ederal Transit Administration (FTA) Section 5311
CAPITAL ASSISTANCE
Construction and Real Estate Acquisition
APPLICATION

CALIFORNIA DEPARTMENT OF TRANSPORTATION

DIVISION OF MASS TRANSPORTATION
Rural Transit and Intercity Bus Branch

FEDERAL FISCAL YEAR 2014

Name of Subrecipient:			
Address:			
City/State/Zip Code:			
Contact Person:		Title:	
Phone:		E-Mail:	
Certified Representative:		Title:	
Phone:		E-Mail:	
Agency Web Address:			
DUNS Number:		CCR Number:	
Congressional District #:			
Funding Program: 5311 or CMAQ		FTA Funds Requested:	$

CALIFORNIA DEPARTMENT OF TRANSPORTATION

California Department of Transportation
Division of Mass Transportation, MS 39
P.O. Box 942874
1120 N Street, Room 3300
Sacramento, CA 95814
http://www.dot.ca.gov/hq/MassTrans/5311.html
DMT Mainline (916) 654-8811

GENERAL INSTRUCTIONS
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

1. **Submit scanned electronic PDF copy** of the **signed** (blue ink of Pages 9, 10, 25, 29 & 32) application and the Program of Project (POP) via email to your District Transit Representative (DTR). *(See attached contact list)*
2. Applications must be complete and final as submitted. Note: Incomplete applications will be returned to the applicant for revision.
3. The project will NOT be included in the FTA Section 5311 grant until the complete application package including the programming related documents is received.
4. The DTR will:
    a. Review the application for completeness using the DTR application checklist, and may contact the agency for questions and clarification.
    b. Once DTR completes review, they will forward application and completed checklist to **5311apps@dot.ca.gov**
5. The application is provided in fillable PDF format that can be saved.
6. Review glossary for terms used throughout the application.

Application Checklist/Table of Contents

Subrecipient: _____ **County/Region:** _____

Federal Share $_____ **Local Share** $_____ **DTR**. Name _____

Funding Source **Regional Apportionment:** ☐ 5311 $_____ ☐ JARC $_____

(check one): ☐ **CMAQ or STP Flexible Funding:** $_____

Checklist/Table of Contents:

1. Program Overview/Goals ☐
2. Eligibility ☐
3. **PART I** – Certifications and Assurances of the Subrecipient ☐
4. **PART II** - Certifications and Assurances of The Regional Transportation Planning Agency ☐
5. **PART III** – Project Description ☐
6. **PART IV** – Project Budget Worksheet (Subrecipient) ☐
7. **PART V** – Project Budget (Third Party) ☐
8. **PART VI** – Project Budget ☐
9. **PART VII** – Labor Union Information ☐
10. **PART VIII** – Coordination of Services with Social Service Agencies ☐
11. **PART IX –** Transit Security and Emergency Preparedness ☐
12. **PART X –** Public Hearing ☐
13. **PART XI –** Civil Rights ☐
14. **PART XII –** Disadvantage Business Enterprise (DBE) ☐
15. **PART XIII** – Authorizing Resolution ☐
16. **PART XIV** – Categorical Exclusion ☐
17. **PART XV** - Transit Facility Checklist ☐
18. **PART XVI**- Maintenance Plan Checklist ☐
19. PDF copy of FTA Annual Certifications and Assurances ☐
20. PDF copy of POP signed by the certifying representative of MPO ☐
21. PDF copy of FHWA/FTA Federally Approved TIP (If applicable) ☐
22. PDF copy of Bid Related Documents for Capital contracts (If applicable) ☐
23. PDF copy of Approved Indirect Cost Allocation Plan **(**If applicable**)** ☐
24. PDF copy of In-kind Valuation Plan (If applicable) ☐
25. Equal Employment Opportunity (EEO) Plan (If applicable) ☐
26. Glossary ☐

Application Prepared By: _____ Phone: _____

PROGRAM OVERVIEW/GOALS
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

Federal Transit Administration (FTA) Section 5311 is a formula based program that provides funding to states for the purpose of supporting public transportation in rural areas. Rural areas encompass all populations, housing, and territory not included within an urbanized area of 50,000 or more population. Counties and regions may be entirely rural, or they may be composed of rural areas and one or more urbanized areas. JARC projects are now eligible under Section 5311 Program.

The goal of the 5311 program is to provide the following services to rural areas:

- Enhance the access of people in nonurbanized areas to health care, shopping, education, employment, public services, and recreation;
- Assist in the maintenance, development, improvement, and use of public transportation systems in nonurbanized areas;
- Encourage and facilitate the most efficient use of all transportation funds used to provide passenger transportation in nonurbanized areas through the coordination of programs and services;
- Assist in the development and support of intercity bus transportation; and
- Provide for the participation of private transportation providers in rural areas.
- Improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals;
- Transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities;
- Meet the transportation needs of eligible low-income individuals, and of reverse commuters regardless of income.
- Provide financial assistance to help carry out national goals related to mobility for all, including seniors, individuals with disabilities, and low-income individuals;
- Increase availability of transportation options through investments in intercity bus services;
- Encourage mobility management, employment-related transportation alternatives, joint development practices, and transit-oriented development.

ELIGIBILITY
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

Eligible Recipients:

Section F of the Moving Ahead for Progress in the 21st Century (MAP-21), amended eligible recipients to include a State or Indian tribe that receives a federal transit program grant directly from the FTA. A subrecipient of the program includes a State or local governmental authority, a nonprofit organization, or an operator of public transportation or intercity bus service that receives federal transit program grant funds.

Eligible Capital Activities:

Capital assistance includes the acquisition, construction, expansion, and improvement of public transit facilities, such as transit terminals, storage and maintenance garage, office facilities, and parking facilities; purchase and installation of bus shelters, benches, signage, and facilities to provide access for bicycles to facilities or equipment for transporting bicycles on transit vehicles. Subrecipients are required to provide information regarding categorical exclusion in page 26, Part XIII, Categorical Exclusion Checklist and information regarding plans, specifications and estimate in page 30, Part XIV, Transit Facility PS&E Checklist; and comply with project schedule as stated in page 13, Part III, Project Description, #12 of this application. Environmental documents must be reviewed and approved by FTA and Plans and Specifications must be reviewed and approved by registered engineer prior to the start of the proposed project.

PART I - CERTIFICATIONS AND ASSURANCES
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

General Information:

Name of Applicant:

Certifications and Assurances:

1. Pursuant to 49 CFR, Part 21, **Title VI of the Civil Rights Act of 1964**, the subrecipient assures that no person, on the grounds of race, color, creed, national origin, sex, age, or disability shall be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program or activity funded in whole or in part by Federal Transit Administration (FTA).

2. Pursuant to 49 CFR, Part 21, **Title VI of the Civil Rights Act of 1964**, the subrecipient assures that it shall not discriminate against any employee or subrecipient for employment because of race, color, religion, sex, national origin, and that it shall take affirmative action to ensure that subrecipients are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin.

3. Pursuant to 49 CFR, Part 27, **U.S. DOT Regulations implementing the Rehabilitation Act of 1973**, the subrecipient certifies that it will conduct any program or operate any facility that receives or benefits from Federal financial assistance administered by FTA in compliance with all imposed requirements, Nondiscrimination on the basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

4. **Pursuant to 49 CFR, Part 26**, the subrecipient must prepare and maintain complaint procedures for investigating and tracking Title VI complaints filed against them. Such procedures include record of investigations, complaints, and/or lawsuits, and notice to public about rights containing instructions on how to file a discrimination complaint. Recipients of federal financial assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by **limited English proficient persons**.

5. Pursuant to 49 CFR Part 21, the subrecipient certifies that special efforts are being made to provide the **level and quality of transportation** services that disabled persons, including wheelchair users and semi-ambulatory persons, can use. This transportation shall be reasonable in comparison to the transportation provided to the general public and shall meet a significant fraction of actual transportation needs of such persons within a reasonable time.

6. Pursuant to FTA Circular **9040.1F & 9050.1,** the subrecipient assures and certifies that it will comply with the Federal statutes, regulations, executive orders and administrative requirements, which relate to applications made to and grants received from FTA. The subrecipient acknowledges receipt and understanding of the list of such statutes, regulations, executive orders and administrative requirements.

7. The subrecipient agrees and assures that it will comply with U.S. DOT regulations, **"Participation by Disadvantaged Enterprises in Department of Transportation Financial Assistance Programs,"** 49 CFR part 26. Among other provisions, this regulation requires recipients of DOT Federal financial assistance, namely State and local transportation agencies, to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted

contracts. The recipient agrees and assures that it will comply with 49 CFR 26.49 which requires each transit vehicle manufacturer, as a condition of being authorized to bid or propose a FTA-assisted transit vehicle procurement (new vehicles only), certify that it complied with the requirements of the DBE program.

8. The subrecipient assures and certifies that it will adhere to the **California State DBE Program Plan** as it applies to local agencies. The subrecipient must complete and submit to the Department a DBE implementation Agreement. The subrecipient certifies that it must report twice annually on DBE participation in their contracting opportunities; their award/commitments and actual payments.

9. The subrecipient assures and certifies that its services funded by Section 5311 are, and shall remain, open to the general public.

10. The subrecipient certifies that its **procurements** and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA Circular 4220.1F, "Third Party Contracting Requirements," and such other implementing requirements as FTA may issue. The subrecipient certifies that it will include in its contracts, financed in whole or in part with FTA assistance, all clauses required by Federal laws, executive orders, or regulations and will ensure that each subrecipient and each contractor will also include in its sub agreements and contracts financed in whole or in part with FTA assistance all applicable contract clauses required by Federal laws, executive orders, or regulations.

11. The subrecipient assures and certifies that **private for-profit transit** operators have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed transportation services.

12. The subrecipient assures and certifies that the project complies with the **environmental impact** and related procedures of 23 CFR Part 771.

13. The subrecipient certifies that it has established and implemented an **anti-drug and alcohol misuse prevention program** and has conducted employee training complying with the requirements of 49 CFR part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations".

14. The subrecipient assures and certifies that it requires its subcontractors and subrecipients to have established and implemented an **anti-drug and alcohol misuse prevention program**, to have conducted employee training complying with the requirements of 49 CFR part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations".

15. The subrecipient certifies that before expending any Federal assistance to acquire the first bus of any new **bus model or any bus model with a new major change in configuration or components** or before authorizing final acceptance of that bus (as described in 49 CFR part 665), that model of bus will have been tested at a bus testing facility approved by FTA and subrecipient and FTA will have received a copy of the test report prepared on that bus model.

16. The subrecipient certifies that the recipient shall comply with 49 CFR Part 604 in the provision of any **charter service** provided with FTA funded equipment and facilities. The subrecipient certifies that in the provision of any charter service provided, subrecipient and its recipients will provide charter service that uses equipment or facilities acquired with Federal assistance authorized for 49 U.S.C. 5309, or 5311 only to the extent that there are no private charter service operators willing and able to provide those charter services that it or its recipients desire to provide unless one or more of the exceptions in 49 CFR part 604-Subpart B applies. The subrecipient assures and certifies that the revenues generated by its

incidental charter bus operations (if any) are, and shall remain, equal to or greater than the cost (including depreciation on federally assisted equipment) of providing the service. The subrecipient understands that the requirements of 49 CFR part 604 will apply to any charter service provided, the definitions in 49 CFR part 604 apply to this agreement, and any violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

17. As required by 49 U.S.C. 5323 (f) and FTA regulations, **"School Bus Operations,"** at 49 CFR 605.14, the subrecipient agrees that it and all its recipients will: (1) engage in school transportation operations in competition with private school transportation operators only to the extent permitted by an exception provided by 49 U.S.C. 4323 (f) and implementing regulations, and (2) comply with requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance awarded by FTA and authorized by 49 U.S.C. Chapter 53 or Title 23 U.S.C. for transportation projects. The subrecipient understands that the requirements of 49 CFR part 605 will apply to any school transportation it provides, that the definitions of 49 CFR part 605 apply to any school transportation agreement, and a violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

18. The subrecipient assures and certifies that when procuring capital equipment acquired with Federal assistance it will comply with all **Buy America provisions** as pertaining to all 5311 subrecipients, **49 CFR Part 661 and 49 USC 5323(j)(2)(c)**. This policy means that certain steel, iron, and manufactured products used in any capital equipment acquired with Federal assistance must be produced in the United States. Buy America requirements apply to all purchases, including materials and supplies funded as operating costs, if the purchase exceeds the threshold for small purchases (currently $100,000).

19. The subrecipient certifies that it will comply with the requirements of 49 CFR parts 663, in the course of purchasing revenue rolling stock. Among other things, the subrecipient will conduct, or cause to be conducted, the prescribed **pre-award and post-delivery reviews** and will maintain on file the certifications required by 49 CFR part 663, subparts B, C, and D.

20. The subrecipient certifies that it will submit the "Fiscal Year 2014 **FTA Annual List of Certifications and Assurances** for Federal Transit Administration Grants and Cooperative Agreements" and Appendix A Certifications and Assurances Checklist and Signature Page **when made available by the FTA**.

21. The subrecipient has provided documentation needed by the Department to assure FTA that it has properly and sufficiently delegated and executed authority, by Resolution, to the appropriate individual(s) to take official action on its behalf.

22. The subrecipient, providing **complimentary paratransit service**, certifies that they submitted to the Department an initial plan for compliance with the complimentary paratransit service provision as of January 26, 1992, as required by 49 CFR Part 37, Section 135[b] and have provided the Department annual updates to its plan on January 26 of each year, as required by 49 CFR Part 37, Section 139[c]. The subrecipient has provided the Department an initial **complimentary paratransit service** plan signed and dated [redacted] **(Updated plans must be submitted with application).**
Subrecipient who provides fixed route service must provide ADA complementary service. Subrecipients who provide other route deviation transit services in lieu of ADA complementary service such as deviated fixed-route or demand responsive must make the service accessible and available to the general public. To be considered demand responsive, service provided must deviate for the general public, not just for persons with disabilities meeting paratransit eligibility criteria. If deviations are restricted to a

particular group, the service ceases to be a form of demand-responsive service for the general public and ADA complementary paratransit service is required.

23. The subrecipient certifies that all **direct and indirect costs** billed are allowable per Title 2 Code of Federal Regulations, Part 225 (2 CFR 225) (formerly Office of Management and Budget (OMB) Circular A–87), the federal guidelines for allowable costs for subrecipients that are State, Local and Indian Tribal governments or 2 Code of Federal Regulations, Part 230 (2 CFR 230), (formerly, OMB Circular A–122), OMB Circular A-133 if the subrecipient is a non-profit organization. With regards to private for-profit organizations, refer to **48 CFR Part 3**.

24. The subrecipient certifies that all indirect costs billed are supported by an annual **indirect cost allocation plan** submitted in accordance with 2 CFR 225. The plan or subrecipients' cognizant agency approval of plan was submitted to the Department's Audits and Investigations and approved before subrecipient submits request for reimbursement of any indirect costs. Indirect costs prior to having a plan approved as evidenced by a letter from the Departments' Audits and Investigations is not an allowable expense. If subrecipient does not bill for indirect cost then an indirect cost allocation plan is not required.

25. Before a subrecipient may lease an asset, FTA regulations, **"Capital Leases,"** 49 CFR 639, Subpart C, require a written comparison of the cost of leasing the asset compared with the cost of purchasing or constructing the asset. Costs used in the comparison must be reasonable, based on realistic current market conditions, and based on the expected useful service life of the asset.

26. The subrecipient certifies that they understand that **Transit Employee Protection** is specified in Title 49 U.S.C. 5333(b). This Title requires that the interests of employees affected by assistance under most FTA programs shall be protected under arrangements the Secretary of Labor concludes are fair and equitable. Title 49 U.S.C. 5311(b) requires that the Department of Labor (DOL) use "a special warranty that provides a fair and equitable arrangement to protect the interests of employees" in order for the 5311(i) requirements to apply to Section 5311.

27. To the best of my knowledge and belief, data in this local application are true and correct, and the person whose signature appears below has been duly authorized by the governing body of the subrecipient for filing of this application.

Certifying Representative:
By signing below, I have read and acknowledge that my agency is in compliance with certifications and assurances as stated above.

(Please Print)
Name: _____ Title: _____

Signature: _____ Date: _____

PART II – CERTIFICATIONS AND ASSURANCES OF THE REGIONAL AGENCY/TRANSPORTATION PLANNING AGENCY (TPA)

STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

Name-Regional Agency/TPA:
Contact Person: Title:
Phone: E-Mail:
Name of Subrecipient:
Project Description:

Project Amount and Fund Type

*Regional Apportionment 5311**	*Flexible Fund CMAQ or STP***	*Toll Credit****	*In-kind Match****	*Local Match*
$	$	$	$	$

* Includes Section 5311 JARC eligible projects
** CMAQ projects may be equal up to 100% at the discretion of the Regional Planning Agency Certification per Part II.
*** Prior approval by Caltrans required

Federal Transportation Improvement Program - Metropolitan Planning Organizations/Regio Transportation Planning Agency		
Document (or Amendment) Number	Document (or Amendment) Year	FHWA/FTA Federally Approved TIP (Date)

Check all that apply:

Flexible Funded Projects Only - Please initiate the transfer of funds to **Grant CA-85-X00X.** **(**Following the transfer of flexible funds to the FTA, this agency agrees to comply with the applicable terms and conditions set forth in Title 49, U.S. Code, Chapter 53, "Mass Transportation", and the policies and procedures stated by the FTA relative to the above designated project.)

Some combination of state, local, or private funding sources have been or will be committed to provide the required local share.

The subrecipient has coordinated with other transportation providers and users in the region, including social service agencies capable of purchasing service.

The amount requested does not exceed the Federal funds provided to this agency in the approved Federal TIP/Federal Statewide TIP(FSTIP)

The regional agency/TPA has approved, by resolution, the programming of funds for this Project and Project has met all Statewide Transportation Improvement Program (STIP) requirements.

Certifying Representative:

By signing below, I have read and acknowledge that my agency is in compliance with certifications and assurances as stated above.

(Please Print)

Name: Title:

Signature: _____ Date:

PART III – Project Description
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

Answer the following questions regarding the project description and the operational plan:

1. Indicate the type(s) of public transportation service for the proposed project funded by FTA Section 5311. (Check all that apply.) ☐ 5311 ☐ JARC ☐ CMAQ

   ☐ Fixed route – Vehicles will travel on specific roads and stop at pre-designated locations according to a schedule.

   ☐ Demand-response – Vehicles will pick people up when they need a ride (Must be open to the general public).

   ☐ Deviated fixed route – Vehicles will travel from point A to point B but go out of the way to pick up or drop off passengers if necessary (Deviations must be open to the general public).

   ☐ ADA paratransit service.

   ☐ Commuter Service – Fixed route bus service characterized by service predominantly in one direction during peak periods, and with limited stops and routes of extended length, usually between the central business district and outlying suburbs.

   ☐ University Service - An institution of higher education has a formal arrangement with the transit operator to provide university transportation service.

   ☐ Charter Service.

2. Indicate the geographic area your agency serves. (If your agency serves both rural and urbanized areas, please attach PDF copy of the route map to this application to clearly indicate that 5311 funds will only be spent on the rural area route(s)/service only.)

   ☐ Rural area only (population under 50,000)

   ☐ Both rural and urbanized areas (population more than 50,000)

   List all cities and counties served by your project:

If your agency serves both rural and urbanized areas, please describe the cost allocation methodology your agency uses to segregate rural service costs funded by 5311 from the urbanized service costs funded by Section 5307 or other urban funds and **attach PDF copy of your agency's cost allocation plan to this application:**

3. Please fill out the following:

   At a minimum, transportation service shall be provided between ____ AM to ____ PM from ____ DAY to ____ DAY.

4. For the FY you are applying for, did your agency receive any other FTA funds that would be utilized on this project? (Check all that apply and provide standard agreement #s and dollar amount.) For 5307, the term "receive" means funds have been obligated, and for 5316 & 5317, the term "receive" means your agency received an executed standard agreement from Caltrans.

   ☐ Yes (which program(s) were utilized) ☐ No

   ☐ 5307 (Urbanized Area Formula Program) $ ____

   ☐ 5316 (JARC – SAFETEA-LU) SA# ____ $ ____

   ☐ 5317 (New Freedom Program – SAFETEA-LU) SA# ____ $ ____

   ☐ Other FTA funds. Please specify $ ____

5. Indicate the type of Construction/Real Estate Acquisition for the proposed project

   ☐ Bicycle Facility

   ☐ Construction of a transit related facility

   ☐ Acquisition of Real Property (if the appraisal is more than $500,000, submit the appraisal to Caltrans' DMT)

   ☐ Improvement of a transit related facility

   ☐ Expansion of a transit related facility

   ☐ Purchase and installation of transit related equipment (i.e. bus shelters, benches, and signage)

   ☐ Other Specify: ____

   Describe your construction/real estate acquisition for the activities in great detail and include project implementation plan.

6. Is the project shovel ready?
   ☐ Yes ☐ No

7. What is the need for this project? How did you select the project? (

   i. Describe what service improvements would be addressed by constructing/expanding/improving the facility or acquiring the real property?
   ii. If funding for this project is approved, how will the surrounding community benefit?

8. Please identify the stakeholders (e.g. Low-income and minority community, Native American Tribal governments, other underrepresented groups, community-based organizations, and businesses) affected by the grant work.

9. Does your agency have the experience, and staffing level to administer and implement the project, and to submit required reports correctly and on time?
   ☐ Yes ☐ No

10. Does your agency have the resources to bring about successful completion of the project?
    ☐ Yes ☐ No

11. Do you intent to lease this property/facility for incidental use?
    ☐ Yes ☐ No

12. What is your proposed method of procurement?
    ☐ Local Procurement (Attach RFP/IFB/RFQ and Bid Package to this application)
    ☐ Three-like kind bids/quotes (Attach three-like kind bids/quotes to this application)
    ☐ Non-Local Procurement/Piggyback (Attach assignability letter and *Piggyback Worksheet to this application)
    ☐ Sole Source (Attach *Sole Source Justification to this application)
    ☐ Other Specify: _____

*Piggyback Worksheet and Sole Source Justification can be found at http://www.dot.ca.gov/hq/MassTrans/Procurement-Grants-Management.html
For more detailed information regarding procurement, please see FTA Section 5311's Procurement Handbook.

13. Fill out the proposed project schedule:

Construction	**Date**
Environmental Clearance (CEQA/NEPA)	
Preliminary Engineering/PS&E	
Right of Way Coordination	
Construction	

OR

Real Estate Acquisition	Date
Appraisal of Real Estate	
Appraisal Review of Real Estate	
Appraisal Concurrence	
Establish Market Value	
Making an Offer	
Uneconomic Remnant (If Applicable)	
Filing Condemnation (If applicable)	
Administrative Settlements (If applicable)	
Settlement Concurrence Process (If Applicable)	
Relocation Assistance (If Applicable)	
Purchase	

OR

Purchase and Installation of Transit Related Equipment	**Date**
Bid Package to Caltrans	
Issue Purchase Order to Vendor	
Delivery/Installation	
Place Into Service	

14. Is your agency planning on using your own labor force to carry out the proposed project?
☐ Yes ☐ No

15. Is the total cost of your project $100,000 or more, and include your own labor?

☐Yes (Attach your agency's force account plan to this application. If there is no force account plan in place, your agency must develop a plan before the project can be included in the grant application to FTA.)
☐No

16. Does your agency receive more than $500,000 in federal funds?
☐ Yes ☐ No

If yes, have your agency submitted the annual Single Audit Report to the State Controller's Office (SCO)? For FY 2013-14, the report is due to the SCO on March 31, 2013.

17. Does your agency employ more than 50 transit-related employees (including temporary, full time or part time employees either directly employed and/or through contractors) and receive more than $1 million in capital or operating assistance?
☐ Yes ☐ No

Note: At all times while the PROJECT property is in the possession or control of the subrecipient, the subrecipient shall be the registered owner and STATE shall be the legal owner or lien holder. The subrecipient shall not transfer ownership of the PROJECT property at any time while the standard agreement is in effect. As the lien holder, the STATE may take possession of the PROJECT property, as a result of the subrecipient's non-compliance with contract terms or by mutual agreement between the STATE and the subrecipient. The STATE shall retain the original Certificate of Title until such time that disposition of the PROJECT property is released by the STATE to the subrecipient or other appropriate party as outlined in Exhibit D, Paragraph 4 of the standard agreement.

PART IV –PROJECT BUDGET WORKSHEET (SUBRECIPIENT)
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

PROJECT BUDGET WORKSHEET The worksheet provides annual expense categories that applicants should use to calculate project eligible expenses for work done "in-house."

1. Direct Labor

(Job Title/Classification)	Description of Task Performed	Hours	Hourly Rate	Total
			$	$
			$	$
			$	$
			$	$
			$	$
			$	$
			$	$
			$	$
TOTAL			$	$

2. Direct cost(s) for Employees (Except Labor)

	Equipment and Supplies (itemize)	$
		$
		$
		$
	Sub Total	$
3.	**Other Direct costs (itemize)**	$
		$
		$
		$
	Sub Total	$
4.	**Travel costs (itemize)**	$
		$
		$
		$
	Sub Total	$

5. [1]Indirect cost(s) (Overhead and Fringe Benefits):
Overhead Rate _____ % $ _____

6. Total Costs: $ _____

[1] **Must have approved ICAP**

PART V – THIRD PARTY CONTRACTOR PROJECT BUDGET WORKSHEET
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

PROJECT BUDGET WORKSHEET Complete the worksheet below if funded services are provided by the **third party contractor.**

Since third party contracts vary, please use the table below or attach your own spreadsheet to identify how eligible expenditures are calculated. Applicants may also attach a PDF copy of price proposal or budget sheets from executed contract along with the application.

Contract No.				**Total**
				$
				$
				$
				$
				$

PART VI - PROJECT BUDGET / CAPITAL
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

Subrecipient:

Project Description:

ITEM DESCRIPTION (Attach quote or three like-kind bids)	**COST**
	$
	$
	$
	$
	$
NET PROJECT COST:	**$**

LOCAL SHARE
(Itemize by Fund Source (State, County, & City) & Toll Credit included)

*Local Share can NOT be from other Federal DOT funds.)

	AMOUNT
	$
	$
	$
	$
	$
TOTAL LOCAL SHARE* = Allowable Percentage ____ **%**	**$**
TOTAL FEDERAL SHARE*= Allowable Percentage ____ **%**	**$**

***FUNDING PROGRAM**	**LOCAL SHARE**	**FEDERAL SHARE**
5311 REGIONAL (Equipment, Shelters, Facilities)	11.47%	88.53%
5311 REGIONAL (Vehicles/Preventive Manitenance)	11.47%	88.53%
Project using Toll credit and CMAQ projects may be equal up to 100% at the discretion of the Regional Planning Agency Certification per Part II and prior approval from Caltrans.	11.47%	88.53%
5311 Bicycle Facility	10%	90%

PART VII – LABOR UNION INFORMATION FOR SECTION 13(c) CERTIFICATION
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

Name of Subrecipient:

Union Representation of Subrecipient's Employees

Organization Name:
Contact Person:
Address:
Telephone:
***(required)* Email :**

Other Surface Public Transportation Providers	**Union Representation of Employee If Any**
	Organization: **Contact Person:** **Address:** **Telephone:** **Contact Person's Email (Required):**
	Organization: **Contact Person:** **Address:** **Telephone:** **Contact Person's Email (Required):**
	Organization: **Contact Person:** **Address:** **Telephone:** **Contact Person's Email (Required):**

PART VIII – DESCRIPTION OF EFFORTS TO COORDINATE SERVICES WITH SOCIAL SERVICE AGENCIES
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

Please answer the following questions regarding the description of efforts to coordinate services with social service agencies:

1. What human service agencies, employment/training programs, or other transportation providers does your agency coordinate with?

2. In your agency's coordination efforts with social service agencies, check all that apply:

	Current Practice	**Would Consider**
Drivers attend safety/sensitivity training	☐	☐
Sharing vehicles with other agencies	☐	☐
Providing information to riders/patrons on other available services	☐	☐
Working with CTSA or other agencies to coordinate trips	☐	☐
Utilize pre-paid fare media with other agencies	☐	☐
Coordinate with Medical, CalWorks or Employment Programs	☐	☐
Other:		

3. Describe your agency's role in the human service-public transportation coordination planning efforts?

4. Will this service funded by 5311 address gaps and/or barriers identified in the regional public transportation coordination plan or maintain the existing service?
   ☐ Yes ☐ No

5. Has your agency made any efforts to provide information about your agency's service to human service agencies, the Work Force Center, or other activity centers?
   ☐ Yes ☐ No

PART IX – Transit Security and Emergency Preparedness
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

1. Does county emergency evacuation plans identify your agency as community responder-transportation provider?
   ☐ Yes ☐ No

2. Do you participate in transportation infrastructure security/emergency planning, drills/exercises, and/or decision making activities?
   ☐ Yes ☐ No

3. Do you have a security and emergency preparedness plan in place?
   ☐ Yes ☐ No

4. Does your plan contain risk reduction strategies to reduce the vulnerability of your facility?
   ☐ Yes ☐ No

PART X – Documentation of Public Hearing Opportunity
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

Describe the outreach and engagement methods that will be used to reach and gather input from stakeholders. Per FTA Circular 9040.1F IV, 3; FTA Circular 9050.1 ChapterVIII-2, & Title 49 USC 5323(b), subrecipient must hold public hearing to receive comments from the public on the proposed projects.

Please check and provide PDF copy if applicable:

☐	- Municipal Letter of Resolution of Support
☐	- PDF copy of Published Public Hearing Notice
☐	- Affidavit of Publication of Public Hearing Notice
☐	- Minutes of Public Hearing, Copies of Exhibits and Written Statements

PART XI – Civil Rights
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

1. Are there Title VI complaint policies and procedures? ☐ Yes ☐ No
   a. If yes, who was the approving agency? ☐ FTA ☐ Caltrans ☐ DMT
2. Are procedures for filing complaints (organization name, phone numbers, etc.) readily accessible to riders and employees?
   ☐ Yes ☐ No
3. Are or were there any Title VI related lawsuits/complaints filed within the past year? If yes, does the review of lawsuits/complaints denote a pattern of discrimination? ☐ Yes ☐ No

Please provide the following information to Caltrans DMT:

- The date the lawsuit/complaint was filed
- The name and address of the complainant
- A summary of the allegation

4. Are complaints documented and listed? ☐ Yes ☐ No
5. Who in your agency is assigned for investigation and what is his/her title?

6. Do riders, employees, and applicants have the option to file a complaint with entities other than the subrecipient (i.e. Caltrans and/or FTA)? ☐ Yes ☐ No
   If so, who:
7. Has a federal (FTA) civil rights compliance review been performed within the past year?
   ☐ Yes ☐ No
   If yes, attach PDF copy of the following information:
   - The name of the agency or organization conducting the review
   - A summary of findings and recommendations
   - The status or disposition of the recommendations

Special requirements for first-time applicants

1. If first time applicants have previously received funding from another Federal agency, the applicant must provide information regarding Title VI compliance history. Please provide the following information to Caltrans DMT a summary of compliance review activities conducted in the past three (3) years.

- The purpose or reason for the review

- Name of agency that performed the review

- Summary of findings and recommendations of the review

- Status and/or disposition of such findings and recommendations.

- A brief description of any pending applications for Federal funding

- Did any Federal agency find the applicant to be in noncompliance with any civil rights requirement?
  ☐ Yes ☐ No

PART XII – Disadvantage Business Enterprise (DBE)
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

1. What enforcement mechanisms does the subrecipient use for DBE requirements? Please explain.

2. Does the subrecipient require contractors to obtain approval from its DBE Liaison Officer (DBELO) prior to substituting a DBE firm after contract award?

   ☐ Yes ☐ No ☐ N/A

3. Does the subrecipient monitor prime contractors to ensure that DBEs are actually performing applicable work on federally funded projects?

   ☐ Yes ☐ No ☐ N/A

4. Did the subrecipient receive any complaints or procurement protests alleging that it did not comply with the DBE regulations for federally funded projects?

   ☐ Yes (Go to question #6) ☐ No

5. What are the subrecipients' processes for handling protests? Please explain.

6. Do the complaints indicate any problems with the DBE program?

   ☐ Yes ☐ No

*The following is a link to FTA's sample DBE program, "Section 26.37 Monitoring and Enforcement Mechanisms" this section gives examples of monitoring and enforcement mechanisms that ensure compliance. http://www.fta.dot.gov/civilrights/dbe/civil_rights_5771.html

PART XIII - SAMPLE AUTHORIZING RESOLUTION
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

RESOLUTION NO.

RESOLUTION AUTHORIZING THE FEDERAL FUNDING UNDER FTA SECTION 5311 (49 U.S.C. SECTION 5311) WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION

WHEREAS, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support capital/operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act (**FTA C 9040.1F and FTA C 9050.1)**; and

WHEREAS, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5311 grants for transportation projects for the general public for the rural transit and intercity bus; and

WHEREAS, _____ desires to apply for said financial assistance to permit operation of service/purchase of capital equipment in _____ ; and _____

WHEREAS, the _____ has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the _____ does hereby Authorize _____ , to file and execute applications on behalf of _____ with the Department to aid in the financing of capital/operating assistance projects pursuant to Section 5311 of the Federal Transit Act (**FTA C 9040.1F and FTA C 9050.1)**, as amended.

That _____ is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

That _____ is authorized to provide additional information as the Department may require in connection with the application for the Section 5311 projects.

That _____ is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5311 project(s).

PASSED AND ADOPTED by the _____ of the _____ , State of California, at a regular meeting of said Commission or Board Meeting held on the by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

(Please Print)
Name: _____ Title: _____

Signature: _____ Date: _____

PART XIV – CATEGORICAL EXCLUSION
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION)APPLICATION

49 CFR Part 622 requires different levels of analysis and documentation for the various types of projects funded though its program. Most projects and activities funded through the Section 5311 program do not normally involve significant environmental impacts. Such projects are termed "categorical exclusions (CEs)" in FTA's procedures because they are types of projects which have been categorically excluded from the requirement to prepare an environmental document. This section of application will be first screened by State and will be forwarded to FTA of its review/approval. Prior to proceeding with any construction/expansion/improvement project, subrecipient **MUST** have an executed standard agreement signed by all parties as well as a letter from FTA approving the CE.

Please answer the questions below:

1. DETAILED PROJECT DESCRIPTION: Provide Narrative.

2. LOCATION (INCLUDING ADDRESS): Attach a site map or diagram, which identifies the land uses and resources on the site and the adjacent or nearby land uses and resources. This is used to determine the probability of impact on sensitive receptors (such as schools, hospitals, residences) and on protected resources.

3. METROPOLITAN PLANNING AND AIR QUALITY CONFORMITY: Is the proposed project "included" in the current adopted MPO plan, either explicitly or in a grouping of projects or activities? What is the conformity status of that plan? Is the proposed project, or are appropriate phases of the project included in the TIP? What is the conformity status of the TIP?

4. . ZONING: Description of zoning, if applicable, and consistency with proposed use.

5. TRAFFIC IMPACTS: Describe potential traffic impacts; including whether the existing roadways have adequate capacity to handle increased bus and other vehicular traffic.

6. CO HOT SPOTS: If there are serious traffic impacts at any affected intersection, and if the area is nonattainment for CO, demonstrate that CO hot spots will not result.

7. HISTORIC RESOURCES: Describe any cultural, historic, or archaeological resource that is located in the immediate vicinity of the proposed project and the impact of the project on the resource.

8. NOISE: Compare the distance between the center of the proposed project and the nearest noise receptor to the screening distance for this type of project in FTA's guidelines. If the screening distance is not achieved, attach a "General Noise Assessment" with conclusions.

9. VIBRATION: If the proposed project involves new or relocated steel tracks, compare the distance between the center of the proposed project and the nearest vibration receptor to the screening distance for this type of project in FTA's guidelines. If the screening distance is not achieved, attach a "General Vibration Assessment" with conclusions.

10. ACQUISITIONS AND RELOCATIONS REQUIRED: Describe land acquisitions and displacements of residences and businesses.

11. HAZARDOUS MATERIALS: If real property is to be acquired, has a Phase I site assessment for contaminated soil and groundwater been performed? If a Phase II site assessment is recommended, has it been performed? What steps will be taken to ensure that the community in which the project is located is protected from contamination during construction and operation of the project? State the results of consultation with the cognizant State agency regarding the proposed remediation?

12. COMMUNITY DISRUPTION AND ENVIRONMENTAL JUSTICE: Provide a socio-economic profile of the affected community. Describe the impacts of the proposed project on the community. Identify any community resources that would be affected and the nature of the effect.

13. USE OF PUBLIC PARKLAND AND RECREATION AREAS: Indicate parks and recreational areas on the site map. If the activities and purposes of these resources will be affected by the proposed project, state how.

14. IMPACTS ON WETLANDS: Show potential wetlands on the site map. Describe the project's impact on on-site and adjacent wetlands.

15. FLOODPLAIN IMPACTS: Is the proposed project located within the 100-year floodplain? If so, address possible flooding of the proposed project site and flooding induced by proposed project due to its taking of floodplain capacity.

16. IMPACTS ON WATER QUALITY, NAVIGABLE WATERWAYS, & COASTAL ZONES: If any of these are implicated, provide detailed analysis.

17. IMPACTS ON ECOLOGICALLY-SENSITIVE AREAS AND ENDANGERED SPECIES: Describe any natural areas (woodlands, prairies, wetlands, rivers, lakes, streams, designated wildlife or waterfowl refuges, and geological formations) on or near the proposed project area. If present, state the results of consultation with the state department of natural resources on the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected.

18. IMPACTS ON SAFETY AND SECURITY: Describe the measures that would need to be taken to provide for the safe and secure operation of the project after its construction.

19. IMPACTS CAUSED BY CONSTRUCTION: Describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, air and water quality, safety and security, and disruptions of traffic and access to property.

Certifying Representative:

By signing below, I have read and acknowledge that my agency is in compliance with 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, FTA Circular 9040.1F. – Construction Management and Oversight, and the FTA Project & Construction – Management Guidelines.

(Please Print)

Name: _____ Title: _____

Signature: _____ Date: _____

(**Original** signature in **BLUE** ink)

PART XV – TRANSIT FACILITY PS&E CHECKLIST
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

Per FTA Circular 9040.1F Chapter VI, Section 11, FTA does not review/approve design plans for construction projects by subrecipients. Therefore, the responsibility for construction management and oversight lies with the subrecipient. Caltrans has developed the PS& E Checklist for subrecipient to self-certify that the project was designed and prepared for advertisement in accordance with 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreement to State Governments, FTA Circular 4220.1F-Third Party Contracts Guidance, FTA Circular 9040.1F. – Construction Management and Oversight, the FTA Project & Construction – Management Guidelines, and the FTA Best Practices Procurement Manual.

Please answer the questions below:

1. Highway System

☐ On the State Highway System (SHS)
☐ Off the SHS

2. Do you have an encroachment permit approved by Caltrans for this project?

☐ Yes
☐ No
☐ N/A

For more detailed information regarding encroachment permits, please go to http://www.dot.ca.gov/hq/traffops/developserv/permits/

3. Type of Project

☐ New Facility
☐ Restoration or Rehabilitation of a facility
☐ Bus Shelter Construction
☐ Fuel Station
☐ Pre-fabricated Bus Shelter
☐ Parking Facility including drive way access
☐ Other Explain: _____

4. Environmental Analysis (Check if requirement is met)

☐ The PS&E is fully responsive to the necessary actions called for by the environmental document, permit conditions, and other agreements.

5. Applicable Design Standards (Complete this section if project changes existing access egress of the highway)

   A. Design Standards Used (Check appropriate box, if applicable)

   ☐ Caltrans Design Standards
   ☐ Current AASHTO Standards
   ☐ 3R Projects
   ☐ Local Agency Design Standards Date Approved: _____

6. Standard Plans (Check appropriate box)

☐ Caltrans *Standard Plans* ☐ Standard Plans for Public Works Construction
☐ Local Approved Standard Plans ☐ Date signed (on behalf of the agency) by a registered engineer

7. Project PS&E (Check box if requirements are met)

☐ Cover sheet of PS&E signed and stamped on behalf of the local agency by the person in responsible charge, and who is a registered professional engineer licensed to practice in the State of California.
☐ Traffic Control Plans or reference to Standard Plan and Signs/Striping Plans included. (Additionally, Traffic Management Plans are required to be on file for all reconstruction, rehabilitation and other projects, if significant traffic delays are anticipated and as a result from project activities.
☐ Erosion Control Plan
☐ ADA is being fully complied with including Federal ADA Standards for Accessible Guidelines for Building and Facilities (ADAAG), Title 24 of the California Code of Regulations and local codes.

8. Standard Specifications (Check Standards used)

☐ Caltrans Standard Specifications
☐ Standard Specifications for Public Works Construction (Green Book)
☐ Locally Approved Standard Specifications

9. Required FTA Contract Provisions

The following applicable FTA Contract Clauses are included in the Bid Documents. Check if included and indicate page numbers.

☐ Buy America (49 U.S.C. 5323(j), 49 CFR Part 661) Page: ☐
☐ Seismic Safety (42 U.S.C. 7701 et seq., 49 CFR Part 41) Page: ☐
☐ Energy Conservation (42 U.S.C. 6321 et seq. 49 CFR Part 18) Page: ☐
☐ Clean Water (33 U.S.C. 1251) Page: ☐
☐ Lobbying (31 U.S.C. 1352, 49 CFR Part 19, 49 CFR Part 20) Page: ☐
☐ Access to Records and Reports (49 U.S.C. 5325, 18 CFR 18.36 (i), 49 CFR 633.17) Page: ☐
☐ Federal Changes (49 CFR 18) Page: ☐
☐ Bonding (31 CFR, Part 223) Page: ☐
☐ Clean Air (42 U.S.C. 7401 et seq., 40 CFR 15.61, 49 CFR Part 18) Page: ☐
☐ Recycled Products (42 U.S.C. 6962, 40 CFR 247, Executive Order 12873) Page: ☐
☐ Davis-Bacon and Copeland Anti-Kickback Acts (40 USC 3141, 18 USC 874, 40 USC 3145(a), 29 CFR 5.2(h), 49 CFR 18.36(i)(5), 40 USC 3142(a), 29 CFR 5.5(a)) Page: ☐
☐ Contract Work Hours and Safety Standards Act (40 USC 3701(b)(1)(B)(iii) and (b)(2), 29 CFR 5.2(h), 49 CFR 18.36(i)(6)) Page: ☐
☐ No Government Obligation to Third Parties Page: ☐
☐ Program Fraud and False or Fraudulent Statements and Related Acts (31 U.S.C. 3801 et seq. 49 CFR Part 31 18 U.S.C. 1001 49 U.S.C. 5307) Page: ☐
☐ Termination(49 U.S.C. Part 18 FTA Circular 4220.1E) Page: ☐
☐ Government-wide Debarment and Suspension (Non-procurement) (49 CFR Part 29) Page: ☐

☐ Privacy Act (U.S.C. 552) Page: ☐
☐ Civil Rights (29 U.S.C. § 623, 42 U.S.C. § 2000, 42 U.S.C. § 6102, 42 U.S.C. § 12112, 42 U.S.C. § 12132, 49 U.S.C. § 5332, 29 CFR Part 1630, 41 CFR Parts 60 et seq.) Page: ☐
☐ Breaches and Dispute Resolution (49 CFR Part 18, FTA Circular 4220.1E) Page: ☐
☐ Disadvantage Business Enterprise (49 CFR Part 26) Page: ☐
☐ Incorporation of Federal Transit Administration Terms (FTA Circular 4220.1E) Page: ☐

10. Common Bid Clauses/Elements

The following applicable Clauses/Elements are included in the Bid Documents. Check if included and indicate page numbers.

☐ Assignability Clause Page: ☐
☐ Bid Cancellation Page: ☐
☐ Bid Modifications, Withdrawals and Late Bids Page: ☐
☐ Bid Preparation and Submittal Due Date Page: ☐
☐ Contract Term Period Page: ☐
☐ Indemnities Page: ☐
☐ Insurance Requirements Page: ☐
☐ Liquidated Damages Page: ☐
☐ Pre-bid Conference Page: ☐
☐ Protest Procedures Page: ☐
☐ Warranties Page: ☐

11. Agency Signature

With the submission of the attached Plans, Specifications, and Estimate (PS&E) Checklist for the proposed project, I hereby certify that the project was designed and prepared for advertisement in accordance with 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreement to State Governments, Federal Transit Administration (FTA) circular 4220.1F-Third Party Contracts Guidance, FTA Circular 9040.1F. – Construction Management and Oversight, the FTA Project & Construction – Management Guidelines, and the FTA Best Practices Procurement Manual.

I understand that the California Department of Transportation (Caltrans) may not be performing a review of this PS&E at this time; however, all documents relating to this project are subject to review by FTA and/or Caltrans in order to verify this PS&E certification. I also understand if deficiencies are found in subsequent review, the following actions will be considered:

1. Where minor deficiencies are found, PS&E certification for future projects may be conditioned or not accepted until the deficiencies are corrected.

2. Where deficiencies are of such magnitude as to create doubt that the policies and objectives of applicable federal and State laws will not be accomplished by the project, federal funding may be withdrawn.

_____ ☐
(Signature, Title) (Date)

☐
(Name of the Agency)

☐ ☐
(Professional Registration Number) (Expiration Date)

PART XVI CHECKLIST for FACILITY/EQUIPMENT MAINTENANCE PLAN
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (CONST/ RE ACQUISITION) APPLICATION

Per FTA Master Agreement, Section 19.c and FTA Circular 5010. 1D, Chapter II, Section 3.a and Chapter IV Sections 3.k and m, the subrecipient is required to have a written maintenance plan for FTA funded facilities and equipment that includes an organization and assignment of responsibilities for facilities' and equipment's maintenance, a series of inspections and routine maintenance activities, and record keeping system.

Please answer the following questions below.

1. Does your agency have a current written maintenance plan for all FTA funded facilities/equipment?

   ☐ Yes ☐ No

2. Does the facility/equipment maintenance plan include goals and objectives? (Page _____)

   ☐ Yes ☐ No

3. Does the facility/equipment maintenance plan include inspections and preventive maintenance activities to ensure that assets are protected from deterioration and reach their maximum useful life?

   ☐ Yes ☐ No

4. Is the facility/equipment maintenance plan consistent with manufacturer's minimum maintenance requirements for equipment under warranty?

   ☐ Yes ☐ No

5. Does the facility/equipment maintenance plan prescribe a record keeping system so that the maintenance history of facilities and equipment is permanently recorded?

   ☐ Yes ☐ No

6. What is your agency's schedule for facility/equipment preventive maintenance? Are they completed on time?

7. Does your agency's facility/equipment maintenance plan address maintenance procedures for accessibility features (e.g. kneelers, ramps, etc.)? (Page _____)

   ☐ Yes ☐ No

8. Do maintenance records indicate that accessibility features are maintained in operative condition?

   ☑ Yes ☐ No

ADA - Americans with Disabilities Act, this Federal law is a comprehensive civil rights measure prohibiting discrimination against the disabled in employment, housing and transportation. The intent of ADA is to ensure equal access for persons with disabilities to public accommodations, public services, telecommunications and transportation.

Annual Certification and Assurances -Subrecipients are required to complete FTA's Certs and Assurances annually for all FTA grants and cooperative agreements. FTA updates the assurances in January every year. Subrecipients must download the forms from FTA or Caltrans' website. The signature page must be completed, signed and returned to Caltrans with the application. Subrecipients receiving both 5311 and 5307 funds may submit a PDF copy of the Certs and Assurances submitted to FTA.

Authorized Resolution by Planning Agency and/or Subrecipients - The resolution must identify the Section 5311 program and designate all individuals authorized to submit/sign applications, contractual documents (standard agreements), and request for reimbursements. The resolution must cover the following:

- Planning agency has approved the programming of funds for this project.
- Some combination of state, local, or private funding sources has been or will be committed to provide the required local share.
- The subrecipient has, or will have by the time of delivery, sufficient funds to operate the vehicles and equipment purchased under this project or operate the service, as applicable.
- The subrecipient has coordinated with other transportation providers and users in the region, including social service agencies capable of purchasing service.

Capital Cost of Contracting - Some subrecipients turn to an outside source to obtain public transportation service, maintenance service, or vehicles that the recipient will use in public transportation service. When subrecipient's contract for such service, FTA will provide assistance with the capital consumed in the course of the contract. In the case of a contractor's providing vehicles for public transportation service, the capital consumed is equivalent to the depreciation of the vehicles in use in the public transportation service during the contract period. In the case of a maintenance contract, the capital consumed may be, for example, depreciation of the maintenance garage, or depreciation of the machine that lifts the vehicle. Capital consumed may also include a proportionate share of the interest the contractor might pay out as the contractor purchases and makes available to the subrecipient of these capital assets. FTA refers to the concept of assisting with capital consumed as the "capital cost of contracting."

Charter Service – Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price, such as:

- A third party pays the transit provider a negotiated price for the group;
- (Any fares charged to individual members of the group are collected by a third party;
- The service is not part of the transit providers' regularly scheduled service, or is offered for a limited period of time; or
- A third party determines the origin and destination of the trip as well as scheduling; or

Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:

- A premium fare is charged that is greater than the usual or customary fixed route fare; or
- The service is paid for in whole or in part by a third party.

Note: Charter Service does NOT include demand response service to individuals.

A subrecipient seeking Federal assistance under the Federal Transit Laws to acquire or operate any public transportation equipment or facilities shall enter into a "Charter Service Agreement." The terms of the Charter Service Agreement are as follows: "The subrecipient agrees that it, and each of its third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR 604, the terms and conditions of which are incorporated herein by reference." The Charter Service Agreement is contained in the Certifications and Assurances published annually by Caltrans for applicants for Federal financial assistance. Once a subrecipient receives Federal funds, the Certifications and Assurances become part of its Standard Agreement for Federal financial assistance.

As part of its oversight responsibilities, Caltrans must ensure that any subrecipient providing charter service operates the service in accordance with the regulation. The charter service regulations apply to all subrecipients that receive Section 5307, 5309, 5311, 5316 and 5317 funds. The regulations define charter service as follows:

1. 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 be characteristics of charter service:
    a) A third party pays a negotiated price for the group
    b) Any fares charged to individual members of the group are collected by a third party
    c) The service is not part of the regularly scheduled service, or is offered for a limited period of time
    d) A third party determines the origin and destination of the trip as well as scheduling
2. Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and:
    a) A premium fare is charged that is greater than the usual or customary fixed route fare; or
    b) The service is paid for in whole or in part by a third party.

Example of services that do not meet the definition of charter service and, therefore, are not considered charter service by FTA are:

- Services requested by a third party that is irregular or on a limited basis for an exclusive group of individuals and the subrecipient does not charge a premium fare for the service and there is no third party paying for the service in whole or in part.
- Shuttle service for a one-time event if the service is open to the public, the itinerary is determined by the subrecipient, the subrecipient charges its customary fixed route fare and there is no third party involvement.
- When a university pays the subrecipient a fixed charge to allow all faculty, staff, and students to ride the transit system for free so long as the subrecipient provides the service on a regular basis along a fixed route and the service is open to the public.
- When the subrecipient sees a need and wants to provide service for a limited duration at the customary fixed route fare.

The charter regulations include exemptions and exceptions. Exemptions, which are not considered charter service, require no notification to registered charter providers, record-keeping, quarterly reporting, or other requirements. Exceptions are considered charter service and have administrative, record-keeping, and reporting requirements.

The charter service regulation exempts the following services:

1. <u>Transportation of Employees, Contractors, and Government Officials:</u> Subrecipients are allowed to transport their employees, other transit systems 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.

2. Private Charter Operators: The prohibitions do not apply to private charter operators that receive, directly or indirectly, Federal financial assistance under the over-the-road bus accessibility program or to non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance.
3. Emergency Preparedness Planning and Operation: Subrecipients are allowed to transport their employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors, and official guests for emergency preparedness planning and operations.
4. Section 5310, 5311, 5316 and 5317 Recipients: The prohibitions do not apply to subrecipient that use Federal financial assistance from FTA for program purposes, that is, transportation that serves the needs of either human service agencies or targeted populations (elderly individuals with disabilities) under Section 5310, 5311, 5316, or 5317. Program purposes do not include exclusive service for other groups formed for purposes unrelated to the special needs of the identified targeted populations.
5. Emergency Responses: Subrecipient are allowed to provide service for up to 45 days for actions directly responding to an emergency declared by the president, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration.
6. Recipients in Non-Urbanized Areas: Subrecipients in non-urbanized areas may transport employees, other transit systems' employees, transit management officials, and transit contractors and its geographic service area.

Exceptions

The charter regulation exempts the following community based charter services. The subrecipient must retain records of each charter service provided for at least three years. Charter service hours include time spent transporting passengers, time spent waiting for passengers, and "deadheaded" hours (time spent getting from the garage to the origin of the trip and then the time spent from trip's ending destination back to the garage).

1. Government Officials: A subrecipient is allowed to provide charter service (up to 80 charter service hours annually) to government official (Federal, state, and local) for official government business, which can include non-transit related purposes, if the subrecipient:
    a) Provides the service in its geographic service area
    b) Does not generate revenue from the charter service, except as required by law

    The subrecipient may petition FTA for additional charter service hours.
2. Qualified Human Service Organization (QHSO): A subrecipient is allowed to provide charter service to a QHSO for the purpose of serving persons:
    a) With mobility limitations related to advanced age
    b) With disabilities
    c) With low income

    If the QHSO receives funding, directly or indirectly, from the programs listed in Appendix A of the regulation, the QHSO is not required to register on the FTA's charter registration website. Otherwise, the QHSO is required to register. The subrecipient may provide service only if the QHSO is registered at least 60 days before the date of the first request for charter service.
3. Leasing of Equipment and Driver: A subrecipient is allowed to lease its FTA funded equipment and drivers to registered charter provides for charter service only if all of the following conditions exist:

a) The private charter operator is registered on the FTA charter registration website
b) The registered charter provider owns and operates buses or vans in a charter service business
c) The registered charter provider received a request for charter service that exceeds its available capacity either of the number of vehicles operated or the number of accessible vehicles operated by the registered charter provider
d) The registered charter provider has exhausted all of the available vehicles of all registered charter providers in the subrecipient's geographic service area

4. No Response by Registered Charter Provider: A subrecipient is allowed to provide charter service, on its own initiative or at the request of a third party, if no charter provider registered on the FTA's website responds to the notice issues:
   a) Within 72 hours for charter service requested to be provided in less than 30 days, or
   b) Within 14 calendar days for charter service requested to be provided in 30 days or more.

   The subrecipient is not allowed to provide charter service under this exception if a registered charter provider indicates an interest in providing the charter service described in the notice and the registered charter provider has informed the subrecipient of its interest in providing the service. This is true even if the registered charter provider does not ultimately reach an agreement with the customer.
   If the subrecipient is interested in providing charter service under this exception, the subrecipient shall provide email notice to registered charter providers in the subrecipient's geographic service area by the close of business on the day the subrecipient received the request unless the request was received after 2PM, in which case the notice shall be sent by the close of business the next business day.
5. Agreement with All Registered Charter Providers: The subrecipient is allowed to provide charter service directly to a customer consistent with an agreement entered into with all registered charter providers in the subrecipient's service area. The subrecipient is allowed to provide charter service up to 90 days without an agreement with a newly registered charter provider in the geographic service area subsequent to the initial agreement. Any parties to an agreement may cancel the agreement after providing a 90 day notice to the subrecipient.

6. The Petition to the Administrator: The subrecipient may petition the Administrator for an exception to the charter service regulations to provide charter service directly to a customer for:
   a) Events of regional or national significance
      The petition shall describe how registered charter providers were consulted and will be utilized and include a certification that the subrecipient has exhausted all the registered charter providers in its service area. The petition must be submitted at least 90 days before the first day of the event.
   b) Hardship (only for non-urbanized areas under 50,000 in population or small urbanized areas under 200,000 in population).
      The exception is only available if the registered charter providers have deadhead time that exceeds total trip time from initial pick-up to final drop-off, including wait time, The petition shall describe how the registered charter provider's minimum duration would create a hardship on the group requesting the charter service.
   c) Unique and time sensitive events (e.g. funerals of local, regional, or national significance) that are in the public's interest.
      The petition shall describe why the event is unique and time sensitive and would be in the public's interest.

Reporting Requirement
Beginning July 30, 2008, subrecipients providing charter service under four of the exceptions shall post the required records on the FTA charter website using TEAM-Web within 30 days of the end of each calendar quarters as follows:

- October 1 to December 31: January 30
- January 1 to March 31: April 30
- April 1 to June 30: July 30
- July 1 to September 30: October 30

The reporting requirement applies to the following four exceptions:

- Government officials (604.6)
- Qualified human service organizations (604.7)
- Leasing (604.8)
- No response from a registered charter provider (604.9)

Caltrans reports on behalf of its subrecipients. **When charter service is provided under one or more of the exceptions under this regulation, the subrecipient is required to complete the Charter Service Reporting Form (Appendix #48) and email the form to Caltrans HQ staff. The subrecipient must also maintain notices and records in an electronic format for at least three years from the date of service or lease.** The subrecipient may maintain the required records in other formats in addition to the electronic format.
The records shall include a clear statement identifying which exception the subrecipient relied upon when it provided the charter service. A single document or charter log may include all charter service trips provided during the quarter. The subrecipient may exclude specific origin to destination information for safety and security reasons. If such information is excluded, the record of the service shall describe the reason why such information was excluded and provide generalized information.

PDF copy of FTIP/PDF copy of FHWA/FTA Federally approved TIP Letter - Before FTA can make grants available to recipients, adequate planning must take place. The project proposed must be a product of the metropolitan planning process and/or the statewide planning process specified in 49 CFR part 613 and 23 CFR part 450. That is, all transit projects for which federal funds are expected to be used and that are within metropolitan planning boundaries must be included in a Metropolitan Transportation Improvement Program (TIP) approved by **the MPO** and the Governor and in a Statewide Transportation Improvement Program (STIP) that has been approved by FTA and the Federal Highway Administration (FHWA). Projects not within metropolitan planning boundaries are required only to be in the STIP. The application should identify the latest approved STIP (or amendments) containing the project(s), the appropriate page numbers, and a statement identifying the date that FTA and FHWA approved the STIP (or STIP amendment) that contains the proposed project(s). Projects listed in the TIP and STIP must be derived from and consistent with the State's long range plan.
Direct Operating Expenses – Expenses that are for activities and services that benefit the proposed project directly.

Examples of eligible direct operating expenses include, but are not limited to:

- Fuel and Lubricants – Gas, Diesel, bio-diesel, CNG, oil, and grease consumed by vehicles providing transportation services.
- Insurance – Vehicle insurance expenses accrued during the specified time period.
- Vehicle Maintenance – Routine vehicle maintenance and repairs that are not capitalized by your organization. (New engines and complete vehicle restorations and refurbishments that substantially extend the useful life of the vehicle should not be included. Those items should be requested through a capital grant application.)
- Contracted Services – Expenses that are paid to outside sources/vendors to provide the services in lieu of subrecipient's employees performing the activity.

- Labor and Benefits – Wages, salaries and fringe benefits paid to employees such as drivers, dispatchers, and shop mechanics.
- Administrative Expenses – Salaries and related benefits of those employees who perform administrative/clerical duties, and other non-salaried administrative expenses incurred to support a project.

Fringe Benefits – Compensation in addition to direct wages or salaries, such as company car, house allowance, medical and dental insurance, paid holiday, pension plans, subsidized meals, etc.

Indirect Costs - Indirect costs are overhead costs incurred by subrecipients as a result of the project, but that are not easily identified with the specific project. Generally, indirect costs are defined as administrative or other expenses that are not directly allocable to a particular activity or project; rather they are related to overall general operations and are shared among projects and/or functions. Indirect costs are sometimes referred to as "overhead costs."

Examples of indirect operating expenses include, but are not limited to:

- Executive Oversight
- Accounting
- Grants Management
- Legal Expenses
- Utilities
- Technology Support
- Facility Maintenance
- Depreciation
- Insurance

Indirect Cost Allocation Plan (ICAP)- If subrecipients are planning to charge indirect costs to an operating project, you must submit a plan documenting how charges were calculated and allocated between programs and projects. The plan MUST be reviewed and approved in writing by Caltrans Division of Audits and Investigation as well as FTA. Otherwise, Caltrans will NOT reimburse indirect operating expenses.

In-kind Match - In-kind match are goods and services donated from outside your agency. The value of non-cash charges for real property and equipment, and the value of goods and services must be directly benefiting and specifically identifiable to the project. To be eligible as a match, the monetary value of the in-kind contributions must be documented.

In-kind Valuation Plan - If subrecipients are planning to use in-kind match for local share, you must submit a plan documenting a list of donated goods and services, the fair market value of such goods and services and how the values were determined. The plan MUST be approved by Caltrans DMT as well as FTA. Otherwise, Caltrans will NOT issue a standard agreement for your proposed project.

Job Access Reverse Commute (JARC) – JARC projects are now eligible under Section 5311 Program. A transportation project to finance planning, capital and operating costs that support the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including transportation projects that facilitate the provision of public transportation services from urbanized areas and rural areas to suburban employment locations.

Labor Union Information - Under the terms of the Special Section 13 (c) Warranty for Application to the Small Urban and Rural program, Caltrans must provide an accurate up-to-date listing of all existing transportation providers in the transportation service area of the project, and any labor organization representing employees of such providers to the Department of Labor.

- Project Description – As identified in the Program of Projects.
- Other Providers – Provide a listing of all surface public transportation providers in the subrecipient's service area.
- Union Representative of Subrecipient's Employees – List union representation including name of organization, contact person, address, telephone number, and email address or indicate "none," if applicable.

Local Share - Local share is subrecipients' revenue generated from local sources such as, but are not limited to, taxing authority, funding received from state, county or municipal sources, other local or private grant awards and revenue generated from other internal activities. Operating assistance consists of 55.33% federal contribution and a 44.67% local match. Please note that source of local funds can NOT be from federal funds such as FTA Section 5310, 5316, or 5317 funds.

Maintenance Plan - Subrecipients are required to develop written maintenance plans for FTA funded facilities, vehicles, and equipment. The plan should identify the goals and objectives of a maintenance program and establish the means by which such goals and objective will be attained. In the maintenance plans, periodic reporting, maintenance record review, visual inspections, and maintenance audits should also be addressed.

Moving Ahead for Progress in the 21st Century Act (MAP-21) – is the new two-year surface transportation authority that provides FTA an authorization level of $10.9 billion in FY 2013 and $10.7 billion in FY 2014.

Procurement Requirements - Recipients/subrecipients seeking federal assistance under the Federal Transit Laws as codified at 49 U.S.C. 5301 et seq. to acquire property or services in support of a proposed project is subject to numerous provisions of law pertaining to third-party procurement requirements. SAFETEA-LU re-codified FTA's procurement requirements in 49 U.S.C. 5325. In addition, regulations promulgated at 49 CFR part 18 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) establish uniform administrative rules for federal grants, cooperative agreements, and subawards to State, local, and Indian tribal governments (private, non-profit organizations must comply with similar regulations in 49 CFR part 19). Provisions of the common rule pertaining to procurement requirements for FTA recipients that are governmental authorities are set forth at 49 CFR 18.36. Those requirements, as well as other FTA specific provisions, are also set forth in FTA's Master Agreement, FTA MA(13) October 1, 2006, at Section 15, "Procurement," and will be updated annually with issuance of each new Master Agreement. Finally, FTA has published additional guidance on recipient compliance with third-party procurement requirements within the most current FTA Circular 4220 and its "Best Practices Procurement Manual." These regulations and guidance are intended to ensure full and open competition and equitable treatment of all potential sources in the procurement process including planning, solicitation, award, administration, and documentation of all Federally-funded contracts. Each recipient of FTA assistance to acquire property or services in support of its proposed project shall certify to FTA, in accordance with 49 CFR 18.36 that its procurements and procurement system will comply with all applicable third-party procurement provisions of federal laws, regulations, and directives, except to the extent FTA has expressly approved otherwise in writing. Any subrecipient that fails to provide this certification may be determined ineligible for award of federal assistance if FTA and State determines that its procurement practices and procurement system are incapable of compliance with federal laws, regulations, and directives governing procurements financed with FTA assistance.

Toll Credits - Toll credits provide a credit toward a project's local share for certain expenditures with toll revenues. The amount of credit toward local share to be earned by State is based on revenues generated by toll authorities within the State. Under the provision of 23 U.S.C. 120(j), FHWA oversees the determination of toll credit within each state. For FTA, the effect of utilizing toll credits means that FTA, in essence, provides 100% of the total net project cost. If subrecipients are planning to use toll credit for local share, you MUST coordinate with your MPO and Caltrans before you submit an application to ensure the availability of the credit.