thead>
<tr>
<th>Reason:</th>
<th>Work Class:</th>
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<tr>
<td>WAC: 06 - INSPECT</td>
<td>(A) Pm Service A</td>
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<table>
<thead>
<tr>
<th>Vendor:</th>
<th>(51997-0001) New Hanover County Vehicle Mgmt</th>
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<tbody>
<tr>
<td>Labor Hrs:</td>
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<tr>
<td>Total Cost:</td>
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#### Overhead

| Small Parts - Labor: | 0.00 |
| Small Parts - Parts: | 0.00 |
| Tools: | 0.00 |
| Overhead Costs: | 0.00 |

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Report Date: 5/13/2015
### Work Order Detail

**Work Order:** 51997-2015-2194

#### PM Checklist

<table>
<thead>
<tr>
<th>Task / Comment</th>
<th>Employee</th>
</tr>
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<tbody>
<tr>
<td>(PM002) LIGHTS- SWITCHES- HORN- WIPERS- DOORS</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
</tr>
<tr>
<td>(PM006) BRAKES: PEDAL TRAVEL- BRAKE FLUID LEAKS AND STOPPING ABILITY</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<tr>
<td>(PM008) WINDOWS: BREAKS- CHIPS OR FOGGED / WIPER BLADES</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<tr>
<td>(PM016) STEERING U JOINTS AND SLIP JOINT</td>
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<tr>
<td>(PM020) POWER STEERING BOX AND FLUID LINES</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<tr>
<td>(PM024) CHECK BATTERY CABLES, HOLD DOWNS, AND BOOTS</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<tr>
<td>Procedure: INSPECT FOR BULGING CASE, DAMAGED TERMINALS</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<tr>
<td>(PM028) COOLANT LEVEL</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<tr>
<td>Procedure: Coolant Level- Radiator Clogging and Leaks / Fan Blades and Hydraulic Motor</td>
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<td>(PM029) FLUID LEAKS</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<tr>
<td>Procedure: Leaks: Transmission- Engine- Power Steering Fluid- Differential and Coolant</td>
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<tr>
<td>(PM030) AIR CLEANER FILTER; CLEAN OR REPLACE</td>
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<tr>
<td>(PM031) EXHAUST SYSTEM</td>
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<tr>
<td>(PM035) ENGINE OIL FILTER CHANGE</td>
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<td>(PM036) BELTS: TENSION AND WEAR. A/C: _________ LBS.</td>
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<tr>
<td>(PM037) POWER STEERING FLUID LEVEL</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<tr>
<td>(PM043) TIRE AIR PRESSURE; CONDITION; TREAD DEPTH</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
</tr>
<tr>
<td>Procedure: CHECK FOR UNEVEN WEAR ALIGNMENT PROBLEMS, WORN SUSPENSION, ETC.</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<tr>
<td>(PM034) ENGINE AND TRANSMISSION FLUID LEVEL AFTER TEST DRIVE</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<tr>
<td>(PM039) WATER PUMP</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<td>(PM012) MIRRORS</td>
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<td>(PM022) SHOCK ABSORBERS</td>
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<td>(PM042) WHEELS: LUGS - RIMS AND AXLE BOLTS</td>
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<td>(PM050) RADIO AND PA SYSTEM</td>
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<td>(PM-ANU-17) EMERGENCY BRAKE</td>
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<td>(PM007) SEATS- SEAT BELTS- WHEELCHAIR RESTRAINTS (IF APPLICABLE)</td>
<td>(SWILLIAMS) MICHAEL WILLIAMS</td>
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<tr>
<td>Procedure: Seats- Stanchions- Floor- Stepwell- Escape Hatches- Seat Belts- Restraints</td>
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<td>(PM162) SUN GRIP - REPLACE IF WORN OR MISSING</td>
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<td>(PM015) HEATING AND AIR CONDITIONING CONTROLS</td>
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<td>(PM027) WATER HOSES- ELECTRICAL WIRES- AIR LINES- HYDRAULIC LINES</td>
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<td>(PM051) ADA AND OTHER REQUIRED DECALS</td>
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<tr>
<td>(PM184) REAR MAIN &amp; EXIT DOOR I/O PANEL</td>
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<tr>
<td>Procedure: INSPECT POWER AND GROUND CABLES, FUSES AND CIRCUIT BREAKERS</td>
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<td>(PM395) CHECK FLOOR COVERING SEAM SEALING</td>
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<tr>
<td>[PM-TT13] PHYSICAL DAMAGE</td>
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<tr>
<td>User ID</td>
<td>Comment</td>
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**Comments:**

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## DAILY VEHICLE INSPECTION REPORT

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V = Satisfactory  F = Unsatisfactory

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<td>Bike Rack</td>
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<td>Destination Sign</td>
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<td>Mirrors, Windows, and Glass</td>
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<td>Backup Lights and Alarm</td>
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<td>Front &amp; Rear Climate Control</td>
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<td>Passenger Door(s)</td>
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<td>Stanchions/Grab Bars and Flooring</td>
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<td>29</td>
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<td>Interior Cleanliness</td>
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</table>

### Exterior Walk Around

### Interior Walk Through

### Driver's Seat

### Maintenance Notes:

- Reviewed
- Service Request (#)
- Could Not Duplicate Problem
- Repaired
- Closed Out in Assetworks

When parking the bus ensure that parking brake is set, vehicle is in park or neutral, Roof hatch(s) are closed, windows are closed, all electronics turned off, trash removed from driver area, walk through to back of vehicle checking for larger pieces of trash and possible sleeping customers.
## Work Order Detail for Asset 51997-L-2201

**Work Order:** 51997-2015-541  
**Dept:** 51997 PT - PARATRANSPORT

### Asset Information
- **Asset No:** 2201
- **License:** PM
- **Meter 1:** 2,451.00
- **Shop Hrs:** 0.00
- **Serial No:** FA-00423

### PM Checklist

<table>
<thead>
<tr>
<th>Task / Comment</th>
<th>Employee</th>
</tr>
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<tbody>
<tr>
<td>(PMBL750-00) ***** BRAUN WHEELCHAIR LIFT 750 CYCLE INSPECTION ****</td>
<td>(618) PATRICK WORTHINGTON</td>
</tr>
<tr>
<td>(PMBL750-01) APPLY LIGHT OIL OUTER BARRIER HINGE PILOT POINTS - 2</td>
<td>(618) PATRICK WORTHINGTON</td>
</tr>
<tr>
<td>(PMBL750-02) APPLY LIGHT OIL OUTER BARRIER LATCH - PIVOT / SLIDE POINTS</td>
<td>(618) PATRICK WORTHINGTON</td>
</tr>
<tr>
<td>(PMBL750-03) APPLY LIGHT OIL OUTER BARRIER LATCH LEVER PIVOT POINTS</td>
<td>(618) PATRICK WORTHINGTON</td>
</tr>
<tr>
<td>(PMBL750-04) APPLY LIGHT OIL LIFT-TITE LATCHES - TOWER PIVOT POINTS - 2</td>
<td>(618) PATRICK WORTHINGTON</td>
</tr>
<tr>
<td>(PMBL750-05) LIGHT OIL; LIFT-TITE LATCH GAS DAMPENING SPRING PIVOT PTS</td>
<td>(618) PATRICK WORTHINGTON</td>
</tr>
<tr>
<td>(PMBL750-06) INSPECT-REPAIR LIFT-TITE LATCHES AND GAS SPRINGS</td>
<td>(618) PATRICK WORTHINGTON</td>
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<tr>
<td>(PMBL750-07) INSPECT OUTER BARRIER FOR PROPER OPERATION</td>
<td>(618) PATRICK WORTHINGTON</td>
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<tr>
<td>(PMBL750-08) INSPECT OUTER BARRIER LATCH FOR PROPER OPERATION</td>
<td>(618) PATRICK WORTHINGTON</td>
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<tr>
<td>(PMBL750-09) INSPECT AND CORRECT LIFT FOR WEAR DAMAGE OR ABNORMAL COND</td>
<td>(618) PATRICK WORTHINGTON</td>
</tr>
<tr>
<td>(PMBL750-10) INSPECT AND CORRECT LIFT FOR RATTLES</td>
<td>(618) PATRICK WORTHINGTON</td>
</tr>
<tr>
<td>(PMSEON-1) CHECK OPERATION; ADJUSTMENT AND CONDITION OF ALL CAMERAS</td>
<td>(618) PATRICK WORTHINGTON</td>
</tr>
<tr>
<td>(PMSEON-2) CHECK CAMERA SYSTEM DVR RECORDING PROPERLY; LIGHTS ON</td>
<td>(618) PATRICK WORTHINGTON</td>
</tr>
<tr>
<td>(PMSEON-3) CLEAN BACK OF CAMERA DVR WITH COMPRESSED AIR</td>
<td>(618) PATRICK WORTHINGTON</td>
</tr>
</tbody>
</table>

### Project Details
- **Priority:** 3 - INTERNAL SHOP PRIORITY 8 HRS
- **Incident:**
- **Accident:**

### Repair Details
- **Employee:** SWILLIAMS
- **Current Equip Status:** 51997
- **Reference WO:**
- **Estimated Hours:** 0.00
- **User Hours:** 0.00
- **Equipment Type:** LIFT

### Work Order Information
- **Date In:** 9-25-2014 10:12 AM
- **Date Due:** 9-25-2014 6:12 PM
- **Opened:** 9-25-2014 10:12 AM
- **Finished:** 9-25-2014 10:13 AM
- **Closed:** 9-25-2014 10:42 AM
- **Warranty Expire:**

### Equipment Status
- **Estimated Time:**
- **Location:**
- **Maintenance:**
- **Warranty:** NO

---

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Page 1  
Report Date: 5/13/2015
Fill in the cost for providing the services listed below. You may also submit pricing for other services you provide out only those transit points you wish to service. Flat Rate Pricing is preferred.

<table>
<thead>
<tr>
<th>TYPE OF SERVICE PROVIDED</th>
<th>FLAT RATE</th>
<th>ROUND</th>
<th>PRICE PER MILE</th>
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<tr>
<td>Non-Ambulatory (Inside City Limits)</td>
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<tr>
<td>Ambulatory (Outside City/Within)</td>
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<tr>
<td>Non-Ambulatory (Outside City/Within)</td>
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<td>See # 2 below</td>
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<tr>
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<tr>
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<tr>
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<td>$</td>
<td>See # 3 &amp; 4 below</td>
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1. In County, but not South of Snow’s Cut  
   $5.00 for County approved guest. Escorts are free.  
   $2.55 passenger mile* rode; 2 mile minimum

2. In County, South of Snow’s Cut  
   (Carolina Beach / Kure Beach / Fort Fisher)  
   $5.00 for County approved guest. Escorts are free.  
   $2.80 passenger mile* rode; 2 mile minimum

3. Out of County, less than 8 hours initial pick up to final drop off  
   $10.00 flat plus mileage charge  
   $5.00 for County approved guest. Escorts are free.  
   $1.65 shared mile** rode

4. Out of County, more than 8 hours initial pick up to final drop off  
   $10.00 flat plus mileage charge  
   $5.00 for County approved guest. Escorts are free.  
   $1.80 shared mile** rode

* Passenger miles are defined as the total number of miles a passenger rides on a van, regardless of direct mileage.
** Shared miles are defined as the total number of passenger miles during a van’s daily trip, divided by the total number of passengers transported during the daily trip.

The Contractor may complete both columns or just one, each will be reviewed. The undersigned certifies that their service being offered will meet or exceed the minimum specifications as presented in the attached proposal package.

Cape Fear Public Transportation Authority
Company Name
PO Box 12630 Wilmington, NC 28405
Company Address

Albert Eby Executive Director
Officer Signature/Title

(910) 343-0106
Telephone Number
5/19/2015
Date
56-2465000
Federal Tax ID / SS#
NEW HANOVER, WILMINGTON, NC

REQUEST FOR PROPOSALS

NON-EMERGENCY TRANSPORTATION SERVICES

DEPARTMENT OF SOCIAL SERVICES & SENIOR RESOURCE CENTER

RFP # 15-0326

Sealed proposals addressed to Lena L. Butler, Purchasing Supervisor, 230 Government Center Drive, Suite 165, Wilmington, North Carolina 28403 and marked "NON-EMERGENCY TRANSPORTATION SERVICES-RFP # 15-0326" will be accepted until 5:00 P.M. EST, May 8, 2015.

Submitted proposals are not subject to public inspection until a contract is awarded and executed. Proposals will be evaluated and bidders may be requested to provide a demonstration of their proposed services offered.

A pre-proposal meeting will be held April 24, 2014, 2:00 PM EST at New Hanover Finance Department, 230 Government Center Drive, Suite 165, Wilmington, NC, 28403, Finance Conference Room 500. All Service Providers who desire to submit their proposal for consideration for this service are invited to attend. Attendance is not required in order to submit a proposal. Any written questions submitted and any clarification of this RFP will be addressed.

Instructions for submitting proposals and complete requirements and information may be obtained by visiting the County’s website at http://www.nhcgov.com/business-nhc/bids or at the State of North Carolina Interactive Purchasing System site.

New Hanover reserves the right to accept or reject any or all proposals and to make the award which will be most advantageous to the County.

Lena L. Butler, Purchasing Supervisor
New Hanover
(910) 798-7190

Published: Wednesday, April 15, 2015
Section 2 Information, Requirements and Conditions

This serves as official notice that New Hanover, through its Department of Social Services (NEW HANOVER COUNTY) and Senior Resource Center, is soliciting and will receive proposals for Non-Emergency Transportation Services as outlined in the following specifications. This Request for Proposals (RFP) process is the means by which New Hanover will determine which Service Providers are most qualified to meet the Non-Emergency Transportation needs of NEW HANOVER COUNTY and Senior Resource Center passengers. The proposal must include all requirements, as defined below.

Schedule

<table>
<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 15, 2015</td>
<td>Issuance of RFP 15-0326</td>
</tr>
<tr>
<td>April 24, 2015</td>
<td>Pre-proposal meeting will be held at 2:00 pm. All interested Service Providers should attend. Any written questions submitted and any clarification of this RFP will be addressed.</td>
</tr>
<tr>
<td>April 29, 2015</td>
<td>All Questions and Clarifications addressed at Pre-proposal meeting will be issued in Addendum.</td>
</tr>
<tr>
<td>May 8, 2015</td>
<td>Proposal Submission. Complete proposals are due by 5:00 PM as described.</td>
</tr>
<tr>
<td>May 11-15, 2015</td>
<td>Evaluation. During this period, the Evaluation Committee will conduct a full detailed evaluation of Proposals and References.</td>
</tr>
<tr>
<td>June 8, 2015</td>
<td>Recommendation to County Board of Commissioners.</td>
</tr>
<tr>
<td>July 1, 2015</td>
<td>Contract starts. Service Begins</td>
</tr>
</tbody>
</table>

Questions

Any inquiries, requests for interpretation, clarification, or additional information shall be directed to Lena Butler, Purchasing Supervisor by emailing lbutler@nhcgov.com or faxing (910) 798-7806. All questions concerning this proposal shall reference the section number and page. All questions and responses will be provided by issuance of an Addendum and posted online at http://www.nhcgov.com/business-nhc/bids and at the State of North Carolina Interactive Purchasing System site. All questions shall be received no later than 5:00 P.M., EST, April 29, 2015.

Pre-proposal Meeting

A pre-proposal meeting will be held April 24, 2014, 2:00 PM EST at New Hanover Finance Department, 230 Government Center Drive, Suite 165, Wilmington, NC, 28403, Finance Conference Room 500. All Service Providers who desire to submit their proposal for consideration for this service are invited to attend. Attendance is not required in order to submit a proposal. Any written questions submitted and any clarification of this RFP will be addressed.
Submittal Process
Proposals must be received no later than Friday, May 8, 2015 at 5:00 PM EST. Proposals may be hand delivered or mailed to the attention of Lena Butler, Purchasing Supervisor, 230 Government Center Drive, Suite 165, Wilmington, NC 28403. Fax or late proposals will not be accepted.

Interested Service Providers must submit all required information as requested below, responding to each section and corresponding letter and numeral in order:

1. One (1) original signed proposal.
2. Four (4) copies of the proposal.
3. One (1) USB drive containing proposal

Selection Process
County may, in its discretion, require one or more Service Providers to make presentations to the evaluation team or appear before Management and/or its representatives for an interview. During such interview, the Service Provider may be required to orally and otherwise present its proposal and to respond in detail to any questions posed. Additional meetings may be held to clarify issues or to address comments, as deemed appropriate. Service Providers will be notified in advance of the time and format of such meetings. Since New Hanover may choose to award a contract without engaging in discussions or negotiations, the Proposals submitted shall define the Service Provider’s best offer for performing the Services described in this RFP.

The commencement of such discussions, however, does not signify a commitment by the County to execute a contract or to continue discussions. The County can terminate discussions at any time and for any reason.

The County will have a period up to sixty (60) days, unless otherwise stated, to decide which proposal best meets the criteria outlined in the Request for Proposals. The County reserves the right to award contracts to one or multiple companies.

New Hanover County reserves the right to waive any minor informalities or irregularities, which do not go to the heart of the proposal or prejudice other offers, or to reject, for good and compelling reasons, any and all proposals submitted. Conditional proposals, or those which take exception to the Request for Proposals, will be considered non-responsive and will be rejected. All addenda to this information package will be posted online at http://www.nhcgov.com/business-nhc/bids or at the State of North Carolina Interactive Purchasing System site.

Should a Service Provider find discrepancies or omissions in this RFP or any other documents provided by New Hanover County, the Service Provider should immediately notify the County of such potential discrepancy in writing via email as noted above, and a written addendum will be made available, via the Internet, if the County determines clarification necessary.

Service Providers are encouraged to make a good faith effort to include environmental considerations supporting waste reduction, recycling and buy-recycled products supporting markets for recycled and other environmentally preferable products whenever practical. New Hanover has an equal opportunity purchasing policy.

The County seeks to ensure that all segments of the business community have access to supplying the goods and services needed by County programs. The County affirmatively works to encourage utilization of minority business enterprise in our procurement activities and provides equal opportunity for all businesses and does not discriminate against any Service Provider regardless of race, color, religion, age, sex, and national origin or disability.
The Service Provider shall comply with the County's purchasing policy. New Hanover reserves the right to reject any and/or all proposals in connection with this project, and to waive formalities in a proposal.

Final award of contract is contingent upon availability of funds from Federal, State and/or local governing bodies.
Section 3  Description of Requested Services

A. Scope

Service Provider will provide Non-Emergency Transportation Services to Medicaid approved adults, children, seniors (60 and older), veterans, and persons with disabilities. DSS and Senior Resource Center will determine eligibility for those passengers needing transportation. These services will be accomplished by working in close relationship with DSS and Senior Resource Center and any other Federal, State and/or local governing agencies providing funding and other resources for this service.

Non-Emergency Transportation Services are provided on a demand response and standing order basis. Most of all trips are provided within New Hanover. On occasion, trips for DSS eligible passengers are provided for appointments outside New Hanover County. DSS and Senior Resource Center coordinates all non-emergency transportation services for eligible passengers. Services are provided 24 hours per day/7 days per week, 364 days per year.

Passengers are assessed, approved and assigned to use the least costly and appropriate mode of transportation. The County provides no guarantee of any number of trips.

Proposals must comply with the Federal requirements found in 49 CFR Parts 27 and 609 (Non-discrimination on the Basis of Handicap in Federally Assisted Programs) and 49 CFR Parts 27, 37 and 38 (Transportation for Individuals with Disabilities). Failure to comply may result in criminal or civil sanctions and fines.

B. Term of Contract

For purposes of this RFP and the Service Provider’s Proposal, assume an initial term of one (1) year, with the County having an option to renew for four (4) additional consecutive one (1) year terms thereafter unless earlier terminated pursuant to the terms and conditions of the contract. Service Provider shall be available and ready to commence services immediately upon contract execution.
Section 4 Proposal Format and Provider Response

Address each section providing as much detail as possible. Provide documents, manuals, procedures, processes applicable to each section.

Responses to this RFP must correlate with the alphanumeric characters in order. List the letter, numeral, brief numeral descriptor and the response. Provide all type written responses in size 12 font. Each item in the RFP must be addressed in the proposal.

A. Letter of Transmittal
The Proposal must include a letter of transmittal attesting to its accuracy, signed by an individual authorized to execute binding legal documents on behalf of the Service Provider.

1. The letter shall present the Service Provider's understanding of the RFP.
2. Provide the name, email, physical and mailing address, telephone and facsimile numbers for the Service Provider and Executive that has authority to contract.
3. Each Service Provider shall make the following representations and warranty in the letter, the falsity of which will result in rejection of its proposal:
   a. "The information contained in this proposal or any part thereof, including any exhibits, schedules, and other documents and instruments delivered or to be delivered to New Hanover County, are true, accurate, and complete. This proposal includes all information necessary to ensure that the statements therein do not in whole or in part misleading New Hanover County as to any material facts."

B. Minimum Requirements
1. Service Provider shall procure all necessary permits and licenses and abide by all applicable laws, regulations and ordinances of all Federal, State, and local governments in which work under any resulting contract is performed. These minimum requirements must be met prior to award of contract if your company is selected.

2. The following requirements must be met and documents are to be included with the proposal, before your company’s qualifications will be considered:
   a. Evidence of Adequate Insurance, a Certificate of Insurance or letter from your insurance carrier:

<table>
<thead>
<tr>
<th>Insurance Description</th>
<th>Minimum Limits of Insurance Required</th>
<th><strong>Subject to change depending on size/location/description of work</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial General Liability**</td>
<td>$1mil Ea. Occurrence; $1mil Products/Completed Operations; General Aggregate Limit shall apply separately to this project/location or the general aggregate limit shall be twice the required limit.</td>
<td></td>
</tr>
<tr>
<td>Business Auto Liability</td>
<td>$100,000 Bodily Injury (Per Person); $300,000 Bodily Injury (Per Accident); $50,000 Property Damage (Per Accident; Any Auto including Hired &amp; Non-owned Liability; $2K Medical Payments Coverage</td>
<td></td>
</tr>
<tr>
<td>Worker’s Compensation Employer’s Liability</td>
<td>Statutory Limits</td>
<td></td>
</tr>
<tr>
<td>Additional Insured CG 20 26</td>
<td>** New Hanover County (not the department), its officers, officials, agents and employees **</td>
<td></td>
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</tbody>
</table>

Page 7 of 20
Medical and WorkFirst Transportation Services (Seating Capacity less than 15 Passenger (Except Taxi))

<table>
<thead>
<tr>
<th>Insurance Description</th>
<th>Minimum Limits of Insurance Required</th>
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</tr>
<tr>
<td></td>
<td>$1,000,000/$1,000,000/$1,000,000 This policy must include a Waiver of Subrogation.</td>
</tr>
<tr>
<td>Additional Insured CG 20 26</td>
<td>** New Hanover County (not the department), its officers, officials, agents and employees</td>
</tr>
</tbody>
</table>

- Secretary of State Certificate of Authority if Service Provider out of state.
- Articles of Incorporation, if applicable.
- Passenger Vehicle for Hire Company Operating Permit
- For any proposal to be considered responsive, provide an affidavit attesting that the company is in compliance with the E-Verify provisions of Article 2 of Chapter 64 of the North Carolina General Statutes and shall ensure that any subcontractors used by Service Provider on this County Project will also comply with the E-Verify provisions. Complete and submit the E-Verify form.
- Complete and submit the Overdue Tax Letter form.
- Complete and submit the Certification Regarding Lobbying form.
- Complete and submit the Certification Regarding Debarment form.
- Audited Financial Statement is required for the last period audited. Service Providers with total revenue, from all sources, of more than one hundred thousand dollars ($100,000) in annual funding are REQUIRED to submit an annual Audited Financial Statement (AFS) prepared by a Certified Public Accountant. The AFS must include the following:
  - Balance Sheet, Statement of Financial Position or Statement of Assets, Liabilities and Owner's Equity
  - Statement of Income or Statement of Revenues and Expenses.
  - Statement of Cash Flows.
  - Independent Auditors' Opinion.
  - Notes to Financial Statements and Supplement Information.
  - The Notes to the Financial Statements are required as they provide additional detail and further explanation of the financial statements.
  - The AFS may also include additional information such as management discussion, analysis, schedules, and/or exhibits that provide further detail on line items included in the basic financial statements.
- Audited Financial Statement is required for the last period audited. Service Providers with total revenue, from all sources, of less than one hundred thousand dollars ($100,000) in annual funding are REQUIRED to submit at a minimum an Annual Financial Compilation prepared by a Certified Public Accountant. An AFC refers to financial statements that include the following:
ii) Statement of Income or Statement of Revenues and Expenses.

iii) Statement of Cash Flows.

C. Financial Information
Credit ratings and credit reports (bank and vendor references will be used to evaluate the credit worthiness of each company).

1. Provide three bank and/or vendor references; include contact name, email and mailing address and contact telephone number.
2. Indicate whether or not your company (and/or predecessor, guarantor or subcontractor) has declared bankruptcy within the last five (5) years.
3. Description of the financial impact of any past or pending legal proceedings and judgments that could materially affect the financial position or ability to provide Services to the County. This information will be reviewed and assessed in accordance with the information provided.
4. All credit reports, credit bulletins, and any other published statements by the most recognized agencies (Standard & Poor’s Rating Group, Moody, Investor Services, Dun & Bradstreet, and Value Line) that have been issued or published about the entity within the past five (5) years.
5. Describe any organizational changes such as divestitures, acquisitions, or spin-offs business segments that have occurred in the last two (2) years or that are anticipated in the future.
6. Provide the latest Audited Financial Statement see B Above- Minimum Requirements.

D. Company Information
This section should highlight aspects of this proposal which make it superior or unique in addressing the needs of New Hanover County.

1. Submit an executive summary, outlining the proposal including the proposed general management philosophy.
2. Legal name of the company if doing business under some name other than that by which the company is commonly recognized and years in business.
3. Origin, state of incorporation, background, and current size.
4. Ownership structure of your company, including any significant or controlling equity holders.
5. Summary of the approach to be undertaken to perform Non-Emergency Transportation Services.
6. Detail information regarding the business segments of your company, showing the reporting structures within these segments and among these segments and the overall company.
7. Organizational changes such as divestitures, acquisitions, or spin-offs business segments that have occurred in the latest two (2) years or are anticipated in the future.
8. Central operations physical address, office location.

E. Background and Experience

1. Company’s experience providing transportation services to persons with special needs.
2. Communications scheme that your company will use to keep the County informed about the Project.
3. Company name, contact name, email and mailing address, and contact telephone number for three (3) customers of comparable size and scope of service that your Company has been under contract with providing this service.
4. Comprehensive listing of prior and/or existing similar contracts you have had within last three (3) years.
5. Any risks associated with this contract and what contingencies have been built in to mitigate those risks. Include any plan for managing the risk of terrorism.
6. List the steps your company will take to ensure that the transition/implementation for the Project runs smoothly.
F. **Staffing/Organization**

1. Management organization chart of your overall company, showing director, officer positions and names and the reporting structure.
2. Provide a point of contact to communicate with the County regarding passenger transportation needs or complaints. Staffing and experience of the proposed project team, list responsibilities of the project team.
3. Job descriptions of all individuals who will be assigned to work with this project. Job descriptions should be specific to the project.
4. Criteria for recruiting, hiring and evaluating dispatch staff and drivers. Provide minimum qualifications, experience, and background checks required for each position used in the organization chart.
5. Approach to total quality management and total quality plan. Continuous improvement program and how your current customers benefit from your service improvements.
6. Experiences in adapting to changing technologies. Explain how your company ensures that personnel performing technical support services are qualified and proficient.
7. Approach, policies, and experience with respect to deployment of your personnel. Has your company been the subject of a dispute or strike by organized labor within the latest five (5) years? Describe the circumstances and the resolution of the dispute.
8. Quality assurance procedures, expectations and measurements.

G. **Customer Service**

1. Customer service philosophy and how it is communicated and reinforced throughout the company.
2. Handling Customer Complaints
3. Minimum standards on the following types of complaints:
   a. Late drop off
   b. Late pick up
   c. Ride time
   d. Driver no-show

H. **Employee Training**

1. Required trainings. Description of training provided, dates, and evaluation tools used. Provide samples of materials used. Include trainings required and provided to any subcontractors.
2. Safety and security program, including accident and incident reporting. Provide data regarding accident frequency rates.
3. Anti-drug and alcohol misuse prevention and testing requirements.
4. Customer service training for all staff and drivers.
5. Wheelchair securement training.

I. **Operations**

1. Central Operations Site physical address.
2. Mobile Communications System listing equipment and procedures. What is the process from dispatcher to driver? What are after hour call procedures?
3. Current computer hardware and software (processors, internet connections, etc.)
4. Type of transportation services you can/will provide: ambulatory, non-ambulatory or both.
5. Geographic market currently served.
6. Quality assurance procedures, expectations and measurements. Submit data pertaining to on-time performance, customer complaints per passengers transported, miles between mechanical failures, accidents per miles driven.
7. Communication between the dispatcher and driver.
8. After hour call procedures.
9. System Safety Program Plan (SSPP) addressing the following six (6) core elements:
   a. Driver/Employee Section
   b. Driver/Employee Training
   c. Safety Data Acquisition Analysis
   d. Drug, Alcohol and Abuse Program
   e. Vehicle Maintenance
   f. Security
   g. Blood Borne Pathogens Exposure and Control Plan

The SSP must align with the NCDOT Standard Operation Procedure SSPP-001 and the State Management Plan.

J. Fleet
1. Proposed fleet vehicles, including back-up vehicles. (Year, Manufacturer, Model, etc.)
2. Vehicle ownership, lease
3. Vehicles meeting ADA requirements of accessibility
4. Vehicle seating capacity, each type
5. Restraints and safety equipment available
6. Paint and identification or decal scheme
7. Mobile data units for each vehicle. If no mobile data units, identify if your company is willing to incur the cost for purchase/installation.

K. Preventive Maintenance
1. Overall maintenance program for vehicles and equipment
2. Provide copies of forms used for maintaining vehicles
3. Vehicle cleaning standards
Section 5  Service Provider Responsibilities/Requirements

A. Qualifications
In order to respond to this RFP, Service Provider must have a minimum of three (3) years successful history of providing transportation services as defined in this RFP.

B. Vehicles/Fleet
Furnish vehicles to ensure efficient and adequate service to New Hanover County passengers. Vehicles shall be compliant with specification in the Americans with Disabilities Act of 1990. All vehicles, labor, materials, supplies and equipment used in the transport of New Hanover County passengers must:

1. Comply with all applicable Federal, State and Local safety and mechanical standards/requirements which includes but is not limited to the Federal Transit Administration (FTA) and North Carolina Division of Transportation (NCDOT) regulations and policies.
2. Meet all City of Wilmington ordinances. Vehicles and Drivers must have a current permit at all times. Vehicle fleet age is not to exceed requirements.
3. Be equipped with a functioning two-way radio or other equipment capable of providing communication between the Service Provider’s base radios and dispatch station and the vehicle at any and all times and from any locations within the service area.
4. Be clean, sanitary, and in safe operating conditions. Vehicle heating/air conditioner and seat belts must be operable at all times. Vehicles with inoperable heating/air conditioner or seat belts are not allowed to be used in service to transport New Hanover County passengers.
5. ONLY those vehicles scheduled and approved by New Hanover County will be used. Vehicle schedule must be maintained and kept current at all times. Any change in schedules must be approved by DSS and Senior Resource Center prior to the change occurring.
6. Contingency plan for vehicle breakdown must be in place to transport New Hanover County passengers in the event of a service disruption. Contingency plan may not include rental or leased vehicles as they are prohibited and may not be used to transport any New Hanover County passengers.
7. New Hanover County reserves the right to inspect Service Provider vehicles at any time and require removal of any given vehicle from service when deemed necessary because of maintenance or safety concerns.

C. Employees - Drivers/Subcontractors
Service Provider must be wholly responsible to ensure that the Drivers comply with all of the terms and conditions of the Contract. Service Provider must ensure that each Driver:

1. Employed or subcontracted must have a valid appropriate North Carolina driver’s license and a safe driving record with no DUI/DWI’s in the past ten years. All Drivers must have a satisfactory criminal background check. No driver with a history of violent behavior or sexual offenses will be allowed to transport New Hanover County passengers. Service Provider must submit schedule list of drivers to be used in the performance of the contract along with copy of each driver’s permit and driver’s license. List of drivers must be maintained and kept current at all times. Any change in the drivers must be approved by DSS and Senior Resource Center prior to the change occurring.
2. Clean in appearance, clothing has visible driver and company name/logo identification. Polite and courteous to passengers. Smoking is not allowed inside the vehicles at any time.
3. Use the highest degree of care in the operation of equipment and when assisting passengers entering and existing the vehicle.
4. Establish and implement anti-drug and alcohol misuse prevention program in accordance with the Federal Transit Administration Regulation 49CFR Part 655 and 40. Maintain and keep current Drug and Alcohol Training as well as any other training as required by New Hanover County.

5. Certify that the employee training conducted meets the requirements of 49CFR Part 655 and 40. Records of the drug and alcohol-testing program shall be made available to New Hanover County, Federal Transportation Administration, North Carolina Division of Transportation (NCDOT), and their representatives. Service Provider will be responsible for all costs for drug and alcohol testing.

6. All drivers will be randomly tested for both drugs (10 panel test) and alcohol a minimum of one (1) time per year (a twelve month period). Service Providers will be responsible for all costs.

7. In the event of an accident or allegation of driving while under the influence of an illegal substance, the driver must submit to a post-accident 10-panel drug and alcohol test at an approved facility within two (2) hours of the accident.

8. Documentation is required indicating that all new drivers have been tested and that current drivers have been randomly tested. In addition, current drug testing records must be available for audit review by New Hanover County.

D. Non-Emergency Transportation Service

1. The maximum one-way ride time for any passenger shall not exceed sixty (60) minutes from the time the passenger boards or enters the vehicle except as required due to distance for Out of County travel. In the event of tie-ups or other unavoidable delays, DSS and/or Senior Resource Center must be contacted.

2. Properly utilize his/her seat belt while driving/riding. Must comply with child safety provisions as noted in (NC Child Passenger Safety Law - G.S. 20-137.1). The number of passengers in a vehicle shall not exceed the number of seat belts in the vehicle.

3. Meet appointment times. Arrival times must be within scheduled appointment times and pick up for outbound trip will not exceed 45 minutes of the call requesting the outbound trip.

4. With the exception of training other drivers, no other fares are allowed while transporting New Hanover County passengers.

5. Allow approved attendants to ride with and assist authorized passengers at no charge to New Hanover County. Individuals shall not be transported to other destinations without the expressed consent and authorization of New Hanover County.

E. COMMUNICATION

1. The point of contact must be available at any time, including nights, weekends, and holidays. All complaints received against the Service Provider will be investigated by DSS and/or Senior Resource Center.

2. Service Provider must respond to all complaints in a format and within timeframe specified. Valid complaints as determined by the County may be assessed liquidated damages.

3. Service Provider agrees to adhere to liquidated damages assessed by the County.

4. Any and all accidents and/or incidents, including traffic violations or citations received while transporting New Hanover County passengers must be reported within 15 minutes of the occurrence by phone with accident/incident form to follow within 24 hours of the accident and/or incident.

5. Any driver for the Service Provider who is charged with a serious traffic violation or criminal act shall be removed from service for the County pending the outcome of a joint investigation by the Service Provider and the County.

F. RECORD KEEPING

Maintain electronic records to document that service has been provided.
Proposals will be evaluated by an evaluation team based on the Service Provider's ability to meet the performance requirements of this RFP. Failure to submit information requested may result in the elimination of the proposal from further evaluation. Proposals will be assessed to determine the most comprehensive, competitive and best value solution for NEW HANOVER COUNTY based on, but not limited to, the criteria below. NEW HANOVER COUNTY reserves the right to modify the evaluation criteria or waive portions thereof.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weight</th>
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<tbody>
<tr>
<td>1. Experience and qualification of the company:</td>
<td></td>
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<tr>
<td>• Financial strength</td>
<td>25</td>
</tr>
<tr>
<td>• Paratransit experience</td>
<td></td>
</tr>
<tr>
<td>• Experience of local / regional support staff</td>
<td></td>
</tr>
<tr>
<td>• Support services rendered</td>
<td></td>
</tr>
<tr>
<td>2. Experience and qualities of the proposed contract management team</td>
<td>25</td>
</tr>
<tr>
<td>3. Contractors proposed programs and staffing plan</td>
<td>25</td>
</tr>
<tr>
<td>4. Price</td>
<td>25</td>
</tr>
</tbody>
</table>
As a custodian of public funds, the County must adhere to applicable bidding practices established by State law, County policy, and good administrative practice. Bids may be protested for any bid solicited. All protests must be in the writing and must be delivered to the Finance Director prior to award by the Board of Commissioners or issuance of purchase order.

The protester (bidder) shall adhere to the following procedures:

1. The protester (bidder) who protests a bid will deliver a written statement to the Finance Director detailing the reason for the protest within five (5) business days or prior to award and/or issuance of a purchase order whichever is later.

2. The Finance Director will review the data submitted and provide a formal response to the protester (bidder) within five (5) business days after receipt of the written protest.

3. A protester (bidder) not satisfied with that response may appeal the decision to the County Manager, provided such appeal is received within five (5) business days after the response from the Finance Director. If an appeal is not filed within the specified period, no other County redress is available.

4. No further appeal is available as of right; provided, however, the dis-satisfied protester (bidder) may request that the Board of Commissioners elect to hear an appeal from the decision of the County Manager. The decision rendered by the Board of Commissioners is final.

5. Any and all cost incurred by a protesting party in connection with a protest shall be the sole responsibility of the protesting party.
Section 8  Pricing Structure

Non-Emergency Transportation
RFP # 15-0326

Fill in the cost for providing the services listed below. You may also submit pricing for other services you provide out only those transit points you wish to service. Flat Rate Pricing is preferred.

<table>
<thead>
<tr>
<th>TYPE OF SERVICE PROVIDED</th>
<th>FLATE RATE</th>
<th>ROUND TRIP</th>
<th>PRICE PER MILE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulatory (Inside City Limits)</td>
<td>$</td>
<td>$</td>
<td>$1.49</td>
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<tr>
<td>Non-Ambulatory (Inside City Limits)</td>
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<td>$1.49</td>
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<tr>
<td>Ambulatory (Outside City/Within County)</td>
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<td>Non-Ambulatory (Outside City/Within County)</td>
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<td>Non-Ambulatory to Carolina Beach</td>
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The Contractor may complete both columns or just one, each will be reviewed. The undersigned certifies that their service being offered will meet or exceed the minimum specifications as presented in the attached proposal package.

MedTrans of Wilmington, LLC
335 Ashworth Manor Court
Wilmington, NC 28412

(910) 431-2996
5-5-15
41-1425150

Officer Signature/Title

Page 16 of 20
STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

1. Eddie Smith (hereinafter the “Affiant”), duly authorized by and on behalf of MedTrans of Wilmington, LLC (hereinafter the “Employer”) after being first duly sworn deposes and says as follows:

1. I am the President and CEO (President, Manager, CEO, etc.) of the Employer and possess the full authority to speak for and on behalf of the Employer identified above.

2. Employer understands that “E-Verify” means the federal E-Verify program operated by the United States Dept. of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

3. Employer employs 25 or more employees in the State of North Carolina, and is in compliance with the provisions of N.C. Gen. Stat. §64-26. Employer has verified the work authorization of its employees through E-Verify and shall retain the records of verification for a period of at least one year. Employer employs fewer than 25 Employees and is therefore not subject to the provisions of N.C. Gen. Stat. §64-26.

4. All subcontractors engaged by or to be engaged by Employer have or will have likewise complied with the provisions of N.C. Gen. Stat. §64-26.

5. Employer shall keep New Hanover County informed of any change in its status pursuant to Article 2 of Chapter 64 of the North Carolina General Statutes.

Further this affiant sayeth not.

This the 5th day of May, 2015.

[Signature]

Affiant

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

Sworn to and subscribed before me, this the 5th day of May, 2015.

[Signature]

Notary Public

My commission expires: 10-1-18

Page 17 of 20
OVERDUE TAXES

MEDTRANS OF WILMINGTON, LLC
335 Ashworth Manor Court
Wilmington, NC 28412

May 5, 2015

To: New Hanover County

Certification:

We certify that MedTrans of Wilmington, LLC does not have any overdue tax debts, as defined by N.C.G.S. 105-243.1, at the federal, State, or local level. We further understand that any person who makes a false statement in violation of N.C.G.S. 143C-6-23 c is guilty of a criminal offense punishable as provided by N.C.G.S. 143C-10-1b.

Sworn Statement:

I, Eddie Smith, being duly sworn, say that I am President and CEO of MedTrans of Wilmington, LLC of Wilmington in the State of North Carolina; and that the foregoing certification is true, accurate and complete to the best of our knowledge and was made and subscribed by me. I also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.

Authorized Official

Authorized Official

\(^{1}\) G.S. 105-243.1 defines: Overdue tax debt. – Any part of a tax debt that remains unpaid 90 days or more after the notice of final assessment was mailed to the taxpayer. The term does not include a tax debt, however, if the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the notice of final assessment was mailed and has not failed to make any payments due under the installment agreement.”
CERTIFICATION REGARDING LOBBYING

(To be submitted with all bids or offers exceeding $100,000; must be executed prior to Award)

The undersigned Eddie Smith certifies, to the best of his or her knowledge and belief, that:

(Contractor)

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding to any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.).]

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Note:

Pursuant to 31 U.S.C. 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than $10,000 for each such expenditure or failure.

The Contractor, Eddie Smith, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Section A 3801 et seq., apply to this certification and disclosure, if any.

Date Signature of Contractor's Authorized Official
5-5-15

Signature of Contractor's Authorized Official

Eddie Smith, President and CEO

Name and Title of Contractors Authorized Official

Subscribed and sworn to before me this 5 day of May, 2015 in the State of NC.

Notary Public

My Appointment Expires 10-1-18
CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY and VOLUNTARY EXCLUSION
LOWER TIER COVERED TRANSACTION
(To be submitted with all bids or offers exceeding $25,000.)

(1) The prospective lower tier participant (Bidder/Contractor) certifies, by submission of this bid or proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) The prospective Bidder/Contractor also certifies by submission of this bid or proposal that all subcontractors and suppliers (this requirement flows down to all subcontracts at all levels) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(3) Where the prospective lower tier participant (Bidder/Contractor) is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this bid or proposal.

The lower tier participant (Bidder/Contractor) certifies or affirms the truthfulness and accuracy of this statement of its certification and disclosure, if any.

SIGNATURE ________________________________
TITLE  President and CEO
COMPANY MedTrans of Wilmington, LLC
DATE  5-5-15

State of NORTH CAROLINA
County of NEW HANOVER

Subscribed and sworn to before me this 5th day of MAY, 2015

(SEAL)

Notary Public
My Appointment Expires 10-1-18
Section 4

A. Letter of Transmittal

May 5, 2015

To Whom It May Concern:

This letter is written to confirm that all of the information contained in this RFP is accurate. I have read and understand of New Hanover County’s requirements for Non-emergency transportation services.

The information contained in this proposal or any part thereof, including any exhibits, schedules and other documents and instruments delivered or to be delivered to New Hanover County, are true, accurate and complete. This proposal includes all information necessary to ensure that the statements therein do not in whole or in part mislead New Hanover County as to any material facts.

Sincerely,

MedTrans of North Carolina, LLC

[Signature]

Eddie Smith, Manager
335 Ashworth Manor Court
Wilmington, NC 28412
(910) 431-2996
murphylsmith@aol.com
Section 4

B. Minimum Requirements
1. Not applicable.
2. a. Please see attached exhibit Section 4 B.2.a.
   b. Not applicable.
   c. Please see attached exhibit Section 4 B.2.c.
   d. Not applicable.
   e. See attached E-Verify form.
   f. See attached Overdue Tax Letter.
   g. See attached Certification Regarding Lobbying form.
   h. See attached Certification Regarding Debarment form.
   i. Not required based on annual funding.
   j. Not required based on annual funding.

C. Financial Information
1. See attached vendor references exhibits Section 4. C.1.
3. Not applicable.
4. Not applicable.
5. Not applicable
6. Not required based on annual funding.

D. Company Information
1. Med Trans of North Carolina is a family owned business that provides jobs locally throughout eastern NC. While providing hospital medical equipment for the past 6 years and being associated with medical facilities and equipment provided at nursing/assisted living centers he began to see the real need for a service to provide safe, reliable and on time transportation for the elderly and handicap citizens of the region. The owner is accustomed to extensive background investigations from his years as a consultant for local DME providers therefore each employee and driver for Med Trans has an extensive background check before they are allowed to work at Med Trans. Med Trans is determined to be the leading provider of non-emergency medical transportation services in Eastern North Carolina.
   Mission Statement:
   To provide non-emergency transportation with courteous drivers and reliable equipment and to safely transport on time every time!
2. Med Trans of North Carolina, LLC operated under a d/b/a/ of Med Trans of Wilmington, LLC in New Hanover County for the last 3 years.
3. Wilmington, North Carolina. Operating for the last 4 years less one dormant year. Business steadily increased over the past 3 years. The company employees are Eddie Smith, President and CEO and Jon T. Vincent, CPA, CFO. All drivers are contracted employees (8).
4. Eddie Smith 80% Jon T. Vincent 20%.
5. Med Trans will provide non-emergency services via coordinating its effort with New Hanover County agencies to provide consistent, uninterrupted business transportation to eligible citizens on a timely basis. The transportation communication schedule will be done via emails and/or vocally through the phone.

6. Med Trans is segmented into two major departments which are operations and administration. The operations will be handled by President and CEO Eddie Smith and Administration will be provided by Jon T. Vincent, CPA.

7. Not applicable.

8. 1612 Doctors Circle, Wilmington, NC 28401

E. **Background and Experience**

1. Eddie Smith has been providing transportation services in the assisted living and non-emergency clients for over 4 years.

2. Emails followed up by phone calls and meetings if necessary.

3. a. Port City Medical Associates – William Joyner (910) 620-2105
   1612 Doctors Circle Wilmington, NC 28401; joyenterprises@aol.com

   b. Brunswick County attn: Fran Hardy
   cell: 910-398-2202; fran.hardy@brunswickcountync.gov
   60 Government Drive, NE
   PO Box 219 Bolivia, NC 28422

   c. Piedmont Triad Regional Council – Warren Wilson, Jr. (336) 904-0300
   Kernersville, NC 27284

4. See #3 above.

5. Med Trans’ major risks are contract diversity and vehicle accidents. Contract diversity is vetted through an extensive background check. Vehicle accident risk is mitigated by insurance. At this time we do not feel we are subject to terrorism risks in transporting clients.

6. Med Trans believes in eliminating potential problems through proper communication. Therefore we will make every effort to effectively communicate with the New Hanover County agencies to eliminate or mitigate any potential problems.

F. **Staffing/Organization**

1. Eddie Smith, President and CEO; Jon T. Vincent, CPA, CFO

2. Eddie Smith is point of contact.

3. Eddie Smith is President and CEO of the company. Jon T. Vincent is the COO of the company. All drivers are contracted and not directly employed by the company.

4. We use word of mouth recommendations from community leaders for recruiting potential drivers. We then interview candidates one on one to determine their suitability for the job. Lastly we run background checks to make sure there are no issues.

5. The President contacts, on a sample basis, all clients that have been transported to determine their satisfaction with regards to MT services.

6. Med Trans prides itself on computer literacy and adapts easily to the changes within the technology spectrum.
7. To date Med Trans has not had a personal dispute however all personal issues will be dealt with in a timely manner and a memo written as to the facts and resolution of the dispute. Once copy will be give to the party who initiated the dispute and one copy for the Med Trans office files.

8. See #5 above.

G. Customer Service
1. 100% customer satisfaction 100% of the time.
2. The President will meet with the customer personally to resolve any complaints to the satisfaction of the customer.
3. It is our goal to never be last with regards to dropping off or picking up a client. We will strive to fulfill the drive time requirements and never “not show” to pick a client up.
   a. File a report and contact customer.
   b. File a report and contact customer.
   c. File a report and contact customer.
   d. Not applicable – we have never had a no-show.

H. Employee Training
1. All contracted employees are trained in CPR and provided first aid kits. Internet based training is provided as well as defensive driving and properly securing wheelchair videos.
2. To date our company has had no accidents or incidents.
3. All contracted drivers are randomly drug tested.
4. All employees are trained on a quarterly basis by speakers who teach how to recognize and react to passengers in distress and when non-emergencies become emergencies. They are also trained in defensive driving.
5. All employees are trained on a quarterly basis on how to properly secure a wheelchair.

I. Operations
1. 1612 Doctors Circle, Wilmington, NC 28401
2. Presently the President communicates with employees via mobile phones including dispatch to a driver.
3. Dell PC and Time Warner Cable Internet.
4. We provide ambulatory and non-ambulatory services.
5. New Hanover County and Brunswick County.
6. Based on data obtain over the past 4 years, we are currently operating at a 99% success rate with our on-time trips. We have never had a no-show.
7. Mobile phone is the form of communication between dispatch and driver.
8. Mobile phone is the form of communication between dispatch and driver after hours.
   b. See Attached Driver Performance Review Form exhibit Section 4 I.9.b.
c. Neither our company nor our contractors have yet to be involved in any accidents, collisions or lost time accidents related to Med Trans of North Carolina. Our company will develop a plan if/when an accident occurs.
d. No current contractor has ever failed a drug or alcohol test, but if this occurs our company a Drug and Alcohol Abuse Program.
e. See attached Vehicle Inspection checklist exhibit Section 4 I.9.e and Section 4 K.2.
f. See attached Wheelchair transportation safety checklist exhibit Section 4 I.9.f.
g. Vehicles are equipped with Blood Borne Pathogens Kit.

J. Fleet
2. All vehicles are owned by the Eddie Smith, President and COO.
3. All vehicles in the fleet meet ADA requirements.
5. Fire extinguishers, first aid kits and airbags.
6. All vehicles are easily identified with Med Trans insignia and logos.
7. Our fleet is not equipped with Mobile data units but is willing to incur the cost for purchase and installation.

K. Preventive Maintenance
1. Our vehicles are inspected and maintained at recommended series levels.
2. Vehicle Maintenance exhibit Section 4 I.9.e and Section 4 K.2.
3. Our vehicles never depart for pick up without being 100% cleaned.

Section 5
A – F Service Provider Responsibilities/Requirements.
Med Trans of North Carolina, LLC understands and abides by all responsibilities and requirements addressed.

Section 8 – Please see attached.
## Certificate of Liability Insurance

### Important Notice:
This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend, or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

### Certificate Details:

**Certificate Number:**

**Revision Number:**

**Issuance Date:**

**Termination Date:**

### Coverage Details:

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### Additional Insured:

New Hanover County

**Address:**

230 Government Center Dr Suite 125

Wilmington, NC 28403

### Cancellation Notice:

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

ACORD 28 (2010/05)
State of North Carolina  
Department of the Secretary of State

Limited Liability Company  
ARTICLES OF ORGANIZATION

Pursuant to §57D-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: Med Trans of North Carolina, LLC  
   (See Item 1 of the Instructions for appropriate entity designation)

2. The name and address of each person executing these articles of organization is as follows: (State whether each person is executing these articles of organization in the capacity of a member, organizer or both. Note: This document must be signed by all persons listed.)

   Bradley A. Coxe, Organizer
   Hodges & Coxe, P.C.
   3907-100 Wrightsville Avenue
   Wilmington, NC 28403

3. The name of the initial registered agent is: Eddie Smith

4. The street address and county of the initial registered agent office of the limited liability company is:

   Number and Street 335 Ashworth Manor Court
   City Wilmington State: NC Zip Code: 28412 County: New Hanover

5. The mailing address, if different from the street address, of the initial registered agent office is:

   Number and Street _______________________
   City ___________________ State: NC Zip Code: ______ County: ______

6. Principal office information: (Select either a or b.)

   a. [ ] The limited liability company has a principal office.

      The principal office telephone number: (910) 431-2996
      The street address and county of the principal office of the limited liability company is:
      Number and Street 335 Ashworth Manor Court
      City Wilmington State: NC Zip Code: 28412 County: New Hanover

CORPORATIONS DIVISION  
P.O. Box 29622  
RALEIGH, NC 27616-0622
(Revised January 2014)  
(Form L-01)
The mailing address, if different from the street address, of the principal office of the company is:

Number and Street ___________________________

City __________________ State: ______ Zip Code: ______ County: __________

b. ☐ The limited liability company does not have a principal office.

7. Any other provisions which the limited liability company elects to include (e.g., the purpose of the entity) are attached.

8. (Optional): Please provide a business e-mail address. The Secretary of State's Office will e-mail the business e-mail address provided above at no cost when a document is filed. The e-mail address will not be viewable on the website. For more information on why this service is offered, please see the instructions for this document.

9. These articles will be effective upon filing, unless a future date is specified:

This is the 27th day of March, 2014.

Signature

Bradley A. Cox, Organizer

Type or Print Name and Title

The below space to be used if more than one organizer or member is listed in Item #2 above.

______________________________  ________________________________
Signature  Signature

Type and Print Name and Title  Type and Print Name and Title

______________________________  ________________________________
Signature  Signature

Type and Print Name and Title  Type and Print Name and Title

NOTES:
1. Filing fee is $125. This document must be filed with the Secretary of State.
Dear Sir/Madam:

It is with great pleasure that I have been asked to write this letter of support of Med Trans of Wilmington. We at Port City Medical Association have used the Med Trans service for the past four (4) years. The organization has transported some of our patient population to and from medical visits. Their staff is prompt, friendly and professional at all times. My front staff notes that they are always accommodating and efficient and patients have remarked how excellent the service is they provide. Jon Vincent and Eddie Smith, who I have known for the past 5 years, has shown initiative, business professionalism and commitment as executives of Med Trans of Wilmington at all times. They are astute businessmen, organized, thorough and fully capable of handling all situations regarding transport of patients.

I am sure the County will find their company prepared and ready to perform all tasks that you request. Again, we fully support and recommend their organization to you.

Sincerely,

Dr. William L. Joyner
April 2, 2015

To New Hanover County,

I am writing today in reference to Med Trans of Wilmington, a local Transportation Company that assists patients with their transportation needs to various physicians appointments. Without the assistance of the company some of these patients may have not been able to make it to important medical appointments. We have used Med Trans services on many different occasions to assist these patients with nothing but positive feedback. We have even been able to call the company a few times with little to no notice of a patient’s appointment that for some reason or another, the patient lacked transportation and Med Trans immediately agreed to get them to their destination. For Example, they assisted a patient to Duke that without the companies quick arrangement to help the patient otherwise may have had to wait months before being able to reschedule there appointment. As a local physician I would recommend this company to others that may have patients with similar needs; Eddie Smith and Jon Vincent have provided exceptional service to our patient clientele as well as the community at large if you have any other questions feel free to contact me at my office.

Sincerely,

[Signature]

Dr. Anthony K. Njapa, D.O.
DRIVER PERFORMANCE REVIEW FORM

Date of Evaluation__________________

Driver's Name______________________________

Evaluator's Name/Position____________________________

Passenger Reception
1. ☐ Confirms identity/destination of passenger
2. ☐ Present at entry door while boarding
3. ☐ Greets passenger in a friendly manner
4. ☐ Uses proper assistance techniques
5. ☐ Assists passengers to and from the vehicle door if needed
6. ☐ Stops proper distance from curb
7. ☐ Avoids use of AM/FM radio
8. ☐ Uses correct ADA language at all times

Vehicle Condition
1. ☐ Daily pre-trip inspection complete/documentated
2. ☐ Checks for valid inspection sticker
3. ☐ Registration card in vehicle
4. ☐ Driver's license/logs with driver
5. ☐ Vehicle exterior clean
6. ☐ Vehicle interior clean
7. ☐ Dashboard/windshield area clear of all objects
8. ☐ Tie downs properly employed
9. ☐ Tie downs clean/stowed in box
10. ☐ Seat belts in good working condition
11. ☐ Fire extinguisher is current
12. ☐ First Aid/Bloodborne pathogen kit available in vehicle
13. ☐ Flash light working (if applicable)
14. ☐ Radio operable
15. ☐ Child seat used/stowed properly
16. ☐ Daily defect report filled out
17. ☐ Lift operation check
18. ☐ Keeps logs up to date

Performance While Enroute
1. ☐ Driver uses correct posture when driving
2. ☐ Correct hand positions on steering wheel
3. ☐ Appropriate uniform/footwear
4. ☐ Driver and passengers use seatbelts
5. ☐ Driver gets out of vehicle and looks before backing
6. ☐ Adjust mirrors before moving vehicle. Keeps eyes moving
7. ☐ Signals entry into traffic every time. Leaves himself an out
8. ☐ Moves vehicle smoothly while slowing braking and stopping. Make sure they see you
9. ☐ Telegraphs use of brake or flashers when stopping
10. ☐ Squares corners when turning
11. ☐ Moves at appropriate speeds for current road conditions
12. ☐ Maintains following distance safety zone (4 seconds)
13. ☐ Uses proper caution at intersections
14. ☐ Anticipates stale green lights (slows down)
15. ☐ Seats passengers properly
16. □ Stops at all railroad crossings
17. □ Comes to a complete stop, leaving private property
18. □ Uses proper lane changing procedure
19. □ Stops behind line or plane at intersections
20. □ Observes proper two-way radio procedure
21. □ Uses turn signals properly
22. □ Maintains order in vehicle
23. □ Maintains scheduled stops and pick-ups
24. □ Avoids unauthorized stops
25. □ Uses four second distance rule, adds seconds to following distance when driving conditions change. Keeps safety cushion

Passenger Discharge

1. □ Uses parking brake when de-boarding passengers
2. □ Stops proper distance from curb. Assist passengers off vehicle (when needed or when passengers request help)
3. □ Renders adequate assistance to wheelchair passengers
4. □ Advises Base when leaving vehicle and upon return to vehicle
5. □ Makes sure passenger is safely inside of destination before leaving property
6. □ Follows passengers instruction for assistance when needed

Comments
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________

Course of Action (required/taken) ____________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
Driver's Signature

Date

Supervisor's Signature

Date

Driver's Comments
__________________________________________________________________
PASSenger Reception
The Driver...
1. Asks the name of the passenger and the destination before boarding, unless the passenger is a subscription rider.
2. Is available at the door to assist the passenger on or off the vehicle (if needed).
3. Acts courteously, offers help by asking, “may I help” or “how may I help you?”
4. Follows guidance from the passenger, if help is needed.
5. Uses the passenger’s instructions to assist in boarding and exiting the vehicle, if needed.
6. Stops the vehicle (6) six inches or (4) four feet from curb to keep passengers from falling off the vehicle as they load and unload. (This depends on the stopping or parking situation.)
7. Uses AM or FM radio only when passengers are not aboard, then only for the news and weather forecast.
8. Uses correct language under ADA guidelines. (Refer to the ADA handout given to drivers who have taken the SNAAP training.)

Vehicle Condition
The Driver...
1. Performs a pre-trip inspection and completely fills out the pre-trip inspection form before starting the first run of the day.
2. Checks the inspection sticker to be sure it has not expired.
3. Knows where the registration card can be found at all times.
4. Has current driver license and current route logs on person at all times.
5. Vehicle is clean on exterior.
6. Vehicle is kept clean inside at all times.
7. Nothing is on the dashboard, rear view mirror, or sun visors, that could create a hazardous situation.
8. Safely attaches tie down straps into floor tracks, and use the four-point tie down on wheelchairs.
9. Removes tie downs from floor after each use. Stores tie down straps in their proper place.
10. Seat belts/tie down straps are not tangled, missing or broken.
11. Checks fire extinguisher for expiration date.
12. Checks the first aid kit daily and re-supplies when needed. Checks Bloodborne Pathogen Kits regularly (PPE).
13. Checks batteries daily to make sure flashlight is usable. (If applicable)
14. Tests the two-way radio.
15. Child seats are placed in vehicle properly and stowed when not in use.
16. Fills out daily defect report correctly.
17. Checks lift by running through one cycle before leaving base.
18. Keeps logs up to date as trip is completed for each passenger.

Performance Enroute
The Driver...
1. Does not slouch in the seat while driving. Arms are not on or out of the window frame.
2. Aims high in steering.
3. Both hands are on the steering wheel at the 9 and 3 or the 10 and 2 position. Gets the big picture.
4. Clothing should be appropriate for job, clean and pressed with no short-shorts or cut-off shorts. Shoes are fully covering foot. (No sandals, flip-flops, or open toed shoes.)
5. Uses seat belt correctly and requires correct use of seat belt for all passengers.
6. Gets out and looks behind vehicle, for obstacles, before backing.
7. Adjusts mirrors before leaving base (for safety and visibility). Keeps eyes moving.
8. Uses signals for all maneuvers in traffic. Leaves an out.
9. Does not jerk the vehicle when stopping and starting. Uses the brakes without stomping or slamming (stops vehicle smoothly).
10. Presses the brakes slightly to warn tailgaters to slow down or uses flashers when coming to a quick stop.
11. Does not whip around corners. Slows down to 2 to 5 miles per hour when turning corners. Positions vehicle for
proper safe turns. (Squares the corner.)
12. Does not travel too slow or too fast for conditions on the road or for the posted speed limit.
13. Keeps four seconds distance between vehicles ahead and his.
14. Does not start into the intersection without proper caution, uses the four second rule. Keeps safety cushion under control.
15. Slows down when green light has been green for sometime at a distance.
16. Makes sure passenger is in seat and properly belted in.
17. Stops 15 to 50 feet from railroad tracks and uses flashers (Opens door when possible).
18. Stops at the plane of the intersection before entering traffic from parking lot etc.
19. Checks mirrors, looks over shoulder, signals, moves into passing lane, signals and returns to proper lane.
   Leaves (himself/herself) an out.
20. Stops behind plane of intersection. Does not cross over white line at the intersection.
22. Signals at proper distance for an intended turn. Cancels signal when maneuver is completed. Makes sure they see him/her.
23. Does not allow profanity or misbehavior in the vehicle.
24. Keeps schedule safely, does not jeopardize safety for schedule.
25. Only transports passenger on route schedule. No unauthorized passengers or stops.
26. Keeps the four-second rule in mind when following some one in all dry weather conditions. Adds seconds when weather conditions dictate a change in driving behavior. Keeps safety cushion in control.

**PASSENGER DISCHARGE**

**The Driver...**

1. Uses parking brake when de-boarding passengers.
2. Stops the vehicle 6 inches to 4 feet from curb to discharge passengers. Assists passenger off vehicle.
3. Renders correct assistance to passengers in wheelchairs, using all precautions with lift while moving passenger off vehicle. Attends to all other passengers requesting or requiring assistance.
4. Advises base of absence from vehicle and advises base of return to vehicle. Does not leave elderly and disabled passengers unattended. Makes sure they are in the hands of caretakers or inside their homes/destinations before driver leaves the property (case by case judgments).
5. Does whatever the passengers need in the way of assistance according to driver's duty and the ADA rules of assistance.
**VEHICLE INSPECTION FORM**

<table>
<thead>
<tr>
<th>Date: __________________________</th>
<th>Vehicle: __________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mileage: _______________________</td>
<td>Maintenance due date: ____________</td>
</tr>
</tbody>
</table>

**UNDER the HOOD**
- [ ] Oil level
- [ ] Oil added ____ quarts
- [ ] Radiator level
- [ ] Battery level
- [ ] Windshield washer fluid level
- [ ] Engine/hoses/belts

**SAFETY EQUIPMENT**
- [ ] Fire extinguisher
- [ ] Web cutter
- [ ] Triangles
- [ ] First aid kit
- [ ] Back-up alarm
- [ ] Rear door buzzer (LTV only)
- [ ] Biohazard kit

**EXTERIOR**
- [ ] Tires
- [ ] Turn signals
- [ ] Headlights
- [ ] Tail/brakes lights
- [ ] Windshield wipers
- [ ] Fresh body damage
- [ ] Cleanliness
- [ ] Cycle lift (light oil every 2 wks)

**INTERIOR**
- [ ] Brakes
- [ ] Steering
- [ ] Transmission
- [ ] Mirrors
- [ ] Gauge/instruments
- [ ] Controls (equipment)
- [ ] Radio (two-way)
- [ ] Damage/cleanliness

**ACCESSIBILITY EQUIPMENT**
- [ ] Fully operable wheelchair lift or ramp mechanism
- [ ] Proper number of belts and securement devices
- [ ] Belts and securement devices in good condition

Notes: ____________________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

Inspector signature: ________________________________
Wheelchair Transportation Safety Checklist

☐ Before loading residents, visually check equipment for proper working conditions. Make sure safety straps are not frayed, torn, or broken.

☐ Always park the vehicle so that the wheelchair lift can be lowered to a flat area, away from traffic flow. Be sure that the lift area is unobstructed from branches, signposts, hydrants, or other items.

☐ Restrict movement near the lift to reduce the risk of being injured from the lift platform.

☐ During loading, move the wheelchair completely on the platform with the passenger’s hands and arms in his or her lap to avoid getting them caught.

☐ Set both wheelchair brakes and fasten safety restraints before raising the lift to the level of entry into the van.

☐ When transferring a wheelchair into a vehicle, always fasten restraints according to the vehicle’s manufacturer directions. Verify that the wheelchair restraints provided on the van are compatible with both the resident and the wheelchair to secure the passenger in place.

☐ Keep the path of the safety straps clear between the floor track and the wheelchair.

☐ Do not start the vehicle until all passengers are properly seated, safety belts are fastened, and wheelchairs are secured.

☐ Before unloading residents, visually inspect the lift to ensure that it is in the up position before moving residents.