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Oregon Department of Transportation

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Public Transit Division

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Version 0.4

# State Management Plan for Public Transportation Programs

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⌘ This document is available in alternative formats upon request ⌘

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## I. Introduction

### 1. Purpose of this Document

The United States Department of Transportation Federal Transit Administration (FTA) requires that each state adopt policies and procedures to be used in administering the FTA Sections 5310, 5311, 5316 and 5317 grant programs. The document describing the adopted policies and procedures is referred to as the “State Management Plan”. This document is the State Management Plan adopted by the Oregon Department of Transportation Public Transit Division for the FTA programs.

The policies and procedures for the state-funded transit program, Special Transportation Fund, are also referenced in this document, as the state funds are integral to the FTA programs. The STF program has a guidebook that further defines the program and provides technical assistance to the recipients. It can be found at:

[http://www.oregon.gov/ODOT/PT/PROGRAMS/STF/STFProgram\\_guidebook\\_1107.pdf](http://www.oregon.gov/ODOT/PT/PROGRAMS/STF/STFProgram_guidebook_1107.pdf).

The plan purpose is to facilitate PTD’s management of the federal programs, and forms the basis of the oversight by the Federal Transit Administration. The plan also provides public information about the PTD programs and is a program guide for applicants and recipients.

### 2. Agency Mission

Oregon Department of Transportation Mission

To provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians.

### 3. State Policy Guidance

The Oregon Transportation Plan (OTP)<sup>1</sup>, adopted September 20, 2006, is the state’s long-range multimodal transportation plan. The plan addresses the future needs of Oregon’s airports, bicycle and pedestrian facilities, highways and roadways, pipelines, ports and waterway facilities, public transportation and railroads through 2030. It establishes a vision of a balanced, multimodal transportation system and provides a framework for policy objectives. The plan emphasizes maintaining the assets in place, optimizing the existing system performance through technology and better system integration, creating sustainable funding and investing in strategic capacity enhancements. The Plan provides the framework for prioritizing transportation improvements based on varied future revenue conditions, but it does not identify specific projects for development.

The transit modal plan, called the Oregon Public Transportation Plan (OPTP), develops the OTP goals and objectives related to the public transportation system, including public transit, special needs transportation, transportation options and intercity bus. Public Transit Division’s programs are designed to implement the OPTP. The OPTP was adopted in 1997, and is scheduled to be updated beginning in 2011-2013.

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<sup>1</sup> The Oregon Transportation Plan is available at ODOT’s Web site at: <http://www.oregon.gov/ODOT/TD/TP/ortransplanupdate.shtml>

#### 4. Programs and Authority

The Governor of the State of Oregon designated the Oregon Department of Transportation (ODOT) Public Transit Division (PTD) as the administrative agent for the FTA programs: Planning (§5303), Elderly Individuals and Individuals with Disabilities (§5310), Nonurban Area (§5311), Nonurban Intercity Bus (§5311(f)), Job Access & Reverse Commute (§5316), and New Freedom (§5317). The Governor designated the small urban transit agencies, currently Cities of Bend and Corvallis and Rogue Valley Transportation District as direct recipients of the 5307 funding.

In March 2009, the Governor also submitted the required memorandum to the Federal Government in order for Oregon to be eligible to receive American Recovery and Reinvestment Act (ARRA) funds. The §5311 ARRA funds are managed by ODOT PTD.

Public Transit Division is also the Oregon state agency in charge of the state's Special Transportation Fund program.

#### 5. Roles and Responsibilities

A variety of partners are involved in providing public transportation in Oregon. The following describes the basic roles and functions of some of the major federal, state and local agencies in this partnership.

##### Federal Transit Administration

The Federal Transit Administration (FTA) is responsible for providing overall policy and program guidance; apportioning funds annually to states; developing and implementing financial management procedures; initiating and managing program support activities; and conducting national program review and evaluation. The FTA regional offices have the day-to-day responsibility for program administration. The FTA Region with oversight responsibilities for Oregon is Region 10, headquartered in Seattle, Washington. The FTA reviews and approves state grant applications; obligate funds; manages grants; oversees the state's implementation of the annual program, including revisions to the program of projects; receives state certifications; reviews State Management Plans; provides technical assistance and offers advice to the states and local providers as needed; and periodically performs state management and other compliance reviews.

##### Oregon Transportation Commission

The Oregon Transportation Commission (OTC) is responsible for approving the operations and budget of ODOT. The OTC establishes state transportation policy and guides the planning, development and management of a statewide integrated transportation network including highways, public transportation, rail, transportation safety, motor carrier transportation, and drivers and motor vehicles. OTC members are appointed by the Governor. The commission meets monthly. The OTC approves policies related to Public Transit Division including for grant programs and approves certain funding decisions.

### Public Transit Division and Other Agencies within ODOT

Public Transit Division is the grantee for FTA funds, and is the “first-tier” recipient; the providers and other agencies with FTA grants through PTD are called “subrecipients”, and are second-tier recipients. PTD is responsible for state-level transit program development and management, and the first-tier compliance requirements. The division is responsible for assuring that the compliance requirements associated with FTA and state funds are met, even when compliance is primarily the obligation of the subrecipients. PTD provides grant management and oversight of projects and activities supported with state and federal transit funds. Technical assistance is provided on an ongoing basis to transit agencies. Other agencies within ODOT assisting PTD in grant and program management includes: Internal Audit, Civil Rights, Finance, Procurement, Planning, Highway Program and the Region offices.

### Public Transportation Advisory Committee

In 2000, the OTC established the Public Transit Advisory Committee. The purpose of PTAC is to provide advice to OTC and PTD to assist in developing transit policies and programs, and to serve as a forum for discussing and identifying public transportation issues and solutions. Members provide input on public transportation issues of regional and statewide significance. The division administrator determines the agenda for the PTAC.

The committee is a diverse representation of public transportation stakeholders, including: general public providers in urban areas over 200,000 population, urban areas between 50,000 and 200,000, and small communities under 50,000 population; private for profit and intercity bus providers; Indian tribal governments; representatives of the Association of Oregon Counties; League of Oregon Cities; Statewide Independent Living Council; Transportation Options Group of Oregon; Oregon Department of Human Services – Vocational Rehabilitation; Oregon Disabilities Commission; Governor’s Commission on Senior Services; and the Oregon Passenger Rail Advisory Council.

### Area Commissions on Transportation

The Area Commissions on Transportation (ACT) are advisory bodies, authorized by the OTC, whose mission is to address all aspects of transportation with primary focus on the state’s transportation system. The ACTs provide an opportunity for local citizen involvement in ODOT’s decision making. ACTs consider regional and local transportation issues if they affect the state system, and assist to identify priority projects for inclusion in the Statewide Transportation Improvement Program. They work with other local organizations dealing with transportation-related issues, including public transit. Public transit agency representatives are appointed members of the ACTs.

### Oregon Transit Association

Oregon Transit Association (OTA) is a nonprofit corporation whose membership is made up of public, private, private for profit, nonprofit transit agencies and transit industry providers such as bus vendors. The purpose of the association is to assist members in the development and improvement of efficient, safe and convenient transportation services, techniques and methods, facilities and equipment. The PTD Administrator is a voting

member of the OTA Board.

### Metropolitan Planning Organizations

There are six federally designated Metropolitan Planning Organizations (MPO) in Oregon. They include the three large urban MPOs (areas greater than 200,000 population): the Portland regional area, Salem/Keizer, and Eugene/Springfield; and the three small urban MPOs (areas between 50,000 to 200,000 population): Medford/Rogue Valley area, and the cities of Corvallis/Philomath and Bend. PTD assists to finance the planning activities required for the MPO areas, specifically the transit element of the Unified Planning Work Program. PTD staff participates in planning reviews, and receives planning progress reports. MPO staff work with the urban transit agencies to provide planning and technical assistance. The MPOs may use locally-controlled Surface Transportation Funds (STP) to assist to finance transit capital needs of the urban areas. MPOs assure that projects financed with FTA funds within the urbanized areas are included in the Metropolitan Transportation Improvement Program.

### Special Transportation Fund Agencies

Special Transportation Fund (STF) Agencies are the 42 counties, transit districts and Indian tribes designated by Oregon law to receive the state's Special Transportation Funds. These agencies are designated by PTD as "coordinating entities" for the §5310 program and as "lead agencies" for the purpose of adopting the locally developed, coordinated public transit-human service plans required by FTA. The STF Agencies, in coordination with local transit providers and other stakeholders, identify projects for funding with a variety of local, state and federal funds. The STF Agencies act to oversee implementation of the local projects. STF Agencies may be transit providers, fiscal partners and grant managers.

### Public Transportation Providers

Public transit providers are the delivery system of transit service in Oregon. They offer a wide range of transit services, including for the general public and special needs populations. The providers range from urban transit districts, Indian tribes, cities, counties, not-profit agencies and for-profit operators such as taxis and intercity bus. Many of these agencies are eligible to receive state and federal transit grants to assist in supporting transit services. Determination of eligibility is made by PTD in accordance with the federal circulars and the policies defined by this management plan. Transit providers in receipt of state and federal funds are responsible to assure that the projects are implemented in accordance with the various requirements, including this State Management Plan. Many of the services needed by the traveling public are provided by the private sector. ODOT recognizes the value of private transportation and consults with these private providers when making policy and funding decisions.

## II. Brief Overview of Funding Programs

Public Transit Division (PTD) manages several sources of federal and state financial assistance. Complete descriptions for each of the fund sources and the discretionary grant programs are described in Sections VI through XIII of this document. PTD assures that no person, on the grounds of race, color, national origin or disability is denied the benefits of, or subjected to discrimination under any of federally funded programs it manages.

Note: In this document, the terms “recipient” and “subrecipient” are used interchangeably to mean the agencies with grants from PTD.

### 1. Nonurbanized (Rural) Area Formula Programs (§5311)

The Nonurbanized Area Formula Program (§5311) provides funds for capital, operating, planning, training and technical assistance, and state administration. There are three “standing programs” funded by the annual §5311 appropriation defined by Congress:

- a. A financial assistance program for community-based transit services in rural areas,
- b. A rural intercity bus program, and
- c. A technical assistance program called Rural Transit Assistance Program.

American Recovery and Reinvestment Act (ARRA) funds are also allocated to the §5311 program. We anticipate this program to be a one-time opportunity and all funds will be allocated during 2009.

#### Financial Assistance for Rural Areas Program

PTD allocates most of the available §5311 program funds to eligible recipients operating transit services provided in rural areas and communities with populations fewer than 50,000. Qualifying services must be open to the general public. Eligible subrecipients are counties, transportation districts, transportation service districts, Indian tribal governments, cities, councils of government and private nonprofit organizations. Private companies are not eligible for this program and may only participate through purchase of service agreements with an eligible subrecipient. The division prefers to award to public agencies, and will contract with non-profit agencies only when a willing and able public agency is not available.

PTD considers §5311 to be a “base” source of ongoing funds to assist rural areas and, therefore, does not distribute the funds through a competitive discretionary process. The annual amount each eligible entity receives is determined by a formula defined by the division. Eligibility is initially identified by a defined pre-award process (usually through the start-up program, see below), and continued eligibility is updated annually.

Some of the funds are available for new “start-up” general public services, which may add new recipients to the group of eligible recipients. Funds remaining after distribution to the

formula and start-ups may be distributed through a competitive discretionary grant process.

#### Intercity Bus Program

Fifteen percent of the funds apportioned to the §5311 program are reserved for rural intercity bus projects. PTD uses funds by procuring transit services through competitive bids, and by soliciting discretionary grant projects. Eligible subrecipients are private companies, counties, mass transit districts, transportation districts, transportation service districts, Indian tribal governments, cities, councils of government and private nonprofit organizations.

The division is participating in the “intercity bus pilot program”. The pilot program allows the division to work with Greyhound and other intercity operators to create regional connections that use the Greyhound investment as a portion of the match.

#### Rural Transit Assistance Program

Rural Transit Assistance Program (RTAP) is a source of training and technical assistance funding. PTD’s Training and Technical Assistance Program (TAP) program is designed to assist all transit operators, including those in urbanized areas. The TAP program provides training, including driver training and the annual conference and scholarships for transit personnel. The RTAP funds are used to support training and scholarships for transit personnel in rural and special needs programs; urban programs are supported by state-source funds.

## 2. Elderly Individuals and Individuals with Disabilities Program (§5310)

The Elderly Individuals and Individuals with Disabilities program (§5310) provides funding for projects benefiting elderly individuals and individuals with disabilities. Oregon receives an annual apportionment from Congress. PTD allocates the funds through a biennial discretionary grant process. Eligible subrecipients are counties, mass transit districts, transportation districts, transportation service districts, Indian tribal governments, cities, councils of government and private nonprofit organizations. Private companies are not eligible for this program and may only participate through purchase of service agreements with an eligible subrecipient. The funds may be used in all areas of the state—urban, small urban and rural.

Oregon is one of seven pilot project states allowed to use up to 33 percent of each annual apportionment for operations. Pilot Program funds are included in the discretionary grant process. The Pilot Program requires ODOT to participate in data collection and reporting to assess the effectiveness of using §5310 funds for operations.

All projects funded with §5310 must be derived from a locally developed coordinated public transit-human service transportation plan, called in Oregon “the Coordinated Plan”.

## 3. Job Access and Reverse Commute Program (§5316)

The JARC Program (JARC, or §5316) supports projects benefiting low income individuals to improve access to work and work-related activities.

Oregon receives an annual apportionment by formula from Congress for the small urban (population between 50,000 and 200,000) and for the rural areas of the state. (Large urban areas receive funds directly from the FTA.)

PTD allocates the funds through a biennial discretionary grant process. Eligible subrecipients are counties, transportation districts, transportation service districts, Indian tribal governments, cities, councils of government and private nonprofit organizations. Private companies may only participate through purchase of service agreements with an eligible subrecipient.

All projects funded with JARC funds must be derived from a locally developed coordinated public transit-human service transportation plan, called in Oregon “the Coordinated Plan”.

#### 4. New Freedom Program (§5317)

The New Freedom (§5317) program supports projects benefiting individuals with disabilities that go “beyond the ADA,” in other words, for projects that enable greater access to transportation services than is required by the Americans with Disabilities Act.

Oregon receives an annual apportionment by formula from Congress for the small urban (population between 50,000 and 200,000) and for the rural areas of the state. (Large urban areas receive funds directly from the FTA).

PTD allocates the funds through a biennial discretionary grant process. Eligible subrecipients are counties, mass transit districts, transportation districts, transportation service districts, Indian tribal governments, cities, councils of government and private nonprofit organizations. Private companies may only participate through purchase of service agreements with an eligible subrecipient.

All projects funded with §5317 funds must be derived from a locally developed coordinated public transit-human service transportation plan, called in Oregon “the Coordinated Plan”.

#### 5. Special Transportation Fund

The Special Transportation Fund (STF) program is a state-funded program, defined by Oregon Revised Statute (ORS) 391.800-.830 and Oregon Administrative Rule (OAR) Chapter 732. The funds are composed of cigarette tax and other state-source funds approved by the Oregon Legislature. The program purpose is to provide an ongoing source of financial support for transportation services benefiting older adults and people with disabilities.

The majority of STF (75 percent) is allocated on a population-based formula. The remaining funds are distributed by PTD through a biennial discretionary grant process. Program recipients, called STF Agencies, are defined by statute: 42 designated counties, transit districts and Indian tribes.

All projects funded with STF must be derived from a locally developed coordinated public transit-human service transportation plan, called in Oregon “the Coordinated Plan”.

## 6. Planning Program

The Planning program assists in financing projects such as transit system and service design plans, and statewide planning such as the Oregon Transportation Plan and Oregon Public Transportation Plan. Oregon receives an annual formula apportionment of Section 5303 for the six Metropolitan Planning Organizations (MPOs) in Oregon to develop urban transportation system plans. Section 5304 is available for the statewide planning program. In addition, a portion of the §5311 administration may be used to finance rural-area planning.

Projects are identified by the division on an ongoing basis, and may be identified through a periodic discretionary grant process.

The eligible recipient of §5303/5304 is the state which administers the funds. Eligible recipients of §5303 are the designated MPOs; eligible recipients of §5311 planning assistance may be counties, transportation districts, transportation service districts, Indian tribal governments, cities, councils of government and private nonprofit organizations.

## 7. Mass Transit Vehicle Replacement

The Mass Transit Vehicle Replacement Program provides USDOT Federal Highway Surface Transportation Program (STP) funds to large urban transit agencies (populations greater than 200,000) for capital vehicle replacements. This discretionary program is offered on a biennial basis. After the projects are selected for funding, the STP funds are transferred from the highway program into the FTA §5307 program. The urban transit agencies then apply directly to FTA for the vehicle grants.

## 8. Transportation Options

The Transportation Options (TO) program promotes mobility alternatives to encourage the use of alternatives to driving alone. TO helps ODOT achieve national and state goals for land use, air quality, congestion management, energy conservation. The program is funded by Surface Transportation Program funds allocated to the division by ODOT.

PTD provides technical assistance and contract oversight for transportation options and rideshare programs. The division also assists ODOT regional staff and communities in problem identification and development of appropriate mobility alternatives. Eligible participants are determined by ODOT.

### III. Grant Management Procedures

#### **The following procedures and requirements apply to all federal grant subrecipients, unless specifically noted.**

This chapter describes the responsibilities of the division and the subrecipients to assure that the requirements of the §5310, §5311, §5316 and §5317 programs are met. A portion of Section 5304 is used for administration of the planning program.

The requirements for the Federal Transit Administration programs are defined by 49 USC Chapter 53, and are detailed by the program circulars and the master agreement which is the agreement between the state and FTA. There are additional requirements that may apply to a subrecipient, depending on the type of service provided and the type of organization, which may not be defined by the FTA and would be required by other laws, rules, and policies. Examples include motor carrier, health and safety, and labor regulations.

Subrecipients must comply with all applicable requirements. An inability to comply could result in a denial of transit funds.

A complete list of program references and requirements is found in each of the FTA circulars.

A few of the relevant references are:

- FTA grant circulars: [http://www.fta.dot.gov/funding/grants\\_financing\\_263.html](http://www.fta.dot.gov/funding/grants_financing_263.html)
- FTA circular 5110.1D (grant management):  
[http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_8640.html](http://www.fta.dot.gov/laws/circulars/leg_reg_8640.html)
- FTA C 4220.1F (procurement) : [http://www.fta.dot.gov/funding/grants\\_financing\\_6036.html](http://www.fta.dot.gov/funding/grants_financing_6036.html)
- 49 CFR Part 19 (financial management for non-profits):  
<http://www.dot.gov/ost/m60/grant/49cfr19.htm>
- 49 CFR Part 18 (the Common Rule): <http://www.dot.gov/ost/m60/grant/49cfr18.htm>
- FTA regulations: [http://www.fta.dot.gov/laws/leg\\_reg\\_808.html](http://www.fta.dot.gov/laws/leg_reg_808.html)
- OMB circulars: <http://www.whitehouse.gov/omb/circulars/>

## 1. State Administration and Technical Assistance

The division is responsible for administration of the FTA programs. Fifteen percent of the annual appropriation of §5311 (including STP transfers) and ten percent (or \$25,000, whichever is greater) of the §5310, §5316, §5317 appropriations are allowed for state administration and technical assistance. OMB Circular A-87 identifies the allowable state administrative costs for these programs. A portion of the §5311 administrative allocation may be granted to local providers for eligible planning projects. Funding applied to planning projects must be accommodated within the fifteen-percent limitation for administration. RTAP is not included in the state administrative set-aside: it has its own allocation of funding, determined annually by Congress.

### Division Responsibilities

- a. Identify and provide information to subrecipients about awards (e.g., CFDA number)
- b. Inform subrecipients of compliance requirements, including:
  - b.i. Financial management standards
  - b.ii. Payment
  - b.iii. Match/local share
  - b.iv. Reporting and recordkeeping requirements
  - b.v. Cost principles
  - b.vi. Period of availability
  - b.vii. Procurement
  - b.viii. Program income
  - b.ix. Real property
  - b.x. Equipment
  - b.xi. Supplies
  - b.xii. Monitoring
  - b.xiii. Audits
  - b.xiv. Program authorizing statute &/or legislation
  - b.xv. Other associated requirements (federal and state)
  - b.xvi. Requirements and conditions of award imposed by the division (in addition of federal or state law/regulation)
- c. Agreements with subrecipient will include requirements, as applicable
- d. Monitor subrecipient activities
- e. Assure that subrecipients have single audit, as applicable

- f. Issue management decisions within six weeks on subrecipient audit findings and ensure that subrecipients take corrective action
- g. Provide technical assistance and training, as necessary and feasible
- h. Maintain division records, and correct records as a result of subrecipient reviews and financial audits
- i. Require that subrecipients permit access to records for monitoring and audit purposes

The primary administrative duties of the division for the FTA's programs include:

- a. Prepare and maintain the State Management Plan for §5310, §5311, §5316 and §5317. Provide an opportunity for public comment when making significant revisions to the plan.
- b. Announce program availability, grant selection and eligibility requirements.
- c. Coordinate the transit element of the Statewide Transportation Improvement Program; coordinate MTIPs with the STIP.
- d. Monitor subrecipients, including private providers under contract to the division and subrecipients, for compliance with federal and state rules; report to FTA and ODOT director as necessary.
- e. Develop and monitor vehicle, facility and equipment specifications. Monitor subrecipient management of equipment and facilities purchased with grant funds.
- f. Review and approve subrecipient reports, including and not limited to: Charter Bus, Drug and Alcohol, quarterly performance, and financial.
- g. Process subrecipient reimbursement requests and make payments in a timely manner.
- h. Manage the federal grants through FTA's TEAM Web, including the required program of projects and reporting required by FTA.

The division manages the state and federal funds allocated to it as required by laws, rules and ODOT policies governing the expending and accounting of federal and state funds.

ODOT's financial management system has an internal control structure that permits the tracking of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions applicable to all federal funds, including §5310, §5311, §5316, §5317 and state funds.

ODOT Financial Services office requests federal funds payment through the Electronic Clearing House Operation (ECHO) system. The department follows the Department of Treasury regulations 31 CFR Part 205 and FTA Guidelines for Disbursements. ECHO drawn-downs are completed regularly, when the division initiates payment requests to ODOT's Financial Services Division.

The division submits annual Financial Status Reports on all open grants as required by FTA. Closure of the federal grant occurs as soon as work activities for the programs are completed and after all federal funds are expended.

The division reviews grantees' quarterly revenues and expenditures, verifies funds used for match, and makes payments to grantees on a reimbursement basis. It reviews grantees' financial procedures during on-site visits, and recommends corrective action if necessary.

The division's financial records are supported by appropriate documentation. Records pertinent to grants are retained by the division for a period of three years. The retention period starts on the date of the final federal Financial Status Report. If any litigation, claim or audit starts before the expiration of the three year period, the division extends the retention period until all litigation, claim or audit findings have been resolved. All records are readily available to authorized representatives of the State of Oregon, the U.S. Department of Transportation, the FTA, and the Comptroller General of the United States.

PTD provides technical assistance to potential applicants and subrecipients receiving §5310, §5311, §5316 and §5317 funds, such as assistance with project planning and preparation of applications, project management and improvement, and compliance with federal requirements. The division also provides assistance to enable subrecipients to apply for other federal funds including §5309 grants.

Technical assistance to grantees and subrecipients is provided by division staff and consultants.

For the purpose of compliance with state and federal regulations and requirements, the term "project" includes all activities and funding defined by a grant agreement. Project funds are not limited to the grant and associated match, but include all funds supplied by the grant recipient as necessary to operate the specific project described in the grant agreement(s).

## 2. Program Management and Financial Management

### Public Transit Responsibilities:

- a. PTD will determine that subrecipients have the financial capacity to carry out the grant program. The determination will be made on an ongoing basis, based on application for funds, site reviews and desk reviews of reports and other grant-related documentation.
- b. A pre-award evaluation of financial capacity will be conducted for new subrecipients.
- c. Review A-133 audits, see #3, below.

### Subrecipient responsibilities:

Subrecipients receiving funds from the division must manage their projects to conform to the most stringent of applicable state or federal laws, rules, and other requirements. Subrecipients are required to conform to Office of Management and Budget regulations. Office of Management and Budget circulars: [http://www.whitehouse.gov/omb/circulars\\_default/](http://www.whitehouse.gov/omb/circulars_default/).

Subrecipients must:

- a. Administer the grant from award to closeout
- b. Develop internal policies and systems to ensure effective management of awards and compliance with grant requirements
  - b.i. Establish strong internal controls for accounting and compliance with grant terms and conditions
  - b.ii. Demonstrate that funds are expended for eligible activities
  - b.iii. Track receipts, disbursements, assets, liabilities, and balances
  - b.iv. Track and report program income
- c. Ensure that organization has a financial management system and any other systems that are appropriate to implement the project, e.g.:
  - c.i. Procurement
  - c.ii. Property/capital management
  - c.iii. Hiring and training employees
  - c.iv. Contract management/monitoring plan
- d. Establish a budget of the costs required to perform the program/project and a method for monitoring actual costs against the budget
  - d.i. A method of tracking and accounting for match funds
  - d.ii. A method to amend budget as necessary
  - d.iii. A method of cost allocation when multiple grants may be charged for agency expenses
- e. Keep abreast of changes in policies, procedures or requirements and advise agency staff of any changes
- f. Request prior approvals when necessary
- g. Make the most of PTD and audit site visits by showing organizational strengths and successes
- h. Prepare required reports and include progress or significant achievements in quarterly reports
- i. Keep PTD aware and informed about award project progress

To be allowable for reimbursement from state and federal grants, costs must meet the following general criteria:

- a. Be necessary and reasonable for proper and efficient performance and administration of the project.
- b. Be an eligible expense,

- c. Be treated consistently: A cost may not be assigned to the grant as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a grant as an indirect cost.
- d. Be determined in accordance with generally accepted accounting principles.
- e. Not be included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period.
- f. Be the net of all applicable credits.
- g. Be adequately documented.

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

Indirect cost eligibility: The division will not approve indirect costs charged to grants that are not supported by an indirect cost plan approved by a federal cognizant agency. Public Transit Division does not have a procedure for approving indirect cost plans at this time.

It is allowable to charge a prorata share of direct administrative costs to grants. In this case, a narrative cost allocation methodology should be developed, documented, maintained for audit, or submitted, if requested, to the PTD for review, negotiation, and approval.

Program income: Program income is defined as gross income directly generated by a grant funded project. Examples include fares, Business Energy Tax Credit Pass-Through program, service contract revenue, and income from advertising on buses. There are many source of program income. Subrecipient must maintain records of program income earned and spent. Subrecipients may use program income as match, with the following exceptions:

- a. The income from contract services may not be used as match if the original source of payment for the contract is another FTA grant program.
- b. Fares may not be used as match. The eligible expenses are the net expenses after the subtraction of the fares from the total eligible expenses.
- c. In the 5311 program, there is a limit to the amount of in-kind contributions that may be used as match: in-kind contributions may not exceed more than one-half of the local matching share.

Subrecipients may use Special Transportation Funds as match, without limitation.

Internal controls: Internal controls are the responsibility of the subrecipient agency. Internal control procedures for subrecipients will reflect the culture and size of the agency. Smaller agencies may have less formal structure, but will emphasize integrity and communication. Smaller agencies may rely on compensating controls due to low numbers of employees. Internal controls are defined as reliability of financial reporting and compliance with applicable rules and

laws. There are generally five elements of internal control: control environment, risk assessment, control activities, information and communication, and monitoring.

Internal control procedures should address the following: cash management, fixed assets, procurement, accounts payable, payroll, overhead, budget controls, grants management, project management and information technology.

With respect to information technology, subrecipients should have controls in place that insure that hardware and software are protected against misuse; access to sensitive information is restricted; there is an ability to prevent and detect unauthorized transactions; and ensure critical data is protected in the event of an emergency.

### 3. Audit Requirements

Public Transit Responsibilities:

- a. The division, or the ODOT Internal Audit Division, reviews the annual audits of subrecipients to assure that federal and state transit funds are reported in the audits. The division maintains copies of the audits for at least three years.
- b. The division reviews the management letter accompanying an audit to determine if there are material findings that need to be addressed before grant agreements are executed with the subrecipient.
- c. The division is responsible to issue management decisions within six weeks on subrecipient audit findings and ensure that subrecipients take corrective action.

Subrecipient responsibilities:

- a. The division requires that subrecipients receiving Federal funds in excess of \$500,000 submit the audit conducted in accordance with Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, And Non-profit Institutions, and the management letter and any other reports that accompany the annual audit. If a subrecipient has a subcontractor responsible for the financial management of federal funds, and the subrecipient itself is subject to this requirement, the subrecipient shall arrange for the division to be sent a copy of the subcontractor's annual audit.
- b. Subrecipients receiving less than \$500,000 in Federal funds must submit to PTD a copy of any annual audit covering the funds expended under current grant agreements with ODOT; and the annual audit of any subcontractor receiving federal funds as a result of grant agreements. An audit is not required, however, if one is conducted, the subrecipient will submit a copy to PTD.
- c. Private for profit organizations who are subrecipients shall be subject to the audit requirements of the Public Transit Division.

#### 4. Project Monitoring/Project Compliance

##### Public Transit Responsibilities:

The division is required to assure that subrecipients comply with federal and state requirements. This is accomplished through a project monitoring performed by division staff or its delegates.

The goal of oversight is to assure that the agency (PTD and ODOT) and the grant recipients have appropriate, adequate internal controls to assure that the subrecipient is meeting the terms and conditions of the grant award(s).

When a monitoring activity identifies an issue related to capacity, eligibility or compliance, division staff works with the subrecipient to determine whether the condition actually exists and, if so, determines a plan of corrective action and technical assistance.

Methods of assuring subrecipients compliance include, and are not limited to:

- a. Review single audit
- b. Site visits
- c. Review subrecipient reports, other documentation (desk review)
- d. Required pre-approval for certain activities
- e. Third-party compliance evaluations
- f. Provide technical assistance and training
- g. Regular contact with subrecipients via telephone, email, training, other
- h. Follow subrecipient coverage in the news

Desk Reviews: The division reviews documents to monitor subrecipients' eligibility and compliance. These include, but are not limited to, reviews of:

- a. Applications;
- b. Financial and performance reports;
- c. Annual audits and management letters;
- d. Certifications and assurances;

Site Review Procedures: *The following procedure will be implemented during the 2010-2011 biennium.* The site review assesses agency compliance for the transit programs financed by Special Transportation Funds, §5311, intercity bus, §5310, STG, JARC, and New Freedom. Agencies will receive a site visit at least every five years. Agencies that are high risk may be reviewed more frequently. Schedule of agencies to review is based on an assessment of risk, including the following factors:

##### Risk Factors:

- a. History of poor performance, e.g., untimely reporting, low quality reports

- b. Financial stability is questionable
- c. Prior monitoring findings
- d. Awards to agency are high dollar amounts
- e. Percentage of award(s) to subrecipient's total budget
- f. Subrecipient experience: inexperienced subrecipient or inexperienced/new staff, or lacking sufficient administrative staff
- g. Complexity of requirements, meaning the level of knowledge and implementation
- h. Press coverage regarding an operational or fiscal issue
- i. Single audit findings and corrective action plans
- j. High profile programs, i.e., with significant public interest, or interest of Congressional delegation or Oregon legislature
- k. Request of subrecipient
- l. Subrecipient has not been visited within the last five years

Based on the assessment, the division will prepare a review schedule for a 24-36 month period. Once the schedule is established, the agencies to be reviewed will be notified. Site review materials are sent to the agencies.

Reviewers will use a standard form site review questionnaire that includes major compliance areas, and areas of interest to the division. The Site Review Questionnaire is posted on the division website, and may be updated from time to time. Agencies are encouraged to use the Site Review Questionnaire to perform a self assessment prior to the site visit.

Agencies Receiving Triennial and Other Reviews from FTA: PTD may choose not to perform on-site reviews of any §5311 agency that receives a triennial or other review from FTA based on its receipt of §5307 and §5309 funds. PTD may choose not to perform an on-site review of any §5307 agency that also may receive §5310 funds. The agency will be asked to submit the FTA review findings and subsequent compliance reports. The division will evaluate the triennial reviews for any substantive findings that may affect the §5310, §5316 and §5317 programs, and will follow-up with the agency as required.

#### Subrecipient Responsibilities:

- a. Subrecipients are required to allow inspections of records and facilities.
- b. Subrecipients are required to prepare and submit a plan of correct to the division if the result of the site review requires such a plan.
- c. Subrecipients are encouraged to use the site review questionnaire as a self assessment tool.

## 5. Reporting and Recordkeeping Requirements

There are a number of required routine reports, including fiscal, performance, and vehicle procurement and status. There are also special purpose reports, such as for National Transit Database, Drug and Alcohol Testing MIS, and Charter Bus, which are associated with specific types of funds, and unique program measures for several of the programs. The special purpose reports are covered in more depth later in this document.

The division requires performance and fiscal reports from subrecipients for each of its funding programs. Grant payment is based on receipt and approval of the reports and reimbursement requests. Performance reports document number of rides, hours, miles, senior and disabled passenger counts, quarterly revenues and expenditures, local contributions, source of contribution and other data as required by the specific funding source. Capital reimbursements are made based on vendor receipts or maintenance descriptions. Vendor receipts for maintenance may be required to verify eligible expenses. Depending upon the type of grant, the division may require other types of documentation in order to process reimbursement requests.

The division is implementing an online grants management software that will require the same information, but in a different format. The planned transition period to move from the current paper system to the online system will take place throughout the 09-11 biennium.

**Record-Keeping:** Subrecipients must keep grant records, including procurement records and other associated records for each grant, for three years after a project is completed, and after a vehicle is taken out of service. Subrecipient requirements, such as drug and alcohol testing, may have unique record-keeping requirements. Subrecipients are responsible to know and follow the record-keeping requirements. Site Reviews will include an assessment of the record-keeping capacity of subrecipients by reviewing source documents and inspecting records.

### Public Transit Responsibilities:

- a. Maintain records sufficient to manage the programs and report to the FTA, including the annual program of projects status reports and financial status reports.
- b. Report annually as required to National Transit Database (NTD), also as required for §5310, JARC and New Freedom programs.
- c. Maintain grant reports a minimum of three years after project completion.
- d. Require subrecipients to maintain reports and to report, as required.

### Subrecipient Responsibilities:

- a. Submit reports as required by the grant agreement(s). Reports will be true, accurate, current, complete and supported by adequate documentation.

- b. Maintain grant reports and do documentation a minimum of three years after project completion.
- c. Submit quarterly performance and vehicle reports on the forms provided by the division.
- d. Submit reimbursement requests, with appropriate financial documentation, at least quarterly and may be monthly. The invoice format is provided by the division. If the reimbursement request is later found to be incorrect, the subrecipient is obligated to notify the division about the error and will reimburse overpayment, or may submit documentation for additional reimbursement.
- e. Report as required for §5310, §5311, JARC and New Freedom programs, including and not limited to NTD, drug and alcohol, and program performance measures.

## 6. Procurement/Contracting

Public Transit Division and §5310, §5311, §5316 and §5317 subrecipients must comply with all federal, state and local laws, ordinances, regulations and policies regarding contracting. Circular 4220.1F documents the FTA's procurement requirements. Subrecipients that are public entities will follow the requirements that apply to states, called the Common Rule (CFR Part 18), plus will comply with the following requirements:

- Provide for full and open competition;
- Exclude the use of in-state or local geographic preference;
- Do not enter into any contract for rolling stock with a period of performance exceeding five years, exclusive of options without FTA approval;
- Ensure that purchase orders and contracts executed using federal funds includes all clauses required by statutes, executive orders and implementing regulations; and
- Use competitive procurement procedures based on the Brooks Act when contracting for architectural and engineering services if the state has not adopted a statute governing procurement of such services. Oregon has adopted statutes that govern procurement of architectural and engineering services.

Circular 4220.1F applies to all subrecipients that are nonprofit agencies and that contract with outside sources under FTA assistance programs.

Additional requirements for the state and all subrecipients include:

- Maintain a written code of conduct governing the employees who engage in the award and administration of contracts;
- Have written selection procedures;
- Use the appropriate method of procurement;
- Ensure the most economic and efficient purchase;

- Make awards only to responsible contractors who will perform the project under the defined terms and conditions;
- Use competitive selection processes;
- Conduct and document a price analysis for each procurement;
- Have written protest procedures;
- Contract will have sufficient provisions to ensure a complete agreement. Provisions will include a description of the use of the funds; a beginning and end date; termination and suspension clauses; other applicable requirements pertaining to the type of funds and purpose of project; and sanctions for failure to comply with the requirements of the agreement, including and not limited to, withholding and repayment of funds for cause. All contracts shall include a clause allowing for inspection of records and projects; and
- Maintain a complete record of procurement history.

Please notice that additional guidance for the procurement of capital items is in Section IV and V.

#### Public Transit Responsibilities:

- a. Comply with state and federal procurement requirements.
- b. Include in grant agreements all federally-required certifications, assurances, and clauses for procurements as appropriate to the type of purchase and price.
- c. Review subrecipient procurement procedures and spot check procurements during site reviews.
- d. Review subrecipient request for vehicles lease within 30 days of submittal, and prior to executing a grant agreement. In some instances, FTA approval may be required.
- e. Provide technical assistance in the preparation of requests for proposals, vehicle and construction specifications, bid documents, and subcontracts.<sup>2</sup> Respond within 30 days of request.

#### Subrecipient responsibilities:

- a. Follow the appropriate procurement requirements. For public agencies, comply with the Common Rule (CFR Part 18), plus five basic federal requirements for procurements defined by FTA C 4220.1F<sup>3</sup>. For private nonprofits, comply with the provisions of FTA C 4220.1F and 49 CFR Part 19.
- b. Develop written procurement policies and procedures, including a process for handling protests regarding procurements.
- c. All subrecipients must follow State of Oregon laws, regulations and procedures regarding

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<sup>2</sup> The *FTA Third Party Procurement Manual* provides additional technical assistance on procurement.

<sup>3</sup> See CFR Part 18: Provide full and open competition; exclude in-state or local preference; include federally required clauses, obtain FTA approval for contracts greater than 5 years; use procedures based on Brooks Act for architectural and engineering procurements unless state statutes have been adopted; use prevailing wage for all construction contracts.

procurement thresholds (dollar amounts) unless federal requirements are more restrictive—then federal requirements apply.

- d. Submit vehicle lease cost comparison to PTD for review and approval prior to signing a lease agreement.
- e. If subrecipients would like technical assistance, including review of RFPs prior to advertising, they may request help.

## 7. Public Involvement

ODOT has an adopted Public Involvement Policy in conformance to the federal requirements<sup>4</sup>. The Division's Public Involvement program is designed to meet the ODOT policy and several federal obligations:

- a. Title VI (Civil Rights) defined by FTA Circular 4702.1A, which states that "In order to integrate, into community outreach activities, considerations expressed in the DOT Order on Environmental Justice, and the DOT LEP Guidance, recipients and subrecipients should seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. An agency's public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions."

Additionally, PTD conforms to the requirements of the Americans with Disabilities Act.

- b. Statewide Transportation Planning, defined by:
  - ODOT 2010-2013 STIP Development Manual
  - Joint FTA/FHWA Planning Regulation: Planning Assistance and Standards, 23 CFR Part 450
  - Land Conservation and Development Division Transportation Planning Rule, Statewide Planning Goal # 1, Citizen Involvement
- c. Private Sector Participation requirements are found in many federal laws, regulations and circulars. Summarized, recipients and subrecipients are required to provide private sector providers with a reasonable opportunity to comment on plans, programs, and to be included in the Public Transit-Human Service Coordinated Plans. The rural and special transportation program circulars with references to private sector participation are:
  - Circular 9040.1F – Nonurbanized Area Formula Program Guidance and Grant Application Instructions, April 1, 2007.

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<sup>4</sup> <http://www.oregon.gov/ODOT/involvement.shtml>

- Circular 9045.1 – New Freedom Guidance and Application Instructions, May 1, 2007
- Circular 9050.1 – Job Access and Reverse Commute (JARC) Program Guidance and Application Instructions, May 01, 2007
- Circular 9070.1F – The Elderly and Persons with Disabilities Program Guidance and Application Instructions, May 1, 2007.
- Circular 9300.1A – Capital Program: Grant Application Instructions, October 1, 1998.

ODOT has adopted a Public Involvement Plan in conformance to the federal requirements. Long-range and statewide planning associated with the development of the State Transportation Improvement Program (STIP) is managed by the Transportation Development Division. The STIP is managed by the Highway Program Office (HPO). Public Transit Division submits program and funding information to the HPO for inclusion in the STIP.

#### Public Transit Responsibilities:

Public involvement will be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement. The program will provide for:

- a. Early and continuing public involvement opportunities throughout the planning and programming process, and in the identification of social, economic, and environmental impacts of proposed transportation decisions;
- b. Timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans, programs, and projects;
- c. Reasonable public access to technical and policy information;
- d. Adequate public notice of public involvement activities and time for public review and comment at key decision points;
- e. A process for demonstrating explicit consideration and response to public input during the planning and program development process;
  - e.i. A process for seeking out and considering the needs of those who may be underserved by existing transportation systems, including persons with low-income, minority populations and those with limited English proficiency (LEP).;
  - e.ii. Periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all and revision of the process as necessary.

The following is a general description of division processes, which will vary from time to time depending on the subject, purpose and scope of the program, policy and funding decision:

- a. Encourage early and continuous input –
  - a.i. The division invites public and stakeholder input through a variety of methods including, but not limited to:
    - i.i. public surveys
    - i.ii. stakeholder advisory committees
    - i.iii. technical work groups
    - i.iv. website
    - i.v. workshops
    - i.vi. annual stakeholder conference
    - i.vii. formal solicitation of comments
    - i.viii. rule making
    - i.ix. open public meetings
  - a.ii. Encourage public input at all times. The public may contact “ASK ODOT”, an ODOT communications initiative, or they may contact the division directly.
  - a.iii. Develop an outreach program at beginning of each planning process.
  - a.iv. Programs, policies and funding decisions are posted on division website; affected stakeholders are notified and invited to comment.
  - a.v. The division actively encourages agencies who are, or who represent, minorities; people with low-income; and people with low English proficiency to participate in the division’s programs.
- b. Provide timely information about transportation issues and processes–
  - b.i. Draft programs policies and funding decisions are posted on division website; affected stakeholders are notified and invited to comment.
  - b.ii. The Public Transportation Advisory Committee (PTAC) is an appointed representative stakeholder group that serves to advise the division. The PTAC meets every other month with special meetings as needed. Meeting agendas include time for public comment. The meetings are open to the public; the meeting schedule and agenda is published on the division website. Meetings are held in accessible locations and with appropriate notice; meeting materials are prepared in alternative formats for people with disabilities. Members represent people with disabilities, Indian tribes, people with low-income and seniors, as well as the transit community and local government.
  - b.iii. The division staff meets with state-level stakeholder advisory committees, such as the Oregon Transit Association, Human Service local governments committee and

the Indian Tribal Commission's transportation and human service clusters to discuss transportation issues affecting their constituents.

- b.iv. The division consults with stakeholder organizations regarding transportation issues affecting their constituents. Examples include Oregon Transit Association, Association of Area Agencies on Aging, Vocational Rehabilitation, and Association of Oregon Counties.
- b.v. The division appoints technical advisory committees and task forces for special purpose projects to assure a variety of opinions and information.
- c. Offer reasonable access to information –
  - c.i. Program materials are posted on division website.
  - c.ii. New information is announced to participants and stakeholders by email and mail.
  - c.iii. All information is made available in alternative format for individuals with disabilities
  - c.iv. Provide opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
  - c.v. Tailored communications to the particular community or population by using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities.
- d. Provide adequate public notice –
  - d.i. Program/planning timelines includes public comment period and are published on web and email.
  - d.ii. Application materials are posted on web.
  - d.iii. Offer time for adequate review of material at key decision points
  - d.iv. Grant fund decisions are published on web, press release, to advisory committees (ACT, MPO, other stakeholders) and have a 45-day comment period.
  - d.v. Allow additional 45 day comment if substantive changes result.
- e. Demonstrate explicit and considered response to input -
  - e.i. PTD responds to all input
  - e.ii. Documentation of responses is maintained.
  - e.iii. Advisory meeting minutes are recorded and kept on website
  - e.iv. Maintain a dispute resolution process for funding and policy decisions
- f. Seek out and consider needs of traditionally underserved populations - Division grant programs are primarily targeted to rural, low income, older adults, and people with disabilities.

- f.i. The division requires that a Public Transportation/Human Services Coordinated plan to be adopted by every STF Agency.
- f.ii. The division is currently identifying new mapping and planning tools that will better identify the needs for other underserved populations.
- f.iii. Coordinates with individuals, institutions, or organizations and implements community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities.
- f.iv. Holds meetings at locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
- f.v. Implements USDOT's policy concerning recipients' responsibilities to LEP persons to overcome barriers to public participation.
- g. Provide periodic review of the public involvement process
  - g.i. ODOT completed review of the public involvement policy process in 2008.
  - g.ii. Public Transit Division has started the process for a new public transportation plan starting 2009. Input on the PTD public involvement process will be solicited as part of this activity.
- h. Oversee subrecipient implementation of public involvement
  - h.i. Define and publish requirements for public involvement generally, and more specifically when required for grant application processes.
  - h.ii. Review subrecipient policies and processes during period site reviews, and as required for grant programs.
  - h.iii. Provide technical assistance.

Subrecipient Responsibilities:

- a. Subrecipients will develop a public participation strategy that offers early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. Transportation decisions include and are not limited to: transportation development and Coordinated Plans, service design changes, new services, fare changes, and changes of service policy that may limit access to service.
- b. Subrecipients who offer complementary paratransit services to a fixed route are obligated to involve consumers by soliciting participation in the development of its plan by the widest range of persons anticipated to use its paratransit service.
  - i.i. Each subrecipient shall develop contacts, mailing lists and other appropriate means for notification of opportunities to participate in the development of the paratransit plan, and provide continuing communication as to the implementation and updates to the plan.

- i.ii. Consultation shall begin at an early stage in the plan development and should involve persons with disabilities in all phases of plan development. All documents and other information concerning the planning procedure and the provision of service shall be available, upon request, to members of the public, except where disclosure would be an unwarranted invasion of personal privacy;
  - i.iii. Opportunity for public comment. The subrecipient will make its plan available for review, including submission of the draft plan to PTD, before the plan is finalized. In making the plan available for public review, the subrecipient will ensure that the plan is available upon request in accessible formats;
  - i.iv. Public hearing. The subrecipients will sponsor at a minimum one public hearing and will provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements. Records of the meeting must be maintained and available upon request.
- b.ii. Subrecipients should seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities.
  - b.iii. Subrecipients are required to provide private sector providers with a reasonable opportunity to comment on plans, programs, and to be included in the Coordinated Plans.
  - b.iv. Subrecipients will comply with grant-related public involvement requirements as defined by grant application documents.

## 8. Planning and Coordination

On the state level, the division coordinates the program policy and funding objectives through the Public Transit Advisory Committee, Oregon Transportation Commission, the Oregon Department of Human Services, and other state agencies.

Statewide Transportation Improvement Program (STIP)

The STIP identifies projects financed by FTA §5303/5304, §5309, §5310, §5311, §5316, §5317, Surface Transportation Program (STP) funds transferred to §5310, STP transferred to 5307 for mass transit vehicle replacements, and STP funds for innovation and transportation options projects. STF is also identified in the STIP. The division assures that 5309 projects are identified, as appropriate. The STIP is a four-year document that identifies highway, bridge, transit and other projects committed for federal funding by ODOT.

ODOT's Highway Program Office determines STIP timelines and processes, and PTD manages its federal grant programs in conjunction with ODOT's biennial update of the STIP. The division maintains a list of specific transit projects that are funded through the STIP and visa versa.

MPO-area projects financed with §5310, §5316 and §5317 and STP are listed in the Metropolitan Transportation Improvement Program (MTIP). The division works with MPO staff to assure that projects identified in the local MTIPs are consistent with the STIP and vice versa.

#### Annual Program of Projects Development and Approval Process

The division prepares and submits Oregon's applications for §5310, §5311, §5316 and §5317 funds to the FTA. The Program of Projects (PoP) is a statement of intent to make grants. Projects are included in the STIP and TIPs, as required by the FTA.

The division manages transfers of §5307 to §5311 for a single project annually: the Longview/Kelso/Rainier MPO which is a bi-state MPO to be used for rural projects in the same area.

The division also manages the solicitation and assists in the transfer of STP funds to FTA grants in the §5307 program for MPO agencies to access general public vehicle replacements.

The division transfers STP funds and other "flexible funds" to §5310 and §5311 on a project-by-project basis. STP funds are not included in the federal application for appropriated grants each year, but are applied for in a separate application to FTA.

#### Coordinated Public Transit-Human Service Transportation Plan

The division must certify to FTA that projects selected for funding in §5310, §5316 and §5317 derive from locally developed "coordinated public transportation-human service plans", which, in Oregon are called "Coordinated Plans". PTD requires that applicants to these programs certify to the division that their projects derive from an adopted Coordinated Plan, and they are required to state the page number in the plan that best reflects the need or priority for the project. §5311 subrecipients are expected to participate in the local planning process but projects are not required to be derived from the plan. Intercity bus providers are also encouraged to participate.

The federal SAFETEA-LU transportation authorization passed by Congress in 2005 requires a "locally developed, coordinated public transit-human services transportation plan" intended to improve transportation services for persons with disabilities, older adults and people with low incomes. The coordinated public transit-human services transportation plan is required for §5310, §5316 and §5317 programs.

Oregon's Special Transportation Fund (STF) administrative rule requires that STF Agencies (the counties, transportation districts and Indian tribes designated by state law to receive the STF moneys) prepare a plan that will guide the investment of STF moneys to help the elderly and people with disabilities get needed transportation within that area.

Rather than implement two nearly identical requirements, the division requires a single plan called the "Coordinated Plan" that meets the intent of both regulations.

The division has designated the STF Agencies as the lead agency to develop and adopt the Coordinated Plan for its area. The STF Agencies are responsible to ensure that the plan is

completed. The planning area will be (at a minimum) the county or counties governed by STF Agencies, and the areas served by Indian tribes.

STF Agencies are required to coordinate their planning with the Metropolitan Planning Areas (MPOs) and transit agencies in the MPO areas, as appropriate. MPO organizations in urban areas will be consulted and will collaborate with the lead agency. Compliance with MPO Planning requirements is required. MPO and urban transit agencies have signed agreements to develop cooperative planning procedures; these agreements include the Coordinated Plans.

The plan content must include the following:

- a. **Stakeholder Involvement:** Stakeholders include and are not limited to: transportation planning agencies, transit providers, private transportation providers, non-profit providers, past recipients for §5310, §5311, §5316, and §5317 funds, social service agencies with funds for transportation services or provide transportation services, passengers, potential passengers, various advocacy organizations, human service agencies such as area agencies on aging, medical assistance, jobs, temporary assistance for needy families, employment services, vocational rehabilitation, disabilities programs, housing, health care, mental health, business community, schools, and faith-based organizations.
- b. Plans will include a list of agencies that were invited to participate; document the meetings with brief notes, and identify stakeholder comments and concerns regarding transportation needs and the plan.
- c. **Data and Analysis:** Collect and analyze data, including demographic, economic, aging, etc. to determine trends and future needs. Analyze existing conditions, including human services, public transportation and potential riders in the planning area. Use the data to identify unmet and under-met needs.
- d. **Identify Unmet Transportation Needs:** Identify the various types of transportation challenges and “gaps” in existing transportation services. Compare the origins and destinations of people with special needs with existing transportation services. Identify the unmet needs and possible wasteful duplication of efforts in certain areas. Ask human service organizations and consumers about their perceptions of service gaps and needs.
- e. **Develop Transportation Alternatives:** Prioritizing needs, along with identifying potential solutions, is sufficient in this plan. It is not intended for the plan to design projects and list specific solutions, although specific projects may be identified and prioritized. Transportation solutions will vary in each area depending on the resources available, the size of the market for each alternative and the extent of existing services.

#### State and MPO Coordination

Section 5303, Metropolitan Planning Program (MPP) funds are available to carry out the metropolitan transportation planning process and meet the transportation planning requirements of the joint Federal Transit Administration (FTA)/Federal Highway Administration (FHWA) planning regulations. PTD administers this program as well as the §5304 Statewide Planning and

Research Program for ODOT. Staff participates in the annual review of the required Unified Planning Work Program that each MPO is required to create, distributes \$5303 using a population-based formula and provides technical assistance regarding transit tasks to be completed.

## 9. Civil Rights

ODOT complies with [Title VI of the Civil Rights Act of 1964](#) and subsequent federal nondiscrimination statutes such as, the [Rehabilitation Act of 1973](#), the [Rehabilitation Act of 1973](#), the [Age Discrimination Act of 1975](#), the [Civil Rights Restoration Act of 1987](#), the [Americans with Disabilities Act of 1990 \(ADA\)](#), [Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#), and [Executive Order 13166 – Limited English Proficiency](#). These all prohibit discrimination based on race, color, national origin, economic status, disability and sex (gender) in the provision of benefits and services in programs and activities receiving federal funds.

Civil Rights assurances extend to the subrecipient's entire facility and services operated in connection with the project. Subrecipients are required to keep a record of all complaints and are required to report to the division any formal (written) complaints of discrimination in the provision of transportation-related services or benefits. ODOT policies are found at:

<http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/>.

### Public Transit Responsibilities:

- a. Obtain a signed certification of compliance from all grantees each year;
- b. Include non-discrimination clauses in all state-local grant agreements;
- c. Maintain a list of all 5310 funding applications and ensuring those projects serving minority populations have equal opportunity for funding;
- d. Ensure the division's project evaluation and selection processes are non-discriminatory;
- e. Review all informal complaints received by the division that may be a "civil rights" issue and provide technical assistance to agencies or individuals;
- f. Refer information on active lawsuits or complaints to ODOT's Office of Civil Rights;
- g. Review Civil Rights compliance during on-site program reviews.

### Subrecipient responsibilities:

- a. Provide annual Title VI assurances. First time applicants, in addition to assurances, shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency.
- b. Develop a Title VI complaint form and procedures.
- c. Record and report Title VI investigations, complaints, and lawsuits. Report to the division a concise description of active lawsuits or complaints alleging discrimination in service delivery in the past three years. The report must disclose the status or outcome of lawsuits or complaints, and summarize all civil rights compliance review activities

- conducted during the three-year period.
- d. Provide meaningful access to Limited English Proficiency (LEP) Persons.
  - e. Provide information to the public. Post information on website, buses, brochures, etc
  - f. Provide additional information upon request.
  - g. Prepare and submit a Title VI Program to PTD. Submit general information to determine compliance with Title VI. Submission shall include the following information: A summary of public outreach and involvement activities and the steps taken to ensure minority and low-income people had meaningful access to these activities.
    - A copy of agency's plan for providing language assistance for persons with limited English proficiency.
    - A copy of agency's procedures for tracking and investigating Title VI complaints.
    - A list of Title VI investigations, complaints, or lawsuits filed with the agency since the last submission. The list should include only those that pertain to public transportation.
    - A copy of the agency's notice to the public that it complies with Title VI and instructions to the public on how to file a complaint.
  - h. Integrate environmental justice analysis
  - i. Seek out and consider viewpoints of minority, low-income and LEP populations.

### Environmental Justice

Agencies receiving federal grant funds are required to assure nondiscrimination under Title VI of the Civil Rights and other related laws. Environmental justice specifically addresses minority and low income populations: a 1994 Presidential Executive Order directed every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on "minority populations and low-income populations."

Subrecipients support Title VI and environmental justice when they:

- a. Assure new investments and changes in transit facilities, services, maintenance and vehicle replacement deliver equitable levels of service and benefits to minority and low-income populations.
- b. Avoid, minimize or mitigate disproportionately high and adverse effects on minority and low-income populations.
- c. Assure that public involvement activities identify and involve minority and low-income populations when making transportation decisions.
- d. When subrecipients engage in planning related to development of transit services and capital purchases, they are expected to include consideration of "environmental justice."

PTD will assist subrecipients with environmental justice principles in their services. The division will help agencies look at demographics to identify unmet needs.

Division staff attends tribal meetings upon invitation and provides technical assistance as necessary with grant applications and project development. Several Tribal Governments receive funding from the §5311 and §5310 grant programs.

When applying for discretionary grants, applicants must demonstrate they have provided an opportunity for public involvement in the identification of potential projects, and are required to comply with the state's Open Meetings Law when holding meetings.

#### Public Transit Responsibilities:

- a. Provide technical assistance to help grantees with outreach to minority and low income populations.
- b. Identify transit needs of low-income and minority populations through statewide planning processes and target funding accordingly.
- c. Assure that ODOT uses appropriate public involvement processes in awarding grant funds for transit projects.
- d. PTD will notify all Tribal Governments of grant opportunities as they arise.

#### Subrecipient responsibilities:

- a. Consider transportation needs of minority and low-income populations, as well as others, in all planning processes, including mobility issues, access to jobs and services, level of service and service equity.
- b. Make public involvement an integral part of decision making so that all populations within a community have an opportunity to be heard and policy makers understand community needs, perceptions and goals.
- c. Look for opportunities to apply for discretionary grants from PTD that help meet environmental justice goals.

#### Disadvantaged Business Enterprise Program

As a recipient of FTA funds, ODOT is required to implement a program that provides the maximum opportunity for Disadvantaged Business Enterprises (DBEs) to compete for contracts financed by Federal funds. It is the policy and intent of ODOT to practice nondiscrimination and to create a level playing field on which DBEs can compete fairly for contracts. ODOT's Office of Civil Rights manages this requirement on behalf of ODOT. The DBE program affects all of ODOT's federally funded projects. Regulations are found at 49 CFR, Parts 23 and 26. ODOT policy is found at: <http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/>.

#### DBE program objectives:

- a. Assure that provisions of the DBE Program are adhered to by ODOT and PTD, FTA grant recipients, subrecipients and contractors; and initiate and maintain efforts to increase DBE Program participation by disadvantaged businesses.
- b. PTD will include DBE requirements in all grant agreements;
- c. PTD will assist subrecipients to obtain information on DBE businesses in their geographic areas;
- d. PTD will assure that all subrecipients receiving FTA funds of \$250,000 or more for planning, capital or operating assistance per federal fiscal year have adopted ODOT's DBE Program and annual goal or developed their own, and continue to carry out the adopted program until the funds are expended.

#### Equal Employment Opportunity

ODOT is responsible both for its own compliance (managed by the Office of Civil Rights) and for ensuring that local recipients are in compliance with the Equal Employment Opportunity Act (EEO). The threshold for compliance is receipt in the previous fiscal year of \$1 million or more in FTA assistance, and 50 or more mass transit-related employees. ODOT has an EEO plan covering state employees. ODOT policy is found at:

<http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/>.

In addition, PTD may require documentation from any grantee as it deems necessary to Assure that there is no discrimination on the basis of race, color, creed, national origin, sex, age or disability. Reference is found at FTA C 9040.1.F; FTA C 9070.1.F; FTA C 4704.1. PTD will Post EEO information in a place readily accessible by employees; will include an EEO statement in all job advertisements, and will review EEO practices by subrecipients during on-site reviews.

#### Limited English Proficiency (LEP)

ODOT is responsible for ensuring that meaningful services to persons with limited English speaking and/or writing ability are provided. The following are factors for ODOT and program subrecipients to consider when determining what reasonable steps to take to provide LEP individuals with meaningful access to its programs, activities and services;

- a. Consider the reasonableness of a program's efforts by evaluating the number or proportion of people who will be excluded from the program or activity without efforts to remove language barriers.
- b. Consider the frequency of contact. Title VI obligations will differ for agencies who have little contact with individuals who are LEP compared to an agency that serves a large LEP population.
- c. Consider the available resources. A larger agency with extensive resources may have to take greater steps than a smaller subrecipient with limited resources. On the premises translators may be appropriate in some circumstances; however, written translation,

access to centralized interpreter, language lines or other means may be appropriate in other situations.

- d. Costs must be factored into this balancing test as part of the consideration of “resources available. “Reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits in light of the factors outlined in the U.S. Department of Justice (DOJ), LEP Guidance.

#### Section 504 and Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973 preceded the Americans with Disabilities Act (ADA). Section 504 prohibits discrimination on the basis of handicap by recipients of federal financial assistance. US DOT's Section 504 regulations remain in effect. The USDOT issued regulations to implement the ADA effective January 26, 1992.

The Americans with Disabilities Act (ADA) is a civil rights law enacted by the US Congress in 1990. The Federal Transit Administration (FTA) enacted regulations in support of the ADA that define the delivery of transportation services. The regulations require specific actions on the part of transit providers. The FTA regulations are found in the US Department of Transportation 49 CFR Parts 27, 37 and 38: *Transportation for Individuals With Disabilities*; Final Rule, Friday September 6, 1991. These regulations apply to all providers of public or private transportation services whether or not they receive state or federal funding assistance. These rules are available on the Federal Transit Administration's website [http://www.fta.dot.gov/civilrights/civil\\_rights\\_2360.html](http://www.fta.dot.gov/civilrights/civil_rights_2360.html).

As a condition of grant funding, subrecipients must demonstrate compliance to the ADA and the FTA's implementing regulations. Agencies will demonstrate compliance through their day-to-day operating procedures, their planning and management of transit services, public involvement and information, vehicle procurement and other activities.

Each transit agency will have written policies and procedures designed to meet the requirements. For example, the vehicle maintenance policy will include maintenance of the ADA accessible features (the lift, etc.); the employee-training plan will include ADA topics. If the agency contracts out any or all of the service, the agency must be knowledgeable about how the contractor maintains compliance. ADA compliance is not a one-time effort and compliance must be consistently maintained by the agency over time. New employees or changing services are not an excuse for lack of compliance.

Public Transit Division staff will routinely evaluate each subrecipient program for compliance to the ADA. Oversight will include site reviews, desk audits, review of policies and procedures, information from substantive complaints, and other means. Public Transit Division will also provide technical assistance upon request.

Summary of ADA Requirements: The regulation is divided into compliance areas primarily associated with the following terms: Public, Private, Fixed-route and Demand-response. There are other related terms. Review the definitions at 49 CFR Part 37 subpart A §37.3.

- *Public* means any state or local government and any department, agency, special purpose district, or other instrumentality of one or more state or local governments.
- *Private* means any entity other than a public entity.
- *Fixed route system* means a system of transporting individuals on which a vehicle is operated along a prescribed route according to a fixed schedule.
- *Demand responsive system* means a system of transporting individuals that is not a fixed route.

Compliance to the ADA requires that contractors comply with “stand-in-the-shoes” relationships. Generally, stand-in-the-shoes means that the contractor must follow the same regulations as the contracting agency. For example, if a private entity is operating under contract to a public entity, then a stand-in-the-shoes relationship exists and the contracted service must conform to the requirements as if the operating entity is public. There are instances where a public entity receives funds on behalf of a private non-profit entity. When the public entity on its own would not operate the transit service, and the service design, implementation and management is entirely the responsibility of the other entity, then the relationship between the two is defined as “pass-through” and the stand-in-the-shoes definition does not apply. Public Transit Division must be knowledgeable and in agreement with how roles and responsibilities are defined.

ADA Service Provisions: Public and private subrecipients providing either fixed-route or demand-responsive services must comply with the following service provisions. This is a simplified list: review the specifics for each requirement found at 49 CFR Part 37, subpart G.

- Maintenance of accessible features
- Procedures to ensure lift availability
- Lift and securement use
- Announcements on vehicles of stops on fixed routes
- Vehicle identification systems
- Service animals
- Use of accessible features
- Public information/communications
- Lift deployment at any designated stop
- Service to persons using respirators or portable oxygen
- Adequate time for boarding/deboarding
- Training

Receipt of §5311 funds requires a private entity that is operating a fixed route service to provide complementary paratransit. Subrecipients of §5310, §5316 and §5317 who are private entities will comply with the requirements for private entities.

Prior to initiation of fixed route service operated by a federal grant award, subrecipients will submit to PTD written documentation of compliance that addresses each of the service provisions.

### Requirements for Public Providers

The ADA has separate sets of requirements for public fixed-route and public demand-responsive services.

#### Fixed-Route

- Public operators of fixed-route services open to the general public are required to provide “complementary paratransit” to persons with disabilities that is comparable to individuals without disabilities who use the fixed-route system.
- Commuter bus service does not require complementary paratransit service. Commuter bus service is defined as “fixed-route bus service, characterized by service predominantly in one direction during peak period, limited stops, use of multi-ride tickets, and routes of extended length, usually between the central business district and outlying areas. And ...may also include other service characterized by limited route structure, limited stops and a coordinated relationship with another mode of transportation.”
- Service design strategies such as route-deviation, point-deviation, or point-to-point (and other hybrid strategies) are by definition “demand-response” only if they deviate to pick up the general public. If the service limits its deviations to specific individuals, including persons with disabilities, the service does not meet the intent of the demand-response definition and the service must conform to fixed-route rules.
- ODOT requires, as a condition of funding, that each new or revised public fixed-route service have written documentation that discusses how comparable service that meets the requirements of §§ 37.123 – 37.133 will be delivered.

Documentation will include descriptions of:

- a. The planned service delivery;
  - b. Each of the defined service criteria;
  - c. Eligibility criteria and processes, and;
  - d. Public participation and outreach activities.
- Full conformance to the ADA regulations on the first day of service to the public is required by federal law.
  - ADA service documentation must be submitted to Public Transit Division for review prior to service startup, if the project is funded in any part through ODOT-source funds.
  - Paratransit compliance documentation must be approved by the operator’s governing board, reviewed regularly and amended as needed.

- When new services requiring complementary paratransit planning impact existing service through overlapping or contiguous boundaries, it is the responsibility of the new service provider to coordinate the development of an ADA strategy that provides for coordinated paratransit services with neighboring jurisdictions.
- Requests for undue financial burden waivers will not be considered.

### Demand-Response

- Public operators of demand responsive services must conform to requirements defined as “equivalency service standard,” §37.77 (a) – (e).
- *Equivalency* means that the system when viewed in its entirety, provides equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the individual and is equivalent with respect to the following service characteristics. These characteristics are in addition to the service provisions.
- *Equivalent Service Standards* for public demand responsive systems:
  - a. Response time
  - b. Fares
  - c. Geographic area of service
  - d. Hours and days of service
  - e. Availability of information
  - f. Reservations capability (if the system is demand responsive)
  - g. Any constraints on capacity or service availability
  - h. Restrictions priorities based on trip purpose
- Service strategies that are designed as route-deviation, point-deviation, or point-to-point (and other hybrid strategies) are by definition “demand-response” only if they deviate to pick up the general public.

### Requirements for Private Providers

- Per §37.105, private providers conform to requirements defined as “equivalency service standard”. The equivalency service standard applies whether the service is fixed-route or demand responsive. Private providers with a fixed-route system are not required to provide complementary paratransit.
- *Equivalency* means that the system when viewed in its entirety, provides equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the individual and is equivalent with

respect to the following service characteristics. These characteristics are in addition to the service provisions.

- Equivalent Service Standards for private demand responsive or fixed route systems:
  - a. Schedules/headways (if the system is fixed-route)
  - b. Response time (if the system is demand-responsive)
  - c. Fares
  - d. Geographic area of service
  - e. Hours and days of service
  - f. Availability of information
  - g. Reservations capability (if the system is demand responsive)
  - h. Any constraints on capacity or service availability
  - i. Restrictions priorities based on trip purpose (if the system is demand responsive).
- Private operators are divided into two subgroups by the ADA: *Private not-primarily* in the business of transportation and *private primarily* in the business of transportation.
- *Private not primarily*: Fixed route system with vehicles over 16 passengers plus driver must have accessible vehicles. Fixed route system with vehicles under 16 must have accessible vehicles unless the system when viewed in its entirety meets the standard for equivalent service provisions.
- *Private primarily*: Fixed route system with vehicles over eight passengers (excluding over-the-road vehicles) must ensure that the vehicles are accessible.

## Intercity Bus

- Intercity bus services are offered by a variety of public and private entities, and these services various types of equipment: cars, minivans, vans, small buses and over-the-road coaches. The type of provider and the vehicle used in service defines ADA compliance.
- Generally, for intercity bus services provided by private agencies primarily in the business of transportation and public agencies, unless the intercity service uses cars or over-the-road buses, all new vehicles purchased to place into service must be accessible. For specific requirements, consult with the Public Transit Division.
- Over-the-road vehicles (also referred to as motor coaches) have special rules, published in a Federal Register Notice on September 24, 1998. These rules require the accessibility of new motor coaches and the accessibility of motor coach service to people with disabilities<sup>5</sup>. The rules for the purchase/lease of new motor coaches went into effect on October 30, 2000 for large fixed route motor coach companies and will go into effect

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<sup>5</sup> Motor coach information form Easter Seals Project ACTION

October 29, 2001 for small fixed route motor coach companies. The rules for delivering accessible motor coach service go into effect in October 2001 for large fixed route, charter, tour and other demand responsive motor coach companies. The rules go into effect for small operators in October 2002.

- After these dates, companies must provide service in an accessible coach to a passenger who requests it and gives 48 hours' notice. Small companies may provide equivalent service, instead of acquiring accessible coaches. This equivalent service may be provided in an alternate vehicle (e.g. a van), provided that the service allows passengers to travel in their own wheelchairs. The ADA requires that motor coach companies assist persons who use wheelchairs in getting on and off nonaccessible coaches. Boarding assistance must also be provided at rest stops.
- Under the ADA regulations , it is considered discrimination for a motor coach company to:
  - Deny transportation to individuals with disabilities
  - Refuse to provide service to an individual with a disability solely because the disability results in the appearance or involuntary behavior that may offend, annoy, or inconvenience the company's employees or other persons<sup>6</sup>.
  - Use or request the use of persons other than employees (family members, companions, and medical/public safety personnel) for boarding or assistance to passengers with disabilities, unless the passenger requests or consents to assistance from such persons.
  - Require or request a passenger with a disability to reschedule his/her trip/ travel time in order to receive transportation.
  - Fail to provide reservation services to passengers with disabilities equivalent to those provided to other passengers.
  - Require that a passenger with a disability use designated priority seats, if the passenger does not choose to use them.
  - Require that a passenger with a disability travel with an attendant.
  - Impose special charges on individuals with disabilities, including those who use wheelchairs, for providing services that are required or necessary to accommodate them. (For example: charging a group requesting an accessible coach a higher price than you would a group using an inaccessible coach).
  - Refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of persons with disabilities.
  - Fail or refuse to comply with any of the applicable ADA regulations

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<sup>6</sup> Exception: It is not discrimination to refuse to provide service to an individual with a disability because that individual engages in violent, seriously disruptive or illegal conduct).

- Entities providing public accommodations must provide equal service to individuals with disabilities in a setting appropriate to the needs of those individuals. Waiting rooms provided by intercity bus operators must be accessible to individuals with disabilities, and the opportunity for information, purchase of a ticket, etc., must be available.

Vehicle Accessibility Standards: The standards for vehicle accessibility are found at 49 CFR Part 38. Generally, accessible vehicles must be able to accommodate a “common wheelchair. A "common wheelchair" is defined within the ADA as a mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered. A "common wheelchair" does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied. An increasing number of individuals are now using wheelchairs and other mobility devices that exceed the dimensions of a “common wheelchair” as defined in the ADA standards.

Passenger Facilities: Facilities that are built using federal funds must meet ADA regulations for accessibility. Facilities that are altered using federal funds must meet ADA regulations for accessibility unless the cost of making the facility accessible is disproportionate to the overall cost of the project. Disproportionate is defined as the cost to make the facility accessible exceeds 20 percent of the total cost of alteration. Failure to make the facility accessible as required will cause PTD to require the subrecipient to make the modifications to bring the facility into compliance, and failure to make the required modifications will result in repayment of grant funds.

- Passenger facilities include, and are not limited to, passenger waiting areas, shelters and transfer stations. The guidelines for the accessibility of facilities are provided by the United States Access Board, <http://www.access-board.gov/adaag/html/adaag.htm#tranfac> .
- Bus Stops: Where new bus stop pads are constructed in areas where a lift or ramp is to be deployed, they will have a firm, stable surface. The stop will have a minimum clear length of 96 inches (measured from the curb or vehicle roadway edge) and a minimum clear width of 60 inches (measured parallel to the vehicle roadway) to the maximum extent allowed by legal or site constraints; and will be connected to streets, sidewalks or pedestrian paths by an accessible route.
- Shelters: Where bus shelters are provided, the shelter will be installed or positioned to permit a wheelchair or mobility aid user to enter from the public way and to reach a location, having a minimum clear floor area of 30 inches by 48 inches, entirely within the perimeter of the shelter. An accessible route will connect the shelter to the boarding area.
- Accessible route: At least one accessible route will be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. The accessible route will, to the maximum extent feasible, coincide with the route for the general public. An accessible route with a running slope greater than 1:20 is a ramp. The least possible slope will be

used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. A cross slope of an accessible route will not exceed 1:50.

**Maintenance of Accessible Features:** Subrecipients must maintain the accessible features of vehicles and facilities. The accessible features must be inspected, kept in operating condition, and repaired promptly.

**Complaints and Grievances:** ODOT has a procedure for responding to and tracking ADA (and other) complaints. ASK ODOT is a toll-free website and phone line where any person may make a complaint. The ASK ODOT staff refers calls to the division for follow-up. Staff is required to submit a contact report back to ASK ODOT. Response to complaints depends on the nature of the complaint. The division prefers to resolve issues at the lowest level possible, and works with the individual and the affected transit agency when possible. The individual is given the Department of Justice and FTA ADA complaint information if they decide to make a formal complaint.

**Training:** PTD provides ADA driver training (Passenger Assistance Service and Safety, PASS) upon request at no cost to an agency. Agencies who wish to request the training contact the division.

#### Public Transit Responsibilities:

- a. Obtain certifications of compliance from all subrecipients;
- b. Include ADA requirements in all grant agreements;
- c. Request documentation of ADA policies on a regular basis;
- d. Review subrecipient ADA policies and procedures and other supporting documentation, and follow up with the agency regarding compliance issues, if needed;
- e. Award vehicle purchases for accessible vehicles and monitor vehicle purchases for accessibility. Obtain Certificates of Equivalent Service, if applicable;
- f. Review ADA compliance, including service, maintenance and facilities, during on-site program reviews;
- g. Offer PASS training to transit agencies; and
- h. Review and act upon ADA complaints and forward information to FTA if warranted.

#### Subrecipient Responsibilities:

- a. Sign certifications of compliance pertaining to ADA requirements;
- b. Establish service policies and procedures in accordance with the ADA, and submit the policies upon request to PTD;
- c. Comply with ADA service provisions for fixed route and demand-response, as appropriate to the service;

- d. Subrecipients are required to submit information about formal ADA complaints to PTD, and report regularly until the complaint is resolved. PTD will submit the information to FTA region office.
- e. Prior to initiation of a fixed route service funded by §5311, prepare appropriate policies and procedures to implement complementary paratransit and other associated ADA service requirements. Submit the documentation to PTD for review and approval;
- f. Purchase vehicles in compliance with ADA requirements, or sign and submit a Certification of Equivalent Service to PTD prior to purchase of the vehicle. Update the certification annually (keep in own files);
- g. Include appropriate ADA information in all public information brochures and route schedules;
- h. New and remodeled facilities will be ADA accessible. If the facility is built or remodeled with a grant award, subrecipient will submit documentation to ensure that the required ADA accessible features are included;
- i. Include ADA requirements in all service agreements;
- j. Take advantage of PASS training as needed; and
- k. Inform PTD of any ADA complaints.

## 10. Grant Protest Procedures

The division conducts an appeals process to resolve protests of funding or other decisions made by PTD.

Within 30 days of notification of a decision the affected agency may file an appeal of the decision.

- a. The agency will address the appeal to the division administrator.
- b. The appeal will identify the project or proposed project affected by a funding decision; or, will identify the action taken by the division that is being appealed. The appeal will include the recipient or proposed recipient affected by the decision, any arguments pertaining to the appeal, and the requested remedy.

The division will investigate the appeal and will make a written statement of finding within 30 days.

Subrecipient responsibilities:

PTD requires all subrecipients to have grievance procedures for resolving local disputes, including for contracts and other funding decisions and for service delivery.

## 11. Charter Bus Protections

The updated charter regulations, 49 CFR Part 604 [http://www.fta.dot.gov/laws/leg\\_reg\\_179.html](http://www.fta.dot.gov/laws/leg_reg_179.html) went into effect April 30, 2008. FTA subrecipients are prohibited from using federally-funded equipment or facilities to provide charter service if a registered private charter operator expresses interest in providing the service. The regulation applies to §5311, §5310, §5316 and §5317. Grantees are allowed to operate community based charter services “exempted” and “excepted” under the regulations. Notably, the regulations exempt §5310, §5311, §5316, and §5317 grantees who are allowed to provide charter service that supports “program purposes”.

If a subrecipient decides to perform charter service that is not exempted, the agency must comply with state motor carrier regulations pertaining to chartering, as well as FTA regulations regarding charter service. Private charter operators who wish to be notified of charter opportunities must register at a national website; grantees who are considering chartering must check the website and comply with the notification requirements to registered private charter operators prior to accepting the charter.

### Charter Definition:

- a. Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may characterize charter service:
  - a.i. A third party pays a negotiated price;
  - a.ii. Any fares charged are collected by a third party;
  - a.iii. The service is not part of the regularly scheduled service or is offered for a limited period of time; or
  - a.iv. A third party determines the origin and destination of the trip as well as scheduling.
- b. Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration, and
  - b.i. A premium fare is charged that is greater than the usual or customary fixed route fare or
  - b.ii. The service is paid in whole or part by a third party.

Charter service includes the hours spend transporting the passengers, the wait time and the time to get to and from the garage (deadhead time).

### Exemptions:

- a. Recipients moving transit employees, contractors and government officials for transit purposes, including training;

- b. Private charter operators that receive Federal assistance, with the following caveat: private charter operators that “stand in the shoes” of public transit agencies are covered per the applicability of the public agency;
- c. Recipients performing emergency preparedness planning and operations;
- d. Recipients responding to immediate emergencies;
- e. Recipients in non-urbanized areas transporting its employees for training purposes;
- f. Recipients of funds from §5310, §5311, §5316, and §5317 who are allowed to provide charter service that supports “program purposes”.

“Program purpose” is defined as, *“transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities, and or low income individuals)...”* This means if a recipient is providing service for program purposes only, the charter regulations do not apply to that service. In other words, the recipient may to provide the service if it chooses to do so, and the charter regulations are not a factor. Rural general public services are designed to meet a variety of “program purposes”, including services for the defined populations. There is no need for an exception to the regulations and there is no requirement to provide notice to private charter providers prior to providing service.

**Exceptions:**

- a. Government officials: Subrecipients may provide up to 80 hours per year to government officials for official government business. The grantee must stay within its defined service area; no generation of revenue except as required by law; and keeps records.
- b. Qualified Human Service Organization: Subrecipients may provide services to people with mobility impairments including related to advanced age; disabilities and low income. Notice that the program purpose definition also may cover this kind of service.
- c. Leasing of Equipment or Driver to a registered charter operator.
- d. No response by a registered charter operator. A grantee must notify registered operators per the defined procedures if it is interested in providing charter services. If no registered charter operator responds in the prescribed timeframe, the grantee may provide the requested service.
- e. Agreement with all Registered Charter Providers: The exception allows grantees to provide charter services to a customer consistent with an agreement with all registered charter providers in the grantee’s service area.
- f. Petition to the FTA Administrator.

**Recordkeeping and Reporting Requirements:**

- a. If a subrecipient is offering service under one of the exemptions, there is no reporting requirement.
- b. If a subrecipient is offering a service under one of the exceptions, there are administrative, record-keeping and reporting requirements. Review the regulations for recordkeeping detail. PTD reports to the FTA for all subrecipient grantees. Grantees offering service under the exceptions are required to report quarterly to PTD. The form of the report will be defined by PTD, and will be sent to grantees each quarter. Reports are due 15 days after the end of each quarter:
  - July 1 to September 30: October 15
  - October 1 to December 31: January 15
  - January 1 to March 31: April 15
  - April 1 to June 30: July 15

**Summary:**

The chart below shows some of the types of services a recipient might provide. It starts with services that are not subject to the charter regulations. If the service you are providing falls into one of these categories, you do not need to read any further. The chart then shows services that are subject to the regulations and may require an exception under the regulations.

Key:

<b>Service Type</b>	A brief summary of the type of service provided. Where a number follows an entry, it refers to the applicable location in 49 CFR Part 604, where you can read the full text of the regulation.
<b>Charter Regs Apply?</b>	This column specifies whether the charter regulations under 49 CFR Part 604 apply to the service. “No” means provisions of the regulations do not apply; “Yes” means provisions of the regulations do apply.
<b>Requires Exception?</b>	This column specifies whether the service provided requires an exception under 49 CFR 604. “N/A” (not applicable) means where the service is not subject to the provisions of the regulations; “Yes” means the service requires an exception under provisions of the regulations.

The following services are **exempted**:

Service Type	Charter Regs Apply?	Requires Exception?
Regular dial-a-ride (demand response) service (604.31(c))	No	N/A
Service for program purposes (604.2). "Program purposes" is <i>transportation serving needs of either human service agencies or targeted populations (elderly, individuals with disabilities, and or low income individuals)</i> (604.3(o)).	No	N/A
Recipient transporting its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, to or from transit facilities or projects within its geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review (604.2(b)) or for emergency preparedness planning and operations (604.2(d)) or to or from transit training outside geographic service area. (604.2(g))	No	N/A
Actions responding to an emergency declared by the President, governor, or mayor. (604.2(f))	No	N/A (first 45 days)
Actions responding to an emergency that is NOT later declared as an emergency by the President, governor, or mayor.	No	N/A (first 45 days)
Service requested by a third party that is irregular or limited basis for an exclusive group of individuals provided free of charge and no third party is paying for the service in whole or part. (Appendix C (18))	No	N/A
Recipient initiates shuttle service to and from football games (i.e., no third party requests the service). Service partially follows existing routes, open to public, regular fare is charged. (Appendix C (23))	No	N/A
Recipient initiates shuttle service for one-time event (i.e., no third party requests the service). Service open to public, itinerary determined by transit operator, regular fare charged. (Appendix C (24))	No	N/A

The following services are considered charter services under the regulations and require an **exception** under the regulations:

Service Type	Charter Regs Apply?	Requires Exception?
Exclusive service for groups formed for purposes unrelated to special needs of targeted populations. (604.3(o)) Example: boy scouts	Yes	Yes
Service provided to qualified human service organization (QHSEO) as listed in charter regulations or registered on FTA registration site. (604.7)	Yes – if not provided for program purposes	Yes – if not provided for program purposes
Recipient provides charter service to government officials, including non-transit purposes. (604.6)	Yes	Yes Subject to limitations in regulations for up to 80 hours. Requires petition for more than 80 hours.
Recipient leases FTA-funded equipment to registered charter provider. (604.89)	Yes	Yes
Recipient provides charter service after no registered charter providers respond to notice from recipient. (604.9)	Yes	Yes
Recipient provides charter service after entering agreement with all registered charter providers in service area. (604.10)	Yes	Yes
Service that is irregular or limited basis for an exclusive group of individuals provided free of charge and a third party is paying for the service in whole or part. (Appendix C (20))	Yes	Yes

**Public Transit Responsibilities:**

- a. Obtain certifications of compliance from all subrecipients;
- b. Evaluate compliance during site review;
- d. Evaluate quarterly reports and follow-up as needed;
- e. Provide technical assistance to subrecipients as needed on the regulations;
- f. Review any complaints received by the division regarding charter service and follow up with the appropriate subrecipient to assure compliance with the requirements;
- g. Report to the FTA within 30 days after the end of each quarter.

Subrecipient responsibilities:

- a. Sign a certification of compliance pertaining to Charter Services;
- b. Understand and follow the requirements of the regulation if an agency is, or may be, engaging in charter service;
- d. Report quarterly to the division, as requested;
- e. Contact PTD staff for technical assistance.

## 12. School Bus Regulations

§5311 and §5310 subrecipients are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally-funded equipment or facilities may never be used to provide exclusive school bus service. Head Start transportation is considered human service transportation and not school bus service. Regulations are found in 49 CFR Part 605; 49 USC 5323 (f).

Subrecipients are encouraged to identify ways to coordinate with schools. Subrecipients may carry children to school as part of a public transportation program, including services provided before and after school, if provided as part of regularly scheduled service open to the general public and when the service is identified in the published schedule. Such services are commonly called "Tripper Service".

PTD does not allow subscription programs for carrying school children on general public systems, if by doing so the general public is excluded.

Public Transit Responsibilities:

- a. Obtain certifications of compliance from all subrecipients;
- b. Review applications for funding;
- d. Review service delivery during on-site reviews to assess compliance;
- e. Provide technical assistance as needed to subrecipients.

Subrecipient responsibilities:

- a. Sign a certification of compliance pertaining to School Bus regulations.
- b. Report on tripper services provided in the annual application.
- c. Redesign service if needed to meet the definition of "tripper service".
- d. Read and understand the School Bus regulations if exploring opportunities to share vehicles and resources in local communities.

### 13. Safety Authority

FTA and the Public Transit Division have authority to withhold financial assistance from a subrecipient failing to correct a condition which FTA or PTD believes “creates a serious hazard of death or injury.” FTA’s authority to investigate is permissive, not mandatory.

Certain transit providers may be subject to Federal Motor Carrier Safety Regulations and State Motor Carrier Regulations.

The division expects equipment to be adequately maintained and operated in a safe manner.

#### Public Transit Responsibilities:

- a. Perform document reviews as part of preventive maintenance invoice review and approval;
- b. Conduct visual inspections of vehicles and check the preventive maintenance records and annual safety inspection reports during site reviews;
- c. Review safety practices and programs during site reviews;
- d. Follow up with subrecipients on all reported accidents to assure appropriate documentation on the incident was obtained and drug and alcohol testing (if appropriate) was performed; determine appropriate action if FTA requirements were not followed.

#### Subrecipient responsibilities:

- a. Determine and conform to appropriate safety regulations; Establish agency safety programs and provide regular employee safety training;
- b. Perform annual vehicle safety inspections by a certified mechanic. Training to certify mechanics for this process is available.
- c. Report to PTD all accidents. Failure of an agency to comply could result in the division suspending funding. Within one day report any accident resulting in a fatality. Follow-up documentation must be provided within three business days. On quarterly report: All accidents in which a vehicle is totaled or taken out of service; All accidents that require drug and alcohol testing of the driver according to USDOT requirements; All accidents that require the grantee to file a report with Driver and Motor Vehicle Services.

## 14. Drug-Free Workplace/Drug and Alcohol Testing Regulations

The Drug-Free Workplace Act and the FTA Drug and Alcohol Testing Regulations are different requirements and they affect subrecipients differently:

The Drug-Free Workplace Act is part of the federal government's effort to eliminate illegal drugs from the workplace. The Drug-Free Workplace Policy is a "first-tier" requirement applying only to ODOT and does not apply to subrecipients through the grant programs. Local transit operators may have a drug-free workplace requirement, but the requirement is established under the agency's own authority or as a condition of another federal grant and is not part of an ODOT grant agreement requirement.

"Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655, revised by the FTA August, 2002, implement the omnibus USDOT drug and alcohol testing act. This part and 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" describe policy development and testing procedures required of any agency in receipt of FTA funds. Subrecipients receiving §5311 funds must comply. Subrecipients of §5310, §5316 or §5317 are exempted if the only source of FTA awards received is one of these three programs.

This requirement applies to all subrecipients and their contractors with safety sensitive employees, with the exception of maintenance contractors, at all tiers.

Subrecipients affected by this requirement are expected to establish and manage an ongoing Drug and Alcohol testing program in compliance with the regulations. They must submit a current drug and alcohol policy and any changes or updates to the policy. They must also submit Management Information System (MIS) forms annually to FTA.

### Public Transit Responsibilities:

- a. Adopt an ODOT-wide Drug Free Workplace Policy and the policy in a public and conspicuous place, including the employee bulletin board and the intranet.
- b. Obtain annual certifications of compliance from all subrecipients;
- c. Conduct review of program policies and procedures periodically, including during site reviews;
- d. Provide regular drug and alcohol training for grantees;
- e. Provide MIS reporting information to subrecipients as necessary; assure subrecipients submit annual MIS reporting data as required.

### Subrecipient responsibilities:

- a. Develop an anti-drug use and alcohol abuse policy statement and program in accordance with FTA regulations, and require contractors to develop a program;
- b. Assure that subcontracts include the Drug and Alcohol program as appropriate to the

- purpose of the work;
- c. Sign a certification of compliance to drug and alcohol programs and testing for year of funding;
- d. Send policy to PTD upon request;
- e. Submit MIS data for the previous year (January 1 to December 31) by March 1 of each year.

## 15. FHWA Drug and Alcohol Testing/Commercial Drivers License

Some §5310, §5316 and §5317 grant recipients may be effected Federal Motor Carrier Safety regulations, 49 CFR part 382. These requirements include and are not limited to drug and alcohol prevention policy development and testing and Commercial Drivers License (CDL) requirements.

### Public Transit Responsibilities:

- a. Review compliance during site reviews.
- b. Provide technical assistance to subrecipients. Division staff has limited expertise in Motor Carrier Safety regulations. The division will provide assistance to subrecipients to identify appropriate sources of technical assistance.

### Subrecipient responsibilities:

- a. Assure that operators of vehicles with capacity of 16 or more persons (including the driver) have the required CDL. (The requirement for CDL is not limited to the operator -- any individual who drives the vehicle for any reason must hold a CDL).
- b. Adopt and implement a compliant drug and alcohol program policy and procure.
- c. Assure that individuals with CDLs are subject to Drug and Alcohol testing under the FHWA, if not tested under FTA regulations.

## 16. Labor Protection

Section 5333(b) of the Federal Transit Act requires that as a condition of funding, fair and equitable arrangements must be made to protect the interests of employees affected by grant assistance. The Department of Labor (DOL) and the FTA agreed upon a special warranty that applies only to §5311 funded projects. Reference: 49 U.S.C. 5333(b) (also known as Section 13(c) of the Federal Transit Act)

<http://www.dol.gov/esa/olms/regs/compliance/compltransit.htm>

In the past the special warranty was a one-time certification that was signed by each §5311 subrecipient. The terms of the special warranty are now incorporated by reference in the FTA

Master Agreement that is signed by ODOT and the grant agreements between ODOT and §5311 subrecipients.

The special warranty specifies that employers must post in some prominent place a notice that they have agreed to comply with the requirements of the Federal Transit Act and to include the terms of the special warranty with the notice.

Public Transit Responsibilities:

- a. Incorporate requirement to abide by terms of Section 5333 (b) Warranty from FTA Master Agreement in grant agreements with all 5311 subrecipients.
- b. Obtain updated information from subrecipients for the annual report to FTA (who forwards to DOL).
- c. Maintain an accurate, up-to-date list of all 5311 subrecipients, including the service area of each project, other transportation providers in the area, and the labor organizations representing the employees of such providers. Provide this information to FTA annually (who forwards to DOL).
- d. On site visits, check to see if information about the special warranty is posted in a prominent place that is visible to employees.

Subrecipient responsibilities:

- a. Read and understand the Section 5333 (b) Warranty.
- b. Post the applicable portion of the Special Warranty in a location where employees can readily access the information.
- c. Provide updated information annually to the division regarding other transportation providers and their unions operating in the same geographic area in a format provided by the division.

## 17. Environmental Protection

FTA's environmental protection process is based on compliance with the National Environmental Policy Act (NEPA) and rules adopted by FTA to comply with the Act in transportation-related projects. The FTA's regulation requires different levels of analysis and documentation for the various types of funding.

Categorical exclusions:

Most projects funded federal funding are excluded from FTA environmental regulations because they fall into the "categorical exclusion" definition. The FTA classifies two groups of projects which are "categorically excluded."

- a. The first are activities and projects which have very limited or no environmental effects, such as planning, design, administration and operation of transit programs, and vehicle

purchases. For these activities, no environmental documentation is required and subrecipients do not have to fill out a Documented Categorical Worksheet (DCE) form.

- b. The second group includes construction projects with potential for environmental impacts: passenger shelters, bus barns, new construction or expansion of transit service facilities, offices and parking facilities.

PTD only has the authority to grant a DCE to passenger shelter projects where there is little or no impact to land, including no change in traffic patterns, and where there is no public controversy for placement. FTA determines whether any other projects meet the requirements for a categorical exclusion.

#### Public Transit Responsibilities:

- a. Screen potential projects to determine which projects clearly meet the FHWA/FTA criteria for categorical exclusions and which may require additional documentation.
- b. Provide technical assistance as needed to help subrecipients prepare the required DCE information for FTA.
- c. Assure a DCE determination for a project has been obtained from FTA prior to finalizing a grant agreement.
- d. Where a project is not a DCE, obtain documentation from the subrecipient to Assure that all environmental issues have been resolved prior to finalizing the grant agreement.

#### Subrecipient responsibilities—categorical exclusions:

When a subrecipient's project requires Public Transit or FTA approval, in category b above, these are the steps required to obtain a DCE for the project:

- a. Review the "Construction Project Environmental Requirements Flow Chart"  
<http://www.oregon.gov/ODOT/PT/PROGRAMS/CAPITAL/SheltersFacilitiesGrants.pdf>
- b. Fill out a Documented Categorical Exclusion form (Access the DCE worksheet from FTA Region 10's Web site at:  
[http://www.fta.dot.gov/documents/DCE\\_Worksheet\\_FTA\\_2008.12.10.doc](http://www.fta.dot.gov/documents/DCE_Worksheet_FTA_2008.12.10.doc) and submit the form with appropriate attachments to PTD for processing.
- c. Do not start the project until a DCE for the project has been obtained from FTA, ensuring a copy is forwarded to the division, and you have a signed grant agreement with ODOT.

#### Subrecipients' Responsibilities for projects that are not approved as Categorical Exclusions:

- a. If a project does not qualify for a DCE, the applicant must satisfy all environmental conditions and reviews and provide required documentation to FTA (with a copy to the

division) that all issues have been resolved.<sup>7</sup>

- b. All costs are borne by the applicant, including Environmental Assessments or Environmental Impact Statements. PTD staff may provide technical assistance as needed.

## 18. Lobbying

Recipients and subrecipients of federal grants from any source exceeding \$100,000 annually must certify that they have not and will not use federally appropriated funds for lobbying.<sup>8</sup> State agencies administering federal programs certify to FTA; subrecipients certify to the state. State agencies and subrecipients must impose lobbying restrictions on their third-party contractors and must obtain certifications. The regulations are found in 49 CFR Part 20.

Contracts, grants and cooperative agreements are actions covered by the restrictions on lobbying. For example, activities such as submitting grant applications, status inquiries, and professional and technical services are not lobbying and do not need to be disclosed. Efforts to influence Federal officials about specific grants and contracts or to ask Congressional representatives for support of a particular application must be disclosed. Lobbying restrictions do not apply to activities that might influence policy issues.

### Public Transit Responsibilities:

- a. Obtain Standard Form-LLL from any subrecipient and/or its subcontractor(s) who used non-federal funds to support lobbying.
- b. Send the forms to ODOT Governmental Affairs office, who prepares the quarterly reports to FTA.
- c. Assure ODOT submits Standard Form-LLL to FTA, as required.

Currently, subrecipients certify to PTD through the grant agreements and the annual certifications and assurances.

### Subrecipient responsibilities:

- a. Sign a certification of compliance pertaining to lobbying activities.
- b. Where third party contractors are involved, subrecipients must obtain a signed certification of compliance from the contractor.
- c. If non-federal funds have been used to support lobbying activities in connection with a grant from PTD, and the subrecipient receives federal grants exceeding \$100,000, fill out Standard Form-LLL (see the circular) and submit it to PTD.

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<sup>7</sup> Grantees may consult directly with state agencies such as the Environmental Protection Agency, Oregon Department of Environmental Quality, State Historic Preservation Office, or other agencies that may provide assistance in the environmental review process.

<sup>8</sup> Lobbying is defined as influencing or attempting to influence an officer or employee of any Federal department or agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with obtaining a federal grant, cooperative agreement, or any other federal award.

- d. If contractors received more than \$100,000 in federal funds and used non-federal funds to support lobbying, subrecipients must obtain the completed Standard Form-LLL from the contractor and submit it to PTD.

## 19. Debarment and Suspension

To prevent fraud, waste and abuse in federal transactions, persons or entities that, by defined events or behavior, potentially threaten the integrity of federally-administered programs are excluded from participation in FTA-assisted programs. ODOT will not enter into any third-party contract or grant agreement with any party included in the "US General Service's Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs." This pertains to all FTA-funded programs. Reference: FTSA C 2051.1; FTA Annual Certifications and Assurances

Subrecipients receiving more than \$25,000 through a grant from PTD must certify they are not debarred or suspended from any Federal agency. This is accomplished through the grant agreements and the annual certifications and assurances.

### Public Transit Responsibilities:

- a. Assure that all subrecipients are not excluded from participation in FTA-assisted programs.
- b. Assure that subrecipients verify that their third-party contracts are not disqualified.
- c. Obtain certifications of compliance from subrecipients prior to execution of grant agreements.
- d. When ODOT lets a third-party contract exceeding \$25,000 that uses any amount of FTA funding, the contractor will be required to submit a completed integrity certification prior to awarding the final contract. In the case of vendor identification through the DAS purchase program, and although an actual purchase has not taken place, a signed integrity certification will be obtained prior to final vendor selection.

### Subrecipient responsibilities:

- a. Sign a certification of compliance pertaining to debarment and suspension.
- b. Verify that a third-party contractor is not disqualified by a Federal agency. Obtain a signed certification (see Appendix I--Forms) or add a clause or condition to the contract or subcontract regarding debarment and suspension.

## IV. Capital Purchasing and Management of Capital Assets

### 1. Procurement and Management of Equipment

Please refer to Section III, #6 above for procurement requirements.

Equipment is defined as a tangible item with an aggregated purchase value of \$5,000 or more and with a useful life of at least one year. For all equipment, subrecipients are responsible for maintaining appropriate equipment records, including a method of enumerating each item; performing a periodic inventory (at least every two years); safeguarding the equipment from misuse and abuse; maintaining the equipment in useful, safe condition; and following appropriate disposal procedures when the item is not longer needed or has exceeded its useful life.

When disposing of equipment, the subrecipient will make all efforts to sell the item at a market price. If the item has a value of \$5,000 or more at the time of disposition, a share of the money earned from the sale will be distributed to PTD, based on the original grant from which the item was purchased. For example, if the grant share was 80 percent of the purchase price, the subrecipient will send PTD a check for 80 percent of the money earned from the sale. CONTACT the capital program manager before selling items with a value of \$5,000 or more, for more information and instruction.

### 2. Vehicle Purchasing and Leasing

PTD does not usually purchase vehicles directly with state or federal funds. Grant recipients are responsible for purchasing equipment and services financed by grants. Recipients are now required to order ADA accessible transit vehicles through the state price agreements administered by the Oregon Department of Administrative Services (DAS) when such vehicles are available through the existing contracts. DAS helps the division contract for appropriate vehicles to meet the needs of public transportation providers.

Beginning in February 2009, recipients are able to purchase every vehicle category from the DAS State Purchasing price agreements. The online Oregon Procurement Information Network (ORPIN) system operated by DAS contains a list of qualified vendors for each vehicle type contracted for in the categories described in Number 4 below. There are some vehicles on the contracts that do not fit within Oregon's useful life standards and are not eligible for reimbursement with grant funds. Therefore, PTD has created a crosswalk document that lists each vehicle within the state useful life categories. This document, posted on the PTD Web site, will assist agencies in selecting vehicles that meet all federal requirements for funding. The state price agreements were developed by DAS and ODOT procurement and PTD staff with input from providers. These vehicles will be available to providers at a reasonable price.

Vehicles larger than 44-passenger, or specialty vehicles not available on the statewide contracts, will still be procured by transit agencies using an open competitive bid process that follows state procurement laws and rules. Any Request for Proposal (RFP) must be reviewed by PTD prior to signing with a vendor. Other group purchasing arrangements for larger vehicles are often available through the "piggybacking" process where large agencies allow other transit agencies to access bid contracts.

Subrecipients may be allowed to lease vehicles when it is proven to be cost-effective. For instance, it may be appropriate to lease a vehicle in order to start new or expanded service before procurement of a new vehicle can be accomplished. Subrecipients must complete a cost benefit analysis and it must be approved prior to beginning procurement of a leased vehicle. Subrecipients must use normal procurement procedures for leases of vehicles not on the state price agreement. All lease agreements must be submitted to the division for approval prior to execution.

PTD offers technical assistance concerning the purchase or lease of equipment. The division is responsible for protecting the state and federal interest in all equipment and facilities purchased.

#### Public Transit Responsibilities:

- a. Include vehicle purchasing and insurance requirements in grant agreements.
- b. Verify with subrecipients that vehicle registration and licensing is correct.
- c. Review and approve requests to transfer vehicles to another party.
- d. Release vehicle titles to subrecipients when requested for disposal or transfer when useful life standards are met.
- e. Review vehicle lease agreements prior to execution to help Assure all state and federal requirements are met.
- e. Review all subrecipient vehicle procurements prior to contract execution. This provision may be waived for agencies with direct FTA oversight.

#### Subrecipient responsibilities:

- a. On all vehicles purchased with PTD grant funds, the titles are required to show the transportation provider as owner and PTD as the primary security interest holder.
- b. If Special Transportation Fund (STF) formula monies are used as local match for a purchase, the STF Agency must be the vehicle owner on the title or be listed on the title as secondary interest holder.
- c. Request vehicle transfers to another party from the division before initiating.
- d. Grant recipients must submit any lease agreements for §5310 or §5311 vehicles to the division for approval. Subrecipients must receive approval in writing from the division before entering into the agreement.
- e. Unless changed by federal reauthorization, recipients are responsible for receiving all federally-required certifications from manufacturers on FMVSS and Buy-America for each vehicle type purchased. Recipients must also receive a copy of Altoona/STURAA bus test reports on each vehicle type as part of the post-delivery acceptance of the vehicle and keep this report with procurement files. These requirements are also required when piggybacking on any bids, including the state price agreement.
- f. The recipient is responsible for paying any title and registration fees, as well as DEQ

certification fees, if required. The recipient is required to license the equipment per Oregon Driver and Motor Vehicle Services regulations.<sup>9</sup>

- g. Private agencies are not eligible to operate vehicles with license plates identifying the vehicle as government owned, commonly referred to as “E-plates.” If grant recipients have any questions regarding whether or not a vehicle qualifies for an E-plate, they should contact DMV.
- h. Grant recipients must obtain insurance coverage to protect the operators, assistants, occupants and the equipment during the life of the project. These requirements are outlined in the grant agreement.
- i. No vehicle should be sold until the seller has the title in possession.

### 3. Vehicle Insurance

Grant recipients purchasing vehicles must obtain insurance to protect the subrecipient, vehicle drivers and assistants, vehicle occupants and equipment through the period of use.

PTD currently requires the following levels of insurance: (1) Property damage, \$50,000; (2) Bodily injury per person, \$200,000; and (3) \$500,000 bodily injury per occasion, uninsured motorist protection, and personal injury protection as required by ORS Chapter 806. The subrecipient is responsible for all costs, deductibles or self-insured retention. The subrecipient must include the “Oregon Department of Transportation, PTD” as “Additional Insured” and provide a certificate of insurance documenting ODOT as an additional insured.

#### Public Transit Responsibilities:

- a. Include insurance requirements in all subrecipient grant agreements;
- b. Obtain certificates of insurance from the insurer documenting that the agency has the required insurance coverage;
- c. When the division receives notice of insurance cancellations, staff contacts the agency involved and requires proof of reinstatement or new insurance coverage.
- d. PTD may transfer the vehicle to another provider if insurance is not obtained within a 90-day period.

#### Subrecipient responsibilities:

- a. Obtain insurance as required by PTD for all vehicles.
- b. Include ODOT-PTD as “Additional Insured” and request the insurance company to provide a copy of the insurance certificate to the division.

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<sup>9</sup> Because of funding requirements, it is common for STF Agencies to own vehicles that are operated by another agency, usually a private non-profit. It is the operator's legal status that determines how the vehicle is licensed, not the owner's, per DMV administrative rules. Public Transit Division recommends that when a lessee/lessor relationship exists, even if it is a handshake arrangement, that the registration accurately reflect the relationship and that the vehicle be licensed appropriately.

- c. Uninsured vehicles shall not be driven.

#### 4. Vehicle Maintenance

PTD and subrecipients are responsible for vehicles and other equipment financed by state or federal grants. Vehicles must be maintained in good or better condition and must be used for the purposes described in the grant agreement.

Vehicle equipment condition is assessed as new, excellent, good, good-rehabilitated, fair, poor, or out of service. Indicators of vehicle condition can include, but are not limited to, age, mileage, readily visible exterior vehicle condition (visible body damage or deterioration) and interior condition (torn seats, broken fixtures), condition of lights, mirrors and windows, and presence of fluid leaks. The division expects subrecipients to make necessary interior or exterior repairs to vehicles in a timely manner.

PTD's goal is for vehicles and equipment to be used as long as the equipment remains in good, safe condition. The division has the option to take a security interest in tangible assets and, if necessary, foreclose on the assets if they are not properly maintained.

##### Public Transit Responsibilities:

- a. Maintain an inventory listing of all vehicles purchased with state or federal funds.
- b. Periodically conduct reviews of maintenance practices and annual maintenance reports, either during on-site program reviews or as separate reviews.
- c. Suspend vehicles from service if a visual inspection indicates that the equipment is being maintained poorly or is being operated in an unsafe manner. Maintenance or safety issues must be resolved before a vehicle is put back in use.
- d. Assure maintenance practices are adequate for other types of capital equipment purchased with federal grants. This is performed during on-site program reviews.

##### Subrecipient responsibilities:

- a. Develop written vehicle maintenance policies and plans that at least meet the minimum inspection schedules and preventive maintenance procedures recommended by the vehicle manufacturer to keep vehicles in good condition.
- b. Maintain records for each vehicle.
- c. Maintenance plans must include routine and other maintenance as necessary to keep vehicles in "good or better" condition. This includes all vehicles, whether operated directly by the recipient, a subrecipient or contractors.
- d. Assure maintenance plans include regular pre-trip and post-trip inspections of equipment, including cycling the lift as required by ADA.
- e. Assure all drivers operating grant-funded vehicles receive a standard defensive driving course with annual updates.

- f. Annual vehicle safety inspections are required for each vehicle and must be completed by a certified mechanic. (Cost is approximately \$100-\$150, reimbursable through preventive maintenance grant agreements or operations grants if no preventive maintenance grant is in place.)
- g. Agencies purchasing or operating vehicles with grant funds, either directly or under contract, are required to obey all applicable state and federal laws pertaining to the operation of passenger-carrying vehicles.<sup>10</sup>
- h. Notify PTD if a vehicle is out of service more than 90 days.

## 5. Vehicle Useful Life/Disposition

Figure 1, below, shows the recommended useful life of public transit vehicles commonly used in Oregon. These guidelines are used for planning purposes for fleet replacement and to assess grant applications (project justification and project planning).

When a subrecipient requests to retire a vehicle, PTD considers the useful life information. The vehicle's condition and reliability are based on service records. Maintenance costs are also considered.

Grant recipients are expected to use equipment purchased with funds awarded by PTD for the useful life of the equipment or for the duration of their transportation projects. Grantees are required to notify the division if the equipment has not been used for a period longer than 90 days. If the project is at an end and useful life remains, the division will transfer the vehicle to another eligible agency.

Grant recipients are required to contact the division when vehicles have reached the end of their useful life and the grant recipient can no longer use them, the original purpose for the vehicle changes, the service is terminated, or the project ends. Titles are released to the owner when requested once useful life standards have been met for replacement/disposal, or when the vehicle is being transferred to another agency for similar service. When disposing of a vehicle that has met useful life standards, the agency may sell the vehicle and keep the sales proceeds, but must reinvest the funds for a vehicle purchase in the transit program for which the disposed vehicle was purchased.

Local public agencies may adopt their own rules and procedures for disposing of federally-funded surplus property as long as the disposal or sale is conducted in an open, public process. The revenues from the sale of property must be reinvested in the transit program for the same purpose (for instance, proceeds from a vehicle sold are used for purchasing a replacement vehicle; proceeds from office equipment would go towards purchase of new equipment).

### Public Transit Responsibilities:

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<sup>10</sup> Such regulations include USDOT Federal Motor Vehicle Safety Regulations, Oregon Motor Vehicle Safety Regulations, Oregon Motor Vehicle Code, and applicable Internal Revenue Service rules and regulations (including fuel excise tax), among others. Grantees may be referred to these other regulatory agencies by PTD when violations may have occurred.

- a. Provide technical assistance on all aspects of vehicle disposition.
- b. Review vehicle information provided on quarterly reports.
- c. Coordinate with DAS the sale of any vehicle in which state funds were used to purchase the vehicle.

Subrecipient responsibilities:

- a. Contact PTD for technical assistance regarding all aspects of vehicle disposition.
- b. Notify the division if equipment has not been used for 90 days. This should be reported on the quarterly report. The division has the option to transfer the vehicle to another agency that can use the vehicle.
- c. At the end of a vehicle's useful life, if the vehicle is sold the subrecipient must invest any proceeds into its next vehicle purchase in the transit program that funded the vehicle being sold.

## 6. Buy America Provisions/Pre-Award and Post-Delivery Certifications/New Model Bus Testing

Buy America provisions are federal "domestic content" regulations. Buy America affects vehicle and equipment purchases and construction contracts valued at \$100,000 or more. It provides, with exceptions, that federal funds may not be obligated for transportation projects unless the steel and manufactured products used in them are produced in the United States. FTA makes exceptions to the Buy America requirement in four situations (see references : 49 CFR Part 661; 49 CFR Part 663).

FTA reviews requests for waiver of the Buy America requirements on a case-by-case basis. If a waiver is required, the appropriate time for a subrecipient to seek FTA approval is after bids have been accepted, but before the bid has been awarded. PTD will receive requests for Buy America waivers and forward them to FTA.

**Requirements in effect as of October 24, 1991:** Assure that all vehicles meet the Buy America requirements, Federal Motor Vehicle Safety Standards (FMVSS) and the subrecipient's specifications.

**Pre-award and post-delivery certifications:** Procurements for vehicles must be in accordance with "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases" (49 CFR Part 633; Federal Register March 31, 1992). The rule requires that any subrecipient who purchases rolling stock certify to the FTA that it has conducted a pre-award and post-delivery audit to assure compliance with its bid specifications, Buy America requirements and Federal Motor Vehicle Safety Standards. Visual inspection and road testing are required when purchasing unmodified vans,

cars, or 20 or fewer buses. Resident inspection is required when purchasing more than 20 buses or modified vans from a single manufacturer.<sup>11</sup>

**New model bus testing:** New bus models must be tested at the FTA sponsored test facility in Altoona, PA before FTA funds can be expended to purchase them. The FTA rule exempts certain vehicles from testing (usually sedans and vans). The primary purpose of the testing program is to determine the strengths and weaknesses inherent in the particular model for typical operating conditions. Ideally, subrecipients use the bus-testing report as one of the criteria used to select the vehicle for purchase.

Subrecipients purchasing equipment with federal funds are currently required to receive the Altoona/STURAA bus test report for each vehicle model purchased and include it in procurement files when the test is required. The report should be provided by the vendor prior to subrecipients signing off on post-delivery certification forms and acceptance of the vehicle(s) from the vendor.

**Public Transit Responsibilities:**

- a. Include Buy America, pre-award and post-delivery certifications and New Model Testing requirements in applicable grant agreements.
- b. Review requests for waivers to Buy America requirements and forward them to FTA.
- c. Review agency procedures regarding Buy America, pre-and post-delivery certifications and bus testing requirements during on-site program reviews.
- d. Review and approve all documentation and certifications provided by the subrecipients prior to making reimbursements on grant agreements.

**Subrecipients responsibility:**






- a. Review the manufacturer's Buy America certification and supporting documentation before a contract is awarded to purchase vehicles (pre-award audit). The documentation review should include vehicle sub-components (place of origin, cost and place of final assembly). Subrecipients must determine to their own satisfaction that the manufacturer can meet the Buy America requirements.
- b. Perform a post-delivery audit after vehicles have been delivered. This post-delivery audit Assures that the manufacturer complied with Buy America, the Federal Motor Vehicle Safety Standards, and the subrecipient's specifications. Subrecipients must complete the post-delivery audits before they accept the vehicles and pay the vendor.
- c. Submit all documentation and certifications to PTD. Documentation must be received by the division prior to final payment to the grantee.
- d. Contact the division for technical assistance if needed.

**Figure 1 below**

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<sup>11</sup> More information is available in the publication Pre-award and Post-Delivery Audits for Bus Procurements published by the Federal Transit Administration, document #DOT-T-94-06. It is available through PTD (see appendices).

Oregon Vehicle Description and Useful Life Standards

Oregon Public Transit Division Category	Approx. GVWR in lbs.	No. Seats	Approx. Length *	Useful Life Minimum	Price Range
<b>A: Large, Heavy-Duty Transit Bus</b> 	33,000 – 40,000	35-40+	35 ft. – 40 ft. or greater	12 years or 500,000 miles	\$200,000 – \$350,000
<b>B: Medium-Size, Heavy-Duty Transit Bus</b> 	26,000 – 33,000	25-35	30 ft. – 35 ft.	10 years or 350,000 miles	\$150,000 – \$280,000
<b>C: Medium-Size, Medium-Duty Transit Bus &amp; Truck Chassis Cutaway</b> 	10,000 – 26,000	16-30	25 ft. – 30 ft.	7 years or 200,000 miles	\$ 70,000 – \$175,000
<b>D: Medium-Size, Light-Duty Bus &amp; Van Chassis Cutaway Bus</b> 	10,000 – 16,000	12-16	20 ft. – 25 ft.	5 years or 150,000 miles	\$40,000 – \$65,000
<b>E 1: Small, Light-Duty Bus;</b> <b>E 2: Modified Vans;</b> <b>E 3: Modified Minivans</b> 	6,000 – 14,000	3-14	E 1: 20-22 ft. E 2: < 20 ft. E 3: < 20 ft.	4 years or 100,000 miles	\$25,000 – \$55,000
<b>Small Standard Vehicles</b> – Standard vehicles are not on the ODOT Public Transit Division Price Agreement contracts. However, these vehicle types may be on the Department of Administrative Services statewide contracts. Check ORPIN online at: <a href="http://www.oregon.gov/DAS/SSD/SPO/coop-menu.shtml">http://www.oregon.gov/DAS/SSD/SPO/coop-menu.shtml</a>					
<b>E 4: Vans</b> <b>E 5: Minivans</b> <b>E 6: Station wagons</b> <b>E 7: Sedans</b>	6,000 – 14,000	3-14	< 20 ft.	4 years or 100,000 miles	\$18,000 – \$25,000

\* Vehicles 22 ft. or longer require at least two ADA stations, or one ADA station if less than 22 ft.  
Note: Photos are for reference only—provided as examples. From ODOT Public Transit files.

## V. Land, Buildings and Facilities

### 1. Maintenance Requirements

Properties purchased or structures constructed with federal or state funds such as land, buildings (i.e. bus barns), and facilities (i.e. passenger shelters and transfer stations) should be maintained free of defects and graffiti to assure the structure and surrounding area is in usable condition and is a safe environment. The properties must be used for the purposes described in the grant agreement.

Subrecipients are required to submit maintenance plans to PTD for buildings and facilities funded with PTD grants.

### 2. Restrictive Covenants

PTD requires that land and permanent buildings purchased or improved with federal or state funds have a restrictive covenant filed with the property deed. The covenant is to protect the federal or state interest in the property. (Because passenger shelters are not permanent buildings, they are exempt from this requirement.)

### 3. Disposition of Property

Land, buildings or facilities purchased, constructed or improved using federal or state funds may only be used for the originally authorized purpose. Such property shall not be transferred to another party, disposed of, its title encumbered or have other liens or claims imposed, without prior PTD approval outlined below.

When property funded with federal or state funds is no longer needed for the originally authorized purpose, the subrecipient is required to contact the division for disposition instructions. The options are as follows:<sup>12</sup>

- a. Retain title of the property after compensating the awarding agency (ODOT);
- b. Sell the property and compensate the awarding agency (ODOT);
- c. Transfer title to the awarding agency (ODOT) or to a third-party designated or approved by the awarding agency.

The fair market value of the property at the time of the transaction shall be used when property is sold, transferred to another party, or voluntarily converted to a non-transit use by the transit agency. Subrecipients must have a commercial appraisal or other fair market valuation to determine fair market value. PTD must review and approve the fair market valuation if a commercial appraisal is not used.

When compensating ODOT under the procedures identified in number 3.a and 3.b above, ODOT receives an amount equal to the fair market value times the percent of federal or state reimbursement as identified in the original grant agreement. The subrecipient retains an amount equal to the fair market value times the percent of match provided as identified in the original grant agreement.

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<sup>12</sup> See 49 CFR Part 18.31. ODOT uses federal guidelines for disposition of properties funded with state funds

The disposition of property that is involuntarily converted (i.e. acts of God, other) will be negotiated on a case-by-case basis between ODOT and the subrecipient.

Subrecipients must reinvest any funds received from the sale of property or insurance proceeds into the transit program. Funds received by ODOT shall be reinvested into the discretionary grant process.

Public Transit Responsibilities:

- a. Obtain restrictive covenants on land or permanent buildings prior to project conclusion and final payment.
- b. Provide technical assistance to grantees regarding the restrictions on use and disposal of land, buildings or facilities purchased with federal or state funds.
- c. Approve the determination of fair market value if a subrecipient is disposing of property.
- d. Approve the transfer of property to a third party.
- e. Keep an inventory of land, buildings or facilities purchased with federal funds.
- f. Review subrecipients' procedures through document reviews or on-site reviews to assure maintenance plans are being followed.

Subrecipient responsibilities:

- a. Contact PTD for technical assistance regarding any applications for discretionary grant funding for land acquisition or development of permanent structures.
- b. Submit maintenance plans for land, buildings and facilities to PTD.
- c. Name ODOT-PTD as additional insured for premise insurance.
- d. Contact the division for assistance regarding disposal of land, buildings or facilities acquired with federal or state funds.
- e. When disposing of property, obtain a commercial appraisal or other fair market valuation, and submit the documentation to PTD for approval.
- f. Compensate ODOT as described above if disposing of property.
- g. Reinvest any proceeds from the sale of property into the transit program for the same purpose.

***This section of the State Management Plan pertains to the individual FTA Programs, and the policies adopted by the division for each program.***

## VI. Rural Area Formula Program (§5311 Non-urbanized Program)

Oregon is predominantly a rural state. Outside of the six urbanized areas, there are more than 200 cities and towns, numerous unincorporated areas and nine federally recognized Indian tribes. Local resources to support rural transportation are very limited, distances are long and services may be far away. And, as a result, the Oregon program uses its annual §5311 appropriation to support the operating costs of the rural transportation providers. Most of these transportation services would not exist without the help of federal and state funding.

For more information visit: [http://www.fta.dot.gov/funding/grants\\_financing\\_263.html](http://www.fta.dot.gov/funding/grants_financing_263.html).

The §5311 program currently supports 38 transit services including one Indian Tribe.

ODOT may, at its discretion, allocate (transfer) Surface Transportation Funds (STP) to the §5311 program. STP transfers are limited to projects defined as “capital” in Circular 9040.1F.

ARRA funds allocated to the §5311 program are also limited to projects defined as “capital” in Circular 9040.1F.

The Oregon share of the §5307 allocation for the Rainier-Kelso-Longview MPO area is received by the division and is transferred to the §5311 program for rural services in that area.

### 1. Program Goals:

- a. Assist in the development and improvement of public transportation services.
- b. Promote the orderly, efficient and economical operation of small city and rural transit systems.
- c. Distribute the funds fairly and equitably to all areas of the state.
- d. Assure rural transportation providers have financial stability that limits interruptions in established services.
- e. Encourage new service providers or new services to be eligible for §5311 funding through the Start-up Program.
- f. Develop strategies to diminish duplication of services, and enhance coordination to maximize available funding.
- g. Establish a regional outlook for the §5311 program; identify gaps in service statewide and target future §5311 funds (potentially through the Start-up Program) to rural areas without general public service.
- h. Continue outreach to Oregon’s Indian tribes regarding the §5311 program; encourage planning and development of general public transportation programs, if needed.

## 2. Eligible Subrecipients

§5311 funds are available to entities that:

- a. Are public bodies, Indian tribes, or private non-profit agencies operating general public services in rural areas that are not part of a designated urban area; the designated urban areas are the Portland regional area, Salem/Keizer, Corvallis/Philomath, Eugene/Springfield, Medford/Rogue Valley area, and Bend;
- b. Provide transportation services that are open to the general public and do not have policies that restrict access in any manner to the general public;
- c. Demonstrate compliance to state and federal rules and regulations; and
- d. Have local match available.

The division prefers to contract with public agencies, and will contract with non-profit agencies only when a willing and able public agency is not available.

Private for profit providers are not eligible participants. Eligible recipients may contract with a private provider for a service. Recipients are encouraged to consider participation of private transportation operators in their programs.

## 3. Eligible Services and Service Areas

Projects funded with §5311, including STP transfers to the §5311 program, must provide services for the general public. ODOT defines “general public” as the entire population of communities. Service defined as general public and funded with §5311 must reasonably accommodate anyone who needs a ride, and must not have policies or patterns of practice that excludes, discourages or discriminate against a particular group within the community. The division allows services to be designed to maximize use by members of the general public who are transportation disadvantaged (e.g., elderly individuals, low-income, minorities) but the service must be open to all members of the general public.

Applicants define their geographic service area during the grant application process.

Service designs may include, and are not limited to:

- a. Fixed-route and demand responsive services provided in nonurban areas that are not part of a designated urban area; the designated urbanized areas are the Portland regional area, Salem/Keizer, Corvallis/Philomath, Eugene/Springfield, Medford/Rogue Valley area, and Bend.
- b. Service that transports people from nonurban areas to and from an urbanized area.
- c. A regional provider with a geographic service area that includes both urban and rural areas. In this case, the share of the service that is “rural” would be eligible for §5311 (A reasonable method of cost allocation between urbanized and rural programs is the responsibility of the subrecipient with concurrence of division staff).

- c. Commuter services that transports people to and from a nonurban area, and from a nonurban area to and from an urbanized area.
- d. Regional services that may cross state lines, so long as the agency has the approval of state and federal motor carrier agencies, as appropriate, and the services are compatible with the policies of the agency.

The following considerations will be used when evaluating whether a service is for the general public:

- a. Services must be marketed as “public transit service”, including to members of the following communities: low English proficiency, low income, and minorities;
- b. Vehicles must be marked with symbols or a name that identifies the service as public transit and for general public use. Example that may disqualify a recipient: Services operated by an agency where the name of the agency is so prominent on the vehicle that the reasonable person would conclude that the service is for the agency clients and not the general public, or when the advertising on the bus obscures the general public information;
- c. Maintain open access policies that do not limit services to a particular type of passenger;
- d. Assure the entire capacity of the system is available to the general public. (Assessment of service capacity and ridership is performed during the application and monitoring processes. If users of the system appear to be predominantly elderly individuals and disabled persons, then the §5311 program manager will perform further evaluation to determine if the service is appropriate for §5311 funding).<sup>13</sup>

Subrecipients are encouraged to establish service contracts, especially with human service agencies, as part of local coordination of transportation services, and to prevent unnecessary duplication of transportation services. However, passengers who are guaranteed rides because of a contract between the transit program and an agency representing the passengers are not considered to be general public if:

- a. During service delivery, other passengers are not eligible to ride; or
- b. The service contract creates disproportional limitation to service available to other members of the general public.

Charter services and exclusive school bus services are ineligible for funding assistance. Services provided to Head Start students, even when using yellow school buses, are eligible.

Limited use of equipment supported by §5311 (also §5310) may be used to support meal delivery

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<sup>13</sup> Percentage of ridership that is general public versus elderly and disabled is not used as the sole determination of a general public service. For example, the population of a local area or county may be predominantly elderly citizens; or the agency may have a service design that maximizes use by the transportation disadvantaged, as allowed by FTA and ODOT. PTD looks at the system in its entirety and any extenuating factors to determine if it is a general public transportation system.

services and package delivery as long as these uses are incidental to the primary purpose of the service.<sup>14</sup> Expenses associated with meal delivery are not eligible for funding assistance—costs must be borne by the nutrition program which provides the meals. Incidental means, for instance, the package delivery is performed in conjunction with passenger transportation rather than making separate trips to deliver items, or the meals are delivered during times the vehicle is not being used. Agencies offering package delivery services must do so in compliance with Oregon Motor Carrier regulations.

#### 4. Eligible Project Categories

The §5311 program will reimburse eligible capital, administration and operating expenses directly attributed to system operations.

Reimbursable administration expenses include salaries and fringe benefits; office expenses associated with administration; contract services (accounting, bookkeeping, attorney fees); and educational expenses associated with administrative staff training. Examples of ineligible expenses include gifts; lobbying; unrecoverable receivables; and budget deficits associated with the agency.<sup>15</sup>

Reimbursable operating expenditures include fuel; oil, replacement tires; replacement parts; driver; dispatcher and mechanic salaries and fringe benefits; driver educational expenses; vehicle leases; vehicle licensing; vehicle maintenance; maintenance and operating contracts; insurance, and other costs directly associated with operating the system. Capital-type (durable goods) expenditures costing less than \$5,000, in the aggregate, are considered part of operating expenses.

Capital expenditures (those costing \$5,000 or more and have a life expectancy of two years or more) include vehicle purchases, computer hardware and software, radios and communication equipment, intelligent transportation systems, passenger shelters and other facilities. In certain situations, vehicle maintenance may be awarded as a capital project.

#### 5. Local Share and Local Funding Requirements

The §5311 program uses the sliding scale match rate for Oregon: Operating projects have a federal share of 56.08 percent with a 43.92 percent local match. The federal share for capital grants is 89.73 percent with a local match of 10.27 percent. Planning is also 89.73 percent federal and 10.27 percent local share.

State STF formula funds granted to agencies through the designated STF Agency are considered “local funds” and may be used as match for §5311 funds, along with other local resources available to local agencies. Local resources include cash donations, governmental contributions, and agency earned income from a source other than the transit program.

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<sup>14</sup> *Incidental* is defined as service that does not result in decreased service quality, a significant decrease of useful life of the capital equipment, or a decrease in the availability of public transportation services.

<sup>15</sup> Refer to federal Office of Management and Budget (OMB) Circular A-87 for public agencies and OMB Circular A-122 for private non profit agencies for more information about eligible and ineligible expenses and other grant management information.

Program income, defined as income earned from the operations of the grant-funded activity, including contract revenue, may be used as match, with the exception of fare-box revenue. Program income includes advertising and profit from chartering. Transit-pass programs, such as a program with a local community college where the college pays a unit price for a period of time and any student or employee is allowed to travel using their ID card, is considered a type of service contract revenue.

Exception for use of contract service revenue as match: If the original source of the funds used to pay the contract is from an FTA source, such as §5310, then the contract revenue is not allowed as match.

Fares collected are to be used to offset the operating cost of service. Farebox revenue must be deducted from operating expenses to determine the net operating deficit, which is used as the basis for grant reimbursement. PTD defines farebox revenue as money paid directly by the passenger to the service provider, and includes fares that may be paid by another agency or through a taxi-ticket program, and sales of tickets and passes. If an agency buys books of tickets to sell or to distribute to its clients, or reimburses the cost of the fares after the trip is completed, the revenue would be considered farebox.

For §5311, the use of other non-FTA federal funds for match is allowed, if the other federal source allows the use.

In-kind is allowed as match if the contribution is integral to the project and included in the budget. The share of in-kind as the local match is limited to no more than one-half of the local obligation. In-kind must be documented and valued at market rate; the division must concur with the valuation methodology.

## 6. Project Selection Criteria and Method of Distributing Funds

General public services operated in cities of 50,000 population or less and rural areas, and are operated, or contracted for, by eligible public bodies, Indian tribes, and private nonprofit agencies are eligible to receive §5311 funding.

Because the §5311 program is not operated as a permanent entitlement program, the division uses an annual application process. All agencies complete a grant application and must demonstrate that they are eligible to continue to receive funding. However, because §5311 funds are used primarily for operations, and the funds are critical to maintain continuous services, the division generally considers §5311 agencies eligible for funding from year to year, unless the annual application or other circumstances demonstrate that an agency is no longer eligible.<sup>16</sup>

Criteria for selection include adequate financial management, available local match, and adherence to federal and state requirements. Division staff verifies through its application process that each subrecipient is providing service that meets the definition of general public and meets

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<sup>16</sup> These circumstances include, but are not limited to, an agency's transition from 5311(rural) to 5307 (urban) funds, elimination of general public service, or determination by ODOT PTD that an agency no longer meets state or federal requirements for receiving grant funds.

other program expectations and requirements.

§5311 operating funds are allocated using a four-part formula that includes a base amount, service area population, annual passenger trips and annual service miles. The population is updated every three years unless a more recent census update is available. Annual passenger trips and service hours reported by the subrecipients are used for the formula. The formula is being updated in anticipation of FY 2011: proposed changes to the formula will be made public through a public involvement process before being finalized.

PTD may provide funding for capital or planning projects from §5311 funds. The division may use the biennial discretionary grant process to select additional projects in these categories.

## 7. Start-up Program

PTD manages a Start-up Program for agencies that want to apply for funding to provide service to currently unserved geographic areas. The purpose of the Start-up Program is to develop transportation services in rural areas with minimal or no service. Projects that would expand service availability for current projects, for example evening or weekend hours, is not eligible.

The division reserves funds each year for potential Start-up projects.

Agencies must establish a need for the project through a planning process that includes a community needs assessment, a service design plan, and a financial plan. Applicants must demonstrate that they are eligible to receive 5311 funds by completing an application and working with division staff to refine the operation plan and budget, and to implement the various requirements prior to the receipt of funds. Generally, the division will fund only one agency per geographic area. Staff evaluating Start-up projects for eligibility will consider whether there are other agencies in the same geographic area providing similar services.

Start-up applications may be submitted at any time; access to funding may require agencies to wait until funds are available. Funds may be available for capital and operations as necessary to implement the program in its first year or so. Match rate is in accordance with the type of projects. After the start-up period is completed, the project is included in the formula allocation of 5311.

## 8. Basic Grants Management Policies

### Operating Funds

- a. The 5311 program is open to any eligible agency wishing to apply for funding; however, PTD generally does not fund more than one 5311 provider per geographic area, and initial access to the program may be limited (see Start-up program).
- b. Agencies must meet the criteria identified in numbers 2 – 5 above.
- c. Operating funds are granted for each fiscal year, starting in July.

- d. The funds are granted on a “use it or lose it” basis for each fiscal year. Unused funds are redistributed to eligible projects defined by the division.
- e. All agencies must submit a reimbursement request in order to receive reimbursement. The actual amount of reimbursement is limited to the amount of funding determined by the formula and the grant agreement, provided agencies demonstrate their local match.
- f. All agencies must submit quarterly financial and performance reports even if they are not requesting reimbursements. The data are used by the division for program management, oversight and planning, and is used to calculate the 5311 allocation formula.

### Capital and Planning Projects

- a. Applications for capital and planning projects may be included in the division's biennial discretionary grants program.
- b. Capital and planning grant agreements are awarded for a two-year period, with an option to extend the agreement for a third year if approved by the division administrator. Exceptions to this policy may be made for projects that may take several years to complete, such as larger facilities involving several stages of development and construction. The division may choose to phase the project into more than one biennial grant.
- c. For facilities projects, division staff will visit the completed facility, or require the subrecipient to submit pictures of the facility, or both, prior to final reimbursement on the grant. The agency may be asked to submit final inspection reports and other documentation to verify completion of the project. This is to assure that the facility was completed as described in the grant agreement, and that basic ADA requirements (parking, signing, curb cuts, etc.) have been met.
- d. The division will not approve an application for grant funds for a planning or capital project that has already been initiated. For example, the division will deny an application for a vehicle that has already been ordered or delivered at the time of the application.
- e. The division will reimburse expenditures for a planning or capital project beginning with the execution date defined by the grant agreement. Any expenditure prior to the execution date is the responsibility of the agency, and will not be reimbursed by the division.
- f. All agencies with capital or planning grants are required to submit project status reports with their quarterly reports and must report mileage on vehicles as long as they are used in public transportation service.

## 9. Training Requirements

The division may periodically provide workshops on such topics as drug and alcohol program implementation, ADA requirements, coordination, grant responsibilities, quarterly reporting or other topics related to management of projects. Agencies that receive §5311 funds may be mandated to attend training if required to do so by the division

## 10. National Transit Data

Subrecipients who receive financial assistance through §5311 are required to submit annual data to the National Transit Database (NTD) as a condition of grant award. Specific reporting requirements are included in the NTD reporting instructions manual issued each year. The division is responsible for collecting and compiling data and reporting them to the NTD. The division will establish timelines for submission of data in order to meet its reporting requirements, including any follow-up work that is required by the NTD.

## VII. Intercity Bus Program (§5311 f)

The OTC approved the Oregon Intercity Bus Program Policy in February 2000. The Intercity Bus Program is funded with 15 percent of the annual FTA §5311 appropriation. Grant funding is guided by Intercity Program policies, ODOT Corridor Plans, the ODOT Passenger Rail Policy, and local needs and community interest, which is necessary to the long-term success of the program.

Where the state provides financial support to rural intercity connections for passenger rail and bus, the state funding may be used to match the federal §5311(f) rural intercity service. The State of Oregon continues to have unmet intercity needs, and has not submitted a Governor's Certification to FTA stating that the intercity bus needs of the state are being adequately met. For more information visit: [http://www.fta.dot.gov/funding/grants\\_financing\\_263.html](http://www.fta.dot.gov/funding/grants_financing_263.html).

For more information visit: [http://www.fta.dot.gov/funding/grants\\_financing\\_263.html](http://www.fta.dot.gov/funding/grants_financing_263.html).

### 1. Program Goals

The primary goals of the Oregon Intercity Bus Program are to support a reliable and safe network of interconnected, accessible passenger services along major transportation corridors and between Oregon cities with populations of 2,500 people or more, and to provide regional connectivity in coordination with passenger rail and scheduled passenger air service. The Intercity Bus Program objectives include identification of underserved corridors and potential new or enhanced service, service coordination, improved intercity service visibility and technical assistance.

Intercity Pilot Service: FTA rules governing match requirements for Intercity Bus allow existing unsubsidized private capital to be used to meet the matching requirement for new services, as follows: the FTA assisted project must be defined as including both the new service and an unsubsidized segment of the intercity network to which it connects. To be eligible, the in-kind costs contributed by the private operator must connect the rural community to further points.

With this opportunity in mind, in January 2008, PTD began an identification and review of underserved Oregon transportation corridors. On the basis of the review, PTD selected the Klamath Falls - Brookings corridor for a new intercity bus service. This pilot service will run for five years. The operations of the service are funded by service revenue (passenger fares, freight, ticket commissions) and FTA rural intercity bus funds. The capital cost of Greyhound service along the I-5 corridor is being contributed by Greyhound to meet the matching requirement for the pilot service. If this pilot project appears to meet its goals for ridership and financial viability, additional routes connecting to Greyhound will be added over time.

The service started on April 20<sup>th</sup> 2009. The service is provided by private operator selected through a competitive procurement. It runs 7 days a week 365 days a year and serves the communities of Brookings, Smith River CA, Crescent City CA, Cave Junction, Grants Pass, Gold Hill, Medford, White City, and Klamath Falls. Connections to Greyhound service are available in Grants Pass and Medford. Connections to Amtrak are available in Klamath Falls. The service is

the only regularly scheduled bus service connecting Hwy 101 to the I-5 Corridor in the 400+ miles between Willows, CA and Eugene, OR.

## 2. Eligible Subrecipients

Intercity Bus grants are available to private providers, and any other public entity providing service that supports and develops intercity service, information, or coordination. "FTA encourages the participation of private transportation providers to the maximum extent feasible in this and other FTA programs."

## 3. Eligible Services and Service Areas

Intercity grants may support rural intercity service in any geographic area of the state. Grants must be related to services that have limited stops over longer distances, are ground transportation, are part of, or feed into, the national bus and passenger rail network, or connect rural communities with larger urban areas. Providers may also carry small package freight incidental to providing transportation of people.

## 4. Eligible Assistance Categories

Discretionary grants provide financing for a variety of projects:

- a. Planning such as needs assessments, feasibility studies, service coordination and marketing plans, and service development strategies.
- b. Capital needed to maintain, expand and offer new service, such as vehicle purchases, facilities, passenger shelters, computers and capitalized maintenance.
- c. Operating assistance to preserve or expand current operations to fill gaps in intercity connections.
- d. Marketing.

## 5. Local Share and Local Funding Requirements

Intercity capital grants require 20 percent local match. Intercity operating grants require 50 percent local match.

The division has the option of developing either a grant agreement or a contract with private for profit operators. This decision is made in consultation with the operator.

Farebox revenue must be deducted from operating expenses to determine the net operating deficit, which is used as the basis for grant reimbursement. PTD defines farebox revenue as money paid directly by the passenger to the service provider, and includes fares that may be reimbursed by another agency or through a taxi-ticket program, and sales of tickets and passes. Farebox revenue does not include income derived from service contracts, even if the payment for the contract is from a federal source.

## 6. Project Selection Criteria and Method of Distributing Funds

Grant funding is offered on a biennial basis, through the discretionary grant process. PTD staff reviews all funding applications for threshold criteria.

If a project meets threshold criteria (applicant eligibility, project type), it is evaluated in a public process and ranked according to value-based selection criteria. The criteria include project justification and need, project planning, local coordination efforts, project efficiency and effectiveness, and how the project fits into overall statewide network priorities.

Project selection is based on the ranking of each project proposal. Project year and any limitation of funds available are used to determine the number of projects that can be funded in a given cycle, and all proposals may not be funded.

The state may fund intercity projects of statewide importance outside the discretionary grant process.

## 7. Basic Grant Management Policies

### Operating Funds

- a. Operating funds in most cases are awarded in an intercity discretionary grant application process, and normally awarded for two years.
- b. Agencies must meet the criteria identified under Section V, numbers 2 – 5.
- c. Any unused grant funds at the end of the agreement or contract period will be reserved for other intercity projects.
- d. All agencies must submit a quarterly report in order to receive reimbursement. Private for profit operators may submit reports monthly. The actual amount of reimbursement is limited to the designated amount in the local grant agreement (or contract), provided agencies demonstrate their local match.
- e. All agencies must submit quarterly financial and performance reports even if they are not requesting reimbursements. The data contained in the reports is used for the division's Public Transit Management System or Oregon Public Transit Information System.

### Capital and Planning Projects

- a. Capital and planning funds are awarded in an intercity discretionary grant application process. See Section XII for information on capital project management.
- b. Capital and planning grant agreements generally will be awarded for a two-year period. Exception to this policy will be made for projects that may take several years to complete, such as larger facilities involving several stages of development and construction. The division may choose to phase the project into more than one biennial grant.
- c. If a project is not, or cannot, be completed within the two or three-year time frame, the division may re-negotiate a completion date with the subrecipient. Decisions to cancel a project for non-performance by a grant recipient will be made on a case-by-case basis.
- d. For facilities projects, division staff will visit the completed facility, or require the subrecipient to submit pictures of the facility, or both, prior to final reimbursement on the grant. The agency may be asked to submit final inspection reports and other

documentation to verify completion of the project. This is to assure that the facility was completed as described in the grant agreement, and that basic ADA requirements (parking, signing, curb cuts, etc.) have been met.

- e. The division will not approve an application for grant funds for a planning or capital project that has already been initiated.
- f. The division will reimburse expenditures for a planning or capital project beginning with the start date cited in the grant agreement. Any expenditure by the agency prior to the start date is the responsibility of the agency, and will not be reimbursed by the division.
- g. All agencies with intercity capital or planning grants are required to submit project status reports with their quarterly reports.

## 8. National Transit Data

Subrecipients who receive financial assistance through Intercity Bus Program are required to submit annual data to the National Transit Database (NTD) as a condition of grant award. Specific reporting requirements are included in the NTD reporting instructions manual issued each year. The division is responsible for collecting and compiling data and reporting them to the NTD. The division will establish timelines for submission of data in order to meet its reporting requirements, including any follow-up work that is required by the NTD.

## VIII. Rural Transit Assistance Program (RTAP)

The division operates a technical assistance and training program financed with state-source funds and the RTAP funds allocated by FTA. The program is called “Technical Assistance Program” (TAP). Each year PTD provides training opportunities for subrecipients and other providers of transportation services. Some of the training is provided through scholarships to attend state, regional or national workshops or conferences, or is provided directly by PTD.

**Scholarships:** Scholarships are offered to agencies for their employees and volunteers to attend pertinent transit-related trainings or conferences. The division reimburses qualified expenses to the agency (not the individual). Scholarships generally support 80 percent of the registration, and travel expenses. The numbers of scholarships awarded for specific events and to agencies may be limited. The scholarship application is posted on the division’s website.

**Training:** Training is provided by the division and by subject experts, sometimes in conjunction with FTA regarding specific FTA grant requirements. The division provides workshops to address grant application requirements, quarterly reporting or other grant-related topics. The division currently uses input from the OTA, PTAC and subrecipients to identify the training topics. A training calendar is posted on the division’s website.

Typical training topics include:

- Annual transit conference, which includes intensive session and concurrent sessions to meet a variety of information needs.
- On-going driver training through Chemeketa Community College; topics include defensive driving and passenger assistance. Additional driver topics are offered periodically when available, e.g., customer service.
- Grant-related training to provide information about the grants programs prior to application, and post award training to inform subrecipients of the grant requirements and to offer technical assistance and best practices.
- Transit manager topics, including transit manager certificate course through Willamette University.
- Grant management topics taught by topic experts, including drug and alcohol program management and financial management.
- Training provided by another state agency or other source that is applicable to transit; PTD circulates the information via email and encourages participation.

**Other Uses of RTAP funds:** Funds may used to support research activities. The division distributes training and technical assistance resources, such as the National RTAP training packages, and provides on-site technical assistance as requested.

**TAP Management:** The technical assistance and training program is managed to benefit recipients of both federal and state rural transportation funds. PTD expects subrecipients to take advantage of training to improve their capability to manage projects financed with federal and state funds, to learn about new methods and opportunities, and to network with peers. Evaluation

of subrecipient participation in training programs is included in the division's site review. At the division's discretion, grant recipients may be required to attend transit-related training.

Urban agencies are encouraged to participate in training programs sponsored by PTD. The use of RTAP funds is limited to nonurban and special needs providers. The following statements identify the participants who would be supported by RTAP funds.

- a. Agencies providing transit services, transit oversight, planning or financing role in non-urbanized areas. These agencies include 5311, 5310, NF, JARC and STF funded providers.
- b. Small urban 5307 providers, and 5310, NF, JARC and STF providers in any urban area, unless the agency is a large urban provider.
- c. Large urban 5307 providers on an incidental basis. No travel supports will be offered to urban providers. State funds are used to support the participation of large urban participants.
- d. Scholarships: To be funded with RTAP, participants will have a relationship to a rural, small urban or special needs program, and that their participation in the event will benefit the program. The scholarship application will include a question regarding applicant's relationship to a rural or special needs program and the need or applicability of the program for which the scholarship is requested to the rural or special needs program. If the applicant does not demonstrate a direct relationship or benefit to a rural or special needs program, the scholarship will be paid with state funds.

## IX. American Recovery and Reinvestment Act (ARRA)

The 2009 American Recovery and Reinvestment Act (ARRA) was signed into law by President Obama on February 17, 2009. The Federal Register Notice was published on March 5, 2009, allocating \$14,627,158 in capital funding for current participants of FTA's Nonurbanized Area Formula Program (§5311) administered by the division.

Funding for projects allowed ARRA program include projects that are eligible for the capital match rate under the §5311 program: vehicles; facilities (including deferred maintenance and remodels, and other infrastructure needs); passenger shelters; preventive maintenance; equipment (computer/communications, security, signs, etc.); mobility management and ADA paratransit operations.

The State was required to obligate ARRA funds within 180 days after the Federal Register Notice was published with the final allocations. PTD submitted the project list to FTA on April 15, 2009, after Oregon Transportation Commission approval, and posted it to the PTD Web site. FTA grant applications were submitted by PTD for final approval in June 2009.

### 1. Program Goals

ARRA funds distributed through the FTA §5311 Program must meet all §5311 program requirements. ARRA funding does not require local match. At the time of award, ARRA funds were only available for capital projects, and not for operational expenses, with the exception of ADA paratransit operations.

ARRA requires the normal 15% set-aside for Intercity projects which is approximately \$2.2 million. These funds were used for facility projects and vehicles.

ARRA projects are meant to maintain and create jobs, infuse funds into state programs, and to build and repair infrastructure. Priority will be given to projects that can be completed within three years of obligation.

ARRA included an appropriation for the Tribal Transit program and PTD ARRA allocations also funded the one tribe that has been a recipient in the §5311 formula distribution.

### 2. Eligible Subrecipients

FTA requires "equity and fairness" in the distribution of ARRA funds. PTD used the rural general public population served as the metric to distribute these funds. See chart for population served and allocation amounts by eligible recipient on the PTD Web site at [www.oregon.gov/odot/pt](http://www.oregon.gov/odot/pt).

### 3. Eligible Services and Service Areas

See §5311 formula program eligibility requirements above.

#### 4. Eligible Assistance Categories

Discretionary grants provided funding for a variety of projects that included: vehicles; facilities (including deferred maintenance and remodels, and other infrastructure needs); passenger shelters; preventive maintenance; equipment (computer/communications, security, signs, etc.); and mobility management, as well as a complementary paratransit operations projects.

#### 5. Local Share and Local Funding Requirements

ARRA funds were provided at 100 percent federal dollars with no local match required.

#### 6. Project Selection Criteria and Method of Distributing Funds

Grant funding was offered to current §5311 formula operations recipients, as outlined in the federal legislation. Following is the criteria used for awarding projects through PTD:

Project eligibility for capital projects is based on the following criteria.

- a. ARRA funding was limited to current §5311 recipients.
- b. Grant applications had to be completed with all required information.
- c. Projects must be identified in a Transportation System Plan or other local transportation plan, such as the Transit/Human Services Coordinated plan.
- d. Projects were assigned a local priority rank (ranked order assigned by applicant—for instance, four projects would each be assigned a priority rank number 1 through 4—one number 1, one number 2, etc.). This information will be used by PTD to add projects if more funds become available.
- e. Intercity projects were funded from the set-aside. Therefore, intercity facility projects were not ranked. These projects competed on a statewide basis, and were selected based on the review criteria document available on the PTD Web site.
- f. Readiness: Projects must be ready to begin procurement or start work as soon as possible after grants were signed. Priority was given to projects that sustain and/or create jobs during the summer of 2009. Published criteria was:
  - Facility construction projects (includes passenger shelters, deferred maintenance, renovations and remodels, and other infrastructure needs): public involvement process and environmental documentation is complete and/or ready for approval, local permit requirements have been identified and ready to request. Copies of site maps and building plans are required to be submitted with application. Priority will be given to expanding existing projects already started and those with anticipated completion within three years.
  - Vehicles: Expansion vehicles are eligible. Replacement vehicles must meet FTA requirements for replacement (including spare ratio for fleets with 50 or more vehicles). See Oregon Vehicle Description and Useful Life Standards. PTD intends to order all vehicles through recently established price agreements.

- Equipment: Must be readily available for purchase. Software development projects are not eligible.
  - Vehicle Preventive Maintenance: This ongoing activity is eligible. All eligible maintenance expenses are allowed. Fuel expense is not eligible. Major component rehabilitation on vehicles is not eligible.
  - Mobility Management: The project must be a new planned activity and ready for implementation.
  - Complementary paratransit operations is limited to 10% of the allocation, and the applicant must have a compliant ADA program.
- g. Sustainability: Applicants certified that its agency has adequate resources to maintain capital assets and to operate vehicles or facilities after the grant period.

## 7. Basic Grant Management Policies

- a. Capital funds were awarded following a grant application process that allowed eligible participants to apply to a formulized distribution based on populations served and based on priority for job development and readiness.
- b. ARRA grant agreements generally were awarded for a two-year period, with an option to extend the agreement for a third year if approved by the division administrator. Exception to this policy will be made for projects that may take several years to complete, such as larger facilities involving several stages of development and construction. All project expenditures must be made prior to September 30, 2015, or they are deobligated. (That means paid for by ODOT PTD and reimbursed by FTA in the online grant system.)
- c. For facilities projects, division staff will visit the completed facility, or require the subrecipient to submit pictures of the facility, or both, prior to final reimbursement on the grant. The agency may be asked to submit final inspection reports and other documentation to verify completion of the project. This is to assure that the facility was completed as described in the grant agreement, and that basic ADA requirements (parking, signing, curb cuts, etc.) have been met.
- d. The division will reimburse expenditures for ARRA capital projects beginning with the start date of the grant agreement. Any expenditure by the agency prior to the start date is the responsibility of the agency, and will not be reimbursed by the division.
- e. All agencies with ARRA grants are required to submit project status reports weekly or monthly, as requested by PTD.

## 8. Reporting Requirements

PTD is responsible to properly monitor the subrecipient expenditures of ARRA funds, and will report as required. The FTA is developing reporting requirements, and subrecipients will be notified of the requirements. PTD will separately identify the ARRA funds at both the time of award and the time of each payment.

ARRA projects require new, extensive reporting that is above and beyond what is normally requested. In anticipation of required reporting, PTD requests the following information: obligated

fund amounts, the number and kind of projects, contract award status, project status, the numbers of direct jobs created and/or number of jobs sustained resulting from these projects. Grant agreements with subrecipients reflect this requirement, as well as the requirement to place signs and emblems announcing use of ARRA funds for projects.

As part of the required reporting, subrecipients will develop procedures to distinguish ARRA funds from other FTA grants.

## X. Elderly Individuals and Individuals with Disabilities Program (§5310)

The Elderly Individuals and Individuals with Disabilities Program (§5310) program supports services for elderly individuals and individuals with disabilities. The State of Oregon receives an annual apportionment by formula from Congress, and PTD uses the biennial discretionary grants process to allocate the §5310 funds to eligible subrecipients.

The discretionary grants process is also used to allocate any STP funds that are transferred from FHWA to FTA for the §5310 program.

For more information visit: [http://www.fta.dot.gov/funding/grants\\_financing\\_263.html](http://www.fta.dot.gov/funding/grants_financing_263.html).

### 1. Program Goals

The goal of PTD's §5310 program is to improve mobility for older adults and people with disabilities living and traveling throughout Oregon. The funds are available for use by agencies in all areas of the state – urbanized, small urban and rural.

Because Oregon has a state-funded program for older adults and people with disabilities (the STF Program), PTD manages the §5310 program to be complementary with the STF Program. For example, the STF formula funds are usually used for operating services, while the §5310 grants are often used for vehicle purchases to support the services. Sometimes the §5310 purchased service option (which is uniquely defined as capital in the §5310 program) may be used to provide financial support for transit services purchased from a third party.

### 2. Eligible Subrecipients

Both FTA and PTD value transportation coordination. With passage of the federal six-year authorization legislation, coordination is a requirement for §5310-funded projects. STF Agencies and PTD staff must confirm that §5310 projects are derived from a “locally developed coordinated public transit-human service transportation plan.”

There are three categories of eligible subrecipients of §5310 funds:

- a. Private nonprofit agencies are eligible to receive funds if the services they provide are coordinated with other public transportation services and human service agencies.
  - a.i. In addition, they must not duplicate transportation services already available and the agency must demonstrate that the investment of grant funds benefits the community's overall transportation program, including meeting needs otherwise not met.
  - a.ii. In several Oregon communities, the lead agency for transportation coordination and for the delivery of public transit services is a nonprofit entity. These lead agencies receive multiple local, state and federal funds for public and human service transportation, often on behalf of other agencies in the area, and in partnership with an STF Agency.

- a.iii. PTD requires potential applicants to submit documentation of nonprofit status when submitting an application for funding. The Oregon Secretary of State maintains a Web site of all agencies that have registered as nonprofit with their current registration status. The division checks the status of nonprofit applicants prior to completing agreements and amendments, at a minimum.
- a.iv. Agencies providing transportation services to clients only (service is not open to the public or non-client older adults or individuals with disabilities) must allow federally-funded vehicles to be used by other public transportation providers when the vehicles are not scheduled for client services, or provide rides to non-clients itself in a coordinated system when vehicles are not scheduled for client services. A plan for sharing vehicles must be provided with applications for federal grant programs.
- b. Public bodies that certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service. There are no public bodies that have submitted such certification at this time.
- c. Public bodies approved by the state to coordinate services for older adults and individuals with disabilities.
  - c.i. PTD designates the following public agencies as coordinators of services for public transportation, including transportation for older adults and individuals with disabilities. These agencies represent the interests of other public and private entities in the regional area, and are the recipients of multiple sources of local, state and federal funds for public and human service transportation.
  - c.ii. Organizations formed under ORS 190, including those established for the purpose of public transportation and councils of government.
  - c.iii. Counties, transportation districts and Indian tribes designated by ORS 391.800 as recipients of Special Transportation Funds, and the agency that the county, transportation district and Indian tribe may designate to act on its behalf.
  - c.iv. City and county governments, mass transit and transportation and county service districts, and Indian tribes acting as lead agencies for the delivery of public transportation services within a regional area.

### 3. Eligible Assistance Categories

PTD offers §5310 grants in a variety of categories. Any projects proposed for §5310 funding must demonstrate how it benefits older adults and people with disabilities. The division may identify different priorities in a particular grant cycle, but generally the categories are:

- a. Vehicle preservation: replacements and preventive maintenance.
- b. Purchase of new vehicles.
- c. Purchase of service.
- d. Other capital projects such as, but not limited to, facilities, computers, radios and communication equipment and signage.
- e. Mobility management projects such as coordination development and administrative cost

of developing access to transportation services.

- f. Operations (Oregon is in a pilot program implemented with SAFETEA-LU).

All vehicle requests must meet the requirements of the Americans with Disabilities Act (ADA). Agencies wishing to purchase non-accessible vehicles must sign a Certification of Equivalency annually assuring the division they have the ability to meet ADA requirements.

#### 4. Project Selection Criteria and Method of Distributing Funds

For the 2009-2011 biennium, STF Agencies, including the nine federally recognized Indian Tribes, are provided a target allocation of funds in the §5310 and STF discretionary fund programs. These agencies are responsible to conduct a local process to solicit, review and prioritize projects for funding. The STF Agency review includes evaluation of applicant eligibility, project type and justification, merit, coordination efforts, public involvement, and environmental justice. STF Agencies may establish other review criteria as well, such as local priorities, project planning, efficiency and effectiveness. The STF Agency review assures that projects are derived from the coordinated plan.

The division uses press releases and posts the grant program information on the division website to solicit applications from potentially eligible applicants, including those who are minority organizations or who provide services to minorities. In addition, STF Agencies, who are the designated coordinating agencies, assist the division in notifying potentially eligible agencies within their geographic areas about the grant program. Division staff provides technical assistance to agencies, as needed, to help them develop grant applications.

PTD performs a technical review of all applications to assure applicants and projects are eligible. A list of all projects is presented to the OTC for final consideration and approval.

#### 5. Local Share and Local Funding Requirements

Oregon uses a sliding scale match. For capital and mobility management projects, the federal share is 89.73 percent and local match, including for STP transfer funds, is 10.27 percent. For operations projects, the federal share is 56.08 percent and local match is 43.92 percent.

State STF formula funds granted to agencies through the designated STF Agency are considered "local funds" and may be used as match for §5310 funds, along with other local resources available to local agencies. Other local funds and program income, except farebox, may be used as match. However, if the original source of the funds used to pay the contract is from an FTA source, such as §5317, then the contract revenue may not be used as match.

Non-cash in-kind contributions, such as volunteer labor, may be used for match in the operating projects. In-kind contributions may be used for match for capital projects on a case-by-case basis. Pre-approval by the program manager is required.,

Farebox revenue must be deducted from operating expenses to determine the net operating deficit, which is used as the basis for grant reimbursement. PTD defines farebox revenue as money paid directly by the passenger to the service provider, and includes fares that may be

reimbursed by another agency or through a taxi-ticket program, and sales of tickets and passes. Farebox revenue does not include income derived from service contracts, even if the payment for the contract is from a federal source.

The actual amount of reimbursement for any project is limited to the award amount, even if project costs exceed estimates. It is the responsibility of the project applicant to make up any shortfalls in project funding.

## 6. Training Requirements

PTD may periodically provide workshops on such topics as coordination, grant responsibilities, vehicle procurement, vehicle disposal, quarterly reporting or other topics related to management of vehicles. Agencies that receive §5310 funds only must attend training in one or more of these areas if requested to do so by the division.

## 7. Basic Grant Management Policies

### Capital Projects

- a. Applications for capital projects are accepted during the division's biennial discretionary grant application process and are awarded biennially.
- b. Capital grants are awarded for a two-year period. Vehicle procurements and facilities projects may have an option to extend the agreement for a third year if approved by the division administrator. Preventive maintenance grants are not eligible for extension. Any unspent funds will be deobligated from the project. Additional or longer extensions may be approved for large facilities projects, which may involve several stages of development and construction, and may take several years to complete. The division may choose to phase the project into more than one biennial grant.
- c. If a project is not, or cannot, be completed within the designated time frame, the division may re-negotiate a completion date with the subrecipient. Decisions to cancel a project for non-performance by a grant recipient will be made on a case-by-case basis.
- d. For facilities projects, division staff will visit the completed facility, or require the subrecipient to submit pictures of the facility, or both, prior to final reimbursement on the grant. This is to assure that the facility was completed as described in the grant agreement, and that basic ADA requirements (parking, signing, curb cuts, etc.) have been met.
- e. The division will not approve an application for grant funds for a capital project that has already been initiated.
- f. The division will reimburse expenditures for a capital project beginning with the execution date defined by the grant agreement. Any expenditure by the agency prior to the start date is the responsibility of the agency, and will not be reimbursed by the division. This includes ordering equipment or vehicles.
- g. All agencies with §5310 capital grants are required to submit a project status report

with their quarterly reports.

### Operating Projects

- a. Oregon is participating in a pilot program initiated with SAFETEA-LU authorization that allows operations projects. This ability to access §5310 funds for operations is subject to change. PTD will continue to provide this category of expense as long as it is allowed in the program.
- b. Operating funds are awarded in a discretionary grant application process and are awarded for two years.
- c. Agencies must meet the criteria identified under this section, numbers 2 – 5.
- d. Any unused grant funds at the end of the agreement or contract period will be deobligated from the project and will be used by the division for eligible projects.
- e. All agencies must submit a quarterly report in order to receive reimbursement. The actual amount of reimbursement is limited to the amount in the grant agreement, provided agencies demonstrate their local match.

### Mobility Management Projects

- a. Funds for mobility management projects are awarded in a discretionary grant application process and are awarded for two years. No operating expenses are allowed in this category of project.
- b. Agencies must meet the criteria identified under this section, numbers 2 – 5.
- c. Any unused grant funds at the end of the agreement or contract period will be deobligated from the project and will be used by the division for eligible projects.
- d. All agencies must submit a quarterly report in order to receive reimbursement. The actual amount of reimbursement is limited to the amount in the grant agreement, provided agencies demonstrate their local match.

## 8. Reporting Requirements

In addition to the quarterly reporting requirements, §5310 requires additional program measures:

- Gaps in service filled, which is defined as the service that would not be available without the program support; and
- Ridership, which is defined as the number of actual or estimated one-way rides provided by §5310 vehicles and services.

## XI. New Freedom Program (§5317)

The New Freedom Program (§5317) program is a program to support new services and facility improvements to address the transportation needs of persons with disabilities specifically that that go beyond the requirements of the Americans with Disabilities Act. The program supports capital, operating, and mobility management projects.

The State of Oregon receives an annual apportionment by formula from Congress for small urban (populations greater than 50,000 and less than 200,000) and rural areas of the state. Large urban agencies get their own allocation directly from the FTA. PTD uses the biennial discretionary grant process to allocate §5317 funds to eligible subrecipients.

For more information visit: [http://www.fta.dot.gov/funding/grants\\_financing\\_263.html](http://www.fta.dot.gov/funding/grants_financing_263.html).

### 1. Program Goals

The goal of PTD's §5317 program is to improve mobility for individuals with disabilities living throughout Oregon. Because financial resources are limited, one of the program's goals is to assure that funds will be invested in projects that represent the highest and best use.

### 2. Eligible Subrecipients

Local governments, Indian tribes and private non-profit public transportation agencies in rural and small urban areas are eligible to apply for funds. Large urban areas receive funds in direct grants with the Federal Transit Administration (FTA) separate from PTD distribution and grant awards.

### 3. Eligible Assistance Categories

Both FTA and PTD value transportation coordination. With passage of the federal SAFETEA-LU legislation, coordination is a requirement for §5317-funded projects. STF Agencies and PTD staff must confirm that §5317 projects are derived from a "locally developed coordinated public transit-human service transportation plan."

PTD offers discretionary grants in a variety of categories. The division may identify different priorities in a particular grant cycle, but generally the categories are:

- a. Operations;
- b. Capital projects, including vehicles, passenger shelters and improvements to provide access to passenger shelters. Larger-scale facilities and preventive maintenance are not eligible projects. Please note that this program offers a limited array of capital opportunities, as compared to the §5310 program.
- c. Mobility management, which includes a wide range of activities that result in improved coordination and access to services.

All proposed service enhancements must support new transportation services beyond the ADA.

#### 4. Project Selection Criteria and Method of Distributing Funds

The division conducts state wide competitive grant selection process. Projects are solicited and awarded biennially. Applications are usually available in the fall of each solicitation cycle. The division publishes a schedule of the discretionary grant process as soon as it is available.

The division uses press releases, posts application materials to the website and emails directly to former applicants and current subrecipients to provide notification that discretionary grants are available. Agencies, including Indian tribes and minority organizations, are invited and encouraged to participate in the program. Division staff provides technical assistance to applicants, as needed, to help them develop grant applications.

Applicants submit their applications to the STF Agency. STF Agencies review and prioritize applications from their area to assure that the proposed projects are derived from the Coordinated Plan. The STF Agency submits the applications to the division.

Criteria for selection include a defined need for service; high local priority; and availability of match. After the division's review, the projects recommended by the division are presented to the Public Transit Advisory Committee for comment. A list of recommended projects is also published for public comment. A listing of all projects recommended for funding is presented to the Oregon Transportation Commission (OTC) for final consideration and approval.

#### 5. Local Share and Local Funding Requirements

For capital and mobility management projects, the federal share is 80 percent of the project cost and the local match is 20 percent. For operating projects, the federal share is 50 percent and the local match is 50 percent.

State STF formula funds granted to agencies through the designated STF Agency are considered "local funds" and may be used as match for §5317 funds, along with other local resources available to local agencies. In-kind is allowed as match if the contribution is integral to the project and included in the budget.

Program income may be used as match, with the exception of farebox revenue. However, if the original source of the funds used to pay the contract is from an FTA source, such as §5310, then the contract revenue may not be used as match.

The use of other non-FTA federal funds for match may be allowed, if the federal program allows.

Farebox revenue must be deducted from operating expenses to determine the net operating deficit, which is used as the basis for grant reimbursement. PTD defines farebox revenue as money paid directly by the passenger to the service provider, and includes fares that may be reimbursed by another agency or through a taxi-ticket program, and sales of tickets and passes. Farebox revenue does not include income derived from service contracts, even if the payment for the contract is from a federal source.

The actual amount of reimbursement for any project is limited to the original project proposal

prepared by the project applicant, even if project costs exceed those estimated. It is the responsibility of the project applicant to “make up” any shortfalls in project funding.

## 6. Training Requirements for Subrecipients

The PTD may periodically provide workshops on such topics as capital procurement, operations or other topics related to management of transportation services. Agencies that receive §5317 funds must attend training in one or more of these areas if requested to do so by the division.

## 7. Basic Grant Management Policies

Capital, planning, mobility management and operating projects are managed in accordance with procedures established for the §5307, §5310 and §5311 programs, as appropriate to the agency. For agencies in receipt of more than one kind of grant, follow the procedures for the most restrictive type of project. See the chart:

<b>If your agency is a recipient of:</b>	<b>Follow the procedures for:</b>
§5317 only	§5310
§5310 (and not 5311 or 5307)	§5310
§5311	§5311
§5307	§5307

## 8. Reporting Requirements

In addition to the quarterly reporting requirements, §5317 requires additional program measures:

- Services that impact the availability of transportation services for people with disabilities, including by geographic coverage, service quality or times of service;
- Additions or changes to environmental infrastructure, technology or vehicles that impact the availability of transportation services; and
- Ridership, which is defined as the actual or estimated number of one-way rides provided by §5317 projects.

## XII. Job Access and Reverse Commute Program (§5316)

The Job Access and Reverse Commute Program (also known as §5316 and JARC) is a program designed to develop and maintain transportation services for low-income individuals to and from jobs and activities related to their employment (Job Access); and for public transportation projects designed to transport residents from central city areas to suburban employment opportunities (Reverse Commute). In many cases, low income individuals are also individuals with disabilities.

The State of Oregon receives an annual apportionment by formula from Congress for small urban (populations greater than 50,000 and less than 200,000) and rural areas of the state. PTD uses the biennial discretionary grants process to allocate JARC funds to eligible subrecipients.

For more information visit: [http://www.fta.dot.gov/funding/grants\\_financing\\_263.html](http://www.fta.dot.gov/funding/grants_financing_263.html)

### 1. Program Goals

The goal of the division's JARC program is to improve mobility for individuals with low-incomes living throughout Oregon. Because financial resources are limited, one of the program's goals is to assure that funds will be invested in projects that represent the highest and best use.

### 2. Eligible Subrecipients

Local governments, Indian tribes and private non-profit public transportation agencies in rural and small urban areas are eligible to apply for funds. Large urban areas receive funds in direct grants with the Federal Transit Administration (FTA) separate from PTD distribution and grant awards.

### 3. Eligible Assistance Categories

Both FTA and PTD value transportation coordination. With passage of the federal SAFETEA-LU legislation, coordination is a requirement for JARC-funded projects. STF Agencies and PTD staff must confirm that JARC projects are derived from a "locally developed coordinated public transit-human service transportation plan."

PTD offers discretionary grants in a variety of categories. The division may identify different priorities in a particular grant cycle, but generally the categories are:

- a. Operations;
- b. Capital projects, including vehicles, computers and passenger shelters. Larger-scale facilities and preventive maintenance are not eligible projects. Please note that this program offers a limited array of capital opportunities, as compared to the §5310 program.
- c. Mobility management, which includes a wide range of activities that result in improved coordination and access to services.

All proposed service enhancements must support new transportation services beyond the ADA.

#### 4. Project Selection Criteria and Method of Distributing Funds

The division conducts state wide competitive grant selection process. Projects are solicited and awarded biennially. Applications are usually available in the fall of each solicitation cycle. The division publishes a schedule of the discretionary grant process as soon as it is available.

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§5317 only	§5310
§5310 (and not 5311 or 5307)	§5310
§5311	§5311
§5307	§5307

## 8. Reporting Requirements

In addition to the quarterly reporting requirements, §5317 requires additional program measures:

- Actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage resulting from JARC projects;
- Ridership, which is defined as the actual or estimated number of one-way rides provided by JARC projects.

## XIII. Discretionary Grants Program

### 1. Overview

The discretionary grants program is used to distribute federal and state transit funds to eligible transportation agencies for eligible projects.

The division designs the discretionary grants program to be flexible so that the applicants may apply for more than one fund source. The local planning and review processes are conducted concurrently so that the projects and the funds are coordinated.

The Discretionary Grants Program:

- Provides an opportunity for any potentially eligible applicant to request grant funds;
- Is a competitive process in conformance with Oregon procurement requirements;
- Stimulates local resources and matching opportunities to increase the public transportation program; and
- Honors local coordination and decision-making processes.

The sources of funding include:

- STF discretionary funds.
- Elderly Individuals and Individuals with Disabilities (§5310), including STP Funds allocated by USDOT to ODOT to be transferred by ODOT to FTA 5310.
- Intercity Bus.
- New Freedom (§5317).
- Job Access and Reverse Commute (§5316).
- Mass Transit Vehicle Replacement Program: STP Funds allocated by USDOT to ODOT to be transferred by ODOT to urban systems in MPO areas to be accessed in the FTA §5307 program.
- Nonurban Formula Program is included as funds are available.

See the Appendices for the discretionary grant materials posted to PTD's Web site for the FY 2009-2011 biennium program.

For the 2009-2011 biennium, PTD instituted several changes to the §5310, §5317, Intercity Bus and JARC programs:

- a. Funds are offered through separate programs rather than using the prior method of a single-entry grant program. Solicitations were provided for the Older Adults and People With Disabilities (STF discretionary and §5310 programs), Intercity Bus, JARC New Freedom and Mass Transit Vehicle Replacement Programs. Planning and Transportation Options programs are being developed.

- b. The Older Adults and People with Disabilities Program consists of two funding sources, STF discretionary and the §5310. In the past, PTD solicited projects in the statewide competition and recommended projects for funding. In the 2009-2011 solicitation, STF Agencies, with local public involvement, were provided an allocation of these funds to apply projects to from their areas. PTD will provide a technical review to assure project and agency eligibility. Any funds not allocated by the local process will be distributed by PTD as soon as possible.

## 2. Project Selection Criteria and Method of Distributing Funds

See the program descriptions for §5310, §5317 and JARC.

Applications are posted on the division's website. Usually, applications are available in the fall of each solicitation cycle.

The timing of grant awards depends on federal and state legislation. If necessary, the division may adjust the timing of the grants programs.

## Appendices:

Appendices are available through links:

[PTD Organization Chart](#)

[Pre-award questionnaire for new sub-recipients](#)

[Site review materials](#)