

# Certifications & Assurances

## Fiscal Year 2020

For Federal fiscal year 2020, FTA made the following changes to the annual Certifications and Assurances. This document 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.

### New cybersecurity certification for rail transit operators

The National Defense Authorization Act for fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019), added a new subsection (v) to 49 U.S.C. § 5323. Section 5323(v) requires each operator of a rail fixed guideway system, as a condition of receiving financial assistance, to certify that it has “established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks” that includes consideration for third-party testing and use of approaches, standards, and best practices developed by the National Institute of Standards and Technology (NIST) and the U.S. Department of Homeland Security (DHS).

For information regarding NIST and DHS standards and practices, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

### New public transportation agency safety plan certification

FTA’s public transportation agency safety plans (PTASP) rule, 49 C.F.R. Part 673, provides rail operators and States that are required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider until July 20, 2020, to certify that they have established safety plans that comply with the rule. The rule also requires affected transit providers and States to certify annually that they are in compliance with the rule, beginning in 2021. In 2020, an affected applicant may make the PTASP certification at any time after, but not before, it has completed its requirements under the PTASP rule. After July 20, 2020, FTA will not process an application from an entity that is required to make the PTASP certification and has not done so.

If an applicant is making its fiscal year 2020 certifications prior to completing PTASP requirements, it may make all other applicable certifications except the PTASP certification, and may add the PTASP certification after completing its PTASP requirements. FTA’s regional offices and headquarters Office of Transit Safety and Oversight will provide support for incorporating this certification in 2020.



## New certification regarding restricted telecommunications and video surveillance equipment and services

The John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115-232, § 889 (Aug. 13, 2018), prohibits FTA from obligating or expending grant funds to acquire “covered telecommunications equipment or services” after August 13, 2020. The covered equipment and services are those provided by certain companies based in the People’s Republic of China. For fiscal year 2020, FTA is requiring applicants to certify that they will not use Federal funds to acquire the restricted equipment or services after the effective date.

### Additional changes

- Added a reminder at the top of the Certifications that FTA will not enforce a certification if it does not apply to a particular grant recipient or project. In fiscal year 2019, some grant recipients expressed concern that they would be held to standards they are not subject to.
- Revised the instructions accompanying Certification 3, Tax Liability and Felony Convictions. In fiscal year 2019, FTA’s instructions for this certification were unclear, leading some applicants to question whether they had to make the certification.
- Revised the language of the Certification 5, Transit Asset Management Plan, to reflect that the deadline to create a transit asset management plan has passed, and all applicants now must be in compliance with 49 C.F.R. Part 625.
- Updated references and citations as appropriate.