

OTHER COMPENSATION:

Please attach a complete list of sources of compensation received by the applicant that otherwise would constitute Category Two Eligible Costs.

COMPLIANCE WITH LAWS AND REGULATIONS

Applicants to the Program must comply with all applicable federal and state laws, rules and regulations. It is the responsibility of the applicant to determine which laws and regulations are applicable to their project(s) and ensure compliance with those laws and regulations. At a minimum, Applicant must ensure that all applicable HUD requirements are satisfied (i.e., the National Environmental Policy Act, the Davis-Bacon Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) and must where appropriate submit supporting documentation for each project for which reimbursement is sought.

CERTIFICATION OF APPLICANT

The undersigned does solemnly affirm, acknowledge and agree that:

- (i) He/she is authorized to execute this application on behalf of the applicant and that to the best of his/her knowledge, information and belief, all statements in the application, including all attachments hereto and any affidavits, certifications or supplementation information provided herewith, are true and accurate and complete;
- (ii) The applicant is an investor-owned utility service provider that is regulated by the New York State Public Service Commission, the Federal Energy Regulatory Commission or the Federal Communications Commission.
- (iii) If the applicant is eligible and receives a Grant under the Program, it shall not apply for any increase in rates or other charges with respect to eligible Program cost for which it is reimbursed.
- (iv) The applicant shall diligently and aggressively pursue all insurance claims and third party claims, if any, for costs incurred as a result of the September 11, 2001 attacks for which it is seeking reimbursement under the Program and will notify ESDC immediately upon recovery of the same.
- (v) The applicant shall comply with all of the following requirements as applicable:
 - a) Title VI of the Civil Rights Act of 1964 (42 U. S. C. 2000d et seq.), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
 - b) Section 109 of the Housing and Community Development Act of 1974 (the "Act"), as amended, and the implementing regulations at 24 CFR 570.602, which require that no person in the United States shall on the grounds of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with community development funds made available pursuant to the Act. Section 109 of the Act, and the implementing regulations at 24 CFR Part 146 and 24 CFR Part 8 further provide for the prohibition of discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or with respect to an otherwise qualified handicapped person as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).
- (vi) I acknowledge that I have received and read a copy of the WTC Utility Restoration and Infrastructure Rebuilding Program Guidelines, and that the applicant is an eligible utility provider, as described therein, and shall comply with all requirements thereunder. All grants will be computed and disbursed in accordance with the Guidelines;
- (vii) The receipt of any grants made under this Program is subject to the approval of the program by the federal Department of Housing and Urban Development and the receipt of funds by ESDC;
- (viii) The application is subject to audit prior to and for up to three years from the date of the making of the grant;
- (ix) The business name, address and grant amount may be used by ESDC or New York State in its promotional materials;
- (x) I understand that ESDC will rely on the information supplied in this application and all supporting documentation in determining eligibility and a materially false statement willfully or fraudulently made in connection with this application may result in a forfeiture of any and all grant funds and the subject person making the false statement to criminal charges.

Printed Name

Signature

Official Title held at business

Date

If you have questions, please call or e-mail Dennis Graham (518-292-5272; dgraham@empire.state.ny.us) or Michael Santarcangelo (518-292-5275; msantarcangelo@empire.state.ny.us)

Please mail your completed application to:

WTC Utility Restoration and Infrastructure Rebuilding Program
c/o ESDC
30 S. Pearl St.
Albany, NY 12245

Applications for Category Two assistance must be submitted by December 31, 2004

WTC Utility Restoration and Infrastructure Rebuilding Program (WTCURIR)

Category Two – Permanent Restoration and Infrastructure Improvements

Federal Mandate Compliance Review Request

All WTCURIR funded projects are subject to the National Environmental Protection Act (NEPA), the Davis-Bacon Act (Davis-Bacon), and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act). Therefore, to allow ESDC to fulfill its responsibility of ensuring compliance with the above noted mandates it is necessary to collect the following information for each project. However, while helpful to ESDC, submission of materials demonstrating previous completion of mandated review processes should not be construed as final under this program. All information provided is subject to verification by ESDC and/or their designee.

Complete this form for each project submitted for WTC URIR funding. If there are multiple aspects to one project (e.g. all related to a specific facility), all aspects of the project should be considered as one aggregate project.

Applicant : _____

Project Name: _____

Environmental Review Record Information

1.0 DESCRIPTION OF PROJECT & ACTIVITIES	STATUS (Check One)		
	Planned	Underway*	Completed
	* All work must cease upon submission of application for federal funding.		

2.0 NEPA PROJECT CLASSIFICATION

The following information is necessary to assist ESDC in properly classifying each project per NEPA requirements. (Check one)

- 2.1 Exempt [24 CFR 58.34].
- 2.2 Categorically Excluded [24 CFR 58.35(b)] - subject only to regulations at 58.6.
- 2.3 Categorically Excluded [24 CFR 58.35(a)(4)] - subject to 24 CFR 58.5 and 58.6.

Does your project involve:

- | | | |
|--|-----|----|
| 1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets). | YES | NO |
| 2. Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons. | YES | NO |
| 3. Rehabilitation of buildings and improvements? | YES | NO |
| 4. Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use. | YES | NO |
| 5. Does any aspect of your project's activities involve subsurface disturbance? | YES | NO |
| 5a. If yes, to what depth? And has the subject area been previously disturbed? | YES | NO |
| 6. Combinations of the above activities. | YES | NO |

- 2.4 Environmental Assessment Required [24 CFR 58.36].

Supporting Documentation – Please provide documentation necessary to support indicated NEPA classification.

3.0 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) PROJECT CLASSIFICATION

3.1 _____ Type I action [6 NYCRR 617.4]

3.2 _____ Type II action [EXEMPT FROM SEQRA]

3.3 _____ Unlisted action [ACTION NOT IDENTIFIED AS TYPE I OR II]

Supporting Documentation – Please provide documentation necessary to support indicated SEQRA classification.

4.0 THE UNIFORM ACT

Did completion of the project require acquisition of real property and/or displacement of inhabitants?

_____ NO _____ YES

If YES, please provide the following data as applicable:

_____ Number of Acquisitions Subject to 49 CFR 24.101 (Voluntary acquisition process)

_____ Number of Acquisitions Subject to 49 CFR 24.102 (Basic acquisition policies process)

_____ Number of Residential Displacements

_____ Number of Non-residential Displacements

By application to this Program, the applicant certifies that it has followed the applicable acquisition and relocation requirements of the Uniform Act, and HUD's implementing and recordkeeping instructions outlined in HUD Handbook 1378. Applicants are reminded that records necessary to demonstrate compliance with the Uniform Act and HUD's record requirements must be maintained for the greater time period required by law, regulation, program funding, or program policy applicable to this project, and that such records are subject to a compliance review by the funding agency, or HUD.

5.0 THE DAVIS-BACON ACT

Consistent with the Davis-Bacon Act, the Applicant must maintain records for all employees and contract workers involved in each project for which funding is sought. Records must reflect each employee's title, wage rate and corresponding Davis-Bacon wage rate. Such records, including certified weekly payroll reports, must be maintained for the greater time period required by law, regulation or Program Guidelines and are subject to a compliance review and audit by ESDC and HUD.

Prepared by: _____

Signature: _____

Date: _____