




April 30, 2020

TO: Chair Franklin and PRTC Commissioners

FROM: Robert A. Schneider, PhD 
Executive Director

SUBJECT: May 7, 2020 Commission Virtual Meeting

The May 7, 2020 Commission meeting will be held electronically beginning at 7:00 p.m. The Executive Committee will not meet in May.

To comply with restrictions on gatherings of 10 or more people, Commissioners will participate in the meeting by using Zoom. Electronic meetings in which a quorum is not physically assembled in one location are permissible when the Governor has declared a state of emergency and it is unsafe to assemble a quorum in a single location.

The Zoom meeting will be livestreamed over PRTC's YouTube channel, providing the public an opportunity to watch the meeting in real time. In lieu of holding public comment time during the meeting, the public will be able to submit any public comments they have in writing. We will advertise the changes to the meeting in accordance with our Bylaws.

The May 7 meeting agenda has been developed so that only the items that are essential for continuity of operations is on the agenda. The agenda and supporting documents should be reviewed prior to the meeting. The materials are posted at omniride.com/about/events/may-2020. Print copies will not be mailed this month to help reduce the number of staff working from the Transit Center.

If you have any questions regarding the agenda or any other item in the online board packet, please contact me at (703) 580-6117 or via email at bschneider@omniride.com.



AGENDA

Potomac and Rappahannock Transportation Commission

Thursday, May 7, 2020 - 7:00 PM

Officers

Hon. Margaret Franklin, Chair

Prince William County

Hon. Pamela Sebesky, Vice-Chair

City of Manassas

Hon. Cindy Shelton, Secretary

Stafford County

Hon. Deborah Frazier, Treasurer

Spotsylvania County

Hon. Andrea Bailey, At Large

Prince William County

Hon. Jeanette Rishell, At-Large

City of Manassas Park

Electronic Meeting Live Streaming on [YouTube.com/PRTCTransit](https://www.youtube.com/PRTCTransit)
Due to COVID-19 Pandemic

REVISED 05/06/20

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. ATTENDANCE ROLL CALL

4. ADOPT PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS

- 4.1. AUTHORIZING THE ADOPTION OF PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS ~~TO ENSURE THE CONTINUITY OF OPERATIONS~~ DURING COVID-19 PANDEMIC DISASTER

[Resolution to Adopt Procedures for Electronic Meetings and Public Hearings During COVID-19 Pandemic Disaster](#)

5. APPROVAL OF AGENDA

- 5.1. APPROVAL OF AGENDA - MAY 7, 2020

[Agenda Approval Resolution](#)

6. PUBLIC COMMENT TIME

Public comments will not be received during the meeting; however, those wishing to comment should send written comments, limited to one page, to CRodrigo@OmniRide.com by May 6, 2020 at 5:00 p.m.

7. EXECUTIVE DIRECTOR'S TIME

7.1. Executive Director's Report

- COVID-19 Response and Update
- CARES Act Funding and Process
- Fiscal Impacts of COVID-19 and CARES Act
- Phased Reopening:
 - Service Planning
 - Facilities/Employees
 - Customer Engagement
- Additional Contingency Planning and Ongoing Regional Coordination

8. PRESENTATIONS AND INFORMATION

8.1. Revised Proposed FY21 Budget (presentation)

[Revised FY21 Proposed Budget Presentation](#)

9. ACTION ITEMS

9.1. ADOPT AMENDED PRTC BYLAWS – FIRST READING

[Resolution to Adopt Amended PRTC Bylaws – First Reading](#)

9.2. AUTHORIZATION TO SUBMIT FEDERAL TRANSIT ADMINISTRATION FISCAL YEAR 2020 ANNUAL CERTIFICATIONS AND ASSURANCES

[Resolution and Certifications and Assurances](#)

9.3 CONCURRENCE WITH STAFFORD COUNTY'S APPOINTMENT TO THE VIRGINIA RAILWAY EXPRESS OPERATIONS BOARD

10. CHAIR'S TIME

11. OTHER BUSINESS/COMMISSIONERS' TIME

12. ADJOURNMENT

ITEM 1

Call to Order

ITEM 2

Invocation and Pledge of Allegiance

ITEM 3

Attendance Roll Call

MOTION:

SECOND:

RE: AUTHORIZING THE ADOPTION OF PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS DURING COVID-19 PANDAMIC DISASTER

ACTION:

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty- One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 31, 2020, the Board of County Supervisors, the governing body of Prince William County ("Board") confirmed the declaration of local emergency made by the local director of emergency management on March 16, 2020, specifically finding that the COVID-19 Pandemic constitutes a "disaster" as defined in Va. Code § 44-146.16, being a "communicable disease of public health threat"; and

WHEREAS, Va. Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six (6) months; and

WHEREAS, on March 31, 2020, the Board, pursuant to Virginia Code §15.2-1413, adopted an Emergency Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with Pandemic Disaster ("Emergency Ordinance"); and

WHEREAS, through its Emergency Ordinance, the Board again specifically found that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a "disaster" as defined by Va. Code § 44-146.16, being a "communicable disease of public health threat," (a copy of which is attached hereto), and

WHEREAS, through its Emergency Ordinance, the Board further found that the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies, including the Board and all local and regional boards, commissions, committees and authorities created by the Board or to which the Board appoints all or a portion of its members (collectively "Public Entities" and individually "Public Entity"), or for such Public Entities to conduct meetings in accordance with normal practices and procedures and authorized the holdings of meetings through electronic means without a quorum of the members physically present in a single location; and

WHEREAS, through its Emergency Ordinance, the Board, to the extent permitted by law, adopted certain procedures to ensure the continuity of government during the COVID-19 Pandemic disaster ("Continuity Procedures"), suspended any deadlines applicable to Public Entities and their staff during the COVID-19 disaster, and authorized Public Entities, at their discretion, to postpone non- emergency public hearings and action items during the disaster; and

WHEREAS, the Potomac and Rappahannock Transportation Commission, being a public body [created by the Board pursuant to Va. Code § 33.2-1900 and some of whose members are appointed by the Board] is a Public Entity included within the scope of the Emergency Ordinance, and is specifically identified therein; and

WHEREAS, enacted Budget Bill amendments HB 29 and HB 30, in April 2020, provide additional authority for any public body, including any state, local, [or] regional body, to meet by electronic communication without a quorum physically assembled in one location when the Governor has declared a state of emergency; and

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission ("Commission") hereby incorporates by reference the Emergency Ordinance provisions and Continuity Procedures that authorize the holding of electronic meetings; and

BE IT FURTHER RESOLVED that the nature of the declared emergency makes it impracticable and unsafe for the Commission to assemble in a single location during the COVID-19 pandemic; and

BE IT FURTHER RESOLVED that the purpose of the meeting is to discuss or transact business statutorily required or necessary to continue operations of the Commission and the discharge of the Commission's lawful purposes, duties, and responsibilities; and

BE IT FURTHER RESOLVED that the Commission hereby authorizes and directs its officers and staff to take all steps reasonably necessary or appropriate to implement applicable Continuity Procedures and to develop any specific procedures as applicable and appropriate for the Commission in holdings any electronic meetings when a quorum is not physically present to include public notice and access to the meetings in accordance with HB 29 and 30; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and this Resolution and the Emergency Ordinance provisions and Continuity Procedures that authorize the holding of electronic meetings shall remain in effect during the declared emergency and the pendency of the Emergency Ordinance including for any applicable period upon the re-adoption of the Emergency Ordinance by Board.

Votes: Ayes: Abstain: Nays:

Absent from Vote:

Alternate Present Not Voting:

Absent from Meeting:

MOTION: BAILEY

**March 31, 2020
Regular Meeting
Ord. No. 20-10**

SECOND: FRANKLIN

RE: ADOPT EMERGENCY ORDINANCE TO PROVIDE CONTINUITY OF GOVERNMENT IN THE EVENT OF AN ENEMY ATTACK OR OTHER DISASTER; DIRECT THE CLERK OF THE BOARD TO ADVERTISE AND SCHEDULE A PUBLIC HEARING TO CONSIDER RE-ADOPTION OF THIS ORDINANCE ON A PERMANENT BASIS; FIND THAT A DISASTER EXISTS CREATED BY COVID-19 AND INVOKE THIS EMERGENCY ORDINANCE TO PROVIDE CONTINUITY OF GOVERNMENT DURING THE COVID-19 DISASTER

ACTION: APPROVED

WHEREAS, the Virginia General Assembly recognizes that the Prince William Board of County Supervisors ("Board") must continue to govern in emergency circumstances to secure and promote the health, safety, and general welfare of the County and members of the public, and in doing so enacted Section 15.2-1413, VA Code Ann., which states: "Notwithstanding any contrary provision of law, general or special, any locality may, by ordinance, provide a method to assure continuity in its government, in the event of an enemy attack or other disaster. Such ordinance shall be limited in its effect to a period not exceeding six months after any such attack or disaster and shall provide for a method for the resumption of normal governmental authority by the end of the six-month period."; and

WHEREAS, pursuant to Section 15.2-1427, VA Code Ann., the Board may adopt emergency ordinances without prior notice, provided the emergency ordinance shall not be enforced for more than sixty (60) days unless readopted in conformity with the provisions of the Virginia Code; and

WHEREAS, the Board of County Supervisors wishes to adopt an emergency ordinance to provide continuity of government in the event of an enemy attack or other disaster; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the healthcare community in responding to Novel Coronavirus, (COVID-19); and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID- 19 outbreak a pandemic; and

WHEREAS, on March 12, 2020, Governor Ralph S. Northam declared a state of emergency in the Commonwealth of Virginia due to COVID-19, a communicable disease of public health threat, and issued Executive Order Fifty-One and acknowledged the existence of a disaster as defined by Virginia Code Section 44-146.13, *et. seq.*, arising from the public health threat presented by a communicable disease anticipated to spread; and

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WHEREAS, on March 13, 2020, Donald J. Trump, the President of the United States, found and proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020; and

WHEREAS, on March 16, 2020 the County Executive, acting in his capacity as Director of Emergency Management, declared a local emergency for Prince William County, which was required to be confirmed by the Board at its next regular, special, or emergency meeting called within forty-five days of the County Executive's action; and

WHEREAS, on March 17, 2020, Governor Northam and the State Health Commissioner declared a public health crisis due to COVID-19 and required/mandated all restaurants, fitness centers and theatres to reduce seating capacity to 10 patrons, or close, which order/declaration was subsequently amended; and

WHEREAS, on March 23, 2020, Governor Northam issued Executive Order Number Fifty-Three, which among other items further restricts the number of persons who can gather in one place in public or private to less than 10 people; pursuant to Section 9(e) of this Executive Order, nothing in the order shall limit the operation of government; and

WHEREAS, there have been multiple confirmed cases of COVID-19 among Prince William County residents; and

WHEREAS, on March 31, 2020, the Prince William County Board of County Supervisors confirmed the Declaration of Local Emergency and amended the Declaration to include a finding that the anticipated effects of COVID-19 constitute a disaster for the entirety of Prince William County, as that term is described in Sections 15.2-1413 and 44-146.13, *et. seq.*, VA Code Ann.; and

WHEREAS, on March 20, 2020, the Virginia Attorney General affirmed that Section 15.2-1413, VA Code Ann., authorizes the Board to, by ordinance, provide a method at variance with general or special laws to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code Section 2.2-3708.2(A)(3) allows, under certain procedural requirements, including public notice and access, that members of Board of County Supervisors may convene solely by electronic means "to address the emergency;" and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act are limited only by a properly claimed exemption provided under that Act or "any other statute;" and

WHEREAS, the infectious nature of COVID-19 may make it unsafe to physically assemble a quorum of this Board or any entity listed below, in a single location, and/or to assemble members of the public in a single location, making it difficult or impossible for this Board, or the entities listed below to conduct meetings in accordance with normal practices and procedures; and

WHEREAS, the Board recognizes and finds that emergency action is necessary at this time, and the Board finds that such emergency ordinance secures and promotes the health, safety, and general welfare of the County and members of the public; and

WHEREAS, this Ordinance establishes methods to assure continuity in Prince William County Government, including the Board of County Supervisors' procedures for meetings during an enemy attack, a disaster, crisis or emergency, and during the COVID-19 emergency. These provisions are intended to ensure the Board's ability to conduct necessary public business in a manner consistent with Virginia state law and federal, state and local health directives and guidance, all while maintaining transparency and public participation to the greatest extent feasible;

NOW, THEREFORE, BE IT ORDAINED that in accordance with Section 15.2-1413, VA Code Ann., notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure continuity of government during the pendency of the enemy attack or other disaster, and the Prince William Board of County Supervisors hereby adopts this Emergency Continuity of Government Ordinance to be utilized upon a finding by the Board of a specific enemy attack or disaster, in accordance with the Virginia Code;

BE IT FURTHER ORDAINED that the Board finds an emergency exists and this Ordinance shall be effective immediately upon adoption of this Ordinance and shall be effective for sixty (60) days unless sooner readopted, amended, or repealed by the Board of County Supervisors;

BE IT FURTHER ORDAINED that the Board hereby directs its Clerk to duly advertise and schedule a public hearing, if practicable, before the expiration of sixty (60) days from the date of this emergency Ordinance, for the purpose of considering the re-adoption of this Ordinance on a permanent basis;

BE IT FURTHER ORDAINED that pursuant to this Emergency Continuity of Government Ordinance, when the Board finds there is an enemy attack or disaster such that this Emergency Continuity of Government Ordinance shall be invoked, the following procedural provisions, in consultation with the County Attorney's Office, shall apply:

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1. For any meeting at which the Board or other entities listed below transacts public business with any purpose other than addressing the attack, emergency, crisis, or disaster, or assuring the continuity of government, the Board and the entities listed below will meet in accordance with all usual procedures established by the Virginia Freedom of Information Act; and
2. Meetings of the Board, and to the extent allowed by law, all local public bodies, boards, commissions, committees, authorities, and other public bodies that are appointed by and report to the Board, that are necessary for the continuity of its government, may be held through electronic communication means without a quorum of members physically present in a single location, provided that, to the extent possible, notice of such meetings is given in accordance with applicable laws; and
3. To the extent allowed by law, meetings of all local public bodies, boards, commissions, committees, authorities and other public bodies that are necessary for the continuity of County government, to include, but not limited to, the Prince William County School Board, the Prince William County Service Authority, the Prince William-Manassas Regional Jail Board, the Potomac and Rappahannock Transportation Commission, the Virginia Railway Express Operations Board, the Northern Virginia Transportation Authority, and the Industrial Development Authority, may be held through electronic communication means without a quorum of members physically present in a single location, and any County appointee, designee, or representative to such entities are authorized to participate in such meeting electronically, provided that notice of such meetings is given in accordance with applicable laws; and
4. Such meetings that are necessary for the continuity of County government may be scheduled when adopted by resolution during a meeting, may be held in lieu of a previously scheduled meeting, or may be held in the same manner as other regular, special or emergency meetings; and
5. Such meetings, subject to Federal and State health and safety standards and guidance, may be held without permitting members of the public to be physically present in a central location or in the same physical location as the Board or any of the entities listed above, so long as alternative arrangements for public access to such meetings and public participation in such meetings are made. Such alternative public access may be electronic, including, but not limited to, audio, telephonic, or video broadcast; and
6. In no event shall any action taken by the Board or the other entities listed above in any regular, emergency, special or electronic meeting unless a quorum is participating in the meeting; and

7. Before any action may be taken on any item at a meeting for the continuity of government, the Board and the entities listed above must first approve that the item or items are necessary to address the attack, emergency, crisis or disaster, or to assure the continuity of government and that the usual procedures cannot be implemented safely or practically. A motion may be made and voted upon before each item or as to the entire agenda, as may be determined by the Chair; and
8. For any such matter requiring a public hearing by law, public comment will be solicited and received via written or electronic communication prior to the vote on the matter. All such comments will be provided to the members of the Board and made a part of the record of the meeting; and
9. Notwithstanding the foregoing, the Board and entities listed above may, at their election, conduct previously scheduled regular meetings, emergency meetings, or special meetings and act upon scheduled or purposed agenda items before them for the duration of the attack, crisis, disaster, and/or emergency declaration thereafter, under normal procedures or by solely electronic means in compliance with public notice, access, and other requirements of Virginia Code Section 2.2- 3708.2(A)(3) to the extent practicable; and
10. Notwithstanding any provision of law, regulation, or public policy to the contrary, any deadlines requiring action by the Board and entities listed above, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this attack, emergency, crisis and/or disaster, however, the Board and the entities listed above, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise; and
11. Each incorporated town within the boundaries of Prince William County, Virginia is encouraged, authorized and/or directed to declare its own state of local emergency or disaster or incorporate by reference the County's local state of emergency and disaster and to adopt an ordinance for the continuity of town government; and
12. During the continuance of the attack, crisis, disaster, and/or emergency, the Board and the entities listed above may alter meeting schedules as needed to protect the safety and health of the members of the entity, staff, and members of the public; and
13. Agenda items that are scheduled to be heard by the Board or the entities listed above that are not deemed necessary for operation of the government during the duration of the attack, crisis, disaster, and/or emergency shall be deemed continued for the duration of the Declaration of Local Emergency not to exceed six (6) months, if the Board or the entities listed above do not take action on the agenda item during the referenced timeframe. This may include those agenda items for which federal, State or County law or regulation requires an affirmative action to be taken within a statutorily mandated timeframe and the failure to act can be deemed an approval; and

14. Any land use matter which is not acted upon by the Board or Planning Commission during the attack/disaster/crisis/emergency shall be continued for the duration of the attack/disaster/crisis/emergency, including, but not limited to, any matter which is subject to a federal, State, or County time requirement and is or may be deemed approved if not acted upon in a certain time period; and
15. Any policy, process, procedure, or matter which requires the physical presence of the public in a County building which the County Executive has declared or in the future declares to be closed to the public, is hereby suspended; and
16. Any policies or procedures previously adopted by the Board are suspended to the extent they are inconsistent with this Ordinance, including, but not limited to, the Board's Rules of Procedure; and

BE IT FURTHER ORDAINED that pursuant to this Emergency Continuity of Government Ordinance, when the Board finds there is an enemy attack or disaster such that this Emergency Continuity of Government Ordinance shall be invoked, the following delegation provisions, in consultation with, and approved as to form by, the County Attorney's Office, shall apply and the County Executive will provide advance written and/or verbal notice to the Board members whenever possible under the circumstances of his intent to take such action(s):

1. The County Executive is authorized to apply for any federal or State funding, reimbursement, or aid related to the attack, crisis, disaster, or emergency and its impacts on the County, and its businesses and residents; and
2. Consistent with a Declaration of Local Emergency, the Governor's State of Emergency Declaration, and Sections 15.2-1413 and 44-146.13, *et. seq.*, of the Code of Virginia, the County Executive in his role as the local Director of Emergency Management may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work, including, but not limited to, altering schedules, providing programming, paying bills, engaging contractors, hiring employees, and taking any other steps necessary to react to the attack, emergency, crisis, and/or disaster to operate government effectively in the name of the governing body, take steps to address the disaster, and adjust processes and procedures; and
3. The County Executive is authorized to advertise any public hearing without prior Board authorization to do so; and
4. The County Executive is authorized to approve the preliminary and final design and/or plans for any capital project (i) which is in the then-current, approved capital improvement program, or (ii) when the Board has budgeted and appropriated sufficient funds; including, but not limited to, transportation, parks and recreation, and the animal shelter; and

5. The County Executive is authorized to apply for any federal, State, or NVTa funding for any capital project (i) which is in the then-current, approved capital improvement program, or (ii) when the Board has previously approved and authorized an application for funding for the same or substantially similar project; however, this delegation is subject to Board acceptance, approval, budget, and appropriation of any funding; and
6. To the extent allowed by law, the County Executive is authorized to grant and execute a license, right-of-entry, temporary construction easement and/or permanent utility easement on County-owned property which he determines is necessary for any (i) County capital project, (ii) economic development project, or (iii) VDOT project; and
7. To the extent allowed by law and with the Chair's written agreement (which includes email), the County Executive is authorized to execute, on the Board's behalf, any document which the Board has previously approved and (i) authorized the Chair to execute, or (ii) not designated a specific individual to execute; and
8. To the extent allowed by law, the County Executive and Finance Director are authorized to apply for, participate in, and execute any document(s) related to any bond issuance which (i) the Board has previously approved, or (ii) is for a capital project in the then-current, approved capital improvement program; and
9. The Clerk to the Board is authorized to advertise any public hearing in any newspaper and under any terms as she deems in the best interest of the County to meet any federal, State, or County notice requirements; and
10. Authorize the County Executive, the County Attorney, or their designees to act reasonably in the public interest to alter schedules, provide programming, pay bills, engage contractors, hire employees, and take any other steps necessary to react to the attack/disaster/crisis/emergency and operate government effectively in the name of the governing body, take steps to address the attack/disaster/crisis/emergency, and adjust processes and procedures in keeping with CDC and Virginia Department of Health regulations and guidance, consistent with the declaration of local emergency, the Governor's state of emergency declaration, and the continuity of local government ordinance; and
11. The Board confirms the County Executive's existing authority to waive, suspend, or modify the Personnel Policy, including, but not limited to, policies for additional compensation during emergency situations, when the County Executive deems it is in the best interest of the County to do so, in compliance with applicable federal and State laws and regulations; and

12. The Board authorizes the County Executive to set, extend or otherwise modify performance deadlines on economic development projects already contained in performance agreements, and unless the development agreement is part of the sale of County-owned property which would require a public hearing, the Board delegates to and authorizes the County Executive to approve development agreements; and
13. The Board authorizes the County Executive to enter into leases, except for those leases which require a public hearing; and
14. Except for those grants which require specific approval of the Board, the Board authorizes the County Executive to sign and accept grants on behalf of the Board when deemed essential to the management of the County during the Commonwealth and Local Declarations of Emergency and that delaying the submission would create negative impacts on the County; and
15. The Board amends the authority granted to the County Executive in Resolution No. 08-580 from \$500,000 to \$3.5 million for purposes of acquiring needed right-of-way and easements for transportation projects; and

BE IT FURTHER ORDAINED that nothing in this Emergency Ordinance shall prohibit the Board and the entities listed above from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration;

BE IT FURTHER ORDAINED that due to the COVID-19, the Board hereby finds that a disaster exists pursuant to Sections 15.2-1413 and 44-146.13, *et. seq.*, VA Code Ann., and hereby invokes this Emergency Continuity of Government Ordinance and all its provisions during the pendency of the attack, emergency, crisis, and disaster created by COVID-19;

BE IT FURTHER ORDAINED that the Board hereby authorizes the County's Director of Emergency Management to continue to take those actions authorized by law, this Ordinance, and further action(s) by the Board to address the COVID-19 emergency, attack, crisis, and disaster;

BE IT FURTHER ORDAINED that the provisions in this Ordinance pertaining to the COVID-19 emergency, crisis, attack and disaster shall be in effect until repealed by this Board for a period not exceeding six months from the Declaration of a Local Emergency. Upon repeal or expiration of this Ordinance, the matters referenced therein shall resume operation in accordance with normal practices and procedures.

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Votes:

Ayes: Angry, Bailey, Boddye, Candland, Franklin, Lawson, Vega, Wheeler

Nays: None

Absent from Vote: None

Absent from Meeting: None

For Information:

County Attorney

County Executive

ATTEST: _____

Andrea P. Madden

Clerk to the Board

MOTION:

SECOND:

RE: APPROVAL OF AGENDA – MAY 7, 2020

ACTION:

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) meets on a monthly basis and an agenda is presented to the Commission for review and approval.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the agenda of May 7, 2020, as presented/amended.

Votes:

Ayes:

Abstain:

Nays:

Absent from Vote:

Alternate Present Not Voting:

Absent from Meeting:



AGENDA

Potomac and Rappahannock Transportation Commission

Thursday, May 7, 2020 - 7:00 PM

Officers

Hon. Margaret Franklin, Chair

Prince William County

Hon. Pamela Sebesky, Vice-Chair

City of Manassas

Hon. Cindy Shelton, Secretary

Stafford County

Hon. Deborah Frazier, Treasurer

Spotsylvania County

Hon. Andrea Bailey, At Large

Prince William County

Hon. Jeanette Rishell, At-Large

City of Manassas Park

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Due to COVID-19 Pandemic

REVISED 05/06/20

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2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. ATTENDANCE ROLL CALL

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- 4.1. AUTHORIZING THE ADOPTION OF PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS ~~TO ENSURE THE CONTINUITY OF OPERATIONS~~ DURING COVID-19 PANDEMIC DISASTER

[Resolution to Adopt Procedures for Electronic Meetings and Public Hearings During COVID-19 Pandemic Disaster](#)

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- 5.1. APPROVAL OF AGENDA - MAY 7, 2020

[Agenda Approval Resolution](#)

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7.1. Executive Director's Report

- COVID-19 Response and Update
- CARES Act Funding and Process
- Fiscal Impacts of COVID-19 and CARES Act
- Phased Reopening:
 - Service Planning
 - Facilities/Employees
 - Customer Engagement
- Additional Contingency Planning and Ongoing Regional Coordination

8. PRESENTATIONS AND INFORMATION

8.1. Revised Proposed FY21 Budget (presentation)

[Revised FY21 Proposed Budget Presentation](#)

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9.1. ADOPT AMENDED PRTC BYLAWS – FIRST READING

[Resolution to Adopt Amended PRTC Bylaws – First Reading](#)

9.2. AUTHORIZATION TO SUBMIT FEDERAL TRANSIT ADMINISTRATION FISCAL YEAR 2020 ANNUAL CERTIFICATIONS AND ASSURANCES

[Resolution and Certifications and Assurances](#)

9.3 CONCURRENCE WITH STAFFORD COUNTY'S APPOINTMENT TO THE VIRGINIA RAILWAY EXPRESS OPERATIONS BOARD

10. CHAIR'S TIME

11. OTHER BUSINESS/COMMISSIONERS' TIME

12. ADJOURNMENT

Public Comment Time

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PRTC Executive Director's Time

7.1 Executive Director's Report (verbal)

- COVID-19 Response and Update
- CARES Act Funding and Process
- Fiscal Impacts of COVID-19 and CARES Act
- Phased Reopening
 - Service Planning
 - Facilities/Employees
 - Customers Engagement
- Additional Contingency Planning and Ongoing Regional Coordination

Presentations and Information Items

8.1 Revised Proposed FY21 Budget (presentation)



ITEM 8.1
PRTC Regular Meeting
May 7, 2020

OmniRide FY2021 Proposed Budget (Revised)

May 2020

FY2021 Budget Process Recap

- Nov/Dec: Budget Assumptions (forecast)
- Jan: Budget Transmission
- Feb: Review of Revenues
- Mar: Review of Expenses
- Mar: COVID-19 Pandemic
- Apr: Revised FY2021 Proposed Budget
- May: Public hearing
- June: Commission approval of FY2021 budget



Budget Challenges

- Opening of new western facility in FY2021
 - New operating costs
 - One-time set-up/equipment costs
- Procuring of bus service contractor in process
- Implementing pilot paratransit program on western service side
- COVID-19 Impacts on FY2020 and FY2021

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FY2021 Proposed Budget - Revised

Description	Operating	Capital	Total
Passenger Revenue	10,786,200		10,786,200
State Grants	8,831,200	5,266,400	14,097,600
Federal Grants	4,787,000	3,854,400	8,641,400
Jurisdictional Subsidies	17,492,300	2,300,400	19,792,700
Other	357,400		357,400
Total Revenue	42,254,100	11,421,200	53,675,300
Personnel and Fringe Benefits	5,646,900		5,646,900
Contractual Services	30,507,200		30,507,200
Other Services	2,851,000		2,851,000
Materials, Supplies, Minor Equipment	78,800		78,800
Fuel	3,170,200		3,170,200
Total Operating	42,254,100	-	42,254,100
Expansion Buses		4,107,300	4,107,300
Replacement Buses		5,208,500	5,208,500
Bus Rehabs, Engines, Transmissions		178,900	178,900
Staff Vehicle		0	0
Bus Shelters		150,000	150,000
ADP Hardware		528,000	528,000
ADP Software		521,200	521,200
Office Furniture & Equipment		242,500	242,500
Rehab/Renovation Admin/Maint Facility		191,500	191,500
Debt Service (2012 VRA Loan)		293,300	293,300
Total Capital	-	11,421,200	11,421,200
Total Expenses	42,254,100	11,421,200	53,675,300

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FY2021 Original Proposed Budget / FY2021 Revised Budget Comparison – Operating Expenses

Categories	Original	Revised	Difference
Personnel and Fringe Benefits	6,341,000	5,646,900	(694,100)
Contractual Services	31,393,000	30,507,200	(885,800)
Other Services	2,948,900	2,851,000	(97,900)
Materials, Supplies, Minor Equipment	80,800	78,800	(2,000)
Fuel	3,716,000	3,170,200	(545,800)
Total Operating Expenses	44,479,700	42,254,100	(2,225,600)

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FY2021 Original Proposed Budget / FY2021 Revised Budget Comparison – Capital Expenses

Categories	Original	Revised	Difference
Expansion/Replacement Buses	9,395,500	9,315,800	(79,700)
Bus Rehabs, Engines, Transmissions	3,600,300	178,900	(3,421,400)
Staff Vehicle	34,600	0	(34,600)
Bus Shelters	200,000	150,000	(50,000)
Hardware, Software, Furn/Equip	1,291,700	1,291,700	0
Rehab/Renovation of Facility	191,500	191,500	0
Debt Service (2012 VRA Loan)	293,300	293,300	0
Total Capital Expenses	15,006,900	11,421,200	(3,585,700)

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FY2020/FY2021 Revised Budget Comparison

Description	FY2020	FY2021 Revised	Difference
Passenger Revenue	11,068,000	10,786,200	(281,800)
State Grants	8,844,100	14,097,600	5,253,500
Federal Grants	6,170,200	8,641,400	2,471,200
Jurisdictional Subsidies	17,848,000	19,792,700	1,944,700
Other	305,500	357,400	51,900
Total Revenue	44,235,800	53,675,300	9,439,500
Personnel and Fringe Benefits	6,418,800	5,646,900	(771,900)
Contractual Services	25,990,500	30,507,200	4,516,700
Other Services	2,590,200	2,851,000	260,800
Materials, Supplies, Minor Equipment	83,600	78,800	(4,800)
Fuel	2,994,200	3,170,200	176,000
Total Operating	38,077,300	42,254,100	4,176,800
Expansion Buses	172,900	4,107,300	3,934,400
Replacement Buses	1,794,500	5,208,500	3,414,000
Bus Rehabs, Engines, Transmissions	2,845,400	178,900	(2,666,500)
Staff Vehicle	0	0	0
Bus Shelters	78,000	150,000	72,000
ADP Hardware	817,600	528,000	(289,600)
ADP Software	48,500	521,200	472,700
Office Furniture & Equipment	28,700	242,500	213,800
Rehab/Renovation Admin/Maint Facility	82,500	191,500	109,000
Debt Service (2012 VRA Loan)	290,400	293,300	2,900
Total Capital	6,158,500	11,421,200	5,262,700
Total Expenses	44,235,800	53,675,300	9,439,500

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Revenue Assumptions

➤ Passenger Revenue

- No fare increase in FY2021
- Free senior fares for Metro Express and Local (\$175K)
- Estimated 11% drop in passenger revenue due to COVID-19

➤ State Grants

- Operating assistance (now based on combination of agency's size and performance factors) – received one-time transition assistance in FY2020
 - Reduced from original proposed FY2021 budget due to estimated drop in DRPT available funding as result of COVID-19
- Capital assistance
 - 68% for state of good repair (i.e., vehicle purchases/overhauls)
 - 0% for all other capital (i.e., hardware, software, furniture/equip)
 - Reduced original FY2021 requests due to COVID-19

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Revenue Assumptions (continued)

➤ Federal Grants

- Section 5337 funding - continued loss of high intensity motor bus funding due to opening of HOT lanes
- Section 5339 funding – must be used for vehicle purchases instead of preventive maintenance
- Anticipated CARES Act funding of \$9.3 million not reflected in budget; awaiting additional information on qualifying expenses

➤ Operating Carryforward – \$1.4 million from FY2019 to support FY2021 budget by reducing PRTC subsidy payment

Revenue Assumptions (continued)

➤ Motor Fuels Tax Revenue

- Projections for annual gallons for PRTC member jurisdictions reduced for FY2020 and FY2021 due to COVID-19
- Impact of legislation introduced in this General Assembly session unknown at this time
- Reduced by PRTC's share of the Commuter Rail Operating and Capital Fund (CROC) – based on PRTC's percentage of the VRE subsidy (63.1% or \$9.47M for FY2021)

➤ CROC Reductions – FY2019

\$10.0M

- | | |
|------------------|---------|
| ○ Prince William | \$5.23M |
| ○ Manassas | .40M |
| ○ Manassas Park | .32M |
| ○ Stafford | 1.63M |
| ○ Fredericksburg | .59M |
| ○ Spotsylvania | 1.83M |

➤ Loss of the above fuels tax revenue increases local share of non-rail transit costs



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Revenue Assumptions (continued)

- Jurisdictional Fuel Tax Fund Balance
 - Prince William County: Projection of positive balance through 6/30/2021 to support PRTC subsidies; VRE subsidies funded through NVTAs 30% funds
 - Manassas City: Projection of positive fund balance through 6/30/2021 to support PRTC and VRE subsidies

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Personnel and Fringe Benefits

- | | <u>FY2020</u> | <u>FY2021</u> |
|--|---------------|---------------|
| ➤ Personnel cost decrease | \$4.66M | \$4.09M |
| <ul style="list-style-type: none">• Removed two new proposed positions for FY2021<ul style="list-style-type: none">- Chief Financial Officer \$219K salary & fringes- Grants Administrator \$131K salary & fringes- Overall reduction of 7.5 FTEs (down from 58.5 FTEs in FY2020)• Removed 2% COLA; 1% merit allowance for FY2021• Removed \$100K allowance for compensation study impact for FY2021 | | |
| | <u>FY2020</u> | <u>FY2021</u> |
| ➤ Fringe Benefits cost decrease | \$1.76M | \$1.56M |
| <ul style="list-style-type: none">• Budgeted Fringe rate – 40% | | |

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Service Assumptions

- Only grant funded expansion of services associated with the I-95/395 & I-66 transit/TDM plans and commuter choice program
- Eight (8) daily platform (modest contingency) hours to allow for schedule adjustments and to ease chronic overcrowding (no change from FY2020)
- Ongoing western Local service change, including implementation of Paratransit – Dec 2019

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Contractual Services

	<u>FY2020</u>	<u>FY2021</u>	<u>Increase</u>
➤ Contractual Services (bus & other)	\$25.99M <i>total</i>	\$30.50M <i>total</i>	\$4.51M <i>total</i>
• Bus Contract/Incentives	\$22.85M	\$26.32M	\$3.47M
- Grant funded services (included above)	\$1.67M	\$5.03M	\$3.36M
- 96% of increase is grant funded services			
- New bus service contract in process			
- Impact of western facility opening			
• Other Contractual Services	\$3.14M	\$4.18M	\$1.04M
- Facility and Shelter Maintenance	0.64M	0.80M	
- Advertising & Printing	0.70M	0.66M	
- Software Maintenance	0.60M	0.71M	
- Security, Auditing, Legal	0.35M	0.34M	
- Other Professional/Consulting	0.85M	1.67M	

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Other Professional/Consulting Increase

➤ Consulting	\$.792M
• Ferry Study (50% grant funded) - .250M removed	
• I-66 sluglines promotion (100% grant funded)	.287M
• Vanpool	.320M
• Transit center engineering support (50% grant funded)	.175M
• Diversity, equity & inclusion consulting – reduced FY2021 by .038M since consulting in process in FY2020	.040M
• Other	(.030M)
➤ Other Professional	\$.101M
• Wheels to Wellness (100% PWC) - .150M removed	
• Mobile ticketing app (80% grant funded)	.100M
• Bus wraps - .070M removed	
• Compensation study – .041M removed since study will be completed in FY2020	
• Paratransit ADARide – reduced by .022M	.001M

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Other Services/Materials, Supplies

	<u>FY2020</u>	<u>FY2021</u>
➤ Other Services	\$2.6M	\$2.9M
- VanPool Incentives (self-funded)	\$1.5M	\$1.7M
- Utilities/Communication	0.6M	0.6M
- Other	0.5M	0.6M
➤ Materials, Supplies, Minor Equip	\$0.1M	\$0.08M

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Fuel

	<u>FY2020</u>	<u>FY2021</u>
➤ Diesel Fuel	\$3.0M	\$3.1M
○ Grant funded services	\$0.35M	\$0.74M
○ Estimated gallons	1.57M	
○ Estimated price per gallon	\$2.00	
○ Fuel futures/hedging through June 2020		

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Capital Expenditures

	<u>FY2020</u>	<u>FY2021</u>
➤ Capital	\$6.2M	\$11.4M
○ Bus rehabs, engines, transmissions	\$2.8M	\$2M
○ Bus expansion/replacement	2.0M	9.3M
○ Bus Shelters	0.1M	0.1M
○ Hardware, software, equip, vehicle	0.9M	1.3M
○ Facility improvements	0.1M	0.2M
○ Debt service (2012 VRA Loan)	0.3M	0.3M

- Express bus expansion - \$4.1M 100% grant funded
- Express bus replacement - \$4.7M federal; CMAQ; state/local
- Local bus replacement \$0.5M state/local

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FY2021 Local Subsidy (Original) in Brief

Jurisdiction	FY2020	Original	
		FY2021	Change
Prince William	\$16.868M	\$21.762M	29%
Manassas	0.472M	0.409M	(13%)
Manassas Park	0.250M	0.220M	(12%)
Stafford	0.104M	0.183M	76%
Fredericksburg	0.040M	0.067M	67%
Spotsylvania	0.114M	0.205M	79%
PRTC Local Subsidy (Excluding VRE)	\$17.848M	\$22.846M	28%

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FY2021 Local Subsidy (Revised) in Brief

Jurisdiction	FY2020	Revised FY2021	% Change	% Change FY20/FY21 Original
Prince William	\$16.868M	\$18.882M	12%	29%
Manassas	0.472M	0.383M	(19%)	(13%)
Manassas Park	0.250M	0.203M	(19%)	(12%)
Stafford	0.104M	0.131M	25%	76%
Fredericksburg	0.040M	0.048M	19%	67%
Spotsylvania	0.114M	0.146M	28%	79%
PRTC Local Subsidy (Excluding VRE)	\$17.848M	\$19.793M	11%	28%

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Next Steps

- April/May: Jurisdictional Approval
- June: Commission Approval

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Thank you!

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PRTC Action Items

- 9.1 Adopt Amended PRTC Bylaws – First Reading
- 9.2 Authorization to Submit Federal Transit Administration Fiscal Year 2020 Annual Certifications and Assurances
- 9.3 **Concur with Stafford County's Appointment to the Virginia Railway Express Operations Board**

MOTION:

SECOND:

**RE: POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION BYLAWS
 AMENDMENT – FIRST READING**

ACTION:

WHEREAS, the Potomac and Rappahannock Transportation Commission (PRTC) Bylaws were last amended in October 2018; and

WHEREAS, PRTC has adopted a policy that allows for Commission members to participate in Commission meetings remotely during the current COVID-19 pandemic in accordance with Virginia law and desires to include reference to electronic meetings in the Bylaws; and

WHEREAS, the Bylaws are being amended to also address updating out-of-date code section references and increase consistency in references within the Bylaws; and

WHEREAS, the PRTC Bylaws stipulate that proposed amendments to the Bylaws be presented in writing and read for the first time at a regular meeting, and acted on at a subsequent meeting in either the originally proposed or amended form.

NOW, THEREFORE, BE IT RESOLVED that the amended PRTC Bylaws are being presented in writing for the first time at the Commission's May 7, 2020 meeting for reading and discussion.

BE IT FURTHER RESOLVED that the Commission authorizes the Bylaws amendments as proposed to be scheduled for Commission action at the June 4, 2020 Commission meeting.

Votes:

Ayes:

Abstain:

Nays:

Absent from Vote:

Alternate Present Not Voting:

Absent from Meeting:

BYLAWS
OF
POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION

ARTICLE 1

POWERS AND DUTIES

The Potomac and Rappahannock Transportation District Commission (“Commission”) shall have all the rights, powers and duties, and shall be subject to the limitations and restrictions, set forth in Chapter 19 of Title 33.2 of the Code of Virginia, the Transportation District Act of 1964, as may be amended from time to time.

ARTICLE II

MEMBERSHIP

1. **Commissioners** – The Commission shall consist of members representing “member jurisdictions” and members representing other entities as provided for in the Transportation District Act and as described below. “Member jurisdiction” members shall be as follows: six (6) members appointed by Prince William County; two (2) members appointed by Stafford County; two (2) members appointed by Spotsylvania County ~~(effective February 15, 2019)~~; one (1) member appointed by the City of Manassas; one (1) member appointed by the City of Manassas Park; and one (1) member appointed by the City of Fredericksburg, who shall each serve at the pleasure of their respective governing body. In addition to “member jurisdiction” members, the Commission shall have other members as follows: The Chairman of the Commonwealth Transportation Board (CTB), or the Chairman’s designee, shall be a member, ex officio. Two (2) members appointed by the Speaker of the House of Delegates, and one (1) member of the Senate, appointed ~~from by~~ the Senate Committee on Rules, shall also be members of the Commission. All state legislators shall serve terms coincident with their terms of office. The foregoing Commissioners shall constitute the “regular members” of the Commission.

2. **Alternate Commissioners** – Each member jurisdiction may appoint alternate members who shall be able to exercise all of the powers and duties of a regular Commission member when a regular “member jurisdiction” member from the appointing member jurisdiction is absent from Commission meetings. The number of aAlternate members shall be at the discretion of each individual member jurisdiction, but the votes cast by each jurisdiction shall not exceed the number of regular members to which the member jurisdiction is entitled as set forth in paragraph 1 of this Article. The Chairman of the Commonwealth Transportation Board (CTB) may also appoint an alternate member who shall have the authority to exercise the powers and duties of the CTB member when that person~~he/she~~ is absent from a Commission meeting ~~of the Commission~~. Alternate members~~Commissioners~~ may serve on committees of the Commission, excluding the Executive Committee, as any other Commissioner—member would. Alternate members~~Commissioners~~ serve at the pleasure of their respective governing body.

ARTICLE III

COMMISSION OFFICERS, VIRGINIA RAILWAY EXPRESS (VRE) OPERATIONS BOARD MEMBERS, AND DUTIES

1. **Officers** – The officers of the Commission shall be elected annually and shall consist of a Chair, a Vice Chair, a Secretary, a Treasurer, Immediate Past Chair, and such officers at large and subordinate officers as may from time to time be elected or appointed by the Commission. The offices shall be held only by regular members of the Commission (not alternate members), and the offices of Chair and Vice Chair shall not be held at the same time by members representing the same member jurisdiction. The Chair shall be elected from amongst the regular members whose jurisdictions contributed at least 25% of the total PRTC local subsidy in the previous fiscal year.

2. **VRE Operations Board Members**¹ – In accordance with the VRE Operations Board Master Agreement as amended, the PRTC member jurisdictions shall appoint their respective Members and Alternates to the VRE Operations Board, subject to the Commission's concurrence. All mMembers and aAlternates appointed by the member jurisdictions shall~~are to~~ be elected officials (~~except DRPT Director~~) and the numbers of Members/Alternates that each member jurisdiction appoints is based on the results of the annual ridership survey, such that:

- Jurisdictions accounting for 25% or more of total system ridership appoint three (3) members and three (3) alternates
- Jurisdictions accounting for 15% to less than 25% of total system ridership appoint two (2) members and two (2) alternates
- Jurisdictions accounting for less than 15% of total system ridership appoint one (1) member and one (1) alternate

3. **Terms of Office** – Each of the officers and all the VRE Operations Board Members and Alternates shall be elected at the January annual meeting of the Commission, to serve for a term of one (1) year, unless sooner removed by the Commission, or until a successor is elected and qualified. All officers, VRE Operations Board Members, and VRE Operations Board Alternates shall be eligible for re-election. Any vacancy occurring in an office will be filled for the unexpired term by the Commission at the next regular monthly meeting following the occurrence of such vacancy. If the vacancy occurs in the office of the ~~Immediate Past Chair~~, Secretary or Treasurer, an acting officer shall be appointed by the Chair pending such election. Vacancies among VRE Operations Board appointments will be filled by the member jurisdiction whose appointment has been vacated, again subject to the Commission's concurrence.

4. **Election** – At a regular monthly meeting preceding the January annual meeting at which the election of officers, VRE Operations Board Members, and VRE Operations Board Alternate Members will be held, the Commissioners will elect a Nominating Committee, consisting of one (1) member from each member jurisdiction. The Nominating Committee shall invite nominations prior to the January annual meeting, and shall propose a slate of officers and VRE Operations Board Members and Alternate Members for the Commission's consideration in

¹ The VRE Ops Board also has an "ex officio representative of the Chairman of the Commonwealth Transportation Board selected as that Chairman shall determine" (VRE Bylaws Section II.B).

time for incorporation in the Commission agenda mailed out prior to the annual meeting. Further nominations may be made by any members at the annual meeting. The slate of VRE Operations Board Members and Alternate Members shall mirror the appointments made by the member jurisdictions, such that the Nominating Committee's sole responsibility in this regard is to ensure that the member jurisdictions have made their appointments as required.

5. **Chair** – The Chair shall preside over all meetings of the Commission at which the Chair is present, and shall vote as any other member. The Chair shall be responsible for the implementation of the policies established and the actions taken by the Commission; shall have all of the powers and duties customarily pertaining to the office of Chair of the Board, and shall perform such other duties as may from time to time be assigned to the Chair~~him~~ by the Commission.

6. **Vice Chair** – In the event of the death or absence of the Chair, or of the Chair's inability to perform any of the duties of ~~his-the~~ office or to exercise any of ~~his-the~~ powers of the office, the Vice Chair shall perform such duties and possess such powers as are conferred on the Chair, and shall perform such other duties as may from time to time be assigned to the Vice Chair~~him~~ by the Chair or by the Commission.

7. **Secretary and Treasurer** – The Secretary and the Treasurer shall perform duties as may from time to time be assigned to them by the Chair or by the Commission.

ARTICLE IV

MEETINGS

~~1.~~ **1. Regular Meetings** – The Commission shall adopt a schedule of the times, dates, and places of its regular meetings, for the ensuing calendar year at its December meeting. Regular meetings normally shall be held on the first Thursday of each month, except legal holidays, and shall begin at 7:00 p.m., and may be reconvened at any convenient time. When the first Thursday of a month falls on a legal holiday, the regular meeting for that month shall normally be held on the next regular business day, unless the Commission sees fit to change this as provided for in the next sub-section of this Article of the Bylaws. The Commission shall identify in its adopted meeting schedule the location of each of its regular meetings for the year.

2. Remote Electronic Participation in Commission Meetings

(a) Adopted Policy - Members of the Commission individually or the Commission itself under certain emergencies may participate in Commission meetings through electronic communication means pursuant to the provisions of this section. In such cases, notice and public access shall be given in accordance with the respective provisions of the Virginia Freedom of Information Act.

Each member will receive a copy of this electronic participation policy upon appointment to the Commission.

(b) Individual Member Requesting Remote Electronic Participation – on or before the day of the meeting, the member shall notify the Chair that the member is unable to attend the meeting due to:

- (1) A temporary or permanent disability or other medical condition that prevents the member's physical presence; or
- (2) ~~A personal matter and identifies with specificity; the nature of the personal matter. Participation by member pursuant to this subsection is limited to absence of two (2) meetings per calendar year; or~~
- (3) On the day of the meeting, the member notifies the Chair that such member's principal residence is more than 60 miles from the meeting location.

A physical quorum of the Commission shall otherwise be present.

Thise policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters to be considered or voted on at the meeting. The Commission members present at the subject meeting must approve or disapprove the member's request to participate remotely by a majority vote. Electronic participation from a remote location shall be approved unless such participation violates this section ~~remote participation policy~~ or any provisions of the Virginia Freedom of Information Act § 2.2-3708.2. If a request is disapproved because such participation would violate the policy or any provision of the Virginia Freedom of Information Act § 2.2-3708.2, such disapproval shall be recorded in the meeting minutes with specificity.

(c) Meeting by Electronic Participation to Address the Emergency During a Governor-Declared State of Emergency – The Commission may meet by electronic communication means without a quorum of the Commission physically assembled at one location when the Governor has declared a State of Emergency in accordance with Va. Code § 44-146.17, provided that:

- (1) The catastrophic nature of the declared emergency makes it impossible or unsafe to assemble a quorum in a single location; and
- (2) The purpose of the meeting is to address the emergency.

(d) Meeting by Electronic Participation to Conduct Business During a Governor-Declared State of Emergency – The Commission may meet by electronic communication means without a quorum of the Commission physically assembled in one location when the Governor has declared a State of Emergency in accordance with Va. Code § 44-146.17, provided that

- (1) The nature of the declared emergency makes it impracticable or unsafe for the Commission to assemble in one location;
- (2) The purpose of the meeting is to discuss or transact business statutorily required or necessary to continue operations of the Commission and the discharge of its lawful purposes, duties, and responsibilities; and
- (3) A recording or transcript of the meeting is available on the Commission website in accordance with the timeframes in Va. Code § 2.2-3707.

(e) Alternative Meeting by Electronic Participation to Conduct Business During a Governor-Declared State of Emergency – The Commission may meet by electronic communication means without a quorum of the Commission physically assembled in one

location when the Governor has declared a State of Emergency in accordance with Va. Code § 44-146.17, provided that

- (1) The nature of the declared emergency makes it impracticable or unsafe for the Commission to assemble in one location;
- (2) The Commission determines that a meeting is necessary to carry out essential governmental functions pursuant to Va. Code § 15.2-1314.

(f) Reflecting Remote Participation in the Meeting Minutes –

(1) Pursuant to Va. Code § 2.2-3708.2, the meeting minutes will reflect the member who participated remotely pursuant to subsection (b) above and the location of the remote participation. If the member participated remotely pursuant to subsection (b)(1) above, the fact that the member's physical attendance was prevented due to a temporary or permanent disability or other medical condition shall be noted in the minutes. If the member participated remotely pursuant subsection (b)(2) above, the minutes shall also include the specific nature of the personal matter cited by the member.

(2) In the instance of electronic participation during a Governor Declared State of Emergency pursuant to subsections (c), (d), or (e) above, the meeting minutes will also state the nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held.

32. Changing Meetings

(a) Changing the date, time or place of regular meetings by the Commission – The Commission may change the date, time, or place of any regular meeting when deemed necessary ~~by the Commission~~. A change to the date, time or place of a regular meeting may be accomplished by adoption of a resolution done at a regular meeting or special meeting (which is provided for later in this Article of the Bylaws). The Clerk shall cause a written notice of the change to be posted in a public area at ~~the each of the~~ Commission's Transit Centers ~~and/or operations facilities~~ where notices are usually posted, and in the office of the Clerk at least three (3) working days prior to the regular meeting whose date, time or place has been changed. The Clerk shall also post notice of the change on the Commission's website and may issue a press release to further advise the public of the change.

(b) Changing the time or place of regular meetings by the Chair – Whenever the Chair believes that unusual circumstances exist which require both action by the Commission at the regular meeting and a change to the time or place of a meeting, including the change to a virtual meeting, in order to facilitate the taking of action by the Commission or during a declared Emergency, the Chair may change the time or place of the regular meeting. The Chair shall issue a written declaration that unusual circumstances exist that require a change to the time or place of the meeting to facilitate action by the Commission and shall state the new time and/or place for the regular meeting. The Clerk shall provide a copy of the written declaration forthwith to all members of the Commission and shall also cause a copy of the written declaration to be posted in a public area at the Commission's Transit Center where notices are usually posted, and in the office of the Clerk at least three (3) working days prior to the regular meeting whose time or place has been changed. The Clerk may also post notice of the change on the Commission's website and/or issue a press release to further advise the public

of the change.

(c) **Scheduling additional meetings** – The Commission may also schedule such additional meetings as it deems necessary. The scheduling of an additional meeting may be accomplished by adoption of a resolution done at a regular or special meeting (which is provided for later in this Article of the Bylaws). Notice of such additional meetings shall be provided as required by these Bylaws for changes to regular meetings made by the Commission.

43. Special Meetings – Special meetings shall be held when requested by either the Chair or at least two (2) other Commission members, not of the same jurisdiction. Such request shall be in writing, addressed to the Executive Director, and shall specify the time and place of meeting and the matters to be considered at the meeting. Upon receipt of such request, the Executive Director shall immediately notify each member of the Commission to attend the special meeting at the time and place mentioned in the request. Such notice shall specify the matters to be considered at the meeting, and shall be sent by First Class mail or, if actual notice is given, by hand-delivery, electronic mail or facsimile, least three (3) working days prior to the day of the special meeting, or to the extent practicable. For purposes of this section, actual notice means that a particular member has actually received the notice. No matter not specified in the notice shall be considered at such meeting, unless all the regular members of the Commission are present. The Executive Director may have such notices served by the Sheriff, in lieu of the use of mail, if deemed necessary. Notice of the special meeting shall be given to the public contemporaneously with the notice provided to the members of the Commission. Quorum requirements for special meetings shall be the same as for regular meetings as described herein.

54. Adjourned Meetings – Any regular or special meeting may be adjourned to a date and time certain prior to the next regular meeting of the Commission.

65. Public Hearing – Public hearings shall be held after adoption of a resolution directing the Clerk to give notice thereof, advertising the public hearing and the issues to be considered once a week for two (2) successive weeks prior to the public hearing in a newspaper or newspapers, and/or on their website and on the Commission's website, having general circulation in the District. The Clerk shall cause a written notice to be posted in a public area at the each of the Commission's Transit Centers and/or operations facilities where notices are usually posted, and in the office of the Clerk. The first notice shall appear in any such newspaper at least eight (8) days prior to such hearing.

(a) **Adoption of Transportation Plan** – Before a transportation plan is adopted, altered, revised or amended, the Commission shall hold a public hearing upon 30thirty days' notice, published once a week for two successive weeks in a newspaper having general circulation in the District.

(b) **Adoption of Budget** – Before the annual budget is adopted, the Commission shall hold a public hearing with notice thereof published once a week for two (2) successive weeks in a newspaper or newspapers, in print and/or on their website, having general circulation and on the Commission's website in the District. The Clerk shall cause a written notice to be posted in a public area at the each of the Commission's Transit Centers and/or operations facilities where notices are usually posted, and in the office of the Clerk. The first notice shall appear in any such newspaper at least eight (8) days prior to such hearing.

76. Open Meetings – All Commission meetings shall be open to the public, provided that the Commission may meet in closed session for those purposes authorized by [VA. Code § 2.2-3711](#) ~~the Virginia Freedom of Information Act~~. No meeting shall become a closed meeting unless there shall have been recorded in open session an affirmative vote to that effect, which motion shall state specifically the purpose or purposes of the closed meeting. No resolution or motion adopted, passed or agreed to in a closed meeting shall become effective unless the Commission, following such meeting, reconvenes in open meeting and takes a vote on such resolution or motion.

78. Advertisements – When advertisement is required for the purpose of providing public notice, adequate notice shall be deemed to have been provided if the matter is advertised in [a newspaper or newspapers, in print and/or on their website, having general circulation in the District, and on the Commission's website. Inside NoVa, and the Free Lance Star. The Clerk shall cause a written notice to be posted in a public area at the each of the Commission's Transit Centers and/or operations facilities where notices are usually posted, and in the office of the Clerk.](#) Such list shall be amended as necessary upon enlargement of or withdrawal from the District by a jurisdiction.

9 Quorum – A majority of the Commission, which majority shall include at least one Commissioner from a majority of the member jurisdictions, shall constitute a quorum. The Chairman of the ~~CTB~~ [Commonwealth Transportation Board](#), or the Chairman's designee, shall be included for purposes of constituting a quorum. Members appointed by the [Speaker of the House of Delegates](#) and by the Senate shall not be counted for the purposes of determining a quorum when the General Assembly is in session.

910. Required Absence – No action shall be taken by the Commission unless a quorum is present, provided, however, that the temporary absence from the meeting room of members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations or the discussion of matters submitted to the Commission. The Chair, the Clerk, or any other Commission member, ~~may~~ [shall](#) suggest the absence of a quorum prior to the taking of any action by the Commission, but a failure to suggest the absence of a quorum shall not validate any purported action taken without a quorum.

101. Actions – The Commission shall act in one of the following ways:

(a) **Resolution** – The Commission may act upon adoption of a resolution, with or without prior notice. Resolutions shall be in writing whenever possible, and a copy shall be delivered to all members of the Commission before the resolution is proposed for adoption. A proposed resolution may be amended or modified at the meeting [at which](#) it is being considered for adoption.

(b) **Motion** – If action is required on matters simply stated, the Commission may act on oral motion only.

(c) **Unanimous Consent** – If no formal action is required and no objection is heard, a request of a member shall be deemed a request of the Commission without further action, provided that such request is made at a meeting with a quorum present, and further provided that the Chair states that such request shall be deemed to be a request of the Commission.

142. Voting

(a) **Votes** – Votes shall be taken only upon motions made and seconded. Each member of the Commission shall be entitled to one (1) vote in all matters requiring action by the Commission. The presence of a quorum and a vote of the majority of the members necessary to constitute a quorum of all the members appointed to the Commission, including an affirmative vote from a majority of the members, shall be necessary to take any action. Notwithstanding the provisions of [Va. Code § 2.2-3708.2](#), members of the General Assembly may vote and otherwise participate in meetings of the Commission through electronic communications while the General Assembly is in session.

(b) **Methods of Voting** – All voting shall be taken by voice vote, and votes shall be cast by voice. The Clerk shall record the name of the maker of the motion, the name of the second to the motion and the vote of the members present, including yeas, nays and abstentions.

(c) **Restating the Question** – The Chair shall restate the question or ask the Clerk to restate the question prior to the taking of a vote, providing, however, that at the request of the Chair, a Commission member may restate the question if it is the option of the Chair that such procedures will expedite the decision of the question.

(d) **Tie Votes** – In the event of a tie vote, the matter under consideration shall be deemed defeated.

(e) **Reconsideration** – Action on a resolution or motion may be reconsidered only upon motion of a member voting with the prevailing side on the original vote, which motion must be made at the same or immediately subsequent regular meeting. A motion to reconsider may be seconded by any member. Any such matter defeated by a tie vote may be reconsidered upon motion by any Commission member having voted to defeat the matter at the same or the next regularly scheduled meeting.

Action upon reconsideration of a question shall be taken only following notice as required by law and at least as much notice as was given prior to the original action, unless such action upon reconsideration is taken at the same meeting as the original action.

123. Commencement of Meetings – At the times specified in Article IV, Section I of these Rules for the commencement of regular meetings, and at the hour specified for adjourned or special meetings, the presiding officer shall call the meeting to order, and direct the Clerk to note the presence or absence of Board members. A quorum shall be required for the commencement of any meeting. [The Chair in the Chair's discretion may delay the time of the meeting slightly in order to try to achieve a quorum.](#)

134. Agenda – The Chair, with the Executive Director's and the Clerk's assistance, shall prepare an agenda for each meeting. Any member having matters to be considered by the Commission shall submit them to the Chair for inclusion on an appropriate agenda. At each meeting of the Commission, the meeting agenda shall be subject to approval by a majority vote of the Commission members present, taken after a vote on the minutes of the previous meeting. Prior to approval of the agenda, items may be added to or deleted from the agenda by majority vote of the Commission members present.

15. Agenda Order – Order on the agenda shall be established by the Chair taking into account probable public interest and the need for staff or other presentations. Insofar as is practicable, agenda order shall maximize convenience to the public and minimize any adverse impact on performance of normal staff functions.

146. Public Comment Time – Except as otherwise specified herein, the Commission shall set aside a period of time, to be determined by the Chair, as Public Comment Time at the beginning of each meeting, during which time it will receive comment from any individual on any item related to PRTC. The Chair shall ask individuals who wish to speak to state their name, jurisdiction of residence, and represented organization if applicable. The Chair shall announce the number of minutes available to each individual in an equitable manner.

In the event of an electronic meeting held pursuant to a declared Emergency and Article IV, Section 2, public comment may be received by email, mail or electronically in accordance with notice of the meeting.

~~**15. Agenda Order** – Order on the agenda shall be established by the Chair taking into account probable public interest and the need for staff or other presentations. Insofar as is practicable, agenda order shall maximize convenience to the public and minimize any adverse impact on performance of normal staff functions.~~

167. Minutes – The Clerk shall keep minutes of the meetings of the Commission, which minutes shall be a public record, and shall also maintain one recording, by means of electronic device, of the proceedings at any Commission meeting, except closed sessions. The Clerk shall distribute copies of the minutes to each regular and alternate member of the Commission, prior to the next succeeding meeting. One copy of the minutes of the recorded proceedings shall be made available by the Clerk to any person requesting same. Regular and alternate members of the Commission shall be provided a copy of the minutes free of charge upon request.

178. Closed Meetings – A closed meeting can be included in any agenda in accordance with Va. Code §2.2-3712 of the Code of Virginia, as amended.

189. Order in Conduct of Business

(a) **Persons Addressing the Commission** – Persons addressing the Commission on Agenda matters shall limit their presentations to the time allotted by the Chair, unless the Commission extends such time by majority vote of the Commission. The Chair, in allotting such time, shall take into account the complexity of the matter, its importance in relation to other business of the Commission, and the time available during the Commission meeting. At the discretion of the Chair, the conduct of business by the Commission may be reordered to allow earlier consideration of matters about which a substantial number of persons desire to address the Commission. Insofar as is practicable, persons addressing the Commission shall furnish the Clerk and members of the Commission with a written copy of their remarks, at or before the meeting.

(b) **Recognition** – Recognition shall be given only by the Chair. No person shall address the Commission without first having been recognized. When all public testimony has concluded, and the Commission is considering and discussing the matter, no person shall thereafter be recognized to address the Commission.

(c) **Commission Discussion** – Discussion and debate by the Commission shall be conducted following the presentation of testimony on the item of business pending. Members shall not speak to the item until recognized by the Chair. A member who has spoken to the item shall not again be recognized until other members desiring to speak shall have had an opportunity to speak. Alternate members may participate in discussion at the discretion of the Chair.

2019. Decorum

(a) **Commission Members** – Decorum of Commission members shall be maintained in order to expedite disposition of the business before the Commission. Questions and remarks shall be limited to those relevant to the pending business. Members shall address all remarks to the Chair.

(b) **Others** – Decorum of persons other than members shall be maintained by the Chair, who may request such assistance as may appear necessary. Persons addressing the Commission shall limit their remarks to those relevant to the pending items, and to answering questions. They shall address the Commission as a whole, unless answering an individual member's questions. The Chair shall call the speaker to order; ~~if~~ out-of-order remarks, or other indecorous conduct persists, the Chair shall order the speaker from the lectern. The ~~Chair~~~~order~~ with gavel, if not heeded, may then cause a law enforcement ~~and/or security~~ officer, if available, to carry out the order.

Persons whose allotted time to speak has expired shall be warned by the ~~Chair~~~~presiding officer~~ to conclude in one minute, after which such person shall leave the lectern, unless ~~the person~~~~he or she~~ is asked to remain to answer questions from the Commission. No persons in attendance shall be allowed to present remarks to the Commission except as recognized by the ~~Chair~~~~presiding officer~~ and after audibly stating their name, ~~county or city jurisdiction~~ of residence, and whom they represent. Groups in the audience creating an atmosphere detrimental or disturbing to the conduct of the meeting will be asked to leave by the ~~Chair~~~~presiding officer~~.

ARTICLE V

COMMITTEES

1. **Open Meeting Requirement** – The Commission may establish standing and ad hoc committees as it deems appropriate consisting of ~~members~~~~Commissioners~~ or ~~A~~~~alternate members~~~~Commissioners~~. Consistent with ~~Va. Code §§sections~~ 2.2-3701 and ~~-3707 of the Code of Virginia~~, all Commission-appointed committees and subcommittees ~~of the Commission~~ shall comply with the open meeting requirements of the Virginia Freedom of Information Act, and unless otherwise specified in these Bylaws, all committees ~~and subcommittees~~ shall adhere to meeting procedures that are the same or similar to those used by the Commission as set forth in these Bylaws. In no event shall review and recommendation by a committee or subcommittee be required before the Commission may act on a matter.

2. **Executive Committee** – The Commission shall have a standing Executive Committee, ~~formerly known as the Executive Board~~, ~~which~~~~and~~ shall consist of all officers of the Commission and one additional at-large Member. The Executive Committee shall meet at the

discretion of the Chair to review major issues facing the Commission and to make recommendations on such issues to the full Commission. A majority of the Executive Committee shall constitute a quorum ~~shall consist of four of the Executive Committee members~~. Approval of recommendations or actions shall require an affirmative vote of a majority of the Executive Committee members present.

ARTICLE VI

ADMINISTRATION

1. **Staff** – The Commission may employ a staff of qualified professional and other persons, including a Clerk, and pay them such compensation as it deems necessary and advisable to carry out its duties and to implement its projects, programs and other functions.

2. **Executive Director** – The Chief Executive Officer of the staff shall be the Executive Director who shall have direct supervision of all of the employees of the Commission. The Executive Director shall have direct control, subject to the authority of the Commission, of the management of the affairs of the Commission. The Executive Director shall propose activities to the Commission and shall carry out policies, programs and projects approved by the Commission to improve transportation services in the Transportation District. The Executive Director shall provide liaison between the Commission and federal, state and local organizations, and shall be responsible for preparing and presenting the annual budget.

3. **Execution of Instruments** – The Executive Director, on specific authorization by the Commission, shall have the power to sign on its behalf any agreement or other instrument to be executed by the Commission. The Executive Director may sign or countersign checks and vouchers in payment of obligations of the Commission.

4. **Evaluation of Executive Director** – Whenever the Executive Director is evaluated, input will be sought from all regular ~~Commissioners~~ members of the Commission. In addition, input will be sought from ~~all a~~ Alternate ~~Commissioners~~ members who have attended a majority of the regular meetings held during the subject evaluation period.

ARTICLE VII

FINANCES

1. **Finances and Payments** – The monies of the Commission shall be deposited in a separate bank account or accounts in such banks or trust companies as the Commission designates, and all payments (with the exception of those by petty cash) shall, so far as practicable, be made by checks. Checks and drafts shall be signed in the name of the Commission by the Executive Director or designees as authorized from time to time by the Commission.

2. **Audits** – At least once each year, the Commission shall cause an audit to be made by an independent certified public accountant of the general funds of the Commission and any special project funds which are not audited by the federal or state government or by other independent accountants.

3. **Bonds** – The Commission, through its treasurer, shall cause fidelity bonds, in such amounts as it deems adequate, to be secured covering each Commission member as required by law, as well as each of its employees who receive or disburse its funds.

4. **Fiscal Year** – The fiscal year of the Commission will commence on July 1 each year and will terminate on the following June 30.

5. **Compensation and expenses of Members and Alternates** - Commission members and ~~a~~Alternate ~~member~~s shall receive no salary but shall be entitled to reimbursement of all reasonable and necessary expenses and compensation allowed members of the ~~CT~~~~Commonwealth Transportation Board~~ for performance of their official duties as provided in ~~Va. Code~~ §§ 2.2-2813 and 2.2-2825. Payments as required shall be made upon receipt of invoices for such reimbursement and compensation.

ARTICLE VIII

AMENDMENTS

Any proposed amendment, repeal or alteration, in whole or in part, of these Bylaws shall be presented in writing and read for a first time at a regular meeting of the Commission. Such proposal may be considered and amended at such meeting, but shall not be acted on by the Commission until a subsequent regular meeting or a special meeting called for the purpose. At such subsequent meeting, such proposal shall be read a second time, shall be subject to further consideration and amendment germane to the section or sections affected by such proposal, and shall thereafter be acted on.

ARTICLE IX

PROCEDURES

Parliamentary Procedure – In all matters of parliamentary procedure not specifically governed by these Bylaws, *Robert's Rules of Order Newly Revised*, 11th ed. (Da Capo Press, 2011), as amended, shall apply.

Previous amendments:

~~Amended: October 04, 2018~~

Amended: January 13, 2011

Amended: October 07, 2010

Amended: February 15, 2010

Amended: December 06, 2007

Amended: July 01, 2004

Amended: March 07, 2002

Amended: June 07, 2001

Amended: February 01, 1990

Amended: June 02, 1988

Adopted: November 06, 1986

MOTION:

SECOND:

**RE: AUTHORIZATION TO SUBMIT FEDERAL TRANSIT ADMINISTRATION’S FEDERAL FISCAL
YEAR 2020 ANNUAL CERTIFICATIONS AND ASSURANCES**

ACTION:

WHEREAS, before the Federal Transit Administration (FTA) will award federal grants, its grantees must submit Certifications and Assurances signifying acceptance and intended compliance with Federal laws and regulations governing the use of grant funds; and

WHEREAS, the Potomac and Rappahannock Transportation Commission is the federal grantee for itself and the Virginia Railway Express (VRE); and

WHEREAS, the FTA has issued the Certifications and Assurances required for Federal fiscal year 2020 grants; and

WHEREAS, as in prior years, PRTC intends to comply with all Certifications and Assurances.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby authorize the Executive Director to execute the appropriate FTA Certifications and Assurances, with concurrence of PRTC’s and VRE’s legal counsel, and execute the FTA grants awarded to PRTC on behalf of VRE and itself.

Votes:

Ayes:

Abstain:

Nays:

Absent from Vote:

Alternate Present Not Voting:

Absent from Meeting:

CHANGES TO THE FY2020 FTA CERTIFICATIONS AND ASSURANCES

Certification Category Number and Name		Changes to Certification
Category 01	Required Certifications and Assurances for Each Applicant	Section 1.5 was added which prohibits contracting for certain telecommunications and video surveillance services or equipment.
Category 02	Public Transportation Agency Safety Plans	New Category. Beginning July 20, 2020 is required of each applicant, but may only make this certification after the completion of it Agency Safety Plan.
Category 03	Tax Liability and Felony Convictions	Renumbered Category 02.
Category 04	Lobbying	Renumbered Category 03.
Category 05	Private Sector Protections	Renumbered Category 04.
Category 06	Transit Asset Management Plan	Renumbered Category 05.
Category 07	Rolling Stock Buy America Reviews and Bus Testing	Renumbered Category 06.
Category 08	Urbanized Area Formula Grant Program	Renumbered Category 07.
Category 09	Formula Grants for Rural Areas	Renumbered Category 08.
Category 10	Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	Renumbered Category 09.
Category 11	Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	Renumbered Category 10.
Category 12	Enhanced Mobility of Seniors and Individuals with Disabilities Programs	Renumbered Category 11.
Category 13	State of Good Repair Grants	Renumbered Category 12.
Category 14	Infrastructure Finance Programs	Renumbered Category 13.
Category 15	Alcohol and Controlled Substances Testing	Renumbered Category 14.
Category 16	Rail Safety Training and Oversight	Renumbered Category 15.
Category 17	Demand Responsive Service	Renumbered Category 16.
Category 18	Interest and Financing Costs	Renumbered Category 17.

CHANGES TO THE FY2020 FTA CERTIFICATIONS AND ASSURANCES

Certification Category Number and Name		Changes to Certification
Category 19	Construction Hiring Preferences	Renumbered Category 18.
Category 20	Cybersecurity Certification for Rail Rolling Stock and Operations	New Category in reponse to the National Defense Authorization Act for FY2020. All rail fixed guideway public transportation systems must develop, maintain and execute a written plan to identify and reduce cybersecurity risks.

Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision. Refer to FTA's accompanying Instructions document for more information.

Text in italics is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
- (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 C.F.R. Part 21;
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 C.F.R. Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 C.F.R. Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 C.F.R. Part 24.

- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
 - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

- animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 - (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 C.F.R. Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 C.F.R. Part 1201.
 - (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
 - (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget’s standard form 424D “Assurances—Construction Programs” and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 C.F.R. 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 C.F.R. Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 C.F.R. Part 200, particularly 2 C.F.R. §§ 200.317–200.326 “Procurement Standards;
- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 C.F.R. Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 C.F.R. § 180.300. Additionally, each applicant must disclose any information required by 2 C.F.R. § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

1.5. Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

The applicant certifies that, consistent with Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115-232 (Aug. 13, 2018), beginning on and after August 13, 2020, it will not use assistance awarded by FTA to procure or obtain, extend or renew a contract to procure or obtain, or enter into a contract (or extend or renew a contract) to procure or obtain “covered telecommunications equipment or services” (as that term is defined in Section 889 of the Act) if such equipment or services will be used as a substantial or essential component of any system or as critical technology as part of any system.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

Beginning on July 20, 2020, this certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider pursuant to 49 C.F.R. § 673.11(d). This certification is required by 49 C.F.R. § 673.13.

This certification does not apply to any applicant that receives financial assistance from FTA exclusively under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs.

An applicant may make this certification only after fulfilling its safety planning requirements under 49 C.F.R. Part 673. If an applicant is making its fiscal year 2020 certifications prior to completing its requirements under 49 C.F.R. Part 673, it will make all other applicable certifications except this certification; the applicant may add this certification after it has fulfilled its requirements under 49 C.F.R. Part 673. FTA’s regional offices and headquarters Office of Transit Safety and Oversight will provide support for incorporating this certification in 2020.

On and after July 20, 2020, FTA will not process an application from an applicant required to make this certification unless the applicant has made this certification.

If the applicant is an operator, the applicant certifies that it has established a public transportation agency safety plan meeting the requirements of 49 C.F.R. Part 673.

If the applicant is a State, the applicant certifies that:

- (a) It has drafted a public transportation agency safety plan for each small public transportation provider within the State, unless the small public transportation provider provided notification to the State that it was opting-out of the State-drafted plan and drafting its own public transportation agency safety plan; and
- (b) Each small public transportation provider within the state has a public transportation agency safety plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 C.F.R. § 673.5) and Board of Directors or Equivalent Authority (as that term is defined at 49 C.F.R. § 673.5).

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2020, Pub. L. 116-93, div. C, title VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 4. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following

certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 C.F.R. § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 C.F.R. Part 20.

4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of 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.
- (b) 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.
- (c) 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 was 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 section 1352, title 31, U.S. Code. 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.

4.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any 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 commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and

submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

5.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 C.F.R. § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 C.F.R. Part 604, the terms and conditions of which are incorporated herein by reference.

5.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 C.F.R. § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 C.F.R. § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).

- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 C.F.R. § 605.11, the applicant agrees as follows:
- (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it is in compliance with 49 C.F.R. Part 625.

CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

7.1. Rolling Stock Buy America Reviews.

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 C.F.R. § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 C.F.R. Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 C.F.R. Part 663.

7.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 C.F.R. § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 C.F.R. Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;
- (c) Will maintain equipment and facilities in accordance with the applicant’s transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);

- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
 - (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
 - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
 - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and

- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
 - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
 - (2) It has determined that otherwise eligible local transit needs are being addressed.

CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant, regardless of whether it is in an urbanized or rural area, will apply for an award under subsection (c) (low or no emission vehicle grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(c)(3).

Making this certification will incorporate by reference the applicable certifications in Category 7 or Category 8.

CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 7, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 7 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 7, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and

- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, this certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4).

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 C.F.R. Part 625.

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 7 for the Urbanized Area Formula Grants Program, Category 9 for the Fixed Guideway Capital Investment Grants program, and Category 12 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 7, 9, and 12 by reference.

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA's Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 C.F.R. § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 C.F.R. Part 655.

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 C.F.R. §§ 659.43, 672.31, and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 C.F.R. part 659, “Rail Fixed Guideway Systems; State Safety Oversight”;
- (b) Compliant with the requirements of 49 C.F.R. part 672, “Public Transportation Safety Certification Training Program”; and
- (c) Compliant with the requirements of 49 C.F.R. part 674, “State Safety Oversight”.

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 C.F.R. Part 37, it must make the following certification. This certification is required by 49 C.F.R. § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 18. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the

Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 19. CONSTRUCTION HIRING PREFERENCES.

If the applicant will ask FTA to approve the use of geographic, economic, or any other hiring preference not otherwise authorized by law on any contract or construction project to be assisted with an award from FTA, it must make the following certification. This certification is required by the Further Consolidated Appropriations Act, 2020, Pub. L. 116-94, div. H, title I, § 191.

The applicant certifies the following:

- (a) That except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;
- (b) That the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and
- (c) That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

CATEGORY 20. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019). For information about standards or practices that may apply to a rail fixed guideway

public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

**FEDERAL FISCAL YEAR 2020 CERTIFICATIONS AND ASSURANCES FOR FTA
ASSISTANCE PROGRAMS**

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: _____

The Applicant certifies to the applicable provisions of categories 01–20. _____

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	_____
02 Public Transportation Agency Safety Plans	_____
03 Tax Liability and Felony Convictions	_____
04 Lobbying	_____
05 Private Sector Protections	_____
06 Transit Asset Management Plan	_____
07 Rolling Stock Buy America Reviews and Bus Testing	_____
08 Urbanized Area Formula Grants Program	_____
09 Formula Grants for Rural Areas	_____
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____

- 12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs
- 13 State of Good Repair Grants
- 14 Infrastructure Finance Programs
- 15 Alcohol and Controlled Substances Testing
- 16 Rail Safety Training and Oversight
- 17 Demand Responsive Service
- 18 Interest and Financing Costs
- 19 Construction Hiring Preferences
- 20 Cybersecurity Certification for Rail Rolling Stock and Operations

FEDERAL FISCAL YEAR 2020 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE

PAGE

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2020)

AFFIRMATION OF APPLICANT

Name of the Applicant: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2020, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2020.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____ Date: _____

Name _____ Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____ Date: _____

Name _____ Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

MOTION:

SECOND:

**RE: CONCURRENCE WITH STAFFORD COUNTY’S APPOINTMENT TO THE VIRGINIA
RAILWAY EXPRESS OPERATIONS BOARD**

WHEREAS, Stafford County desires to appoint Supervisor Gary Snellings as a Potomac and Rappahannock Transportation Commission (PRTC) Board of Commissioners alternate member; and

WHEREAS, Stafford County also desires to appoint Supervisor Snellings as a Virginia Railway Express (VRE) Operations Board alternate member; and

WHEREAS, the PRTC Bylaws require PRTC to concur with member jurisdictions’ appointments to the Virginia Railway Express (VRE) Operations Board; and

WHEREAS, membership by jurisdiction on the VRE Operations Board, in accordance with the provisions of the VRE Master Agreement, will consist of three (3) elected officials representing Prince William County, two (2) representing Stafford County, one (1) representing Spotsylvania County, one (1) each representing the cities of Fredericksburg, Manassas, and Manassas Park and a comparable number of Alternates, who must also be elected officials; and

WHEREAS, the PRTC Board of Commissioners representatives to the VRE Operations Board now include:

Members

Alternates

Prince William County

Jeanine Lawson
Margaret Franklin
Andrea Bailey

Ann Wheeler
Pete Candland
Victor Angry

Stafford County

Meg Bohmke
Cindy Shelton

Gary Snellings

City of Fredericksburg

Matt Kelly

Jason Graham

City of Manassas

Ralph Smith

Pamela Sebesky

City of Manassas Park

Preston Banks

Hector Cendejas

Spotsylvania County

Gary Skinner

Deborah Frazier

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby concur with Stafford County's appointment of Supervisor Snellings to the VRE Operations Board; and

BE IT FURTHER RESOLVED that this appointment is contingent upon Stafford County Board of Supervisors providing PRTC a certified resolution appointing Supervisor Snelling as a PRTC alternate Commission member no later than June 9, 2020; and

BE IT FURTHER RESOLVED that if the certified resolution is not provided to PRTC by June 9, 2020 Supervisor Snellings' appointment to the VRE Operations Board will expire at 5:00 p.m. on June 9, 2020, otherwise it will continue as provided by law.

Votes:

Ayes:

Abstain:

Nays:

Absent from Vote:

Alternate Present Not Voting:

Absent from Meeting:

PRTC Chair's Time

ITEM 11

Other Business/Commissioners' Time

ITEM 12

Adjournment

Upcoming Meetings: PRTC 2020 Meeting Schedule

COMMISSION MEETING SCHEDULE

2020

PRTC Commission Meetings are held on the first Thursday of the month at 7:00pm in the second floor conference room of the OmniRide Transit Center, unless otherwise noted.

14700 Potomac Mills Road, Woodbridge, VA 22192

POTOMAC & RAPPAHANNOCK
TRANSPORTATION COMMISSION



JANUARY 16

FEBRUARY 13

MARCH 5

APRIL 2

MAY 7

JUNE 4

JULY 9

AUGUST

BOARD RECESS - NO MEETING

SEPTEMBER 3

OCTOBER 1

NOVEMBER 5

DECEMBER 3

Executive Committee and Operations Committee meet on an "as needed" basis at 6:00pm prior to the regularly scheduled PRTC Board Meeting-advance notice is provided.

All VRE Operations Board meetings are scheduled for the third Friday of each month at 9:00am at the OmniRide Transit Center (except for the August recess).

JANUARY

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