

Housatonic Area Regional Transit  
Disadvantaged Business Enterprise Program  
Fiscal Years 2023, 2024, 2025

**OBJECTIVES**

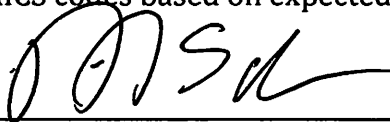
Housatonic Area Regional Transit has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Housatonic Area Regional Transit has received Federal financing assistance from the Department of Transportation, and as a condition of receiving this assistance, Housatonic Area Regional Transit has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Housatonic Area Regional Transit to ensure that DBEs as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted Contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

Lori Wilk has been delegated as the DBE Liaison Officer. In that capacity, Lori Wilk is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Housatonic Area Regional Transit in its financial assistance agreements with the Department of Transportation.

Lori Wilk disseminated this policy statement and the goal methodology to the Board of Directors and all of the components of our organization at our September 2022 Board Meeting. We distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. We conducted a DBE workshop on Wednesday, July 27<sup>th</sup>, and invited them to participate in the public participation portion of our September board meeting. Invitations were sent out to members of the Small Business Community in Danbury, the Greater New England Minority Supplier Development Council, and the DBEs registered in the State of Connecticut, which match the NAICS codes based on expected contracts during the duration of this goal.



\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

## GOAL

Housatonic Area Regional Transit's overall goal for FY 2023- FY 2025 is the following: 1.6% of the Federal Financial assistance we will expend in DOT-assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles.

## METHODOLOGY

Step one:

The base figure for the relative availability of DBEs was calculated as follows:

Ready, willing, and able DBEs from the State of Connecticut DBE directory ([http://www.biznet.ct.gov/dot\\_dbe/DBESearchResults.aspx](http://www.biznet.ct.gov/dot_dbe/DBESearchResults.aspx) ). The State of Connecticut directory does not allow for look up on the county level. Therefore, we printed the total list from Connecticut's website, and then chose only those vendors located in Fairfield County and our surrounding service area. This was divided by all firms considered ready, willing, and able to bid for work based on the County Business Patterns (NAICS), <https://data.census.gov/cedsci/table?q=CB1600CBP%3A%20Geography%20Area%20Series%3A%20County%20Business%20Patterns%20by%20Employment%20Size%20Class%20and%20Legal%20Form%20of%20Organization%3A%202016&g=&hidePreview=true&table=CB1600CBP&tid=CBP2016.CB1600CBP&lastDisplayedRow=1559> ) (CT, Area name Fairfield County).

The majority of our funding is spent on labor costs. We then used all of the categories remaining as our possible list of contracts. After reviewing all contracting opportunities anticipated for the FTA-assisted contracts, we compiled a list of bidders based on the following NAICS codes. Housatonic Area Regional Transit has no sub-recipients; therefore, we have not included any in our calculations.

22111	Electric power generation
221210	Natural gas distribution
238210	Electrical contractors
23822	Plumbing, heating, and air conditioning contractors
238290	Other building equipment contractors
423860	Transportation equipment and supplies
424120	Stationary and office supplies
44111	New car dealers
441320	Tire dealers
444130	Hardware stores

454310 Fuel dealers  
522110 Commercial banking  
524126 Direct property and casualty insurance carriers  
524292 Third party administration of insurance and pension funds  
5241 Insurance carriers  
54111 Office of lawyers  
541211 Offices of Certified Public Accountants  
56211 Waste collection  
541513 Computer facilities management services  
541519 Other computer related services  
561613 Armored car services  
561730 Landscaping services

It is HART's policy and practice to break all projects down. Other major construction projects, which are still in the planning phase will have DBE goals included in the RFP for each project. The RFP's will have projects broken down to ensure that we have sub-contracting opportunities. Please see attachments for the results of the above calculations. The resulting base figure is 0.7%.

## **CERTIFYING AGENCY**

HARTransit is a non-certifying member of the CT Unified Certification Program (UCP). CT UCP will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Certifying CT UCP members make all certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

Connecticut Department of Transportation  
Office of Contract Compliance  
Attn: Shari Pratt  
2800 Berlin Turnpike  
Newington, CT 06111  
(860) 594-2171  
**[Shari.Pratt@ct.gov](mailto:Shari.Pratt@ct.gov)**

The Uniform Certification Application form and documentation requirements are found in Attachment 2 to this program.

## **MARKET AREA**

After compiling our Bidders list, we have determined that Fairfield County, Connecticut to be our market area. Based on our current and anticipated list of vendors, 27 in total, 81% of these vendors are located in Fairfield County. We have also expanded our bidders list to included bidders who are just outside of Fairfield County, but are within our service area.

Step 2:

### **Adjustments**

In this step, after calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

1. Consider the District's historic use of DBEs. The median value for DBE participation for the Fiscal years 2020, 2021, 2022 is 2.4%. USDOT guidance suggests that the historic median be averaged with the base figure (0.7%) to adjust the goal. This results in an adjustment to 1.6%.
2. Consider evidence of past discrimination. There are no disparity studies available for the State of Connecticut documenting past discrimination, which could be used for this adjustment.

From this data, we are using our adjusted base figure of 1.6%. HART has been able to meet our median base figure over the last three years to meet our goal using only race-neutral methods and based on this we believe that we will be able to reach this goal. Therefore, we have chosen not to use the weighted goal amount of 0.7%.

## **RACE-NEUTRAL & RACE CONSCIENCE PARTICIPATION**

Housatonic Area Regional Transit will meet its overall goal by using race-neutral means of facilitating DBE participation. Housatonic Area Regional Transit uses the following race-neutral means to increase DBE participation:

- All prior past participation by DBE Prime Contractors are considered for relevant contracts;
- Adding all potential DBE contractors to HART's bidders list and identifying them as such before going out to bid on all Direct contracts;

- Arrange solicitations, give date and times for the presentation of bids, quantities, specification, and delivery schedules in ways that facilitate DBE, and other small businesses, participation;
- Provide technical assistance and other services upon request;
- Conduct informational and communication workshops on contracting procedures, inviting members of the Connecticut Small Business Development Center ([www.CTSBDC.com](http://www.CTSBDC.com))

## **OVER-CONCENTRATION**

HARTransit has not identified that over-concentration exists in the types of work that DBEs perform.

## **INFORMATION, CONFIDENTIALITY, COOPERATION AND INTIMIDATION OR RETALIATION.**

Information that may reasonably be regarded as confidential business information, consistent with Federal, State, and local law will be safeguarded from disclosure to third parties.

(a) *Availability of records.* (1) In responding to requests for information concerning any aspect of the DBE program, the Department complies with provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Department may make available to the public any information concerning the DBE program release of which is not prohibited by Federal law.

(2) Notwithstanding any provision of Federal or state law, you must not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information.

(b) *Confidentiality of information on complainants.* Notwithstanding the provisions of paragraph (a) of this section, the identity of complainants shall be kept confidential, at their election. If such confidentiality will hinder the investigation, proceeding or hearing, or result in a denial of appropriate administrative due process to other parties, the complainant must be advised for the purpose of waiving the privilege. Complainants are advised that, in some circumstances, failure to waive the privilege may result in the closure of the investigation or dismissal of the proceeding or hearing. FAA follows the procedures of 14 CFR part 16 with respect to confidentiality of information in complaints.

(c) *Cooperation.* All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

(d) *Intimidation and retaliation.* If you are a recipient, contractor, or any other participant in the program, you must not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. If you violate this prohibition, you are in noncompliance with this part.

[64 FR 5126, Feb. 2, 1999, as amended at 68 FR 35556, June 16, 2003; 76 FR 5101, Jan. 28, 2011]

## **FAILURE TO MEET OVERALL GOALS**

HARTransit cannot be penalized, or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless HARTransit fails to administer its DBE program in good faith. HARTransit understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith. HARTransit understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year; Revision Date: 2019-02-1217
- (2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;
- (3) HARTransit will submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (1) and (2) above to the FTA for approval.

## **FOSTERING SMALL BUSINESS PARTICIPATION**

HARTransit has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. The small business element is incorporated as Attachment 1 to this DBE Program. The program elements will be actively implemented to foster small business participation. Implementation of the small business element is required in order for HARTransit to be considered by DOT as implementing this DBE program in good faith.

HARTransit has implemented our Small Business plan beginning on July 1, 2021. We are setting aside 5% of the expected grant award spending per fiscal year.

## **PUBLIC PARTICIPATION**

Housatonic Area Regional Transit conducted a DBE workshop on Wednesday, July 27, 2022, at 3:00pm. Invitations were sent out to members of the Small Business community in Danbury, the Greater New England Minority Supplier Development Council, and the DBE's registered in the State of Connecticut, which match the NAICS codes based on expected contracts during the duration of this goal. The contracting opportunities were discussed, and the methodology used for setting our goal. We also explained why our goal was increased from the original 0.7% to our stated goal of 1.6%. We informed the small business members that they could find the information regarding certification as a DBE on the State of CT website. At the end of the workshop we indicated if they had any comments that they wished to express to the board before they voted to accept the goals set for the Fiscal years 2023, 2024, and 2025, they could do so at HART's Board of Director's meeting on Wednesday, September 28, 2022. The Housatonic Area Regional Transit will make every effort to hold a workshop on our DBE on a bi-annual basis. There were no comments or feedback on HARTransit's plan. Therefore, no changes were made to HARTransit goal of 1.6%.

## **ADVERTISING**

The District's proposed DBE goal and methodology was posted on the District's website, [www.hartransit.com](http://www.hartransit.com) beginning on July 2022.

## **COVID 19 ACCOMODATIONS**

The FTA has put in new guidelines regarding in person meeting and site visits. We have attached these guidelines to the end of this document. If you have any questions or wish to take advantage of these accommodations, please contact Lori Wilk at (203)744-4070 ext. 139.

## ATTACHMENT 1

### SMALL BUSINESS ELEMENT

#### OBJECTIVES/STRATEGIES

HARTransit will each year calculate and set aside 5% of the cost of our Prime contracts for small businesses. Only those firms meeting the definition of a small business, as described below, will be eligible for award of these contracts.

1. On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
2. To meet the portion of your overall goal you project to meet through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

#### Definition:

- DBE firms should be identified in the Small Business element of the recipient's DBE program as eligible for the program unless there is a DBE micro-Small Business Program element in place
- DBE firms and small firms eligible for the program should be similarly sized to reduce competitive conflict between DBE and non-DBE firms.
- All businesses meeting the criteria outlined in this element will be considered to be small businesses, without regard to race or gender.

#### VERIFICATION

HARTransit diligently attempts to minimize fraud and abuse in the small business element of its DBE program by verifying program eligibility of firms. In order to allow for participation of all small businesses, the small business vendor must be certified through one of the following: the State of Ct certification of SBE, Federal SBA8(a) certification, or SAM's small business certification, or other State's certification.

<https://portal.ct.gov/DAS/Procurement/Supplier-Diversity/SBE-MBE-Program-Certification-Application-Small-or-Minority-Business-Enterprise>



See attachment 3.

## **MONITORING/RECORD KEEPING**

- Once an SBE has been awarded a contract, they will be entered into our accounting software system and labeled as an SBE. This will allow us to print out reports listing all SBE's and the dollar amount awarded to each vendor. We will then compare this amount quarterly to our grant award schedule to make sure we are on track to spend the set aside amount of the year's contracts.

### Assurance

1. The program is authorized under state law;
2. Certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program;
3. No limits are placed on the number of contracts awarded to firms participating in the program, but every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
4. Aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.
5. The program is open to small businesses regardless of their location (i.e., there is no local or other geographic preference)

State of Connecticut  
Department of Administrative Services  
Supplier Diversity Program



*This Certifies*

**Silver Petrucelli & Associates, Inc.**

**3190 Whitney Avenue Hamden CT 06518**

*As a*

*Small Business Enterprise*

*August 28, 2019 through August 28, 2021*

**Owner(s):** Amanda Cleveland, NCIDQ; Christopher T. Nardi, AIA; David J. Stein, AIA; Dean A. Petrucelli, AIA; Robert R. Banning, P.E.; William R. Saver, AIA

**Contact:** Denise LaRosa

**Telephone:** 2032309007 Ext: 240 **FAX:**

**E-Mail:** [dlarosa@silverpetrucelli.com](mailto:dlarosa@silverpetrucelli.com)

**Web Address:** [www.silverpetrucelli.com](http://www.silverpetrucelli.com)

**\*\*Affiliate Companies:**

Handwritten signature of Meg Yetishelsky in cursive.

Supplier Diversity Director

Handwritten signature of Stanley Kuntz in cursive.

Supplier Diversity Specialist

\*\* A contractor awarded a contract or a portion of a contract under the set-aside program shall not subcontract with any person(s) with whom the contractor is affiliated.



**U.S. Department of  
Transportation**

Office of the Transportation Secretary

Departmental Office of Civil Rights  
1200 New Jersey Avenue, S.E., W76-401  
Washington, DC 20590

## Memorandum

To: State and Local Recipients Implementing the Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) Program

From: Irene B. Marion **Irene Marion**  
Director, Departmental Office of Civil Rights (DOCR)

Digitally signed by Irene Marion  
Date: 2022.06.28 14:28:09 -04'00'

Re: DBE and ACDBE Program Flexibilities

Date: June 28, 2022

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Thank you for your sustained commitment to ensuring a level playing field for disadvantaged businesses. This guidance document supersedes the December 23, 2021, guidance documents titled: "Supplemental Guidance: DBE and ACDBE Program Requirements During COVID-19 Public Health Emergency" and "DBE and ACDBE Certification Procedures During COVID-19 Public health emergency."<sup>1</sup>

**DBE OVERALL GOAL METHODOLOGY PUBLIC PARTICIPATION REQUIREMENTS:**

49 CFR 26.45(g)(1) requires recipient agencies, as part of their triennial overall goal setting process, to provide opportunities for publication, as well as consultation with stakeholder groups, prior to submitting the methodology to the relevant OA for review. This regulatory provision states that consultation with stakeholder groups must include a scheduled, direct, interactive exchange (e.g., an in-person meeting, video conference, teleconference) with as many interested stakeholders as possible.

- Instead of holding in-person meetings, recipients may use other options allowed under the rule, such as video conference or teleconferencing, by making use of technologies such as FaceTime, Skype, GoToMeeting, Zoom, and other similar telecommunication applications.

**GOOD FAITH EFFORTS RECONSIDERATION PROCESS:**

49 CFR 26.53(d)(3) requires recipients to provide bidders/offerors the opportunity to meet in person with reconsideration officials to discuss whether the bidders/offerors met the goal or made adequate good faith efforts to do so.

- Recipients may utilize computer, tablet, and mobile device technologies, such as FaceTime, Skype, GoToMeeting, Zoom, and other similar telecommunication

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<sup>1</sup> This guidance document is not legally binding in its own right. Conformity with this guidance document, as distinct from existing statutes, regulations, and grant assurances, is voluntary only, and nonconformity will not affect existing rights and obligations.

applications, as an alternate for an in-person meeting between reconsideration officials and bidders/offerors.

**TERMINATION/SUBSTITUTION OF DBES AND ACDBES OR PARTIAL TERMINATION:**

49 CFR 26.53(f) and 49 CFR 23.25(e) prohibit a prime contractor from terminating a DBE subcontractor it has listed to meet a contract goal (or an approved substitute DBE firm) without good cause and the recipient's prior written consent. A prime contractor may not terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work or substitute another DBE or non-DBE contractor to perform the work after contract award.

When a DBE subcontractor is terminated in accordance with these procedures, the recipient must require the prime contractor to make good faith efforts to find a substitute DBE firm, per 49 CFR 26.53(g).

- Questions may arise regarding the termination and substitution provisions at 49 CFR 26.53(f)-(g). DOT provides the following guidance:
  1. Prime contractors must continue to apply the termination and replacement requirements in good faith. Recipients should not approve termination requests for committed DBEs for the sole purpose of cost savings to the prime contractor. Prime contractors must still demonstrate good cause to justify terminating a DBE with committed work on a project.
  2. The following documents may be provided in electronic format: (a) a prime contractor's written notification to the DBE; (b) a prime contractor's request to the recipient to terminate or replace a DBE; (c) a DBE's written response; (d) a recipient's written approval or denial of a prime contractor's submission of good faith efforts documentation; and (e) a recipient's response to the contractor's request to substitute a DBE.

**NOTARIZED STATEMENTS:**

When evaluating a firm's eligibility for DBE or ACDBE certification, 49 CFR 26.67(a)(1) requires a signed, notarized certification that each presumptively disadvantaged owner is, in fact, socially and economically disadvantaged. 49 CFR 26.67(a)(2) requires a signed and notarized personal net worth statement with appropriate supporting documentation. 49 CFR 26.83 also requires applicants to submit affidavits attesting to the accuracy of the application, and that there have been no changes of circumstances affecting the firm's ability to meet DBE requirements.

- Recipients may use alternative methods to meet the requirements, such as:
  1. Allowing the use of online notary public services if the recipient's State permits notarized digital signatures validated with an electronic notary seal.
  2. Allowing the use of a subscribing witness if the recipient's State permits such use permitting the document to be signed in the presence of a

witness; the witness, not the signer, then appears before a notary if doing so does not compromise social distancing.

3. Allowing the filing of unsworn declarations executed under penalty of perjury rather than sworn affidavits, including affidavits of no change.

### **ON-SITE VISITS:**

When evaluating a firm's eligibility for DBE or ACDBE certification, 49 CFR 26.83(c)(1)(i) requires recipients to perform an on-site visit to the firm's principal place of business, interview the principal officers and other key personnel, and visit job sites where the firm is working at the time of the eligibility investigation in your jurisdiction or local area. The regulation allows recipients to rely upon the site visit report of any other recipient with respect to a firm applying for certification.

- Recipients may utilize computer, tablet, and mobile device technologies, such as FaceTime, Skype, GoToMeeting, Zoom, and other similar telecommunication applications, to interview firm owners/key personnel and take virtual tours of office space, equipment, and job sites. Recipients may use their discretion in adopting policies specific to their State and authorized by their agency leadership, such as:
  1. visiting the residence/office building to take external photographs and confirm the owner's presence;
  2. conducting drive-by visits of job sites to photograph necessary items; and
  3. asking firm owners to electronically submit supplemental and additional pictures of equipment, license plate numbers, and any branding on vehicles/equipment.

If virtual technology is not accessible and a telephone interview is conducted, we suggest agencies ask the firm owner to electronically submit supplemental photographs (e.g., office space, equipment, license plate numbers and any branding on vehicles/equipment). To the extent practicable, we also suggest recipients record virtual and telephone interviews, after first notifying the interviewees of the recording.

### **INTERSTATE CERTIFICATION:**

The DBE regulation's interstate certification rules allow a firm certified in its home State to seek interstate certification in a new State (State B). Should State B have objections to the firm's eligibility, the DBE may respond in writing, or request an in-person meeting with State B's decision maker to discuss State B's eligibility concerns, or both (49 CFR 26.85(d)(4)(ii)). If the firm requests a meeting, State B must schedule the meeting to take place within 30 days of receiving the firm's request.

- If the DBE requests a meeting, recipients may utilize computer, tablet, and mobile device technologies such as FaceTime, Skype, GoToMeeting, Zoom, and other similar telecommunication applications, to conduct a meeting.

### **DECERTIFICATION HEARINGS:**

In a decertification proceeding, 49 CFR 26.87(d) requires recipients to give the firm an opportunity for an in-person hearing, at which the firm may respond to the reasons for the proposal to remove its eligibility. In lieu of a hearing, firms are permitted to submit written information, arguments, or evidence.

- Recipients may utilize computer, tablet, and mobile device technologies, such as FaceTime, Skype, GoToMeeting, Zoom, and other similar telecommunication applications, to conduct an informal hearing. However, recipients must maintain a complete record of the hearing, by any means acceptable under State law for the retention of a verbatim record of the hearing and retain the original record of the hearing. 49 CFR 26.87(d)(2).

### **SUMMARY SUSPENSION:**

When applicable circumstances warrant, 49 CFR 26.88(d) requires a recipient to immediately notify a DBE of the recipient's decision to summarily suspend the DBE's certification by certified mail, return receipt requested, to the last known address of the owner(s) of the DBE.

- Recipients are permitted to electronically notify a DBE of the decision to summarily suspend the DBE's certification in lieu of notification by certified mail. Because of the importance of accurate recordkeeping, recipients may not use telephonic notification.

### **APPEAL INSTRUCTIONS AND RECIPIENT RECORDS:**

Recipients are required to give denied or decertified firms instructions on how to appeal to DOCR (49 CFR 26.89); recipients often instruct these firms to mail their appeal.

- We urge recipients to immediately change the appeal rights notification at the end of denial and decertification letters to read:

“You may appeal this decision to the U.S. Department of Transportation. If you want to file an appeal, you must email it to [S33AppealsManagementRecords@dot.gov](mailto:S33AppealsManagementRecords@dot.gov) within 90 days of the date of this letter. The appeal must include this letter and other pertinent information and provide a *full and specific* statement as to why our decision is erroneous, what significant fact we failed to consider, or what provisions of 49 CFR Part 26 we did not properly apply. USDOT does not accept notices of intent or partial or otherwise non-complaint submissions.”

The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of 49 CFR parts 23 and 26.