

- 3) **Special Arrangements.** The conditions of 49 U.S.C. § 5333(b) do not apply to Contractors providing public transportation operations pursuant to 49 U.S.C. § 5310. FTA reserves the right to make case-by-case determinations of the applicability of 49 U.S.C. § 5333(b) for all transfers of funding authorized under title 23, United States Code (flex funds), and make other exceptions as it deems appropriate, and, in those instances, any special arrangements required by FTA will be incorporated herein as required.

17. Recycled Products

The Service Provider agrees to provide a preference for those products and services that conserve natural resources, protect the environment, and are energy efficient by complying with and facilitating compliance with Section 6002 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6962, and U.S. Environmental Protection Agency (U.S. EPA), " Comprehensive Procurement Guideline for Products Containing Recovered Materials," 40 C.F.R. part 247.

18. Safe Operation of Motor Vehicles

Seat Belt Use

The Service Provider is encouraged to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned vehicles, company-rented vehicles, or personally operated vehicles. The terms "company-owned" and "company-leased" refer to vehicles owned or leased either by the Service Provider or Customer.

Distracted Driving

The Service Provider agrees to adopt and enforce safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by Service Provider, and driving a vehicle the driver owns or rents, a vehicle Contractor owns, leases, or rents, or a privately-owned vehicle when no official business in connection with the work performed under this agreement.

19. School Bus Operations

The Service Provider agrees to comply with 49 U.S.C. 5323(f), and 49 C.F.R. part 604, and not engage in school bus operations using federally funded equipment or facilities in competition with private operators of school buses, except as permitted under:

- a. Federal transit laws, specifically 49 U.S.C. § 5323(f);
- b. FTA regulations, "School Bus Operations," 49 C.F.R. part 605;
- c. Any other Federal School Bus regulations; or
- d. Federal guidance, except as FTA determines otherwise in writing.

If Service Provider violates this School Bus Agreement, FTA may:

- a. Bar the Service Provider from receiving Federal assistance for public transportation; or
- b. Require the Service Provider to take such remedial measures as FTA considers appropriate.