

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

Beneficiary _____

Lead Agency Authorized to Act on Behalf of the Beneficiary _____
(Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)

Action Title:	
Beneficiary's Project ID:	
Funding Request No.	<i>(sequential)</i>
Request Type: (select one or more)	<input type="checkbox"/> Reimbursement <input type="checkbox"/> Advance <input type="checkbox"/> Other (specify): _____
Payment to be made to: (select one or more)	<input type="checkbox"/> Beneficiary <input type="checkbox"/> Other (specify): _____
Funding Request & Direction (Attachment A)	<input type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

SUMMARY

Eligible Mitigation Action <input type="checkbox"/> Appendix D-2 item (specify): _____ Action Type <input type="checkbox"/> Item 10 - DERA Option (5.2.12) (specify and attach DERA Proposal): _____
Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):
Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):
Estimate of Anticipated NOx Reductions (5.2.3):
Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1):
Describe how the Beneficiary will make documentation publicly available (5.2.7.2).
Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8).
Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).

If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10).

ATTACHMENTS
(CHECK BOX IF ATTACHED)

- Attachment A Funding Request and Direction.
- Attachment B Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).
- Attachment C Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).
- Attachment D Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendor expenditures exceeding \$25,000.]
- Attachment E DERA Option (5.2.12). [Attach only if using DERA option.]
- Attachment F Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13). [Attach only if this is a joint application involving multiple beneficiaries.]

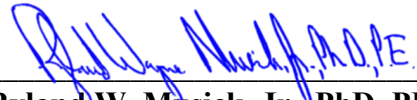
CERTIFICATIONS

By submitting this application, the Lead Agency makes the following certifications:

1. This application is submitted on behalf of Beneficiary _____, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.
2. Beneficiary requests and directs that the Trustee make the payments described in this application and Attachment A to this Form.
3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.
4. Any vendors were or will be selected in accordance with a jurisdiction's public contracting law as applicable. (5.2.5)
5. Beneficiary will maintain and make publicly available all documentation submitted in

support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)

DATED: 5-13-20



Ryland W. Musick, Jr., PhD, PE
Deputy State Highway Engineer
WVDOT Division of Highways

[LEAD AGENCY]

for

State of West Virginia

[BENEFICIARY]

ATTACHMENT B

**ELIGIBLE MITIGATION ACTION MANAGEMENT PLAN
INCLUDING DETAILED BUDGET AND IMPLEMENTATION AND EXPENDITURES TIMELINE**

ACTION TITLE: West Virginia University (WVU) Coach Bus Replacement

BENEFICIARY PROJECT ID: VW002

FUNDING REQUEST NUMBER: 3

This action is proposed as a simple one-time equipment purchase “vendor-direct” payment of three (3) Category 2: Class 4-8 School Bus, Shuttle Bus, or Transit Bus (Eligible Buses) in the total amount of approximately \$1,213,184.21 (10% of original Beneficiary allocation, per the Beneficiary’s Final Mitigation Plan).

Beneficiary intends to submit Attachment A upon (1) invoicing from the University’s vendor and (2) execution of agreement between Beneficiary and WVU for this action.

Approximate date of Attachment A requesting direct payment to named Transit Agency: MAY-JUN 2021

DETAILED PLAN FOR REPORTING ON ELIGIBLE MITIGATION ACTION IMPLEMENTATION

ACTION TITLE: West Virginia University (WVU) Coach Bus Replacement

BENEFICIARY PROJECT ID: VW002

FUNDING REQUEST NUMBER: 2

Beneficiary intends to provide actual implementation reporting to satisfy Subparagraph 5.3 of the Trust Agreement, which states:

5.3 Beneficiary Reporting Obligations: *For each Eligible Mitigation Action, no later than six months after receiving its first disbursement of Trust Assets, and thereafter no later than January 30 (for the preceding six-month period of July 1 to December 31) and July 30 (for the preceding six-month period of January 1 to June 30) of each year, each Beneficiary shall submit to the Trustee a semiannual report describing the progress implementing each Eligible Mitigation Action during the six-month period leading up to the reporting date (including a summary of all costs expended on the Eligible Mitigation Action through the reporting date). Such reports shall include a complete description of the status (including actual or projected termination date), development, implementation, and any modification of each approved Eligible Mitigation Action. Beneficiaries may group multiple Eligible Mitigation Actions and multiple sub-beneficiaries into a single report. These reports shall be signed by an official with the authority to submit the report for the Beneficiary and must contain an attestation that the information is true and correct and that the submission is made under penalty of perjury. To the extent a Beneficiary avails itself of the DERA Option described in Appendix D-2, that Beneficiary may submit its DERA Quarterly Programmatic Reports in satisfaction of its obligations under this Paragraph as to those Eligible Mitigation Actions funded through the DERA Option. The Trustee shall post each semiannual report on the State Trust's public-facing website upon receipt.*

RE: Volkswagen Settlement - proposed changes to WVU buses

Clement Solomon <csolomon@mail.wvu.edu>

Thu 5/7/2020 10:11 AM

To: McCutcheon, Perry J <Perry.J.McCutcheon@wv.gov>**Cc:** Robinson, Bill C <Bill.C.Robinson@wv.gov> 1 attachments (1 MB)

West Virginia Univ. 2-12-20 Proposal.docx;

Hi Perry,

Please see attached that we got from MCI. I have highlighted the 3 buses that we are looking at. It is an estimate and may change.

Would this work?

Clement

From: McCutcheon, Perry J <Perry.J.McCutcheon@wv.gov>**Sent:** Thursday, May 7, 2020 10:08 AM**To:** Clement Solomon <csolomon@mail.wvu.edu>**Cc:** Robinson, Bill C <Bill.C.Robinson@wv.gov>**Subject:** Re: Volkswagen Settlement - proposed changes to WVU buses

Clement, I need to attach some kind of documentation on the cost of each "new/used" bus. This can be estimated/anticipated cost if you don't have exact figures. Email is fine too. Just need some explanation of cost to attach as a separate "Atta D".

The WVDEP has finished the emissions. This cost info should be the last piece of the puzzle to allow us to request the trust funds.

Thanks,

Perry McCutcheon, PE, Unit Leader

WVDOH/Planning Division/Visualization Unit

[Volkswagen Settlement](#) Project Manager

From: Clement Solomon <csolomon@mail.wvu.edu>**Sent:** Wednesday, May 6, 2020 4:30 PM**To:** Kemper, Matt A <Matt.A.Kemper@wv.gov>**Cc:** Chakrabarty, Renu M <Renu.M.Chakrabarty@wv.gov>; McCutcheon, Perry J <Perry.J.McCutcheon@wv.gov>;Penn, Elwood C <Elwood.C.Penn@wv.gov>; Fewell, David R <David.R.Fewell@wv.gov>; Robinson, Bill C<Bill.C.Robinson@wv.gov>; Musick, Ryland W <Ryland.W.Musick@wv.gov>; keith.pylesjr<keith.pylesjr@mail.wvu.edu>**Subject:** Re: Volkswagen Settlement - proposed changes to WVU buses

Hi Matt,



2-12-20

Reliability Driven™

Keith Pyles
West Virginia University
1500 University Avenue
Morgantown, WV. 26506

Dear Mr Pyles,

Following our discussions, please find pricing and specifications for three different new coaches and I have also included estimated pricing for the two used 2017 MCI J4500s that I am trying to make a deal on with another customer to take them in trade.

These new vehicles include the following significant features:

- New Interior Redesign including **the most passenger leg room** of any product offered in North America, a brand new driver's cockpit, new circular stairwell styling, and new interior styling.
- Lighted Hand Rails and Lighted Entrance Step Edges,
- *Exterior Paint and Graphics are available at additional cost*
- 110 Volt Electric Outlets at every passenger seating position, including On-Board Battery Charger
- Full Hi and Low Ride Suspension Feature w/ Steerable Tag Axle
- Independent Steering & Tag Axle Suspension and Wide Ride Drive Axle Suspension
- Backup Camera
- Exterior Perimeter Lighting on both sides of coach.
- Amaya A2-Twenty Passenger seats with 3 Point Seat Belts and Leather Headrests.
- Swing Out Radiator and Charge Air Cooler and 8 Electronic Brushless Cooling Fans

PROPOSAL

- New 2019 MCI J4500 Premium Motor Coach > **\$518,915.00 NET Sale Price Each**
- New 2020 MCI J4500 Premium Motor Coach > **\$529,846.00 NET Sale Price Each**
- New 2020 MCI J4500 Premium W/C Motor Coach > **\$556,390.00 NET Sale Price Each**
- Pre-Owned 2017 MCI J4500 W/C Coach > **Estimated \$378,000.00 (Pending)**
- Pre-Owned 2017 MCI J4500 Coach > **Estimated 370,000.00 (Pending)**
- *Availability is subject to prior sale*

THANK YOU for taking the time to consider this proposal; if you have any questions or require additional information please do not hesitate to contact me.

Respectfully

Richard De Young

Richard De Young
Vice President, Midwest

RE: VW Settlement - WVU buses MAY 2020 - WVDEP NOx Calculations

Kemper, Matt A <Matt.A.Kemper@wv.gov>

Thu 5/7/2020 9:22 AM

To: McCutcheon, Perry J <Perry.J.McCutcheon@wv.gov>

Cc: Chakrabarty, Renu M <Renu.M.Chakrabarty@wv.gov>

 1 attachments (20 KB)

Bus Replacement Data May 2020.xlsx;

I have attached the results of the WVU DEQ NOx calculations. After your review and approval, they can be considered fit for official use.

Matt Kemper
Environmental Resources Analyst
WV Department of Environmental Protection
Division of Air Quality
601 57th St., SE
Charleston, WV 25304
304-926-0499 x41270

Scope

Calculate anticipated NOx emission reductions due to replacement of older transit buses with newer equivalents.

Methodology

EPA's Diesel Emission Quantifier (DEQ) was used to calculate both emission reduction and health benefits.

EPA's DEQ can be accessed online at: <https://cfpub.epa.gov/quantifier/index.cfm?action=main.home>

WVU provided the data under the yellow columns (A-W)

WVDEP provided the data under the green columns (X-AE)

Average annual vehicle miles traveled (VMT) was calculated using the following formula:

Provided total vehicle miles/years in service

Miles per gallon (MPG) used was the average of the 4-5MPG provided by WVU (4.5)

Average annual fuel gallons used was calculated using the following formula:

Calculated annual VMT/MPG

Relevant data was then entered into the DEQ.

Notes

The results reflect per-year reductions. The subject buses are at or beyond their expected service life. Due to unreliability, the usage patterns have changed and the provided VMT and fuel usage provided is well below the annual average for each bus. Therefore average VMT and fuel usage was used for each bus in its respective DEQ estimate.

Results produced May 7, 2020

Matt Kemper

WVDEP

Expected NOx Reduction and Health Benefit

Bus to be replaced	VIN	Estimated NOx Reduction Tons/Yr	% NOx Reduction	Estimated PM2.5 Reduction Tons/Yr	% PM2.5 Reduction	Estimated Public Health Savings \$/Yr
1	1M8TRMPA4YP061011	0.717	94.4	0.016	95.4	\$ 5,900
2	2M9TRMDA14W062479	0.449	89.9	0.016	94.9	\$ 6,300
4	2M9TRMDA84W062480	0.487	89.9	0.018	94.9	\$ 6,800

VW Funds Bus Replacement Plan (In order of Priority)

Agency	Title #	Bus #1	License Plate	Make	Model	Year	VIN #	In Service Date	Cost	Oasis Asset #	Asset #	Type	Fuel	Length	Hours	Mileage	Location City	Replacement Bus / Year	Annual Miles Traveled	Idling Hours	Estimated MPG	Fuel Used	Calculated Avg. Annual VMI	Calculated Avg Fuel Used (Gal/Yr)	Replacement MY Used	Estimated NOx Reduction Tons/Yr	% NOx Reduction	Estimated PM2.5 Reduction Tons/Yr	% PM2.5 Reduction	Estimated Public Health Savings \$/Yr
WVU	EZ50366	1	SA002856	MCI	E4500	2000	1M8TRMPA4YP061011	08/27/07	\$187,000.00	A0402252	OC48395	BUS	Diesel	45 feet	13,140	525,625	Morgantown	2019-2020	3129	N/A	4-5 MPG	782.25 gallons	42630	9473	2019	0.717	94.4	0.016	95.4	\$5,900
WVU	EZ50368	2	SA002858	MCI	E4500	2004	2M9TRMDA14W062479	03/06/09	\$295,000.00	A0402296	OC82507	BUS	Diesel	45 feet	13,627	545,099	Morgantown	2017- Newer	3405	N/A	4-5 MPG	851.25 gallons	50332	11185	2017	0.449	89.9	0.016	94.9	\$6,300
WVU	EZ50369	4	SA002859	MCI	E4500	2004	2M9TRMDA84W062480	03/06/09	\$295,000.00	A0402297	OC82508	BUS	Diesel	45 feet	14,767	590,688	Morgantown	2017- Newer	5420	N/A	4-5 MPG	1355.00 gallons	54542	12120	2017	0.487	89.9	0.018	94.9	\$6,800