

This appendix contains links to many of the federal regulatory documents that apply to projects funded by the Federal Transit Administration (FTA) and best practices for state funded projects. It is divided into the following sections:

- Section 1 OMB Circulars and Contract Cost Principles
- Section 2 The Common Rule
- Section 3 Employment for People With Disabilities, Americans with Disabilities Act, Public Accommodations, Title VI, and Equal Employment Opportunity
- Section 4 Charter Service and School Bus Operations
- Section 5 Fair Labor Standards Act and Contract Work Hours
- Section 6 FTA Purchasing Guidelines
- Section 7 Other State Laws
- Section 8 Capital Construction
- Section 9 5333(B) Labor Protection
- Section 10 Drug and Alcohol References

Federal regulations are included in this appendix. Federal funding is currently in the process of reauthorization. This reauthorization could result in changes to the reference documents included in this manual. The most current documents are available for your reference at the following websites:

- Office of Management and Budget Circulars
www.whitehouse.gov/omb/circulars_default
- Code of Federal Regulations
www.ecfr.gov
- United States Codes
<http://uscode.house.gov>
- Fair Labor Standards Act
www.dol.gov/whd/flsa/index.htm
- Revised Code of Washington
<http://apps.leg.wa.gov/rcw>

Section 1 OMB Circulars and Contract Cost Principles

The Office of Management and Budget (OMB) issues circulars that set the basic regulations for managing federally funded projects. Contractors and grantees are required to comply with the administrative requirements set forth in the Code of Federal Regulations (CFR). This section contains links to the following circulars and regulations:

- 48 CFR Part 31 – Contract Cost Principles and Procedures
www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title48/48cfr31_main_02.tpl
- OMB Circular A-87 – Cost Principles for State, Local, and Indian Tribal Governments
www.whitehouse.gov/omb/circulars_a087_2004
- OMB Circular A-122 – Cost Principles for Non-profit Organizations
www.whitehouse.gov/omb/circulars_a122_2004/
- OMB Circular A-133 – Audits of States, Local Governments, and Non Profit Organizations
www.whitehouse.gov/omb/circulars_a133-lead

Section 2 The Common Rule

This section contains links to the administrative requirements set forth in the CFRs, also known as the “Common Rule.” The following CFRs apply:

- 49 CFR Part 18 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div5&view=text&node=49:1.0.1.1.12&idno=49
- 49 CFR Part 19 – Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations
www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr19_main_02.tpl

Note: Contractors and grantees that are private for profit organizations should follow the OMB circulars and CFRs that apply to non-profit organizations.

Section 3 Employment for People With Disabilities, Americans with Disabilities Act (ADA), Public Accommodations, Title VI, and Equal Employment Opportunity (EEO)

Compliance with the ADA and Washington State public accommodations requirements can be challenging. This section contains the primary federal regulations and the Revised Code of Washington (RCW) laws vital to ensuring compliance. For additional information, refer to Chapter 1. This section contains links to the following regulations:

- 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting From Federal Financial Assistance
www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr27_main_02.tpl
- 49 CFR Part 37 – Transportation Services for Individuals With Disabilities (ADA)
www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr37_main_02.tpl
- RCW 49.60.030 – Freedom From Discrimination – Declaration of Civil Rights
<http://apps.leg.wa.gov/rcw/default.aspx?cite=49.60.030>

- Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients www.fta.dot.gov/civilrights/12328.html
- EEO Program Guidelines for Grant Recipients www.fta.dot.gov/civilrights/12327.html

Section 4 Charter Service and School Bus Operations

This section contains links to the federal regulations associated with charter service and school bus organizations. If your organization is considering providing either type of service, the following regulations should be reviewed:

- 49 CFR Part 604 –Charter Service
www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr604_main_02.tpl
- 49 CFR Part 605 – School Bus Operations
www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr605_main_02.tpl

Section 5 Fair Labor Standards Act and Contract Work Hours

This section contains links to regulations that pertain to the Fair Labor Standards Act and the Contract Work Hours and Safety Standards Act. These regulations include:

- WH Publication 1282 – Employment and Standards Administration Wage and Hour Division www.dol.gov/whd/regs/compliance/wh1282.pdf
- 40 U.S. Code Section 37 – Contract Work Hours and Safety Standards
<http://uscode.house.gov/pdf/2006/2006usc40.pdf>

Section 6 FTA Purchasing Guidelines

This section contains an link to the purchasing guidelines issued by FTA – Circular 4220.1F – Third Party Contracting Requirements. Contractors and grantees that are either private non-profit or private for profit entities must follow these guidelines when making large purchases using FTA funds.

- FTA Circular 4220.1F, revised March 13, 2013
www.fta.dot.gov/legislation_law/12349_8641.html

Section 7 Other State Laws

This section contains links to the other laws and amendments vital to ensuring compliance. This section includes:

- Substitute House Bill 1266 (updating laws on drug and alcohol use by commercial drivers) <http://apps.leg.wa.gov/documents/billdocs/2005-06/pdf/bills/house%20passed%20legislature/1266-s.pl.pdf>
- Substitute Senate Bill 5105 (regarding certification of entities regulated by the Utilities and Transportation Commission) <http://apps.leg.wa.gov/documents/billdocs/2005-06/pdf/bills/senate%20passed%20legislature/5105-s.pl.pdf>
- RCW 9.91.025 – *Unlawful Bus Conduct*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=9.91.025>
- RCW 46.25 – *Uniform Commercial Driver's License Act*
<http://apps.leg.wa.gov/rcw/default.aspx?cite=46.25>

Section 8 Capital Construction

This section contains links to key resources for capital construction compliance. This section includes:

- Governor's Executive Order 05-05 – *Archaeological and Cultural Resources*
www.dahp.wa.gov/governors-executive-order-05-05
- *Standard Specifications for Road, Bridge, and Municipal Construction M 41-10*
www.wsdot.wa.gov/publications/manuals/m41-10.htm
- *Environmental Procedures Manual M 31-11*
www.wsdot.wa.gov/Publications/Manuals/M31-11.htm
- *Design Manual M 22-01*
www.wsdot.wa.gov/Publications/Manuals/M22-01.htm

Section 9 5333(b) Labor Protection

This section contains a link to the *Rural Transportation Employee Protection Guidebook*. The guidebook provides detailed information regarding the labor protection requirements that apply to rural public transportation providers. The FTA regulation can be found under 49 U.S. Code Section 5333(b) (formerly known as Section 13c Special Warranty).

- *Rural Transportation Employee Protection Guidebook* <http://www.wsdot.wa.gov/NR/rdonlyres/D4E7E802-BC3C-4618-8E21-B97692951210/0/employeeprotection.pdf>

Section 10 Drug and Alcohol References

This section contains links regarding drug and alcohol requirements.

- 49 CFR Part 40 – *Procedures for Workplace Drug and Alcohol Testing Programs*
<http://www.ecfr.gov/cgi-bin/searchECFR>
- 49 CFR Part 655 – *Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations* www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=f9876c1cf8d97b42f20a5894216186d6&ty=HTML&h=L&n=49y7.1.2.1.16&r=PART
- Substance Abuse and Mental Health Services Administration
www.samhsa.gov
- Certified List of Laboratories (check list to see if your laboratory is certified)
www.workplace.samhsa.gov/drugtesting/level_1_pages/certifiedlabs.html
- Conforming Products List for Evidential Breath Alcohol Measurement Devices (3/11/10) www.gpo.gov/fdsys/pkg/FR-2012-06-14/pdf/2012-14581.pdf
- Office of Drug and Alcohol Policy Compliance
www.dot.gov/ost/dapc