



September 12, 2008

Yvette Taylor, Regional Administrator
Federal Transit Administration, Region IV
61 Forsyth Street, SW, Suite 17T50
Atlanta, Georgia 30303

Re: FTA Application(s)
University of Alabama at Birmingham
Eng/Design and Construction of Bus
Terminal Parking Facility
AL-04-0030

Dear Ms. Taylor:

This is in reply to the request from your office that we review the above-captioned application for a grant under Title 49 of the U.S. Code, Chapter 53.

In connection with a previous grant application, the University of Alabama at Birmingham and the Amalgamated Transit Union Local 725, which represents transportation related employees in the service area of the project, have accepted the terms of the *Capital Assistance Protective Arrangement* dated *July 28, 2008* and become parties to that Arrangement. The Capital Assistance Arrangement provides to employees represented by the union protections satisfying the requirements of 49 U.S.C., Section 5333(b).

Accordingly, the Department of Labor makes the certification called for under the statute with respect to the instant project on condition that:

1. This letter and the terms and conditions of above referenced protective arrangements shall be made applicable to the instant project and made part of the contract of assistance, by reference;
2. The term "project" as used in the above referenced protective arrangements shall be deemed to cover and refer to the instant project;
3. Disputes over the interpretation, application, and enforcement of the terms and conditions of the protective arrangements certified by the Department of Labor, which

include this letter of certification, shall be resolved in accordance with the provisions in the aforementioned arrangements for the resolution of such disputes; and

4. Employees of urban mass transportation carriers in the service area of the project, other than those represented by the unions which are party to or otherwise referenced in the protective arrangements, shall be afforded substantially the same levels of protection as are afforded to the employees represented by the union under the above referenced arrangements and this certification. Such protections include procedural rights and remedies as well as protections for individual employees affected by the project.

Should a dispute remain after exhausting any available remedies under the protective arrangements, and absent mutual agreement by the parties to utilize any other final and binding procedure for resolution of the dispute, the Secretary of Labor may designate a neutral third party or appoint a staff member to serve as arbitrator and render a final and binding determination.

Sincerely,



Ann Comer, Chief
Division of Statutory Programs

Enclosure

cc: Kerry Miller/FTA
Timothy Parker/UAB
Leo E. Wetzel/ATU