

BLACKSBURG TRANSIT DBE PROGRAM

Objectives/Policy Statement

Blacksburg 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. Blacksburg Transit has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Blacksburg Transit has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of Blacksburg Transit to ensure that DBE's as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also Blacksburg Transit policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBE's 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 DBE's;
5. To help remove barriers to the participation of DBE's in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Regulatory Manager has been delegated as the DBE Liaison Officer. In that capacity, the Regulatory Manager 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 Blacksburg Transit in its financial assistance agreements with the Department of Transportation.

Blacksburg Transit has disseminated this policy statement to the Blacksburg Town Council and all of the components of the organization. Blacksburg Transit has distributed this statement to DBE and non-DBE business communities that perform work for Blacksburg Transit on DOT-assisted contracts via all solicitations.

Marc Verniel, Interim Town Manager

Date

SUBPART A – GENERAL REQUIREMENTS

A-1. Applicability

Blacksburg Transit is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of Tea-21, Pub. L. 105-178.

A-2. Definitions

Blacksburg Transit will adopt the definitions contained in Section 26.5 for this program.

A-3. Non-discrimination Requirements

Blacksburg Transit will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, Blacksburg Transit will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

A-4. Record Keeping Requirements

A. Reporting to DOT:

Blacksburg Transit will report DBE participation to DOT semi-annually via DOT's "Uniform Report of DBE Awards or Commitments and Payments" form, which replaces the DOT Form 4630. See form, Attachment 1.

B. Bidders List:

Blacksburg Transit will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms. Blacksburg Transit will collect this information via a notice in all solicitations.

A-5. Federal Financial Assistance Agreement

Blacksburg Transit has signed the following assurance, applicable to all DOT-assisted contracts and their administration:

A. Assurance:

Blacksburg Transit shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. Blacksburg Transit shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. Blacksburg Transit's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to Blacksburg Transit of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

This language will appear in financial assistance agreements with sub-recipients.

A-6. Contract Assurance

Blacksburg Transit will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Blacksburg Transit deems appropriate.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

B-1. DBE Program Updates

Since Blacksburg Transit has received a grant of \$250,000 or more in FTA planning, capital, and or operating assistance in a federal fiscal year, Blacksburg Transit will continue to carry out this program until all funds from DOT financial assistance have been expended. Blacksburg Transit will provide to DOT updates representing significant changes in the program.

B-2. DBE Liaison Officer (DBELO)

Blacksburg Transit has designated the following individual as the DBE Liaison Officer:

Regulatory Manager
2800 Commerce St.
Blacksburg, VA 24060
540-961-1185

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that Blacksburg Transit complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Transit Director concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO enlists the accounting and purchasing departments to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT;
2. Reviews third party contracts and purchase requisitions for compliance with this program;
3. Works with all departments to set overall annual goals;
4. Ensures that bid notices and requests for proposals are available to DBE's in a timely manner;
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment) and monitors results;
6. Analyzes Blacksburg Transit's progress toward goal attainment and identifies ways to improve progress;
7. Participates in pre-bid meetings;
8. Advises the Transit Director on DBE matters and achievement;
9. Participates with legal counsel and project directors to determine contractor compliance with good faith efforts;
10. Provides DBE's with information and assistance in preparing bids, obtaining bonding and insurance;
12. Participates in DBE training seminars;
13. Provides firms with information on becoming certified DBE's in accordance with the Uniform Certification Process in Virginia;
14. Provides outreach to DBE's and community organizations to advise them of opportunities;
15. Maintains Blacksburg Transit's updated directory on certified DBE's.

B-3. DBE Financial Institutions

It is the policy of Blacksburg Transit to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to

encourage prime contractors on DOT-assisted contracts to make use of these institutions. Blacksburg Transit has made the following efforts to identify and use such institutions:

- The availability of DBE owned and operated financial institutions has been researched through the Commonwealth of Virginia's Unified Certification Program's List of Certified Vendors. There are no such institutions identified to date.

B-4. Prompt Payment Mechanisms

Blacksburg Transit will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 7 days from the receipt of each payment the prime contractor receives from Blacksburg Transit. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of Blacksburg Transit. This clause applies to both DBE and non-DBE subcontracts.

B-5. Directory

As part of the Virginia Commonwealth's Unified Certification Program (UCP), the Virginia Department of Minority Business Enterprise (DMBE) is identified as having full responsibility for certifying any and all DBE firms that maintain their principal place of business with the commonwealth (homestate). DMBE maintains a directory of companies that are certified under the Commonwealth's DOT-DBE program. A list of companies that have been debarred, or are excluded from federal procurement programs, is also maintained. This directory is available on DMBE's website at <http://www.dmbestate.va.us>. Blacksburg Transit's DBE directory can be found in Attachment 3.

B-6. Overconcentration

Blacksburg Transit has not identified that overconcentration exists in the types of work that DBE's perform.

B-7. Business Development Programs

Blacksburg Transit has not established a business development program.

B-8. Monitoring and Enforcement Mechanisms

Blacksburg Transit will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26:

1. Blacksburg Transit will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. Blacksburg Transit will consider similar action under the laws of Virginia (including but not limited to the Code of VA Title 8.01 “Civil Remedies & Procedures” and Title 11 “Contracts”). Such actions may also include consideration of debarment and responsibility determinations relating to future contracts. Blacksburg Transit will include the DBE status as a condition of the contract and in the case of non-compliance with the DBE requirements of a specific contract, we will consider pursuing remedies for breach of contract, including termination of the contract.
3. Blacksburg Transit will also provide a monitoring and enforcement mechanism to verify that work committed to DBE’s at contract award is actually performed by the DBE’s. This mechanism will provide for a running tally of actual DBE attainments (i.e. payments actually made to DBE firms), including a means of comparing these attainments to commitments. This will be accomplished through the utilization of *Proposed DBE Bid Participation*, *DBE Letter of Intent*, *Contractor’s Statement of DBE Utilization*, and *Certification of Payment To DBE Firms* Forms. (see Attachment 4). These will be monitored and recorded as part of the Construction Management or Contract Management phases of each project for which DBE participation has been prescribed. Contractors will be required to maintain and furnish records of payments to DBE’s as requested by Blacksburg Transit or its assigned designee. Interim audits of such payments will be performed as appropriate.
4. Reporting of DBE participation to the DOT will indicate both commitments and attainments as required by the DOT “Uniform Report of DBE Awards, Commitments and Payments” Form (see Attachment 1).

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

C-1. Set-asides or Quotas

Blacksburg Transit does not use quotas in any way in the administration of this DBE program.

C-2. Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f) Blacksburg Transit will submit its overall goal to DOT on August 1 of each year. At the current time, there are no local persons or groups for consultation to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's, and Blacksburg Transit's efforts to establish a level playing field for the participation of DBE's.

Blacksburg Transit will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Blacksburg Transit facility located at 2800 Commerce Street, Blacksburg, Virginia, for 30 days following the date of the notice, and informing the public that Blacksburg Transit and DOT will accept comments on the goals for 45 days from the date of the notice. Blacksburg Transit's DBE notice of proposed overall goals is published in the *Roanoke Times* and *Passenger Transport*. Normally, Blacksburg Transit will issue this notice by June 1 of each year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Blacksburg Transit's overall goal submission to DOT will include a summary of information and comments received during this public participation process and Blacksburg Transit's responses.

Blacksburg Transit will begin using the overall goal on October 1 of each year, unless other instructions have been received from DOT. If the goal is established on a project basis, Blacksburg Transit will begin using the goal by the time of the first solicitation for a DOT-assisted contract for the project.

C-3. Transit Vehicle Manufacturers Goals

Blacksburg Transit will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, Blacksburg Transit may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

C-4. Breakout of Estimated Race-Neutral & Race-Conscious Participation

Blacksburg Transit will meet the maximum feasible portion of its overall DBE goal by using a race-neutral means of facilitating DBE participation. Blacksburg Transit uses strict low bid contract awards to the lowest responsive and responsible bidder in accordance with the Virginia Public Procurement Act and the Code of VA. To enhance the level of DBE participation, Blacksburg Transit will attempt to direct interested DBE's to the various organizations within the Commonwealth that provide services and assistance to small, disadvantaged and minority-owned businesses. DBE contractors will be encouraged to apply on all solicitations and all solicitations and contracts will include a *good-faith effort DBE goal as a race-neutral* means to increase DBE participation.

Blacksburg Transit will adjust the estimated breakout of *race-neutral* and *race-conscious* participation as needed to reflect actual DBE participation (26.51(f)) and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, *race-neutral* DBE participation includes, but is not limited to DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

C-5. Contract Goals

Blacksburg Transit will use contract goals to meet any portion of the overall goal Blacksburg Transit does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means. Blacksburg Transit will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. Blacksburg Transit need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBE's to perform the particular type of work.) The contract goals will be expressed as a percentage of the Federal share of a DOT-assisted contract.

C-6. Good Faith Efforts Procedures

A. Demonstration of good faith efforts

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The Regulatory Manager is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible.

Blacksburg Transit will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

B. Information to be submitted

Blacksburg Transit treats bidder/offerors' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

C. Administrative reconsideration

Any bidder or offeror may protest an award or decision to award a contract that was based on a determination by Blacksburg Transit that the bidder or offeror was not responsive due to insufficient documentation of good faith efforts. This process will follow the procedure outlined in Blacksburg Town Code § 16-503.

As part of this process, the bidder or offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. This process is governed by Town Code § 16-503 and Virginia Code § 2.2-4360, and is not administratively appealable to the Department of Transportation.

D. Good Faith Efforts when a DBE is replaced on a contract

Blacksburg Transit will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. Blacksburg Transit will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, Blacksburg Transit will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, Blacksburg Transit's contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

E. Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of Blacksburg Transit to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of _____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

C-7. Counting DBE Participation

Blacksburg Transit will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D – CERTIFICATION STANDARDS

D-1. Certification Process

Blacksburg Transit will utilize the Commonwealth's UCP (and directory of certified contractors described in Section B of this Policy) to determine the eligibility of firms to participate as DBE's in DOT-assisted contracts. A copy of Blacksburg Transit's signed "UCP Recipients Agreement" can be found in Attachment 6.

A. Unified Certification Program (UCP)

The Commonwealth of Virginia Established a Unified Certification Program (UCP) in 2003 (refer to Attachment 7). Under coordination and agreement with the U.S. Department of Transportation, the Virginia Department of Minority Business Enterprise (DMBE) is identified as having full responsibility for certifying any and all DBE firms within the Commonwealth.

B. Process

Information and application forms for becoming a certified DBE within the Commonwealth of Virginia can be found on the DMBE website at <http://www.dmb.state.va.us>. To be certified as a DBE, a firm must meet all certification eligibility standards and successfully complete the DMBE certification process as described in Attachment 8. A copy of the DMBE application forms (including the associated *Statement of Personal Net Worth* form) is provided in Attachment 9. For additional information about the certification process or to apply for certification, firms should visit the DMBE website listed above.

In the event that a contractor's DBE certification is removed (i.e. debarred), or if Blacksburg Transit recommends to DMBE that a contractor's certification be removed, DMBE will follow procedures consistent with 26.87. Any such debarment action will be managed by DMBE and will take place according to the policies and procedures described in Attachment 7.

D-2. Certification Appeals

Any firm or complainant may appeal DMBE's recommendations in a certification matter to the Director, Virginia Department of Minority Business Enterprise within 30 days of receipt of the denial letter.

D-3. Recertifications

Any and all recertification procedures for DBE eligibility within the Commonwealth will be managed and performed by DMBE. Guidelines for the DMBE recertification process can be found in Attachment 7. The recertification process includes a review of the DBE owner's personal net worth.

D-4. "No Change" Affidavits and Notices of Change

All DBE's are required to inform DMBE, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26, or of any material changes in the information provided with the DBE's proof of certification.

While under contract with Blacksburg Transit, we also require all owners of all certified DBE's to submit, by June 1 each year of DBE's certification, a "no change"

affidavit meeting the requirements of 26.83(j). The text of this affidavit is the following:

I affirm that there have been no changes in the circumstances of *[name of DBE firm]* affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26 as administered by the Commonwealth of Virginia's Uniform Certification Program. There have been no material changes in the information provided with *[name of DBE]*'s application for certification, except for any changes about which you have provided written notice to Blacksburg Transit under 26.83(j). *[Name of firm]* meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed \$16.6 million.

Blacksburg Transit requires DBE's to submit with this affidavit documentation of the firm's size and gross receipts.

Blacksburg Transit will require that the DBE's submission of the "no change" affidavit must include an affirmation that the firm's owners meet all regulatory requirements of Part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a Part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.

D-5. Personal Net Worth

The personal net worth (PNW) of each owner of a DBE certified under the Commonwealth's UCP will be reviewed as part of the certification or recertification procedure described previously. Guidelines and PNW reporting requirements for the UCP (as managed by DMBE) can be found in Attachment 9.

SUBPART E – COMPLIANCE AND ENFORCEMENT

E-1. Information, Confidentiality, Cooperation

Blacksburg Transit will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. The Virginia Freedom of Information Act (Virginia Code § 2.2-3700, *et seq.*) provides that public records are generally available for inspection and copying. However, Virginia Code § 2.2-4342 provides that "trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction" are not subject to the Virginia Freedom of Information Act. The bidder, offeror or contractor must (i) invoke these protections prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary.

Except as required by the Virginia Freedom of Information Act or other law, Blacksburg Transit will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DMBE) without the written consent of the submitter.

A. Monitoring Payments to DBE's

Blacksburg Transit will require prime contractors to maintain records and documents of payments to DBE's for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of Blacksburg Transit or DOT. This reporting requirement also extends to any certified DBE subcontractor.

Blacksburg Transit will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. As deemed necessary, we will perform interim audits of contract payments to DBE's. These audits will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

ATTACHMENTS

- Attachment 1 "Uniform Report of DBE Awards or Commitments and Payments" form
- Attachment 2 Blacksburg Transit Organization Chart
- Attachment 3 Blacksburg Transit's DBE Directory
- Attachment 4 Monitoring and Enforcement forms
- Attachment 5 Overall Goal Calculation
- Attachment 6 Blacksburg Transit's signed UCP Recipients Agreement
- Attachment 7 Virginia UCP Program
- Attachment 8 DBE Certification Process
- Attachment 9 Certification Application Forms
- Attachment 10 Regulations: 49 CFR Part 26

Attachment 1
“Uniform Report of DBE Awards or Commitments and
Payments” form

Attachment 2
Blacksburg Transit Organization Chart

Attachment 3
Blacksburg Transit's DBE Directory

Attachment 4
Monitoring and Enforcement forms

Attachment 5
Overall Goal Calculation

Attachment 6
Blacksburg Transit's signed UCP Recipients Agreement

Attachment 7
Virginia UCP Program

Attachment 8
DBE Certification Process

Attachment 9
Certification Application Forms

Attachment 10
Regulations: 49 CFR Part 26