

§ 32.301

it must include the identification number(s) of each affected award.

§ 32.301 [Reserved]

Subpart D—Responsibilities of DOT Awarding Officials

§ 32.400 What are my responsibilities as a(n) DOT awarding official?

As a(n) DOT awarding official, you must obtain each recipient's agreement, as a condition of the award, to comply with the requirements in—

(a) Subpart B of this part, if the recipient is not an individual; or

(b) Subpart C of this part, if the recipient is an individual.

Subpart E—Violations of this Part and Consequences

§ 32.500 How are violations of this part determined for recipients other than individuals?

A recipient other than an individual is in violation of the requirements of this part if the Secretary of Transportation determines, in writing, that—

(a) The recipient has violated the requirements of subpart B of this part; or

(b) The number of convictions of the recipient's employees for violating criminal drug statutes in the workplace is large enough to indicate that the recipient has failed to make a good faith effort to provide a drug-free workplace.

§ 32.505 How are violations of this part determined for recipients who are individuals?

An individual recipient is in violation of the requirements of this part if the Secretary of Transportation determines, in writing, that—

(a) The recipient has violated the requirements of subpart C of this part; or

(b) The recipient is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.

§ 32.510 What actions will the Federal Government take against a recipient determined to have violated this part?

If a recipient is determined to have violated this part, as described in

49 CFR Subtitle A (10–1–09 Edition)

§ 32.500 or § 32.505, the Department of Transportation may take one or more of the following actions—

(a) Suspension of payments under the award;

(b) Suspension or termination of the award; and

(c) Suspension or debarment of the recipient under 49 CFR part 29, for a period not to exceed five years.

§ 32.515 Are there any exceptions to those actions?

The Secretary of Transportation may waive with respect to a particular award, in writing, a suspension of payments under an award, suspension or termination of an award, or suspension or debarment of a recipient if the Secretary of Transportation determines that such a waiver would be in the public interest. This exception authority cannot be delegated to any other official.

Subpart F—Definitions

§ 32.605 Award.

Award means an award of financial assistance by the Department of Transportation or other Federal agency directly to a recipient.

(a) The term award includes:

(1) A Federal grant or cooperative agreement, in the form of money or property in lieu of money.

(2) A block grant or a grant in an entitlement program, whether or not the grant is exempted from coverage under the Governmentwide rule 49 CFR part 18 that implements OMB Circular A–102 (for availability, see 5 CFR 1310.3) and specifies uniform administrative requirements.

(b) The term award does not include:

(1) Technical assistance that provides services instead of money.

(2) Loans.

(3) Loan guarantees.

(4) Interest subsidies.

(5) Insurance.

(6) Direct appropriations.

(7) Veterans' benefits to individuals (*i.e.*, any benefit to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States).

§ 32.610 Controlled substance.

Controlled substance means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15.

§ 32.615 Conviction.

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

§ 32.620 Cooperative agreement.

Cooperative agreement means an award of financial assistance that, consistent with 31 U.S.C. 6305, is used to enter into the same kind of relationship as a grant (see definition of grant in § 32.650), except that substantial involvement is expected between the Federal agency and the recipient when carrying out the activity contemplated by the award. The term does not include cooperative research and development agreements as defined in 15 U.S.C. 3710a.

§ 32.625 Criminal drug statute.

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

§ 32.630 Debarment.

Debarment means an action taken by a Federal agency to prohibit a recipient from participating in Federal Government procurement contracts and covered nonprocurement transactions. A recipient so prohibited is debarred, in accordance with the Federal Acquisition Regulation for procurement contracts (48 CFR part 9, subpart 9.4) and the common rule, Government-wide Debarment and Suspension (Nonprocurement), that implements Executive Order 12549 and Executive Order 12689.

§ 32.635 Drug-free workplace.

Drug-free workplace means a site for the performance of work done in con-

nection with a specific award at which employees of the recipient are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

§ 32.640 Employee.

(a) *Employee* means the employee of a recipient directly engaged in the performance of work under the award, including—

(1) All direct charge employees;

(2) All indirect charge employees, unless their impact or involvement in the performance of work under the award is insignificant to the performance of the award; and

(3) Temporary personnel and consultants who are directly engaged in the performance of work under the award and who are on the recipient's payroll.

(b) This definition does not include workers not on the payroll of the recipient (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the payroll; or employees of subrecipients or subcontractors in covered workplaces).

§ 32.645 Federal agency or agency.

Federal agency or agency means any United States executive department, military department, government corporation, government controlled corporation, any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency.

§ 32.650 Grant.

Grant means an award of financial assistance that, consistent with 31 U.S.C. 6304, is used to enter into a relationship—

(a) The principal purpose of which is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, rather than to acquire property or services for the Federal Government's direct benefit or use; and

(b) In which substantial involvement is not expected between the Federal agency and the recipient when carrying out the activity contemplated by the award.

§ 32.655

§ 32.655 Individual.

Individual means a natural person.

§ 32.660 Recipient.

Recipient means any individual, corporation, partnership, association, unit of government (except a Federal agency) or legal entity, however organized, that receives an award directly from a Federal agency.

§ 32.665 State.

State means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

§ 32.670 Suspension.

Suspension means an action taken by a Federal agency that immediately prohibits a recipient from participating in Federal Government procurement contracts and covered non-procurement transactions for a temporary period, pending completion of an investigation and any judicial or administrative proceedings that may ensue. A recipient so prohibited is suspended, in accordance with the Federal Acquisition Regulation for procurement contracts (48 CFR part 9, subpart 9.4) and the common rule, Government-wide Debarment and Suspension (Non-procurement), that implements Executive Order 12549 and Executive Order 12689. Suspension of a recipient is a distinct and separate action from suspension of an award or suspension of payments under an award.

PART 37—TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (ADA)

Subpart A—General

Sec.

- 37.1 Purpose.
- 37.3 Definitions.
- 37.5 Nondiscrimination.
- 37.7 Standards for accessible vehicles.
- 37.9 Standards for accessible transportation facilities.
- 37.11 Administrative enforcement.
- 37.13 Effective date for certain vehicle specifications.
- 37.15 Temporary suspension of certain detectable warning requirements.
- 37.16–37.19 [Reserved]

49 CFR Subtitle A (10–1–09 Edition)

Subpart B—Applicability

- 37.21 Applicability: General.
- 37.23 Service under contract.
- 37.25 University transportation systems.
- 37.27 Transportation for elementary and secondary education systems.
- 37.29 Private entities providing taxi service.
- 37.31 Vanpools.
- 37.33 Airport transportation systems.
- 37.35 Supplemental service for other transportation modes.
- 37.37 Other applications.
- 37.39 [Reserved]

Subpart C—Transportation Facilities

- 37.41 Construction of transportation facilities by public entities.
- 37.43 Alteration of transportation facilities by public entities.
- 37.45 Construction and alteration of transportation facilities by private entities.
- 37.47 Key stations in light and rapid rail systems.
- 37.49 Designation of responsible person(s) for intercity and commuter rail stations.
- 37.51 Key stations in commuter rail systems.
- 37.53 Exception for New York and Philadelphia.
- 37.55 Intercity rail station accessibility.
- 37.57 Required cooperation.
- 37.59 Differences in accessibility completion dates.
- 37.61 Public transportation programs and activities in existing facilities.
- 37.63–37.69 [Reserved]

Subpart D—Acquisition of Accessible Vehicles by Public Entities

- 37.71 Purchase or lease of new non-rail vehicles by public entities operating fixed route systems.
- 37.73 Purchase or lease of used non-rail vehicles by public entities operating fixed route systems.
- 37.75 Remanufacture of non-rail vehicles and purchase or lease of remanufactured non-rail vehicles by public entities operating fixed route systems.
- 37.77 Purchase or lease of new non-rail vehicles by public entities operating a demand responsive system for the general public.
- 37.79 Purchase or lease of new rail vehicles by public entities operating rapid or light rail systems.
- 37.81 Purchase or lease of used rail vehicles by public entities operating rapid or light rail systems.
- 37.83 Remanufacture of rail vehicles and purchase or lease of remanufactured rail vehicles by public entities operating rapid or light rail systems.
- 37.85 Purchase or lease of new intercity and commuter rail cars.