U.S. Department
of Transportation

**Federal Transit
Administration**

CIRCULAR

FTA C 9070.1G

June 6, 2014

Subject: ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM GUIDANCE AND APPLICATION INSTRUCTIONS

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1. PURPOSE. This circular is a reissuance of guidance on the administration of the transit assistance program for seniors and individuals with disabilities under 49 U.S.C. 5310, and guidance for the preparation of grant applications. This revision incorporates provisions of the Moving Ahead for Progress in the 21st Century Act (MAP-21).

2. CANCELLATION. This circular cancels Federal Transit Administration (FTA) Circular 9070.1F, "Elderly Individuals and Individuals with Disabilities Program Guidance and Application Instructions," dated May 1, 2007; and FTA Circular 9045.1, "New Freedom Program Guidance and Application Instructions," dated May 1, 2007.

3. AUTHORITY.

    a. Federal Transit Laws, Title 49, United States Code, Chapter 53.

    b. 49 CFR 1.91.

4. WAIVER. FTA reserves the right to waive any requirements of this circular to the extent permitted by law.

5. FEDERAL REGISTER NOTICE. In conjunction with publication of this circular, FTA published a notice in the *Federal Register* on June 6, 2014, addressing comments received during development of the circular.

6. AMENDMENTS TO THE CIRCULAR. FTA reserves the right to amend this circular to update references to requirements contained in other revised or new guidance and regulations that undergo notice and comment procedures, without further notice and comment on this circular.

7. ACCESSIBLE FORMATS. This document is available in accessible formats upon request. Paper copies of this circular as well as information regarding these accessible formats may be obtained by calling FTA's Administrative Services Help Desk, at 202-366-4865.

/S/ Original signed by
Therese W. McMillan
Deputy Administrator

SECTION 5310 PROGRAM CIRCULAR

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CHAPTER I

INTRODUCTION AND BACKGROUND

1. THE FEDERAL TRANSIT ADMINISTRATION (FTA). FTA is one of ten operating administrations within the U.S. Department of Transportation (DOT). Headed by an administrator appointed by the president of the United States, FTA functions through a Washington, DC, headquarters office, ten regional offices, and five metropolitan offices that assist transit agencies in all 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa.

   Public transportation means regular, continuing, shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income. Public transportation generally includes, but is not limited to, transportation services provided by buses, heavy rail, light rail, commuter rail, fixed guideway, bus rapid transit, passenger ferry boats, trolleys, inclined railways, people movers, vans, streetcars, jitneys, and aerial tramways. Public transportation can be either fixed-route or demand-response service, but excludes intercity passenger rail provided by Amtrak, intercity bus service, charter bus service, school bus service, sightseeing services, courtesy shuttle services provided by individual businesses, and intraterminal or intrafacility shuttle services.

   The federal government, through FTA, provides financial assistance to develop new transit systems and improve, maintain, and operate existing systems. FTA oversees thousands of grants to hundreds of state and local transit providers, primarily through its ten regional offices. These grant recipients are responsible for managing their programs in accordance with federal requirements, and FTA is responsible for ensuring that recipients follow federal statutory and administrative requirements.

2. AUTHORIZING LEGISLATION. The Moving Ahead for Progress in the 21st Century Act (MAP-21) (Public Law 112-141), signed into law on July 6, 2012, with an effective date of October 1, 2012, authorizes funding for federal surface transportation programs for fiscal years (FY) 2013 and 2014. Most of the federal transit provisions of MAP-21 are codified in chapter 53 of title 49, United States Code.

3. HOW TO CONTACT FTA. FTA's regional and metropolitan offices are responsible for the provision of financial assistance to FTA recipients and oversight of grant implementation for most FTA programs. Certain specific programs are the responsibility of FTA headquarters. Inquiries should be directed to either the regional or metropolitan office responsible for the geographic area in which you are located. See Appendix F for additional information.

   For further information, visit the FTA website (**http://www.fta.dot.gov**) or contact FTA headquarters at the following address and phone number:

Federal Transit Administration
Office of Communication and Congressional Affairs
1200 New Jersey Ave., SE
Washington, DC 20590
Phone: 202-366-4043
Fax: 202-366-3472

4. DEFINITIONS. All definitions in 49 U.S.C. 5302(a) apply to this circular, as well as the following definitions:

   a. Applicant: In this circular, the term "applicant" is used to identify an entity that is seeking, but has not yet been awarded, specific federal financial assistance directly from FTA. The term "applicant" is used interchangeably with "grant applicant." For purposes of this circular, the grant applicant is limited to states and designated recipients.

   b. Capital Asset: Facilities or equipment with a useful life of at least one year.

   c. Capital Lease: Any transaction whereby the recipient acquires the right to use a capital asset without obtaining full ownership regardless of the tax status of the transaction.

   d. Capital Project: A category of reimbursable project expenses that includes all activities identified in 49 U.S.C. 5302(3). Eligible activities under this project category are explained in Chapter III of this circular.

   e. Coordinated Public Transit-Human Service Transportation Plan (Coordinated Plan): Means a locally developed, coordinated transportation plan that identifies the transportation needs of individuals with disabilities, seniors and people with low incomes, provides strategies for meeting those needs, and prioritizes transportation services for funding and implementation.

   f. Cost of Project Property: This is the net invoice unit price, including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the equipment usable for the intended purpose. Other charges, such as the cost of inspection, installation, transportation, taxes, duty, or in-transit insurance, should be treated in accordance with the recipient's regular accounting practices, in the same or as separate line items.

   g. Designated Recipient: An entity designated, in accordance with the planning process under sections 5303 and 5304 of title 49, United States Code, by the governor of a state, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under 49 U.S.C. 5336 to urbanized areas of 200,000 or more in population; or a state or regional authority, if the authority is responsible under the laws of a state for a capital project and for financing and directly providing public transportation.

h. Direct Recipient: An entity that receives funding directly from FTA. For purposes of this circular, a direct recipient is a state or a designated recipient.

i. Disability: The term disability has the same meaning as in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102). The term "disability" means, with respect to an individual—

(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment.

j. Electronic Clearing House Operation (ECHO) System: ECHO is an FTA Web-based application system that processes drawdown payment requests from FTA recipients.

k. Electronic Grant Management System: A system that recipients and FTA use to manage grant applications, including the review, approval, and management of all grants. This system is used by recipients to submit financial status reports and milestone progress reports and to submit grant modification requests; this term includes FTA's TEAM-Web and successor systems.

l. Equipment: An article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost that equals or exceeds the lesser of the capitalization level established by the governmental unit for financial statement purposes, or $5,000. Equipment includes rolling stock and all other such property used in the provision of public transit service.

m. Governor: The term governor means the governor of a state, the mayor of the District of Columbia, and the governor of a territory of the United States; and includes the designee of the governor.

n. Grant: An award of financial assistance, including a cooperative agreement, in the form of money, or property in lieu of money, by the federal government to an eligible recipient or recipient. Used interchangeably with grant agreement.

o. Grant Application: A complete application for an award of financial assistance, including cooperative agreements, in the form of money, or property in lieu of money, by the federal government to an eligible recipient.

p. Human Service Transportation: Transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, seniors, and people with low incomes.

q. Large Urbanized Area: An urbanized area (UZA) with a population of 200,000 or more individuals, as determined by the Bureau of the Census.

r. Master Agreement: The FTA official document containing FTA and other cross-cutting federal requirements applicable to the FTA recipient and its project(s). The master agreement is generally revised annually in October. The master agreement is incorporated by reference and made part of each FTA grant, cooperative agreement, and amendment thereto.

s. Metropolitan Planning Organization (MPO): The policy board of an organization designated in cooperation with the state and public transportation operators to carry out the metropolitan planning process, including development of long-range transportation plans and Transportation Improvement Programs (TIP) for metropolitan regions of a State or States.

t. Mobility Management: Consists of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a government entity, under 49 U.S.C. chapter 53 (other than section 5309). Mobility management does not include operating public transportation services.

u. Net Project Cost: The part of a project that reasonably cannot be financed from operating revenues (i.e., farebox recovery).

v. New Bus Model: A bus model (including a model using alternative fuel) that has not been used in public transportation in the United States before the date of production of the model; or has been used in public transportation in the United States, but is being produced with a major change in configuration or components.

w. Nonprofit Organization: A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under state law to be nonprofit and for which the designated state agency has received documentation certifying the status of the nonprofit organization.

x. Operating Expenses: Those costs necessary to operate, maintain, and manage a public transportation system. Operating expenses usually include such costs as driver salaries, fuel, and items having a useful life of less than one year.

y. Preventive Maintenance: All maintenance costs related to vehicles and nonvehicles. Specifically, it is defined as all the activities, supplies, materials, labor, services, and associated costs required to preserve or extend the functionality and serviceability of the asset in a cost effective manner, up to and including the current state of the art for maintaining such an asset.

z. Pre-award Authority: Authority given under specific and limited circumstances to incur costs for eligible projects before a grant is made without prejudice to possible federal participation in the cost of the project(s). Applicants must comply with all federal requirements. Failure to do so will render a project ineligible for FTA financial assistance.

aa. Program of Projects: A list of projects to be funded in a grant application submitted to FTA by a state or designated recipient. The program of projects (POP) lists the subrecipients and indicates whether they are private nonprofit agencies or local governmental authorities, designates the areas served (including rural areas), and identifies any tribal entities. In addition, the POP includes a brief description of the projects, total project cost, and federal share for each project, and the amount of funds used for program administration from the 10 percent allowed.

bb. Public Transportation: Regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income, and does not include: intercity passenger rail transportation provided by Amtrak, intercity bus service, charter bus service, school bus service, sightseeing service, courtesy shuttle service for patrons of one or more specific establishments, or intraterminal or intrafacility shuttle services.

cc. Recipient: For purposes of this circular, a designated recipient or a state that receives a grant under Section 5310 directly.

dd. Rural Area: An area encompassing a population of fewer than 50,000 people that has not been designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

ee. Seniors: An individual who is 65 years of age or older.

ff. Small Urbanized Areas: A UZA with a population of at least 50,000 but less than 200,000, as determined by the Bureau of the Census.

gg. Subrecipient: A state or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a grant under Section 5310 indirectly through a recipient.

hh. Traditional Section 5310 Projects: Those public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.

ii. Urbanized Area (UZA): An area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

5. PROGRAM HISTORY**.** The Section 5310 program was established in 1975 as a discretionary capital assistance program. In cases where public transit was unavailable, insufficient, or inappropriate, the program awarded grants to private nonprofit organizations to serve the transportation needs of seniors and persons with disabilities. FTA (then the Urban Mass Transportation Administration [UMTA]) apportioned the funds among the states by formula for distribution to local agencies, a practice made a statutory requirement by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). In the early years of the program, many of the subrecipient nonprofit agencies used the vehicles primarily for transportation of their own clients. Funding for the Section 16 program, as it was then known, ranged between $20 million and $35 million annually until the passage of ISTEA, when it increased to the $50 million to $60 million range. ISTEA also introduced the eligibility of public agencies under limited circumstances to facilitate and encourage the coordination of human service transportation. Increasingly, FTA guidance encouraged and required coordination of the program with other federal human service transportation programs. In lieu of purchasing vehicles, acquisition of service in order to promote use of private sector providers and coordination with other human service agencies and public transit providers was made an eligible expense under ISTEA. Other provisions of ISTEA introduced the ability to transfer flexible funds to the program from certain highway programs and the flexibility to transfer funds from the Section 5310 program to the rural and urban formula programs.

With the codification of federal transit laws in 1994, the "Section 16" program became the "Section 5310" program. The Transportation Equity Act for the 21st Century (TEA–21) enacted in 1998, reauthorized the Section 5310 program. TEA–21 increased the authorized funding levels for the Section 5310 program but made no significant program changes. In 2005, Congress enacted SAFETEA–LU. SAFETEA–LU introduced the requirement that Section 5310 projects be derived from a locally developed, coordinated public transit-human service transportation plan; removed the flexibility that funds can be transferred to Section 5311 for Section 5311 program purposes during the fiscal year apportioned, if funds were not needed for Section 5310 program purposes; introduced a seven state pilot program that allowed selected states to use up to one-third of the funds apportioned to them for operating assistance; and allowed transfers to Section 5307 or 5311, but only to fund projects selected for Section 5310 program purposes.

Congress enacted The Moving Ahead for Progress in the 21st Century Act (MAP-21) on July 6, 2012, and the law became effective on October 1, 2012. MAP-21 repealed the New Freedom program (49 U.S.C. 5317) and merged the New Freedom program into the Section 5310 program. As a result of this merger of programs, activities eligible under the New Freedom program are now eligible under Section 5310, and, consistent with Section 5317, funds are apportioned among large urbanized areas, small urbanized areas, and rural areas, instead of only to states, as the law previously provided. The apportionment is based on the population of seniors and individuals with disabilities in large UZAs, small UZAs, and rural areas. MAP-21 authorized $254,800,000 for FY 2013 and $258,300,000 for FY 2014, which

is an increase over the SAFETEA-LU authorized amount of $226,000,000 for FY 2012 for the Section 5310 and Section 5317 programs combined.

In addition to the types of projects eligible under the traditional Section 5310 program and the former New Freedom program, a new eligible activity is public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit. MAP-21 requires that not less than 55 percent of a recipient's Section 5310 funds be available for capital projects that are "traditional" Section 5310 projects. A recipient may use more of its Section 5310 funds for these capital projects, but may not use less.

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CHAPTER II

PROGRAM OVERVIEW

1. STATUTORY AUTHORITY. Title 49 U.S.C. 5310 authorizes the formula assistance program for the Enhanced Mobility of Seniors and Individuals with Disabilities Program and provides formula funding to states and designated recipients (recipients) to improve mobility for seniors and individuals with disabilities.

   This program provides grant funds for capital and operating expenses to recipients for:

   - Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
   - Public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.);
   - Public transportation projects that improve access to fixed-route service and decrease reliance on complementary paratransit; and
   - Alternatives to public transportation projects that assist seniors and individuals with disabilities with transportation.

   Under MAP-21 this program no longer provides a single apportionment to each state; it now provides apportionments specifically for large urbanized, small urbanized, and rural areas, and will require new designations of designated recipients in large UZAs. Consistent with the type of projects eligible under the former New Freedom program, MAP-21 expanded the eligible activities to include operating expenses. FTA refers to this formula program as "the Section 5310 program." Funds authorized by 49 U.S.C. 5310 are subject to annual appropriations.

   Section 5310(b) provides that of the amounts apportioned to states and designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects—those public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Further, the law provides that a recipient may allocate the funds apportioned to it to:

   a. A private nonprofit organization; or

   b. A state or local governmental authority that:

(1) is approved by a state to coordinate services for seniors and individuals with disabilities; or

(2) certifies that there are no nonprofit organizations readily available in the area to provide the service.

These provisions, found at 49 U.S.C. 5310(b)(1) and (b)(2), essentially maintain the status quo for traditional Section 5310 projects and the eligible subrecipients for traditional Section 5310 projects.

Eligible subrecipients for other eligible Section 5310 activities include a state or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a Section 5310 grant indirectly through a recipient.

The code assigned to the Section 5310 program in the Catalogue of Federal Domestic Assistance is 20.513.

2. PROGRAM GOAL. The goal of the Section 5310 program is to improve mobility for seniors and individuals with disabilities throughout the country by removing barriers to transportation services and expanding the transportation mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas—large urbanized, small urbanized, and rural. The program requires coordination with other federally assisted programs and services in order to make the most efficient use of federal resources.

3. SECTION 5310 PROGRAM MEASURES. Under the Government Performance Results Act (GPRA), FTA is required by law to "establish performance goals to define the level of performance" and to also "establish performance indicators to be used in measuring relevant outputs, service levels, and outcomes" for each of its programs. The performance measures described here are designed to fulfill FTA's obligations under this Act. These measures will be used at a program level, and will not be used to assess individual grants.

   FTA will be capturing overall program measures to be used with the GPRA and the Performance Assessment Rating Tool process for the U.S. Office of Management and Budget. FTA will conduct independent evaluations of the program focused on specific data elements in order to better understand the implementation strategies and related outcomes associated with the program.

   The following indicators are targeted to capture overarching program information as part of the annual report that each state and designated recipient submits to FTA. The state and designated recipient should submit both quantitative and qualitative information as available on each of the following measures.

Traditional Section 5310 Projects

(1) Gaps in Service Filled. Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in numbers of seniors and people with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.

(2) Ridership. Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors on Section 5310–supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year.

Other Section 5310 Projects

(1) Increases or enhancements related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

(2) Additions or changes to physical infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

(3) Actual or estimated number of rides (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

The state and designated recipient should ensure that the above information is reported for all recipients and subrecipients of Section 5310 funding in projects selected by the state or designated recipient. The state or designated recipient may consolidate information for all projects in the annual report for any open Section 5310 grant awarded to the designated recipient. If Section 5310 funds have been awarded to other designated recipients pursuant to a supplemental agreement with the state or designated recipient, that direct recipient may report on behalf of itself and any subrecipients.

4. RECIPIENT ROLE IN PROGRAM ADMINISTRATION. The state agency designated by the governor of the state has the authority and responsibility for administering the Section 5310 program in urbanized areas under 200,000 in population and rural areas. The designated recipient of Section 5310 funds in urbanized areas over 200,000 in population has the authority and responsibility for administering the Section 5310 program in those areas.

The recipient's responsibilities include the following:

a. Document the state or designated recipient's procedures in a state management plan (SMP) or program management plan (PMP);

b. Plan for future transportation needs, and ensure integration and coordination among diverse transportation modes and providers;

c. Develop project selection criteria consistent with the coordinated planning process;

d. Notify eligible local entities of funding availability;

e. Solicit applications from potential subrecipients;

f. Determine applicant and project eligibility;

g. Certify that allocations of funds to subrecipients are made on a fair and equitable basis;

h. Submit an annual program of projects (POP) and grant application to FTA;

i. Ensure subrecipients comply with federal requirements;

j. Certify that all projects are included in a locally developed, coordinated public transit-human service transportation plan developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public;

k. Certify that to the maximum extent feasible, services funded under Section 5310 are coordinated with transportation services assisted by other federal departments and agencies;

l. Ensure that at least 55 percent of the area's apportionment is used for traditional Section 5310 projects carried out by the eligible subrecipients as described in section 5 of Chapter III of this circular; and

m. Oversee project audit and closeout.

5. FTA ROLE IN PROGRAM ADMINISTRATION.

a. FTA headquarters in Washington, DC, serves a broad, program level role in the administration of the program. FTA headquarters:

(1) Provides overall policy and program guidance for the Section 5310 program;

(2) Apportions funds annually to the states and designated recipients;

(3) Develops and implements financial management procedures;

(4) Initiates and manages program support activities; and

(5) Conducts national program reviews and evaluations.

b. FTA regional offices have the day-to-day responsibility for administration of the Section 5310 program. Regional offices:

(1) Review and approve grant applications;

(2) Obligate funds, monitor and close grants, and oversee the recipient's implementation of the annual program, including revisions to the POP;

(3) Receive state or designated recipient certifications;

(4) Review and approve SMPs and PMPs;

(5) Provide technical assistance, advice, and guidance to states and designated recipients as needed; and

(6) Perform triennial reviews and state management reviews every three years or as circumstances warrant, and other reviews as necessary.

6. RELATIONSHIP TO OTHER PROGRAMS. Other public transportation-related federal programs may provide support for Section 5310 projects, and Section 5310 projects may in turn enhance the effectiveness of these programs. The following is a brief discussion of existing programs, including programs that were repealed but for which funding remains available, and those newly authorized under MAP-21.

a. Repealed Programs. MAP-21 repealed the Job Access and Reverse Commute (JARC) and New Freedom programs. The JARC program was merged into the Section 5307 Urbanized Area Formula Grant and the Section 5311 Rural Area Formula Grant programs. As described in Chapter I of this circular, activities eligible under the New Freedom program are now eligible under the Section 5310 program. Funds authorized under the JARC and New Freedom programs and not yet obligated or expended remain available for obligation in a grant under the terms and conditions of 49 U.S.C. 5316 and 49 U.S.C. 5317, respectively, as those sections existed prior to the enactment of MAP-21, until the applicable statutory period of availability expires, or until the funds are fully expended, rescinded by Congress, or otherwise reallocated.

(1) Job Access and Reverse Commute (JARC) Program (Section 5316). The Job Access and Reverse Commute (JARC) program was a formula grant program for projects that improve access to employment-related transportation services for welfare recipients and eligible low-income individuals, and that transport residents of urbanized and rural areas to suburban employment opportunities.

(2) New Freedom Program (Section 5317). The New Freedom program was a formula grant program that provided funding for capital and operating expenses that support new public transportation services beyond those required by the Americans with Disabilities Act of 1990 (ADA) and new public transportation alternatives beyond those required by the ADA, designed to assist individuals with disabilities with accessing transportation services. The purpose of the New Freedom formula grant program was to provide additional resources to overcome existing barriers facing individuals with disabilities seeking integration into the workforce and full participation in society.

(3) Coordination Provisions, Sections 5310, JARC and New Freedom. Federal transit law, as amended by SAFETEA–LU, required that projects funded from the Section 5310, JARC, and New Freedom programs be derived from a locally developed, coordinated public transit-human service transportation plan ("coordinated plan"). A coordinated plan should maximize the programs' collective coverage by minimizing duplication of services. A coordinated plan may incorporate activities offered under other programs sponsored by federal, state, and local agencies to greatly strengthen its impact. FTA also encourages participation in coordinated service delivery as long as the coordinated services will continue to meet the purposes of all programs.

Under MAP-21, Section 5310 is the only program that still has this coordinated plan requirement. However, recipients with unobligated JARC and New Freedom funds must continue to certify that projects are included in a coordinated plan. Therefore, FTA encourages recipients with unobligated JARC and New Freedom funds to include/continue to include the Section 5310 program funds when developing the coordinated plan.

b. New and Revised Programs Under MAP-21.

(1) Section 5307 and Section 5311, the Urbanized Area and Rural Area Formula Programs. The Section 5307 program makes funds available to designated recipients to assist in the development, improvement, and use of public transportation systems in urbanized areas. The Section 5311 program makes federal funds available to states to assist in the development, improvement, and use of public transportation systems in rural areas. Under MAP-21, job access and reverse commute projects are eligible under both Section 5307 and 5311. While the overall objectives of the Section 5307, Section 5311, and Section 5310 programs differ (that is, the objectives of Sections 5307 and 5311 are to provide transportation to the general public in urbanized and rural areas and the objective of Section 5310 is to serve seniors and individuals with disabilities in both rural and urbanized areas), there are parallels that make it desirable for designated recipients and states to consider all resources and plan for their use in a complementary way. FTA expects local transit providers to participate in the development of a coordinated public transit-human service transportation plan.

The Section 5311 program makes funds available to states to assist with the development, improvement, and use of public transportation systems in rural areas. Under Section 5311, the Rural Transportation Assistance Program (RTAP) provides for technical assistance, training, and related support services in rural areas. Section 5310 providers may participate in RTAP sponsored activities, at the state's discretion, as long as the activities are primarily designed and delivered to benefit rural transit providers.

(2) Bus and Bus Facilities Formula Program (Section 5339). MAP-21 amended 49 U.S.C. 5339 to create a new formula bus and bus facilities program. The purpose of this program is to finance capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities. The requirements of Section 5307 apply to this program. Eligible recipients are designated recipients that operate fixed-route bus service or that allocate funding to fixed-route bus operators.

(3) Federal Highway Administration (FHWA) Flexible Funds. Surface Transportation Program (STP) funds, among others, are a source of flexible funds for both highway and transit projects. At the state's discretion, these flexible funds may be used for transit capital projects. This provision includes transit capital projects funded through Section 5310 that meet the transportation needs of seniors and individuals with disabilities.

7. COORDINATION WITH OTHER FEDERAL PROGRAMS.

a. The Federal Interagency Coordinating Council on Access and Mobility (CCAM). The Federal Interagency Coordinating Council on Access and Mobility (CCAM), comprised of eleven federal departments and agencies, was established by Executive Order 13330, "Human Service Transportation Coordination," signed by President George W. Bush on February 24, 2004. The members consist of the secretaries of the U.S. Departments of Transportation, Health and Human Services, Labor, Education, Agriculture, Housing and Urban Development, Interior, Veterans Affairs, the Commissioner of Social Security, the Attorney General, and the Chair of the National Council on Disabilities.

CCAM coordinates more than sixty federal programs providing transportation funding for seniors, people with disabilities, and individuals with low incomes.

To implement the Executive Order, CCAM launched the United We Ride (UWR) initiative to break down the barriers between programs and set the stage for local partnerships that generate common sense solutions and deliver A-plus performance for everyone who needs transportation. UWR has been working with states and communities to address gaps and needs related to human service transportation in their geographic regions. This includes assistance with the development and implementation of action plans for coordinated human service transportation.

Consistent with the presidential directive, members of CCAM adopted the following policy statement in October 2006: "Member agencies of the Federal Coordinating Council on Access and Mobility resolve that federally-assisted recipients that have significant involvement in providing resources and engage in transportation delivery should participate in a local coordinated human services transportation planning process and develop plans to achieve the objectives to reduce duplication, increase service efficiency and expand access for the transportation-disadvantaged populations as stated in Executive Order 13330."

At the same time, CCAM adopted a policy clarifying federal policy regarding vehicle sharing: "Member agencies of CCAM resolve that federally-assisted recipients that have significant involvement in providing resources and engage in transportation should coordinate their resources in order to maximize accessibility and availability of transportation services."

Both of these policy statements are intended for implementation by each CCAM member department through administrative, regulatory, and/or legislative mechanisms.

CCAM has also established the UWR Logic Model and Performance Measure tool to assist states and communities with identifying potential measures in a coordinated transportation system. The policy statements, logic model, and other tools can be found on the UWR website at **www.unitedweride.gov**.

b. Meal Delivery for Homebound Individuals. Public transportation service providers that receive assistance under Section 5310 or Section 5311(c) funds may coordinate and assist in regularly providing meal delivery service for homebound individuals, as long as the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

c. Other Interagency Coordination. FTA encourages state departments of transportation and designated recipients' participation in interagency efforts such as the State Rural Development Councils, Economic Development Councils, and Human Service Transportation Coordinating Councils. Coordination councils at the state and local levels often include participation from public and private transportation providers, human service providers, and passengers, including seniors and individuals with disabilities. These councils are actively working on identifying needs, resources, and gaps for seniors, individuals with disabilities, and others who require assistance with transportation services.

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CHAPTER III

GENERAL PROGRAM INFORMATION

1. RECIPIENT DESIGNATION. The governor of each state or an official designee must designate a public entity to be the recipient for Section 5310 funds. The designated agency must have the requisite legal, financial, and staffing capabilities to receive and administer federal funds under this program. In urbanized areas with populations less than 200,000 and in rural areas, the state is the designated recipient. For these areas, the governor of a state designates a state agency responsible for administering the Section 5310 program, and officially notifies the appropriate FTA regional office in writing of that designation. The governor of a state may designate the state agency that receives Rural Area Formula Funds (Section 5311) to be the Section 5310 recipient, or the governor of a state may designate a different agency.

   In urbanized areas over 200,000 in population, the recipient charged with administering the Section 5310 program must be officially designated through a process consistent with 49 U.S.C. 5302(4), which defines designated recipient as:

   > an entity designated in accordance with the planning process under Sections 5303 and 5304 by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under Section 5336 to urbanized areas of 200,000 or more in population.

   The Urbanized Area Formula (Section 5307)–designated recipient provides and coordinates transportation services for the region and is familiar with FTA's program oversight requirements; therefore, it is appropriate for the designated recipient for the Section 5310 program to be the same as the designated recipient for Section 5307 funds. Alternatively, the Section 5317 (New Freedom program)–designated recipient, the metropolitan planning organization (MPO), state, or another public agency may be a preferred choice based on local circumstances. A state agency may be the designated recipient of Section 5310 funds for a large urbanized area, and all apportioned funds for the large urbanized area must be allocated to agencies within the large urbanized area.

   FTA recommends the MPO initiate the designation process as soon as possible in large urbanized areas receiving Section 5310 funds for the first time. The designation letter must be on file with the FTA regional office before grant applications may be submitted for FTA review and funds awarded.

   Designations remain in effect until changed by the governor by official notice of redesignation to the appropriate FTA regional office.

2. DESIGNATION OF MULTIPLE RECIPIENTS IN URBANIZED AREAS. FTA encourages the designation of a single designated recipient for each large urbanized area over 200,000 in population, including multi-state urbanized areas, in order to streamline the administration of the program and foster coordination. The governor or an official designee may also designate a single recipient for contiguous large urbanized areas. However, nothing precludes the designation of multiple designated recipients.

   When more than one recipient is designated for a single large urbanized area, the designated recipients must agree on how they will split the single apportionment and notify FTA annually of the split and the geographic part of the urbanized area each recipient will be responsible for managing.

   For multi-state small urbanized areas of less than 200,000 in population, the governor of each state must designate a state agency for that respective state's portion.

3. ROLE OF THE DESIGNATED RECIPIENT. The designated recipient is responsible for selection of projects, and may, but is not required to, include a competitive selection process. If the designated recipient decides to hold a competitive selection, it may conduct the competitive selection itself or establish alternative arrangements to administer and conduct the competitive selection. For example, the MPO could be the lead agency for the competitive selection, even if it is not the designated recipient. Alternatively, the designated recipient may, through interagency agreement or third party contracts, provide for the administrative management and oversight of the competitive selection process.

   The designated recipient will apply to FTA for funding using the designated FTA electronic grant management system on behalf of itself and/or eligible subrecipients for Section 5310 projects within the recipient's area. The designated recipient is responsible for the following actions:

   a. Developing the program of projects (POP). Developing project selection processes, including deciding whether to conduct an areawide (or statewide) competitive selection process and, if so, conducting the competition;

   b. Certifying that all projects are included in a locally developed, coordinated public transit-human service transportation plan (coordinated plan) developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public. The designated recipient is not directly responsible for developing the coordinated plan, but is responsible for ensuring that the plan from which a selected project was included was developed in compliance with the statutory requirements. An agency or organization other than the designated recipient may take the lead in developing the coordinated plan;

   c. Overseeing the implementation of projects as developed and prioritized in the coordinated plan, including, where not specified in the coordinated plan, selecting entities

to carry out projects consistent with procedures approved in the coordinated plan and/or documented in the designated recipient's state or program management plan. In cases where the designated recipient is responsible for allocating funding among localities or regions that have developed and approved individual coordinated plans, the designated recipient shall select projects consistent with a process developed in collaboration with organizations responsible for developing local or regional coordinated plans;

d. Certifying a fair and equitable distribution of funds to subrecipients, if any;

e. Managing all aspects of grant distribution and oversight for subrecipients receiving funds under this program; and

f. Submitting reports as required by FTA.

Funds are obligated based on the annual program of projects included in a grant application. FTA does not conduct project-by-project review and approval of each project. The recipient must ensure that local applicants and project activities are eligible and in compliance with federal requirements and that the program provides for maximum feasible coordination of transportation services assisted under Section 5310 with transportation services assisted by other federal sources. In addition, the recipient monitors local projects; ensures that all program activities are included in a transportation improvement program (TIP) for activities in urbanized areas; ensures that all program activities are included in a statewide transportation improvement program (STIP); and oversees project audits and closeouts. The recipient must certify to FTA annually that the recipient and subrecipients have met or will meet all federal requirements, including all metropolitan and statewide planning requirements. Once FTA has approved the application, funds are available for administration and for allocation to individual subrecipients.

Under Department of Transportation (DOT) regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18 (sometimes referred to as the "common grant rule" or "common rule"), the state relies on its own laws and procedures in the areas of financial management systems, equipment, and procurement for itself and its public entity subrecipients. For private nonprofit agencies, grant management requirements are contained in 49 CFR part 19, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations." States may have uniform requirements for all of their subrecipients, both private nonprofit agencies and governmental authorities, as long as such requirements are not inconsistent with part 19. Designated recipients other than states must follow the provisions of 49 CFR part 18; subrecipients follow part 18 if they are public entities and part 19 if they are private nonprofit entities.

4. ELIGIBLE DIRECT RECIPIENTS.

a. Urbanized Areas over 200,000. Except as noted below, the 5310 designated recipient will apply directly to FTA for a Section 5310 grant for itself and on behalf of subrecipients.

As discussed, the designated recipient for Section 5310 in a large UZA over 200,000 in population may or may not be the same agency as the designated recipient for Section 5307 funds.

The coordinated planning and project selection process may result in Section 5310 funds being allocated to a transit agency that is not the designated recipient for the Section 5310 program, but is a designated recipient for Section 5307 funds, and thus, typically receives funds directly from FTA. Instead of entering into a subrecipient relationship with the Section 5310 designated recipient, the selected agency may request that FTA make the Section 5310 grant for the project directly to the transit agency that is a designated recipient for Section 5307. If this occurs, the Section 5310–designated recipient must enter into a supplemental agreement with the Section 5307–designated recipient as part of the application to release the Section 5310–designated recipient from any liability under the grant agreement. Supplemental agreements are provided in the electronic grants management system and must be electronically executed.

b. Rural and Small Urbanized Areas under 200,000 in population. The state is the designated recipient and will apply directly to FTA for grant funds for itself and its subrecipients. The state is the only eligible direct recipient for Section 5310 funds in rural areas and small UZAs.

c. Tribes. Federally recognized Indian tribes are eligible direct recipients under the Section 5311 program. A tribe may also apply directly to FTA for Section 5310 funds that a state or designated recipient has awarded to the tribe.

5. ELIGIBLE SUBRECIPIENTS FOR TRADITIONAL SECTION 5310 PROJECTS. Section 5310(b) provides that of the amounts apportioned to states and designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects—those public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Further, the law provides that, for these projects, a recipient may allocate the funds apportioned to it to:

a. A private nonprofit organization; or

b. A state or local governmental authority that:

(1) is approved by a state to coordinate services for seniors and individuals with disabilities; or

(2) certifies that there are no nonprofit organizations readily available in the area to provide the service.

These provisions, found at 49 U.S.C. 5310(b)(1) and (b)(2), essentially maintain the status quo for traditional Section 5310 projects.

Governmental authorities eligible to apply for Section 5310 funds as "coordinators of services for seniors and individuals with disabilities" are those designated by the state to coordinate human service activities in a particular area. Examples of such eligible governmental authorities are a county agency on aging or a public transit provider which the state has identified as the lead agency to coordinate transportation services funded by multiple federal or state human service programs.

6. ELIGIBLE SUBRECIPIENTS FOR OTHER SECTION 5310 PROJECTS. Eligible subrecipients for other eligible Section 5310 activities include a state or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a Section 5310 grant indirectly through a recipient.

7. PRIVATE TAXI OPERATORS AS SUBRECIPIENTS. Private operators of public transportation are eligible subrecipients. The definition of "public transportation" includes "… shared-ride surface transportation services …" Private taxi companies that provide shared-ride taxi service to the general public on a regular basis are operators of public transportation, and therefore eligible subrecipients. "Shared-ride" means two or more passengers in the same vehicle who are otherwise not traveling together. Similar to general public and ADA demand response service, every trip does not have to be shared-ride in order for a taxi company to be considered a shared-ride operator, but the general nature of the service must include shared rides.

   Local (municipal/state) statutes or regulations, or company policy, will generally determine whether a taxi company provides shared-ride or exclusive-ride service. For example, if the local regulation permits the driver to determine whether or not a trip may be shared, the service is not shared-ride. Similarly, if the regulation requires consent of the first passenger to hire a taxi be obtained before the taxi may take on additional riders, the service is not shared-ride. In essence, services that can be reserved for the exclusive use of individuals or private groups, either by the operator or the first passenger's refusal to permit additional passengers, is exclusive-ride taxi service. A recipient should request documentation from the taxi company to ensure the company is providing shared-ride service prior to award in order to determine whether the company qualifies as a subrecipient.

   Taxi companies that provide only exclusive-ride service are not eligible subrecipients; however, they may participate in the Section 5310 program as contractors. Exclusive-ride taxi companies may receive Section 5310 funds to purchase accessible taxis under contract with a state, designated recipient, or eligible subrecipient such as a local government or nonprofit organization. The taxi company may hold title to the accessible vehicle(s) as long as the agreement between the state, designated recipient, or subrecipient and the taxi company is sufficient to establish satisfactory continuing control. Acceptable means of establishing satisfactory continuing control could include a state, designated recipient, or subrecipient's lien on the vehicle, or contract provisions that require the accessible taxi to be used to provide transportation for seniors and people with disabilities, and that the vehicle

may not be removed from service or disposed of prior to the end of its useful life without the express written consent of the FTA recipient or subrecipient.

8. APPORTIONMENT OF SECTION 5310 FUNDS. Of the total Section 5310 funds available, FTA apportions 60 percent among designated recipients in large UZAs; 20 percent to the states for small UZAs; and 20 percent to the states for rural areas with less than 50,000 in population. Section 5310 funds are apportioned among the recipients by formula. The formula is based on the ratio that the number of seniors and individuals with disabilities in each such area bears to the number of seniors and individuals with disabilities in all such areas. Example: a large UZA's apportionment is based on the ratio that the number of seniors and individuals with disabilities in that large UZA bears to the number of seniors and individuals with disabilities in all large UZAs. The number of seniors and individuals with disabilities in an area is determined according to the latest available U.S. Census data for adults over the age of sixty-five and individuals with disabilities over the age of five. The annual apportionment for Section 5310 is published in the *Federal Register* following the enactment of the annual DOT appropriations act.

9. FUNDS AVAILABILITY. Section 5310 funds are available for obligation during the fiscal year of apportionment plus two additional years. Thus, for example, funds apportioned in FY 2013 are available until the end of FY 2015 (September 30, 2015). Any funds remaining unobligated at the end of the period of availability are added to the next year's program apportionment and are reapportioned among all areas.

10. TRANSFER OF FUNDS.

    a. Transfer to Other FTA Programs. Transfers of Section 5310 funds to other programs are not permitted.

    b. Transfer to Other Areas within the Program. A State may use funds apportioned for small urbanized and rural areas for projects serving another area of the State if the Governor of the State certifies that all of the objectives of the Section 5310 program are being met in the specified areas. For example, if all objectives of the Section 5310 program are being met in rural areas, funds designated for rural areas may be transferred to urbanized areas of less than 200,000 in population. Funds apportioned to small urbanized and rural areas may also be transferred for use anywhere in the State, including large urbanized areas, if the State has established a statewide program for meeting the objectives of the Section 5310 program. A recipient may transfer apportioned funds only after consulting with responsible local officials, publicly owned operators of public transportation, and nonprofit providers in the area from which the funds to be transferred were originally apportioned. Funds apportioned to large UZAs may not be transferred to other areas.

    c. Transfer of FHWA Flexible Funds. Flexible funds from the Federal Highway Administration (FHWA) may be transferred to the Section 5310 program for use by the recipient. The funds will be treated under the Section 5310 program requirements, with the exception of the local match and the minimum requirement for 55 percent to be spent

on traditional Section 5310 projects. The FHWA funds will maintain the FHWA eligible match, including the application of the sliding scale for a higher federal share. The funds are available for obligation by the state for two additional years after the year in which they are transferred.

d. For transfers of flexible funds to Section 5310, the recipient must notify both FHWA and FTA and request FHWA to transfer the funds to the appropriate FTA account. The transfer must be completed prior to grant award.

11. CONSOLIDATION OF GRANTS TO INSULAR AREAS. FTA grants to insular areas may be consolidated under the provisions of 48 U.S.C. 1469a. This provision permits federal agencies to streamline and consolidate certain grant-in-aid programs available to the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. These insular areas receive Section 5311 apportionments and Rural Transportation Assistance Program (RTAP) allocations annually as well as Section 5310 funds, and, in some cases, Section 5307 funds. [Note: Section 5307(g) provides that the Virgin Islands shall be treated as a small urbanized area for the purposes of Section 5307. FTA does not apportion Section 5311 or RTAP funds to the Virgin Islands]. Specifically, 48 U.S.C. 1469a permits:

a. Federal agencies to consolidate any or all grants to each of the insular areas and to waive requirements for matching funds, applications, and reports with respect to the consolidated grants; and

b. Each insular area to use the consolidated grant funds for any purpose or program authorized for any of the consolidated grants.

For these areas, FTA will consolidate Section(s) 5307, 5310, and 5311 funding into a single grant by transferring funds from one section to another. The insular areas may transfer all or a portion of the funds apportioned for Sections 5307 and 5310 to Section 5311 for use under any of these sections. This should improve the efficiency of grant making and grant management for these areas which have limited staff resources and receive small amounts of funds under each of these programs. Those insular areas interested in submitting applications for consolidated grants should notify the appropriate FTA regional office for application procedures and consolidation requirements. Among other things, the area should identify the intended use of consolidated funds and should document that the transportation of seniors and individuals with disabilities will not be adversely affected.

In addition, 48 U.S.C. 1469a(d) allows a federal agency to waive any local matching share requirements for grants to insular areas. FTA has no authority under 48 U.S.C. 1469a to waive any cross-cutting requirements, such as Buy America, Title VI, or drug and alcohol testing.

12. RECIPIENT ADMINISTRATIVE EXPENSES. Up to 10 percent of the recipient's total fiscal year apportionment may be used to fund program administration costs including administration, planning, and technical assistance for projects funded under this program.

Recipients may pass any portion of funds available for administrative expenses, up to the allowable 10 percent, on to subrecipients for the same purpose. Program administration costs may be funded at 100 percent federal share.

The state and the designated recipient in urbanized areas have pre-award authority to incur administrative costs for Section 5310. Because the program is continuously managed, oldest funds available are drawn first regardless of the year of award for program activity.

FTA encourages recipients to identify all the available Section 5310 administrative funds they intend to use routinely in each annual grant application. However, recipients may choose to accumulate Section 5310 administrative funds within their period of availability to augment the funds available for a special administrative need in a subsequent year. Recipients may accumulate Section 5310 administrative funds in the year of apportionment plus two years.

If a recipient includes program administration expenses in excess of the 10 percent in its grant application, it must document the unused Section 5310 administrative funds from prior years available to augment the amount of Section 5310 administrative funds in the current apportionment.

The recipient must document the availability of Section 5310 administrative funds in each grant application. The grant application should include a list of all other grants for administrative expenses that utilize funds from the same apportionment. The list must include the total amount of administrative funds included in each grant and the fiscal year in which the funds were apportioned. The list should account for all funds for administrative expenses added through grant budget revisions or amendments. The list should include all other pending grant applications, budget revisions, or amendments that include administrative expenses that utilize funds from the same apportionment.

Allowable administrative costs may include, but are not limited to, general administrative and overhead costs, staff salaries, office supplies, and development of specifications for vehicles and equipment. Guidance on eligible costs is in Office of Management and Budget (OMB) Circular A–87 (codified at 2 CFR part 225). The program administration budget line item may also include technical assistance and planning activities, including allocations to subrecipients to support the local coordinated planning process. Any general overhead costs must be supported by an indirect cost allocation plan that has been approved by FTA or another cognizant federal agency.

These eligible program administrative costs may be used directly by the designated recipient or may be passed through by the designated recipient to subrecipients for administration, planning, or technical assistance purposes. The funds can be obligated before the completion of the coordinated planning process and project selection process in order to assist with either activity.

13. ELIGIBLE ACTIVITIES. Section 5310 funds are available for capital and operating expenses to support the provision of transportation services to meet the specific needs of seniors and individuals with disabilities.

    Section 5310(b) provides that of the amounts apportioned to states and designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects—those public transportation capital projects planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Notably, this 55 percent is a floor, not a ceiling—recipients may use more than 55 percent of their apportionment for this type of project.

    This means that at least 55 percent of any rural, small urbanized area, or large urbanized area's annual apportionment must be utilized for public transportation capital projects that are planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities. It is not sufficient that seniors and individuals with disabilities are merely included (or assumed to be included) among the people who will benefit from the project.

    Eligible projects for the required 55 percent of capital projects include the capital cost of contracting for the provision of transit services for seniors and individuals with disabilities and other specialized shared-ride transportation services. The purchase of rolling stock for or the acquisition of ADA-complementary paratransit service are eligible capital expenses that may also qualify as public transportation capital projects planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate, provided the projects are carried out by eligible subrecipients (see section 5, above) and these projects are included in the area's coordinated plan.

    In addition to the above required capital projects, up to 45 percent of an area's apportionment may be utilized for additional public transportation projects that:

    a. Exceed the ADA minimum requirements,

    b. Improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service, or

    c. Provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

    Such projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although they may be used by the general public. It is not sufficient that seniors and individuals with disabilities are included (or assumed to be included) among the people who will benefit from the project. FTA encourages projects that are open to the public as a means of avoiding unnecessary segregation of services.

Recipients must clearly identify the projects that are part of the required 55 percent capital projects as part of the grant activity line item narrative descriptions. Many projects may be eligible under both the required and optional criteria, but a discrete set of projects that meet the required criteria constituting at least 55 percent of the grant amount, exclusive of administrative expenses, must be identified. Alternatively, the grant application may assign less than the required 55 percent to such projects if other grants in the same fiscal year utilize more than the required 55 percent, so long as at least 55 percent of the total annual apportionment will be used for required projects. In such cases, a list of the other grants and the funding amounts must be included within the new grant application.

14. ELIGIBLE CAPITAL EXPENSES THAT MEET THE 55 PERCENT REQUIREMENT. Funds for the Section 5310 program are available for capital expenses as defined in Section 5302(3) to support public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Examples of capital expenses that meet the 55 percent requirement, which must be carried out by an eligible recipient or subrecipient as described in section 5 of this chapter above, include, but are not limited to:

    a. Rolling stock and related activities for Section 5310-funded vehicles

        (1) Acquisition of expansion or replacement buses or vans, and related procurement, testing, inspection, and acceptance costs;

        (2) Vehicle rehabilitation or overhaul;

        (3) Preventive maintenance;

        (4) Radios and communication equipment; and

        (5) Vehicle wheelchair lifts, ramps, and securement devices.

    b. Passenger facilities related to Section 5310-funded vehicles

        (1) Purchase and installation of benches, shelters, and other passenger amenities.

    c. Support facilities and equipment for Section 5310-funded vehicles

        (1) Extended warranties that do not exceed the industry standard;

        (2) Computer hardware and software;

        (3) Transit-related intelligent transportation systems (ITS);

        (4) Dispatch systems; and

        (5) Fare collection systems.

d. Lease of equipment when lease is more cost effective than purchase. Note that when lease of equipment or facilities is treated as a capital expense, the recipient must establish criteria for determining cost effectiveness in accordance with FTA regulations, "Capital Leases," 49 CFR part 639 and OMB Circular A–94, which provides the necessary discount factors and formulas for applying the same;

e. Acquisition of transportation services under a contract, lease, or other arrangement. This may include acquisition of ADA-complementary paratransit services when provided by an eligible recipient or subrecipient as defined in section 5 of this chapter, above. Both capital and operating costs associated with contracted service are eligible capital expenses. User-side subsidies are considered one form of eligible arrangement. Funds may be requested for contracted services covering a time period of more than one year. The capital eligibility of acquisition of services as authorized in 49 U.S.C. 5310(b)(4) is limited to the Section 5310 program;

f. Support for mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management is an eligible capital cost. Mobility management techniques may enhance transportation access for populations beyond those served by one agency or organization within a community. For example, a nonprofit agency could receive Section 5310 funding to support the administrative costs of sharing services it provides to its own clientele with other seniors and/or individuals with disabilities and coordinate usage of vehicles with other nonprofits, but not the operating costs of service. Mobility management is intended to build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service. Mobility management activities may include:

(1) The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, seniors, and low-income individuals;

(2) Support for short-term management activities to plan and implement coordinated services;

(3) The support of state and local coordination policy bodies and councils;

(4) The operation of transportation brokerages to coordinate providers, funding agencies, and passengers;

(5) The provision of coordination services, including employer-oriented transportation management organizations' and human service organizations' customer-oriented travel navigator systems and neighborhood travel coordination activities such as coordinating individualized travel training and trip planning activities for customers;

(6) The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs; and

(7) Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of geographic information systems (GIS) mapping, global positioning system technology, coordinated vehicle scheduling, dispatching and monitoring technologies, as well as technologies to track costs and billing in a coordinated system, and single smart customer payment systems. (Acquisition of technology is also eligible as a standalone capital expense).

g. Capital activities (e.g., acquisition of rolling stock and related activities, acquisition of services, etc.) to support ADA-complementary paratransit service may qualify toward the 55 percent requirement, so long as the service is provided by an eligible recipient/subrecipient as defined in section 5, above, and is included in the coordinated plan.

15. OTHER ELIGIBLE CAPITAL AND OPERATING EXPENSES.

a. General. Up to 45 percent of a rural, small urbanized area, or large urbanized area's annual apportionment may be utilized for:

(1) Public transportation projects (capital only) planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;

(2) Public transportation projects (capital and operating) that exceed the requirements of ADA;

(3) Public transportation projects (capital and operating) that improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service; or

(4) Alternatives to public transportation (capital and operating) that assist seniors and individuals with disabilities with transportation.

Since the 55 percent requirement is a floor, and not a ceiling, the activities listed in section 14, above, are eligible expenses for all funds available to a recipient under Section 5310. For example, mobility management and ITS projects may be eligible under both categories; the difference to note, in order for the project to qualify toward the 55 percent requirement, is that the project must meet the definition of a capital project, be specifically geared toward the target population, and carried out by an eligible subrecipient, which is limited for this category of projects. The list of eligible activities is intended to be illustrative, not exhaustive. FTA encourages recipients to develop

innovative solutions to meet the needs of seniors and individuals with disabilities in their communities and discuss proposed projects with FTA regional staff to confirm eligibility.

b. Public Transportation Projects that Exceed the Requirements of the ADA. The following activities are examples of eligible projects meeting the definition of public transportation service that is beyond the ADA.

(1) Enhancing paratransit beyond minimum requirements of the ADA. ADA-complementary paratransit services can be eligible under the Section 5310 program in several ways:

(a) Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA;

(b) Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services;

(c) The incremental cost of providing same day service;

(d) The incremental cost (if any) of making door-to-door service available to all eligible ADA paratransit riders, but not on a case-by-case basis for individual riders in an otherwise curb-to-curb system;

(e) Enhancement of the level of service by providing escorts or assisting riders through the door of their destination;

(f) Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for wheelchairs under the ADA regulations, 49 CFR part 38 (i.e., larger than 30″ × 48″ and/or weighing more than 600 pounds), and labor costs of aides to help drivers assist passengers with oversized wheelchairs. This would permit the acquisition of lifts with a larger capacity, as well as modifications to lifts with a 600-pound design load, and the acquisition of heavier duty vehicles for paratransit and/or demand-response service in order to accommodate lifts with a heavier design load; and

(g) Installation of additional securement locations in public buses beyond what is required by the ADA.

(2) Feeder services. Accessible "feeder" service (transit service that provides access) to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA.

c. Public Transportation Projects that Improve Accessibility. The following activities are examples of eligible projects that improve accessibility to the fixed-route system.

(1) Making accessibility improvements to transit and intermodal stations not designated as key stations. Improvements for accessibility at existing transportation facilities that are not designated as key stations established under 49 CFR 37.47, 37.51, or 37.53, and that are not required under 49 CFR 37.43 as part of an alteration or renovation to an existing station, so long as the projects are clearly intended to remove barriers that would otherwise have remained. Section 5310 funds are eligible to be used for accessibility enhancements that remove barriers to individuals with disabilities so they may access greater portions of public transportation systems, such as fixed-route bus service, commuter rail, light rail, and rapid rail. This may include:

(a) Building an accessible path to a bus stop that is currently inaccessible, including curbcuts, sidewalks, accessible pedestrian signals, or other accessible features;

(b) Adding an elevator or ramps, detectable warnings, or other accessibility improvements to a non-key station that are not otherwise required under the ADA;

(c) Improving signage or wayfinding technology; or

(d) Implementation of other technology improvements that enhance accessibility for people with disabilities including ITS.

(2) Travel training. Training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities. This includes travel instruction and travel training services.

d. Public Transportation Alternatives that Assist Seniors and Individuals with Disabilities with Transportation. The following activities are examples of projects that are eligible public transportation alternatives.

(1) Purchasing vehicles to support accessible taxi, ride-sharing, and/or vanpooling programs. Section 5310 funds can be used to purchase and operate accessible vehicles for use in taxi, ride-sharing, and/or vanpool programs provided that the vehicle meets the same requirements for lifts, ramps, and securement systems specified in 49 CFR part 38, subpart B, at a minimum, and permits a passenger whose wheelchair can be accommodated pursuant to part 38 to remain in his/her personal mobility device inside the vehicle.

(2) Supporting the administration and expenses related to voucher programs for transportation services offered by human service providers. This activity is intended to support and supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Vouchers can be used as an administrative mechanism for payment of alternative transportation services to supplement available public transportation. The Section 5310 program can provide vouchers to seniors and individuals with disabilities to purchase rides, including: (a) mileage reimbursement as part of a volunteer driver program; (b) a

taxi trip; or (c) trips provided by a human service agency. Providers of transportation can then submit the voucher for reimbursement to the recipient for payment based on predetermined rates or contractual arrangements. Transit passes or vouchers for use on existing fixed-route or ADA complementary paratransit service are not eligible. Vouchers are an operational expense which requires a 50/50 (federal/local) match.

(3) Supporting volunteer driver and aide programs. Volunteer driver programs are eligible and include support for costs associated with the administration, management of driver recruitment, safety, background checks, scheduling, coordination with passengers, other related support functions, mileage reimbursement, and insurance associated with volunteer driver programs. The costs of enhancements to increase capacity of volunteer driver programs are also eligible. FTA encourages communities to offer consideration for utilizing all available funding resources as an integrated part of the design and delivery of any volunteer driver/aide program.

e. Limits on operating assistance. Given the 55 percent requirement for traditional Section 5310 capital projects, a recipient may allocate up to 45 percent of its apportionment for operating assistance. However, this funding is limited to eligible projects as described in 49 U.S.C. 5310(b)(1)(B-D) and described in this section (b, c, and d), above. Operating assistance for required ADA complementary paratransit service is not an eligible expense.

SAMPLE ALLOCATIONS OF AN AREA'S APPORTIONMENT:

Activity	Amount Awarded	% of Total Allocation	Amount Awarded	% of Total Allocation
Total Amount Allocated	$1,000,000	100%	$1,000,000	100%
State or Designated Recipient Program Administrative Funding	$100,000	10%	$0	0%
Traditional Section 5310 Projects	$550,000	55%	$550,000	55%
Other Section 5310 Projects	$350,000	35%	$450,000	45%

Included here are two different examples of allocating an area's apportionment. In the first example, the designated recipient retains 10% of the apportionment for administrative expenses. In that case, with the mandatory 55% set aside for traditional Section 5310 projects, 35% of the apportionment remains for other Section 5310 projects.

In the second example, the designated recipient does not retain any funds for administrative expenses. After the mandatory 55% set aside for traditional Section 5310 projects, 45% of the apportionment remains available for other Section 5310 projects.

16. FEDERAL/LOCAL MATCHING REQUIREMENTS.

a. General. Section 5310 funds may be used to finance capital and operating expenses. The federal share of eligible capital costs shall be in an amount equal to 80 percent of the net cost of the activity. The federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity. Recipients may use up to 10 percent of their apportionment to support program administrative costs including administration, planning, and technical assistance, which may be funded at 100 percent federal share.

The local share of eligible capital costs shall be not less than 20 percent of the net cost of the activity, and the local share for eligible operating costs shall be not less than 50 percent of the net operating costs. The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service organization, or new capital. Some examples of these sources of local match include: state or local appropriations; dedicated tax revenues; private donations; revenue from service contracts; transportation development credits; and net income generated from advertising and concessions. Non-cash share such as donations, volunteered services, or in-kind contributions is eligible to be counted toward the local match as long as the value of each is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

Income from contracts to provide human service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for Section 5310 operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service. All sources of local match must be identified and described in the grant application at the time of grant award.

In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than DOT programs, or from DOT's Federal Lands Highway program. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services. Specific program information for other types of federal funding is available at **www.unitedweride.gov**.

b. Exceptions. The federal share may exceed 80 percent for certain projects related to ADA and Clean Air Act (CAA) compliance as follows:

(1) Vehicles. The federal share is 85 percent for the acquisition of vehicles for purposes of complying with or maintaining compliance with ADA (42 U.S.C. 12101 *et seq.*)

or the CAA. A revenue vehicle that complies with 49 CFR part 38 may be funded at 85 percent federal share.

(2) Vehicle-Related Equipment and Facilities. The federal share for project costs for acquiring vehicle-related equipment or facilities (including clean fuel or alternative fuel vehicle-related equipment or facilities) for purposes of complying or maintaining compliance with the CAA (42 U.S.C. 7401 *et seq*.), or required by the ADA, is 90 percent. FTA considers vehicle-related equipment to be equipment on and attached to the vehicle.

c. Sliding Scale—FHWA Transfers Only. Higher federal share rates for capital costs are available to 14 states described in 23 U.S.C. 120(b). The higher federal shares under 23 U.S.C. 120 (b)(1) are based on the ratio of designated public lands area to the total area of these 14 states. For FHWA transfers to FTA 5310 for capital projects, the federal share increases from 80 percent in proportion to the share of public lands in the state. The sliding scale rates in public lands states can be found on the following website: http://www.fhwa.dot.gov/legsregs/directives/notices/n4540-12.htm.

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CHAPTER IV

PROGRAM DEVELOPMENT

1. COORDINATION REQUIREMENTS. Title 49 U.S.C. 5310, as amended by MAP-21, requires a recipient of Section 5310 funds to certify that projects selected for funding under this program are included in a locally developed, coordinated public transit-human service transportation plan and that the plan was developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, nonprofit transportation and human service providers; and other members of the public. (See Chapter V of this Circular for further information.) This coordinated transportation plan should be prepared through a process that is consistent with the applicable metropolitan or statewide planning process, as described below. Transit service and demographic information developed and used in the broader metropolitan and statewide processes may provide a useful starting point for the more detailed review that will take place in preparing the coordinated plan. Similarly, the extensive public participation and stakeholder consultation provisions of metropolitan and statewide planning can provide a useful context and basis for the more focused local public involvement involved in preparing the coordinated plan. For these reasons, FTA strongly encourages coordination and consistency between the local coordinated public transit-human service transportation plan and metropolitan or statewide transportation planning processes, as described in 23 CFR part 450 and 49 CFR part 613.

2. PLANNING REQUIREMENTS. To be eligible for funding, Section 5310 projects in UZAs must be included in the metropolitan transportation plan (MTP) prepared and approved by the metropolitan planning organization (MPO), the transportation improvement program (TIP) approved jointly by the MPO and the governor, and the statewide transportation improvement program (STIP) developed by a state and jointly approved by FTA and FHWA. Projects outside UZAs must be included in, or be consistent with the statewide long-range transportation plan, as developed by the state, and must be included in the STIP. With limited exceptions, all federally-funded highway or transit projects must be included in the applicable plan and program documents according to state and local procedures. Areas may choose to include project level information or more aggregated program level information. For purposes of convenience, the recipient may group its planned expenditures of Section 5310 funds into statewide or metropolitan areawide projects, such as vehicle acquisitions or services contracted for rural and urban recipients, and administration costs. All projects must adhere to the requirements of 49 U.S.C. 5303 and 5304. See Appendix D for further information on how the various planning processes relate to one another.

3. PROGRAM OF PROJECTS. The program of projects (POP) identifies the subrecipients and projects for which the recipient is applying for financial assistance. The Section 5310 annual POP the recipient submits to FTA for approval must indicate the total number of subrecipients; identify each subrecipient and indicate whether they are governmental authorities or private nonprofit agencies; and identify any that are Indian tribal governments

or tribal transit agencies (including both federally recognized and other tribal governments). In addition, the POP must include a brief description of each project, including what type of project it is, the counties served, and any tribal transportation needs served by the project. The POP must show, for each project, the total project cost and the federal share. The total federal funding level for the POP cannot exceed the total amount of Section 5310 funds available. The POP must indicate whether a project is a capital or an operating expense and clearly identify which projects meet the 55 percent minimum for traditional section 5310 projects. A sample POP is included in Appendix B. The POP must be identical to, or consistent with, listings contained in the applicable TIP and STIP.

So that FTA can comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L 109–282), enacted September 26, 2006, the recipient must provide FTA with the following information for each subrecipient: the name of the entity receiving the award, the amount of the award, the location of the entity receiving the award, and the primary location of performance under the award, including the city, state, and congressional district. The recipient may choose to submit this information as a separate attachment in FTA's electronic grant management system (TEAM, or a successor thereto) or to include the information in the POP.

4. CATEGORIES OF APPROVAL. FTA's approval of a POP does not reflect unconditional approval of all projects within the program. Nor does FTA's approval of a POP reflect unconditional approval of all prospective subrecipients identified in the program. FTA recognizes that not all projects in a state or designated recipient's (recipient) POP may be at the same stage of development, and therefore, not all applications to the recipient may be complete at the time the recipient forwards its annual POP to FTA. FTA also recognizes that all subrecipients identified in the POP may not yet be in compliance with all applicable federal requirements. To expedite grant award, FTA allows recipients to separate projects and funds included in its POP into two different categories, depending on whether all federal requirements have been met.

   a. Category A. Projects in Category A include those projects that the recipient has certified as having met all the federal statutory and administrative requirements for approval applicable to both the project activities and subrecipients that will carry out those activities. FTA's approval of Category A projects is unconditional upon grant award. When FTA executes the grant, the recipient may start drawing down funds to implement projects in Category A. FTA expects most, if not all, of the projects included in the recipient's POP to be in this category.

   b. Category B. Projects in Category B are those projects the recipient anticipates approving during the current year, but which have not met all of the federal statutory or administrative requirements or are proposed to be implemented by a subrecipient that has not yet met all applicable federal requirements. For example, a major capital project other than vehicle purchase in Category B may be a project that has not yet completed the

National Environmental Policy Act (NEPA) process or other federal environmental requirements.

Category B may also include contingency projects that may be funded if any selected project is deleted from the program of projects. However, contingency projects should be shown at the zero funding level and not calculated in the total program costs. When the recipient determines that the necessary federal requirements have been satisfied for a project, FTA's approval of that project becomes unconditional, and the recipient may advance the project to Category A. Cash drawdowns for that project may commence after the recipient advances it to Category A.

In addition, any Category B project requires issuance of a NEPA record of decision (ROD), a finding of no significant impact (FONSI), or determination that the project meets the conditions of a categorical exclusion (CE) from FTA before being advanced to Category A. Chapter VIII provides additional information on NEPA and other federal environmental laws, regulations, and executive orders. If a recipient can list all its projects in Category A, it would not list any projects in Category B, except contingency projects.

5. APPROVAL. FTA is committed to promptly processing grants upon receipt of a complete and acceptable grant application. FTA awards grants and obligates funds for the total amount the recipient requests for both categories. FTA grant award constitutes FTA approval of the recipient's annual POP.

   FTA approval of the Section 5310 POP does not constitute unqualified approval of each project in the program. Grant award does constitute FTA approval of those projects in Category A. Thus the recipient may drawdown federal funds to reimburse expenses incurred for Category A projects immediately upon execution of the grant agreement.

   Grant award also constitutes FTA's unconditional approval of those projects in Category B, if the subrecipient meets all applicable federal requirements. The recipient must ensure that subrecipients meet all federal requirements, and advance the projects to Category A before it may drawdown funds to support those projects.

6. REVISIONS TO PROGRAM OF PROJECTS. Prior FTA approval is not required to advance projects from Category B to Category A, or to reallocate funds among projects included in the approved POP, so long as any single change does not exceed 20 percent of the affected project and is consistent with the local coordinated plan from which the projects were selected. Any other changes to the POP require prior FTA approval. The recipient's request for approval should include documentation that the proposed changes in the POP are projects that are included in a locally developed coordinated plan.

   If appropriate, revisions to the POP should be accompanied by a budget revision to the grant in the electronic grant management system (TEAM or a successor thereto). The recipient should attach the revised POP (after approval if required) to the project management

milestones section in the electronic grant management system. In the annual program status report, the recipient should reference the date that a new POP was attached. The most recently updated program of projects submitted by the recipient to FTA in its quarterly or annual report or in the course of making revisions will be considered the current approved program of projects, incorporated by reference in the grant agreement.

Below are examples of project and funding revisions that do not change the scope of the approved POP. Unless FTA notifies the designated recipient otherwise, the following levels of notification and FTA approval apply to revisions:

a. Revisions Not Requiring Prior FTA Notification or FTA Approval. The recipient may make the following revisions without prior notification to FTA:

   (1) Delete a project from the POP, if the project cost is less than 20 percent of the total of the affected POP;

   (2) Advance projects from Category B to A, provided the prospective subrecipient is in compliance with all applicable federal requirements;

   (3) Reallocate funds within an approved POP among approved projects within a local area or from one local area to another. This includes adjustments of local project funding levels to accommodate changes in vehicle or equipment requirements; and

   (4) Add equipment or property transferred from one subrecipient to another subrecipient listed in the POP, regardless of whether the items were originally funded from a different grant.

b. Revisions Requiring Notification to FTA, but not FTA Approval. The recipient may make the following revisions after notifying FTA:

   (1) Create new projects that are less than 20 percent of the total of the POP, so long as the designated recipient has confirmed eligibility and confirms the project was included in the coordinated plan;

   (2) Delete or reduce a project by more than 20 percent of the total POP.

c. Revisions Requiring FTA Approval. The designated recipient may make the following revisions to an approved POP, and relevant project listing in the TIP and STIP, only after obtaining approval from FTA:

   (1) Prior FTA approval is required when the federal share of the grant exceeds $100,000 and the cumulative amount of project funds to be transferred between or among activities, (including all budget revisions since the last one specifically approved by FTA) exceeds 20 percent;

(2) Prior FTA approval is required when the revision would transfer funds between operating and capital categories, or between activity line items with different federal matching ratios;

(3) Prior FTA approval is required if the budget revision would:

(a) Change the size or physical characteristics of the activities specified in the grant.

(b) Increase or decrease the number of revenue rolling stock vehicles to be purchased by more than two units.

(4) Advance to Category A any prospective subrecipient with serious questions of compliance with federal requirements remaining unresolved; or

(5) Advance to Category A any project for the acquisition of property with a value in excess of 20 percent of the total value of the POP.

d. Update of Program of Projects. The most recently updated POP submitted by the recipient to FTA in its annual program status report or in the course of making revisions will be considered the approved POP, incorporated by reference in the grant agreement. Only the addition of federal funds or a change in the scope of the approved POP requires amendment of the grant agreement.

7. CERTIFICATIONS AND ASSURANCES. FTA's annual certifications and assurances include basic requirements for Section 5310. States and designated recipients should maintain adequate files documenting the basis for all assurances made to FTA.

Each fiscal year, FTA publishes the required certifications and assurances in the *Federal Register* and updates the certifications and assurances in FTA's electronic grant management system (TEAM or a successor thereto). This notice indicates which certifications and assurances apply to all recipients or to certain kinds of awards, and which are required for grants under specific sections.

Each state and designated recipient electronically submits the appropriate certifications and assurances each fiscal year for all active grants and new grants that it expects FTA to make during that fiscal year. Recipients should use the most recent version of the current year notice for a list of required certifications and assurances FTA has issued. Recipients can find the current list in TEAM.

8. PRE-AWARD AUTHORITY. FTA allows recipients to incur costs before grant award in the formula programs. In order for the pre-award costs to be eligible for subsequent reimbursement, the project must have met all FTA statutory, procedural, and contractual requirements, thus must qualify as a "Category A" project in the POP. Reimbursement is subject to the availability of funds and grant award. Specific information is included in FTA's annual apportionment notice. See Chapter VIII, paragraph 14, for more information on pre-award authority.

9. LABOR PROTECTIONS. Title 49 U.S.C. 5333(b) requires that, as a condition of FTA financial assistance, fair and equitable arrangements must be made to protect the interests of employees affected by such assistance. The Department of Labor (DOL) is responsible under federal law for the administration of Section 5333(b).

   Section 5310 gives the Secretary of Transportation the discretion to determine the terms and conditions "necessary and appropriate" for grants under this section. In 1974 the Secretary determined that it was not "necessary or appropriate" to apply the conditions of Section 5333(b) to subrecipients participating in the Section 5310 program. Nevertheless, case-by-case determinations of the applicability of 49 U.S.C. 5333(b) will be made for all transfers of "flex funds" for Section 5310 purposes.

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CHAPTER V

COORDINATED PLANNING

1. THE COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLAN. Federal transit law, as amended by MAP-21, requires that projects selected for funding under the Section 5310 program be "included in a locally developed, coordinated public transit-human services transportation plan" and that the plan be "developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers and other members of the public." The experiences gained from the efforts of the Federal Interagency Coordinating Council on Access and Mobility (CCAM), and specifically the United We Ride (UWR) initiative, provide a useful starting point for the development and implementation of the local public transit-human services transportation plan required under the Section 5310 program.

   Many states have established UWR plans that may form a foundation for a coordinated plan that includes the required elements outlined in this chapter and meets the requirements of 49 U.S.C. 5310. In addition, many states and designated recipients may have coordinated plans established under SAFETEA-LU, and those plans may be updated to account for new stakeholders, eligibility, and MAP-21 requirements. FTA maintains flexibility in how projects appear in the coordination plan. Projects may be identified as strategies, activities, and/or specific projects addressing an identified service gap or transportation coordination objective articulated and prioritized within the plan.

2. DEVELOPMENT OF THE COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLAN.

   a. Overview. A locally developed, coordinated public transit-human services transportation plan ("coordinated plan") identifies the transportation needs of individuals with disabilities, seniors, and people with low incomes; provides strategies for meeting those local needs; and prioritizes transportation services and projects for funding and implementation. Local plans may be developed on a local, regional, or statewide level. The decision as to the boundaries of the local planning areas should be made in consultation with the state, designated recipient, and the MPO, where applicable. The agency leading the planning process is decided locally and does not have to be the state or designated recipient.

      In UZAs where there are multiple designated recipients, there may be multiple plans and each designated recipient will be responsible for the selection of projects in the designated recipient's area. A coordinated plan should maximize the programs' collective coverage by minimizing duplication of services. Further, a coordinated plan must be developed through a process that includes participation by seniors, individuals with

disabilities, representatives of public, private and nonprofit transportation and human service transportation providers, and other members of the public. While the plan is only required in communities seeking funding under the Section 5310 program, a coordinated plan should incorporate activities offered under other programs sponsored by federal, state, and local agencies to greatly strengthen its impact.

b. Required Elements. Projects selected for funding shall be included in a coordinated plan that minimally includes the following elements at a level consistent with available resources and the complexity of the local institutional environment:

(1) An assessment of available services that identifies current transportation providers (public, private, and nonprofit);

(2) An assessment of transportation needs for individuals with disabilities and seniors. This assessment can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts, and gaps in service;

(3) Strategies, activities, and/or projects to address the identified gaps between current services and needs, as well as opportunities to achieve efficiencies in service delivery; and

(4) Priorities for implementation based on resources (from multiple program sources), time, and feasibility for implementing specific strategies and/or activities identified.

c. Local Flexibility in the Development of a Local Coordinated Public Transit-Human Services Transportation Plan. The decision for determining which agency has the lead for the development and coordination of the planning process should be made at the state, regional, and local levels. FTA recognizes the importance of local flexibility in developing plans for human service transportation. Therefore, the lead agency for the coordinated planning process may be different from the state or the agency that will serve as the designated recipient for the Section 5310 program. Further, FTA recognizes that many communities have conducted assessments of transportation needs and resources regarding individuals with disabilities and seniors. FTA also recognizes that some communities have taken steps to develop a comprehensive, coordinated human service transportation plan either independently or through United We Ride efforts. FTA supports communities building on existing assessments, plans, and action items. As new federal requirements must be met, communities may need to modify their plans or processes as necessary to meet these requirements. FTA encourages communities to consider inclusion of new partners, new outreach strategies, and new activities related to the targeted programs and populations.

Plans will vary based on the availability of resources and the existence of populations served under these programs. A rural community may develop its plans based on

perceived needs emerging from the collaboration of the planning partners, whereas a large urbanized community may use existing data sources to conduct a more formal analysis to define service gaps and identify strategies for addressing the gaps.

This type of planning is also an eligible activity under four other FTA programs—the Metropolitan Planning (Section 5303), Statewide Planning (Section 5304), Formula Grants for Rural Areas (Section 5311), and Urbanized Area Formula (Section 5307) programs—all of which may be used to supplement the limited (10 percent) planning and administration funding under this program. Other resources may also be available from other entities to fund coordinated planning activities. All "planning" activities undertaken in urbanized areas, regardless of the funding source, must be included in the Unified Planning Work Program of the applicable MPO.

d. Tools and Strategies for Developing a Coordinated Plan. States and communities may approach the development of a coordinated plan in different ways. The amount of available time, staff, funding, and other resources should be considered when deciding on specific approaches. Regardless of the method chosen, seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public must be involved in the development and approval of the coordinated plan. The following is a list of potential strategies for consideration:

(1) Community planning session. A community may choose to conduct a local planning session with a diverse group of stakeholders in the community. This session would be intended to identify needs based on personal and professional experiences, identify strategies to address the needs, and set priorities based on time, resources, and feasibility for implementation. This process can be done in one meeting or over several sessions with the same group. It is often helpful to identify a facilitator to lead this process. Also, as a means to leverage limited resources and to ensure broad exposure, this could be conducted in cooperation, or coordination, with the applicable metropolitan or statewide planning process.

(2) Self-assessment tool. *The Framework for Action: Building the Fully Coordinated Transportation System*, developed by FTA and available at **www.unitedweride.gov**, helps stakeholders realize a shared perspective and build a roadmap for moving forward together. The self-assessment tool focuses on a series of core elements that are represented in categories of simple diagnostic questions to help groups in states and communities assess their progress toward transportation coordination based on standards of excellence. There is also a *Facilitator's Guide* that offers detailed advice on how to choose an existing group or construct an ad hoc group. In addition, it describes how to develop elements of a plan, such as identifying the needs of targeted populations, assessing gaps and duplication in services, and developing strategies to meet needs and coordinate services.

(3) Focus groups. A community could choose to conduct a series of focus groups within communities that provides opportunity for greater input from a greater number of representatives, including transportation agencies, human service providers, and passengers. This information can be used to inform the needs analysis in the community. Focus groups also create an opportunity to begin an ongoing dialogue with community representatives on key issues, strategies, and plans for implementation.

(4) Survey. The community may choose to conduct a survey to evaluate the unmet transportation needs within a community and/or available resources. Surveys can be conducted through mail, e-mail, or in-person interviews. Survey design should consider sampling, data collection strategies, analysis, and projected return rates. Surveys should be designed taking accessibility considerations into account, including alternative formats, access to the Internet, literacy levels, and limited English proficiency.

(5) Detailed study and analysis. A community may decide to conduct a complex analysis using inventories, interviews, Geographic Information Systems (GIS) mapping, and other types of research strategies. A decision to conduct this type of analysis should take into account the amount of time and funding resources available, and communities should consider leveraging state and MPO resources for these undertakings.

3. PARTICIPATION IN THE COORDINATED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLANNING PROCESS. Recipients shall certify that the coordinated plan was developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human services providers; and other members of the public. Note that the required participants include not only transportation providers but also providers of human services, and members of the public who can provide insights into local transportation needs. It is important that stakeholders be included in the development, approval, and implementation of the local coordinated public transit-human service transportation plan. A planning process in which stakeholders provide their opinions but have no assurance that those opinions will be considered in the outcome does not meet the requirement of "participation." Explicit consideration and response should be provided to public input received during the development of the coordinated plan. Stakeholders should have reasonable opportunities to be actively involved in the decision-making process at key decision points, including, but not limited to, development and approval of the proposed coordinated plan document. The following possible strategies facilitate appropriate inclusion:

a. Adequate Outreach to Allow for Participation. Outreach strategies and potential participants will vary from area to area. Potential outreach strategies could include notices or flyers in centers of community activity, newspaper or radio announcements, e-mail lists, website postings, and invitation letters to other government agencies,

transportation providers, human services providers, and advocacy groups. Conveners should note that not all potential participants have access to the Internet and they should not rely exclusively on electronic communications. It is useful to allow many ways to participate, including in-person testimony, mail, e-mail, and teleconference. Any public meetings regarding the plan should be held in a location and time where accessible transportation services can be made available and adequately advertised to the general public using techniques such as those listed above. Additionally, interpreters for individuals with hearing impairments and English as a second language and accessible formats (e.g., large print, Braille, electronic versions) should be provided as required by law.

b. Participants in the Planning Process. Metropolitan and statewide planning under 49 U.S.C. 5303 and 5304 require consultation with an expansive list of stakeholders. There is significant overlap between the lists of stakeholders identified under those provisions (e.g., private providers of transportation, representatives of transit users, and representatives of individuals with disabilities) and the organizations that should be involved in preparation of the coordinated plan.

The projects selected for funding under the Section 5310 program must be "included in a locally developed, coordinated public transit-human services transportation plan" that was "developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and non-profit transportation and human services providers and participation by other members of the public." The requirement for developing the local public transit-human services transportation plan is intended to improve services for people with disabilities and seniors. Therefore, individuals, groups, and organizations representing these target populations should be invited to participate in the coordinated planning process. Consideration should be given to including groups and organizations such as the following in the coordinated planning process if present in the community:

(1) Transportation partners:

(a) Area transportation planning agencies, including MPOs, councils of government (COGs), rural planning organizations (RPOs), regional councils, associations of governments, state departments of transportation, and local governments;

(b) Public transportation providers, including ADA paratransit providers and agencies administering the projects funded under FTA urbanized and rural programs;

(c) Private transportation providers, including private transportation brokers, taxi operators, vanpool providers, school transportation operators, and intercity bus operators;

(d) Nonprofit transportation providers, including volunteer programs;

(e) Past or current organizations funded under the Section 5310, JARC, and/or the New Freedom programs; and

(f) Human service agencies funding, operating, and/or providing access to transportation services.

(2) Passengers and advocates:

(a) Existing and potential riders, including both general and targeted population passengers (individuals with disabilities and seniors);

(b) Protection and advocacy organizations;

(c) Representatives from independent living centers; and

(d) Advocacy organizations working on behalf of targeted populations.

(3) Human service partners:

(a) Agencies that administer health, employment, or other support programs for targeted populations. Examples of such agencies include but are not limited to departments of social/human services, employment one-stop services, vocational rehabilitation, workforce investment boards, Medicaid, community action programs (CAP), Agency on Aging (AoA), Developmental Disability Council, community services board;

(b) Nonprofit human service provider organizations that serve the targeted populations;

(c) Job training and placement agencies;

(d) Housing agencies;

(e) Healthcare facilities; and

(f) Mental health agencies.

(4) Other:

(a) Security and emergency management agencies;

(b) Tribes and tribal representatives;

(c) Economic development organizations;

(d) Faith-based and community-based organizations;

(e) Representatives of the business community (e.g., employers);

(f) Appropriate local or state officials and elected officials;

(g) School districts; and

(h) Policy analysts or experts.

Note: Participation in the planning process will not bar providers (public or private) from bidding to provide services identified in the coordinated planning process. This planning process differs from the project selection process, and it differs from the development and issuance of a request for proposal (RFP) as described in the common grant rule (49 CFR part 18 and part 19).

c. Levels of Participation. The suggested list of participants above does not limit participation by other groups, nor require participation by every group listed. Communities will have different types of participants depending on population and size of community, geographic location, and services provided at the local level. FTA expects that planning participants will have an active role in the development, approval, adoption, and implementation of the plan. Participation may remain low even though a good faith effort is made by the lead agency to involve passengers; representatives of public, private, and nonprofit transportation and human services providers; and others. The lead agency convening the coordinated planning process should document the efforts it utilized, such as those suggested above, to solicit involvement.

In addition, federal, state, regional, and local policy makers, providers, and advocates should consistently engage in outreach efforts that enhance the coordinated process because it is important that all stakeholders identify the opportunities that are available in building a coordinated system. To increase participation at the local levels from human service partners, state department of transportation offices are encouraged to work with their partner agencies at the state level to provide information to their constituencies about the importance of partnering with human service transportation programs and the opportunities that are available through building a coordinated system.

d. Adoption of a Plan. As a part of the local coordinated planning process, the lead agency in consultation with participants should identify the process for approving and adopting the plan, and this process must include participation by stakeholders identified in the law: seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public. A strategy for adopting the plan could also be included in the state's SMP and the designated recipient's PMP, further described in Chapter VII.

FTA will not formally review and approve coordinated plans. The recipient's grant application (see Appendix A) will document the plan from which each project listed is included, including the lead agency, the date of adoption of the plan, or other appropriate

identifying information. This may be done by citing the section of the plan or page references from which the project is included.

4. RELATIONSHIP TO OTHER TRANSPORTATION PLANNING PROCESSES.

a. Relationship Between the Coordinated Planning Process and the Metropolitan and Statewide Transportation Planning Processes. The coordinated plan may either be developed separately from the metropolitan and statewide transportation planning processes and then incorporated into the broader plans, or be developed as a part of the metropolitan and statewide transportation planning processes. If the coordinated plan is not prepared within the broader process, the lead agency for the coordinated plan should ensure coordination and consistency between the coordinated planning process and metropolitan or statewide planning processes. For example, planning assumptions should not be inconsistent.

Projects identified in the coordinated planning process and selected for FTA funding must be incorporated into both the TIP and STIP in UZAs with populations of 50,000 or more; and incorporated into the STIP for rural areas under 50,000 in population. Depending on the projects resulting from the coordinated planning and selection process, a single line item on the TIP/STIP for capital or operating projects may be sufficient. However, given the expanded project and subrecipient eligibility under MAP-21, a designated recipient and state may need to consider more detailed programming, such as categorizing the projects based on the types of projects (capital or operating) and/or types of subrecipients, e.g., nonprofit, public entity, etc.

In some areas, where the coordinated plan or project selection is not completed in a time frame that coincides with the development of the TIP/STIP, the TIP/STIP amendment processes will need to be utilized to include selected projects in the TIP/STIP before FTA grant award.

The lead agency developing the coordinated plan should communicate with the relevant MPOs, state departments of transportation or regional planning agencies at an early stage in plan development. States with coordination programs may wish to incorporate the needs and strategies identified in local coordinated plans into statewide coordination plans.

Depending upon the structure established by local decision makers, the coordinated planning process may or may not become an integral part of the metropolitan or statewide transportation planning processes. State and local officials should consider the fundamental differences in scope, time horizon, and level of detail between the coordinated planning process and the metropolitan and statewide transportation planning processes. However, there are important areas of overlap between the planning processes, as well. Areas of overlap represent opportunities for sharing and leveraging resources between the planning processes for such activities as: (1) needs assessments based on the distribution of targeted populations and locations of employment centers, employment-

related activities, community services and activities, medical centers, housing, and other destinations; (2) inventories of transportation providers/resources, levels of utilization, duplication of service, and unused capacity; (3) gap analysis; (4) any eligibility restrictions; and (5) opportunities for increased coordination of transportation services. Local communities may choose the method for developing plans that best fits their needs and circumstances.

b. Relationship Between the Requirement for Public Participation in the Coordinated Plan and the Requirement for Public Participation in Metropolitan and Statewide Transportation Planning. Title 49 U.S.C. 5303(i)(6) and 5304(f)(3), as amended by MAP-21, require MPOs and states to engage interested parties in preparing transportation plans, TIPs, and STIPs. "Interested parties" include, among others, affected public agencies, private providers of transportation, representatives of users of public transportation, and representatives of individuals with disabilities.

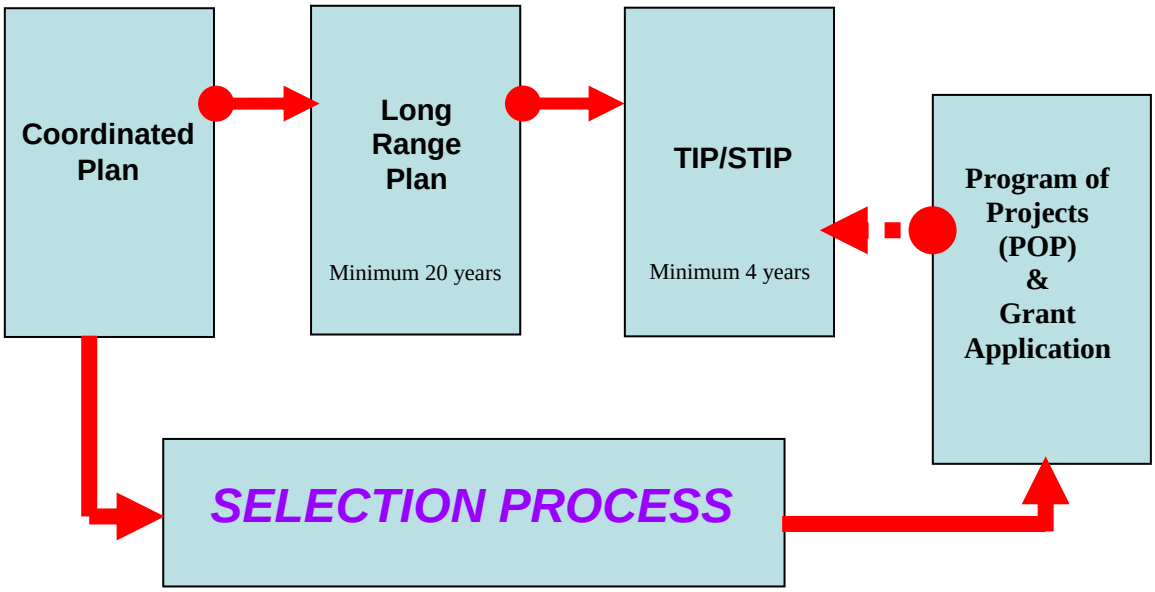
   MPOs and/or states may work with the lead agency developing the coordinated plan to coordinate schedules, agendas, and strategies of the coordinated planning process with metropolitan and statewide planning in order to minimize additional costs and avoid duplication of efforts. MPOs and states must still provide opportunities for participation when planning for transportation related activities beyond the coordinated public transit-human services transportation plan.

c. Cycle and Duration of the Coordinated Plan. At a minimum, the coordinated plan should follow the update cycles for metropolitan transportation plans (MTPs) (i.e., four years in air quality nonattainment and maintenance areas and five years in air quality attainment areas). States, MPOs, designated recipients, and public agencies that administer or operate major modes of transportation should set up a cycle that is conducive to and coordinated with the metropolitan and statewide planning processes to ensure that selected projects are included in the TIP and STIP and to receive funds in a timely manner.

d. Role of Transportation Providers that Receive FTA Funding Under the Urbanized and Rural Area Formula Grant Programs in the Coordinated Planning Process. Recipients of Section 5307 and Section 5311 assistance are the "public transit" in the public transit-human services transportation plan and their participation is assumed and expected. Further, 49 U.S.C. 5307(b)(5), as amended by MAP-21, requires that, "Each recipient of a grant shall ensure that the proposed program of projects (POP) provides for the coordination of public transportation services … with transportation services assisted from other United States Government sources." In addition, 49 U.S.C. 5311(b)(2)(C)(ii) requires the Secretary of DOT to determine that a state's Section 5311 projects "provide the maximum feasible coordination of public transportation service … with transportation service assisted by other federal sources." Finally, under the Section 5311 program, states are required to expend 15 percent of the amount available to support intercity bus service.

FTA expects the coordinated planning process in rural areas to take into account human service needs that require intercity transportation.

The schematic here illustrates the relationship between the coordinated plan and the metropolitan and statewide planning processes.



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CHAPTER VI

PROGRAM MANAGEMENT AND ADMINISTRATIVE REQUIREMENTS

1. GENERAL. The basic grant management requirements for state and local governments are contained in the Department of Transportation (DOT) regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18. The comparable DOT rule for private nonprofit organizations is "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," 49 CFR part 19. Parts 18 and 19 are collectively known as the "common rule," or the "common grant rule." The provisions of these rules apply except where inconsistent with federal statutes or authorizing legislation.

2. PROGRAM ADMINISTRATIVE REQUIREMENTS. The common rule identifies three areas in which the administrative requirements for state recipients and their subrecipients which are governmental authorities may differ from federal requirements for local government designated recipients: equipment management, procurement, and financial management systems. The basic intent of establishing common requirements in these areas is to shift the emphasis from national uniformity to uniformity of procedures and requirements within a state, in order to provide greater flexibility to the states in standardizing the management of related state and federal programs. These three areas are discussed in detail later in this chapter.

   Part 18 permits states to pass down state procedures in these three areas to subrecipients that are governmental authorities. Part 19 does not allow states to pass down state procedures to subrecipients that are private nonprofit organizations. However, as long as the state procedures are not inconsistent with part 19, the state may apply the same procedures for all its subrecipients. The state may use procedures that are more restrictive than part 19, but state procedures may not be more permissive than part 19. The basic intent of part 19 is to establish nationally uniform procedures and requirements for private nonprofit organizations that receive funds from multiple federal agencies.

   Designated recipients that are not states must follow the provisions in 49 CFR part 18. Designated recipients must ensure that subrecipients that are public providers of public transportation follow the requirements of part 18, and that subrecipients that are private organizations (whether nonprofit or for-profit) follow the requirements of part 19.

   Unless an issue is specifically addressed in this circular or in other FTA guidance specific to the Section 5310 program, recipients should reference the current FTA Circular 5010.1 "Grant Management Guidelines," which provides guidance for other FTA programs, for project management issues not unique to Section 5310.

The recipient must enter into a written agreement with each subrecipient stating the terms and conditions of assistance by which the project will be undertaken and completed.

3. CAPITAL RESERVE ACCOUNTS. Recipients of Section 5310-funded vehicles are permitted to establish capital reserve accounts to replace existing equipment as long as no FTA funds or proceeds from the sale or lease of FTA assisted property are placed in those accounts.

4. EQUIPMENT MANAGEMENT.

   a. General. Under the common grant rule, states may use, manage, and dispose of equipment acquired under a Section 5310 grant in accordance with state laws and procedures. States are free to adopt the procedures established in part 18 for other public entity subrecipients or use the procedures as a guide in developing state procedures for equipment use, management, and disposition, but are not required to do so. States may use the same procedures for private nonprofit subrecipients as for public entity subrecipients, so long as those procedures are consistent with 49 CFR part 19.

      Common grant rule procedures and requirements for designated recipients that are not states, and their subrecipients, are more explicit and can be found in 49 CFR 18.32.

   b. Transfer of Property. Section 5310(g) permits a recipient to transfer facilities and equipment acquired with assistance under Section 5310 to any entity eligible to receive assistance under 49 U.S.C. chapter 53 with the consent of the entity currently in possession of such facilities or equipment, if the facility or equipment will continue to be used in accordance with the requirements of Section 5310. This provision complements the recipient's flexibility under the common grant rule to manage equipment and extends the recipient's flexibility in the management of facilities, including real property.

      The entity receiving equipment or facilities under this provision to provide Section 5310 service must comply with all the state and federal requirements for Section 5310 recipients. The names of the entities involved in the transfer of equipment or real property, along with a description of the equipment or real property transferred should be included in a new or revised program of projects (POP). The transfer may be shown in the POP for any active grant. It does not have to be in the grant under which the equipment or property was originally funded. The non-add scope code 998–00 is used to reflect transfers of federal equity in the grant.

      In addition, 49 U.S.C. 5334(h)(1) through (3) allows facilities and equipment and other assets (including land) that are no longer needed for the purposes for which they were acquired to be transferred to a local governmental authority to be used for a public purpose with no further obligation to the federal government, if authorized by the Secretary of Transportation (i.e., approved by FTA). Recipients should review the current FTA Circular 5010.1 and contact their FTA regional office for further information.

c. Vehicle Useful Life and Replacement Standards. The common grant rule gives states flexibility in managing and disposing of equipment. In keeping with the intent of the rule, FTA holds states responsible for establishing and implementing their own rolling stock requirements for all categories of vehicles acquired under the Section 5310 program, consistent with the state's standards for equipment purchased with state funds. FTA permits state recipients to do the following:

(1) Establish their own minimum useful life standards for vehicles;

(2) Use their own procedures for determining fair market value; and

(3) Develop their own policies and procedures for maintenance and replacement of vehicles. Maintenance requirements and insurance coverage must be adequate to protect the federal interest in the vehicle within the useful life determined by the state.

Designated recipients that are not a state must adhere to the vehicle useful life criteria that are detailed in the current FTA Circular 5010.1, Grant Management Requirements.

d. Disposition. States and their subrecipients should follow state laws and procedures for disposing of equipment. States are not required to return to FTA proceeds from the disposition of equipment, regardless of the fair market value at the time the equipment is sold, but should follow their own procedures regarding the use of proceeds, so long as the proceeds remain in use for public transportation purposes. This applies to all equipment currently in use that was purchased by states with Section 5310 funds. This blanket disposition instruction satisfies the provision of 49 CFR part 19 requiring private nonprofit organizations to seek disposition instructions from the federal awarding agency.

All other designated recipients and their subrecipients must follow the disposition procedures established in part 18 of the common rule at 49 CFR 18.32(e). Designated recipients are not required to return to FTA proceeds from the disposition of equipment where the fair market value of the per unit item being disposed of is less than $5,000. If the per unit fair market value exceeds $5,000, FTA will calculate the amount of proceeds it is owed based on the approved disposition method applied.

5. VEHICLE USE. FTA encourages maximum use of vehicles funded under the Section 5310 program. Consistent with the requirements of 49 CFR parts 18 and 19, vehicles are to be used first for program-related needs for which a Section 5310 grant is made and then to meet other federal programs or project needs, providing these uses do not interfere with the project activities originally funded. If the vehicle is no longer needed for the original program or project, the vehicle may be used in other activities currently or previously supported by a federal agency. Vehicles may be used:

a. For Section 5310 Project and Program Purposes. Recipients should consider how best to meet the needs of all seniors and people with disabilities in a particular community in the

recipient's project selection process. The program must provide for maximum feasible coordination with transportation services assisted by other federal sources. Subrecipients should be encouraged to the extent feasible to also provide service to seniors and people with disabilities not affiliated with their agency, as well as to the general public, on an incidental basis if such service does not interfere with transportation services for seniors and people with disabilities. In some situations it may be appropriate to provide Section 5310 assistance to an agency to provide transportation exclusively to its own clients, but even in situations in which it is not feasible for the agency to provide services to those in the community beyond its own clients, that agency must, when practicable, make the vehicle itself available to provide transportation service to other seniors and people with disabilities at times the agency is not using the vehicle for grant-related purposes. The recipient shall use the vehicle in the project or program for which it was acquired as long as needed, even if the project does not continue to receive federal funding.

b. For Other Federal Programs or Project Purposes. During the period the vehicle is used to serve the project or program needs for which it was acquired, the recipient or subrecipient shall make it available for use on other projects or programs, as long as such other use does not interfere with the service for which the vehicle was originally acquired. First preference for such other use will be given to other projects or programs sponsored by FTA, and second preference will be given to projects or programs sponsored by other federal agencies. Finally, vehicles may be used by non-federally funded providers, first to meet the needs of seniors and people with disabilities, and then to serve the transportation needs of the general public on an incidental basis.

c. When No Longer Needed for Original Project or Program Purposes. If the original recipient or subrecipient no longer needs the vehicle for the purposes for which it was acquired, the state or designated recipient may choose to keep the vehicle in use for Section 5310 program purposes by transferring the vehicle to another designated recipient or subrecipient. The transfer may be shown in the POP for any active grant. It does not have to be in the grant under which the vehicle was originally funded. Once the vehicle is no longer needed for Section 5310 program purposes, the vehicle may be used first in connection with other FTA-sponsored activities, and then for activities sponsored by other federal agencies.

d. For Meal Delivery. Transit service providers receiving assistance under this section may coordinate and assist in providing meal delivery services for homebound people on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers. The number and size of vehicles applied for under Section 5310 must be determined only by the number of passengers to be transported, not meal delivery capacity. Section 5310 funds may not be used to purchase special vehicles to be used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery.

6. LEASING VEHICLES ACQUIRED WITH SECTION 5310 FUNDS. Vehicles acquired under the Section 5310 program may be leased to other entities such as local governmental authorities or agencies, other private nonprofit agencies, or private for-profit operators. Under such a lease, the lessee operates the vehicles on behalf of the Section 5310 subrecipient and provides transportation to the subrecipient's clientele as described in the grant application.

   The lease between the Section 5310 subrecipient and the lessee contains the terms and conditions that must be met in providing transportation service to seniors and people with disabilities. Because the purpose of the Section 5310 grant is to provide transportation service to seniors and people with disabilities, other uses of the vehicle are permitted only as long as such uses do not interfere with service to seniors and people with disabilities.

   The state or designated recipient, being responsible for ensuring that the terms and conditions of the original grant with FTA are met, must agree, in writing, to each lease between the subrecipient and the lessee. Such an agreement should specify that the leased vehicle shall be used to provide transportation service to seniors and people with disabilities, that the vehicle may be used for incidental purposes only after the needs of these individuals have been met, and that the subrecipient, state, or designated recipient must retain title to the vehicle.

   Recipients may lease any of their assets to others on an incidental basis so long as the lease agreement holds the lessee responsible for compliance with all of the requirements the recipient itself is responsible for. Thus, the lessee must adhere to applicable and relevant terms and conditions of FTA's master agreement in the maintenance and use of the asset. For example, a recipient may not lease its revenue vehicles to a private company to conduct charter operations except to the extent the recipient itself would be able to conduct charter operations.

   A recipient may lease its assets to a private entity to operate in public transit service so long as the entity has been selected through a competitive process and so long as the lease agreement obliges the lessee to adhere to all of the applicable and relevant requirements of the FTA master agreement. A finite lease term should be established as well as a clear price and scope of work.

7. TITLE TO VEHICLES. The recipient is encouraged to either hold title or record a lien against the title to vehicles. This is not mandatory, however. What is mandatory is that the recipient establish continuing control over the vehicles and accept the responsibility for continued public transit use of the vehicles, and more particularly use for Section 5310 purposes, whether by the recipient or a subrecipient. If there is a substantial public transit benefit to be gained, such as low-cost, blanket insurance or bulk purchase of fuels or maintenance and supplies at rates less expensive than available to the subrecipient, then the recipient should consider retaining title in a governmental entity that can provide for the same and agrees to be bound by all the terms and conditions of the grant.

8. SATISFACTORY CONTINUING CONTROL AND RESPONSIBILITY. When vehicles, capital equipment, or facilities are acquired, built, or improved for use by any entity utilizing FTA funding, provisions must be made to ensure satisfactory continuing control of the vehicles, capital equipment, and facilities funded. While the recipient may delegate these responsibilities to another entity, the recipient is ultimately responsible for compliance with this requirement.

9. PROCUREMENT.

   a. General. When procuring property, supplies, equipment, or services with funds from an FTA grant, designated recipients that are not states and their subrecipients must comply with FTA procurement requirements at 49 CFR part 18 and guidance contained in the current FTA Circular 4220.1. States will follow the same policies and procedures used for procurements from nonfederal funds, to the extent permitted by federal statutes and regulations. While the federal threshold for small purchases is currently $100,000, the state may set a lower threshold for itself and its subrecipients. All governmental authority subrecipients may follow state procurement procedures. However, because of differences between 49 CFR part 18 and 49 CFR part 19, FTA third party contracting requirements are fewer for states and subrecipients that are local or tribal governments than for subrecipients that are private nonprofit organizations. For the sake of consistency, the state may choose to use the more detailed FTA requirements included in the current FTA Circular 4220.1 for all subrecipients as part of its state procurement procedures.

      In some cases, a state may choose to grant Section 5310 assistance to a subrecipient through an intermediary subrecipient. For example, for public policy reasons, the state might pass funds to a nonprofit organization through a local governmental authority. The arrangement between the first tier and second tier subrecipient is not a third party contract if the ultimate subrecipient would otherwise be eligible under Section 5310 to receive funds directly from the state and the ultimate subrecipient intends to use those funds to pursue its own transit project to meet the needs of seniors and people with disabilities.

      Each FTA recipient seeking federal 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 applicant that fails to provide this certification may be determined ineligible for award of federal assistance if FTA determines that its procurement practices and procurement system are incapable of compliance with federal laws, regulations, and directives governing procurements financed with FTA assistance.

Procurement procedures used by states and their public agencies and instrumentalities must comply with the following specific federal procurement requirements:

(1) States. State procurement practices must, at a minimum, comply with five specific federal requirements contained in the current FTA Circular 4220.1. These include the following:

(a) For rolling stock, a five-year limitation on contract period of performance;

(b) A requirement for full and open competition;

(c) A prohibition against geographic preferences;

(d) The use of Brooks Act procedures for procurement of architectural and engineering services if the state has not adopted a statute governing procurement of such services; and

(e) Inclusion in contracts of all federal clauses required by federal statutes and executive orders and their implementing regulations. These clauses are identified in specific federal regulations cited in FTA's master agreement and incorporated by reference into the grant agreement. Additional technical assistance for third party contracting is available in FTA's "Best Practices Procurement Manual," which can be found online at http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6037.html;

(2) Subrecipients that are Governmental Authorities. Subrecipients of states that are governmental authorities such as local or Indian tribal governments must comply with the same federal requirements governing state procurements. States are responsible for ensuring that subrecipients are aware of and comply with federal requirements.

(3) Subrecipients that are Private Nonprofit Organizations. Subrecipients that are private nonprofit organizations must comply with FTA procurement requirements contained in the current FTA Circular 4220.1. States and designated recipients are responsible for ensuring that private nonprofit subrecipients are aware of and comply with these additional requirements.

(4) Designated Recipients that are Not States. Other recipients and their subrecipients must comply with FTA procurement requirements at 49 CFR part 18 and guidance contained in the current FTA Circular 4220.1.

b. Pre-Award and Postdelivery Reviews. Procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with 49 CFR part 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases." Additional guidance is available in the manual, "Conducting Pre-Award and Post-Delivery Reviews for Bus Procurement" on FTA's website: http://www.fta.dot.gov/legislation_law/12921_5424.html. The regulation requires any recipient or subrecipient that purchases rolling stock for use in revenue service with funds obligated after October 24, 1991, to conduct a pre-award and postdelivery review to ensure compliance with its bid specifications, Buy America requirements, and federal motor vehicle safety requirements, and to complete specific certifications. Purchase of more than twenty vehicles for use in areas under 200,000 in population (more than ten, for large urbanized areas), other than unmodified vans or sedans, requires in-plant inspection. In the case of consolidated state procurements on behalf of multiple subrecipients, the in-plant inspection requirement is triggered only if a single subrecipient will receive more than ten or more than twenty vehicles, depending on area size.

c. New Model Bus Testing. Recipients must ensure that buses and vans acquired with FTA funds are tested consistent with the requirements in 49 CFR part 665 and must obtain a copy of the resulting test report before FTA funds can be released. FTA provides a bus testing section on its website that provides an overview of the program and assists with understanding applicable procedures and policies: http://www.fta.dot.gov/bustesting.

The bus testing provisions under 49 U.S.C. 5318 require FTA establish a pass/fall testing standard. FTA funds will be available to acquire a new bus model only if the bus has received a passing score. This requirement will take effect after FTA has issued regulations establishing the standard.

d. Buy America. Title 49 U.S.C. 5323(j) provides that with limited exceptions, FTA may not obligate funds for a public transportation project unless the steel, iron, and manufactured goods used in the project are produced in the United States. Section 5310 recipients and subrecipients must comply with FTA regulations, 49 CFR part 661. FTA's Buy America requirements at 49 CFR part 661 differ from Federal Buy American regulations at 48 CFR part 25. The former applies to all purchases, including materials or supplies funded as operating costs when funded by FTA, if the purchase exceeds the threshold for small purchases (currently $100,000), whereas the latter applies to direct federal procurements. FTA strongly advises recipients to review 49 CFR part 661 as well as the current FTA Circular 4220.1, "Third Party Contracting Guidance," before undertaking any procurement. In addition, 49 U.S.C. 5323(j)(9) allows a party adversely affected by an FTA action the right to seek review. FTA has

created a Buy America website to provide an overview of these requirements as well as policies, procedures, and letters of interpretation: http://www.fta.dot.gov/buyamerica.

e. Transit Vehicle Manufacturer Disadvantaged Business Enterprises (DBE) Program Requirement. Recipients must ensure that each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certifies that it has complied with the requirements of 49 CFR part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." TVMs must establish—and submit to the FTA Office of Civil Rights for approval—an annual overall percentage goal. In setting this overall goal, manufacturers should be guided, to the extent applicable, by the principles underlying 49 CFR 26.45. The recipient is obligated to determine, by checking the TVM listing on FTA's website, http://www.fta.dot.gov/civilrights/12891.html, or by checking with FTA's Office of Civil Rights at the time of bid opening, that the manufacturer likely to receive the contract is in compliance with part 26. For further guidance, contact the FTA Regional Civil Rights Officer in the FTA regional office in which the recipient is located.

10. DEBARMENT AND SUSPENSION. The purpose of the DOT Nonprocurement Suspension and Debarment regulations (2 CFR part 1200) is to ensure that federal assistance funds are not provided to anyone who has been debarred, suspended, determined ineligible, or voluntarily excluded from participation in federally assisted transactions. The U.S. General Services Administration's (GSA) System for Award Management (SAM) provides a single comprehensive list of individuals and firms excluded by federal government agencies from receiving federal contracts or federally approved subcontracts and from certain types of federal financial and nonfinancial assistance and benefits. GSA maintains a website, at https://www.sam.gov, which is updated in real time as changes to the data occur.

a. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, incorporating OMB's debarment and suspension guidelines, 2 CFR part 180, requires disclosure of the status of persons and entities participating in:

(1) Third party contracts or subagreements of $25,000 or more at any tier;

(2) Third party contracts of any amount for federally required audit services (such as those required under the Single Audit Act Amendments); and

(3) Third party contracts or subagreements requiring official DOT approval.

b. Both participants in third party contracts of any tier and subagreements of any tier are expected to ensure the status of persons participating therein.

c. The awarding party must verify that the person is not excluded or disqualified by:

(1) Checking the SAM list of excluded parties maintained by the GSA and available at https://www.sam.gov (**Note:** Strongly recommended by FTA);

(2) Collecting a certification from the prospective awardee; or

(3) Adding a clause or condition to the third party contract or subagreement with that awardee.

d. In addition, the recipient and awardees participating in lower tier transactions must extend these requirements to their awardees. The prospective awardee in turn must notify the recipient or third party contractor (person at the next higher tier) if it knows whether or not it or any of its principals are presently excluded or disqualified under the these regulations.

11. FINANCIAL MANAGEMENT.

a. Financial Management Systems.

(1) Designated recipients that are states. The common grant rule requires a designated recipient that is a state to expend and account for grant funds in accordance with state laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the state, as well as its subrecipients and cost-type contractors must be sufficient to:

(a) Permit preparation of reports described in this circular and reports necessary to comply with other program and statutory requirements; and

(b) Permit the tracing 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 the program.

Subrecipients that are private entities must comply with the standards for financial management systems provided in 49 CFR part 19. If states purchase vehicles and equipment for subrecipients, and subrecipients receive no cash, this requirement does not apply.

(2) Designated recipients that are not states. The financial management system for designated recipients that are not states must meet the standards set forth in 49 CFR 18.20(b) of the common grant rule. These standards include:

(a) Financial reporting. Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or subgrant.

(b) Accounting records. Designated recipients and subrecipients must maintain records that adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to designated recipient or subrecipient awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

(c) Internal control. Effective control and accountability must be maintained for all designated recipient and subrecipient cash, real and personal property, and other assets. Designated recipients and subrecipients must adequately safeguard all such property and must ensure that it is used solely for authorized purposes.

(d) Budget control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.

(e) Allowable cost. Applicable Office of Management and Budget (OMB) cost principles, FTA program regulations, and the terms of the FTA master agreement and grant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.

(f) Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payroll, time and attendance records, contract and subgrant award documents, etc.

(g) Cash management. Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by designated recipients and subrecipients must be followed whenever advance payment procedures are used. Designated recipients must establish reasonable procedures to ensure the receipt of reports on subrecipients' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to FTA. When advances are made by letter-of-credit or electronic transfer of funds methods, the designated recipient must make drawdowns as close as possible to the time of making disbursements. Designated recipients must monitor cash drawdowns by their subrecipients to ensure that they conform substantially to the same standards of timing and amount as apply to advances to the designated recipients.

12. FTA ELECTRONIC GRANT MANAGEMENT SYSTEM. FTA provides a streamlined electronic interface between recipients and FTA that allows complete electronic grant application submission, review, approval, and management of all grants. Among other things, recipients apply for grants, inquire about the status of grants, file the required federal

financial status and milestone progress reports, and submit annual certifications and assurances in this system.

The User Guide can be found on FTA's website in the "Grants and Financing" Section under "Apply for and Manage Grants." The U.S. Department of Labor (DOL) receives requests electronically for Transit Employee Protective Certification for projects. DOL will electronically issue the Public Transportation Employee Protective Certifications, entering the certification date and attaching the certification letter into the electronic grant management system.

This system interfaces directly with other systems such as Grants.Gov and the Electronic Clearing House Operations (ECHO) system (see section 16 of this chapter). To access the FTA electronic grant management system, a new applicant must complete the grantee/recipient user access request form for each user and submit that form to the appropriate FTA regional office. The website containing information about how to apply for a grant is: **http://www.fta.dot.gov/funding/grants_financing_36.html**.

13. SYSTEM FOR AWARD MANAGEMENT (SAM) REQUIREMENTS. The System for Award Management (SAM) is a free website (www.sam.gov) that consolidates federal procurement systems and the Catalog of Federal Domestic Assistance. On July 30, 2012, the Central Contractor Registration (CCR) and the Excluded Parties List System (EPLS) were migrated into SAM. Any organization applying for financial assistance from the federal government must register in SAM and keep its registration current until it submits its final financial report pursuant to the award agreement from FTA or receives its final payment under the project, whichever is later. The recipient must review and update its information in SAM at least annually after the initial registration, and more frequently if required by changes in its information or another provision of a federal or federally assisted agreement, law, regulation, or regulatory guidance.

14. DATA UNIVERSAL NUMBERING SYSTEM (DUNS) REGISTRATION REQUIREMENT. Any organization applying for a grant or cooperative agreement from the federal government must have a DUNS number. This is a nine-digit identification number that provides a unique identification for single business entities. Grant applicants that currently do not have a DUNS number can obtain one for free from Dun and Bradstreet (www.dnb.com). It takes about five weeks to receive a DUNS number after the information requested is imputed in the "Instructions on How to Obtain a DUNS Number." As soon as the DUNS number is received, the applicant must inform an FTA regional office and update the grantee profile to include the number.

15. SUBRECIPIENT DUNS REQUIREMENT. If it is authorized to make subawards under its agreement with FTA, the recipient must notify potential subrecipients that no entity may receive a subaward from the recipient unless the entity has provided its DUNS number to the

recipient. The recipient must not make any subaward to an entity unless the entity has provided its DUNS number to the recipient.

16. ELECTRONIC CLEARING HOUSE OPERATING (ECHO) REQUIREMENTS. FTA makes all payments by electronic funds transfer, regardless of the dollar amount involved. Payments are made under the Electronic Clearing House Operation Web (ECHO-Web) system, by means of a control number assigned to the state. The state agrees to comply with the ECHO-Web requirements contained in the U.S. Department of Treasury regulations, 31 CFR part 205, "Rules and Procedures for Funds Transfers," and as established by the "Guidelines for Disbursements" set forth in FTA's ECHO-Web system operations manual. Detailed information about ECHO-Web can be found in Appendix A.

    a. In general:

        (1) The recipient may initiate cash drawdowns only when actually needed for immediate disbursements for project purposes. The recipient must disburse the funds drawn down according to their Treasury-State Agreement or 31 CFR part 205, subpart B. The recipient's access to the ECHO-Web system may be revoked or suspended, or other remedies may be invoked, if the recipient fails to expend the federal funds within a reasonable period, to return the funds to FTA within a reasonable period, or is unwilling or unable to establish procedures that will minimize the time elapsing between cash advances and the disbursement.

        (2) Costs incurred and available balances are reported annually on an accrual basis on the Financial Status Report in FTA's electronic grant management system (Transportation Electronic Award and Management [TEAM] or the successor thereto).

        (3) The recipient agrees to provide for control and accountability for all project funds consistent with federal requirements and procedures for use of the ECHO-Web system.

        (4) The recipient may not drawdown funds for a project in an amount that would exceed the sum obligated by FTA or the current available balance for that project.

        (5) The recipient shall limit drawdowns to eligible project costs and ensure that subrecipients also follow applicable financial requirements.

    b. Financial Records. FTA does not maintain detailed financial records on individual projects within a program of projects. Financial records, supporting documentation, and all other records pertinent to a recipient must be retained by the recipient (and its subrecipients) and must be made readily available to authorized representatives of DOT and the comptroller general of the United States for a period of three years from the date the state electronically submits the final Federal Financial Report. If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be

retained beyond three years, until all litigation, claims, or audit findings involving the records have been resolved.

The recipient's financial records should adequately document the computation of the federal share and the provision of the required local share for each kind of project. The eligibility of any ADA, clean air, or bicycle projects for which the increased federal share is claimed should be adequately documented.

17. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) REQUIREMENT. FTA's recipients must report the information about each first tier subaward over $25,000 (funds passed through to other public agencies or private nonprofit organizations) by the end of the month following the month the state or designated recipient makes any subaward or obligation (not the month after FTA awarded the direct grant). For example if FTA awarded the grant to the state or designated recipient in November, and the recipient did not sign subrecipient agreements until February, the FTA recipient would have until March 31 to report the subaward into Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS). Once the recipient submits an initial report, the recipient can revise it later to add additional subawards as they are made, or to change data previously submitted to reflect adjustments in subawards.

a. No report is required until the month after the recipient makes a subaward. For example, if a recipient received a Section 5310 grant in November and listed 16 subrecipients in the program of projects but does not consider the subawards to be made until each subrecipient signs a letter of agreement, the recipient would not have to report any subawards in December, but would report them by the end of the month after the subrecipient signs the agreement. On the other hand, if the recipient has a standing agreement with subrecipients and considers the subawards to be made at the time of the FTA grant award, the report would be due in FSRS by the end of the month after FTA obligated the grant to the recipient. If the state or designated recipient allowed subrecipients to use pre-award authority, the deadline would be based on the date of the FTA obligation, since FSRS cannot accept subaward reports before the federal obligation is recorded in the system.

b. The required data elements in FSRS for each first tier subaward over $25,000 :

(1) Name of entity receiving subaward Doing Business As (DBA) Name;

(2) DUNS of the entity and its parent and DUNS+4 (is used to identify specific units within a larger entity);

(3) Amount of subaward;

(4) Subaward number (Note: assigned by recipient);

(5) CFDA number (Note: The same CFDA associated with the FTA award);

(6) Place of performance (including congressional district);

(7) Total compensation and names of top five executives, if required (Note: Not typically required, with thresholds of $25 million and 80 percent of total revenue coming from federal funds);

(8) Award title descriptive of the purpose of the funding action; and

(9) Location of the entity (including congressional district)

c. The amount that is to be reported for each subrecipient is the amount of the total subaward, not payments to date. Payment/drawdown information is not included in the data fields requested.

d. After the recipient reports the subaward data in FSRS, the information will be published with the original direct award information at http://www.usaspending.gov.

e. Information and training materials about FFATA subaward reporting and FSRS are posted on www.USASpending.Gov/news. To receive new information on changes and updates to USASpending.gov as soon as it becomes available, subscribe by visiting http://www.usaspending.gov/ and adding your email address under the "What's New" section. User manuals and data dictionaries are available on http://www.fsrs.gov. Recipients should direct technical questions about the reporting website to the FSRS help desk. FTA regional staff are available to help with FTA grant award information and requirements.

18. ALLOWABLE COSTS. Office of Management and Budget (OMB) Circular A–87 (codified at 2 CFR part 225) provides the federal guidelines for allowable costs for recipients that are governmental authorities. OMB Circular A–122 (codified at 2 CFR part 230) provides comparable guidance for nonprofit organizations. Expenses such as indirect costs or payments to a self-insurance fund must be documented appropriately. The restrictions on advertising and public relations in A–87 permit advertising and public relations for "specific purposes necessary to meet the requirements of the federal award." Similar provisions are also contained in A–122. Transit marketing and promotion are allowable project costs under these provisions, since transit ridership is the ultimate purpose of the federal grant.

19. CLOSEOUT. Recipients should initiate project closeout with subrecipients within ninety days after all funds are expended and all work activities for the project are completed. Recipients should similarly initiate POP closeout with FTA within ninety days after all work activities for the POP are completed. A final Federal Financial Report, final budget, and final POP must be submitted electronically via the electronic grant management system at the time of closeout.

FTA expects grants awarded for a specific POP to be completed within a reasonable, specified time frame, generally not to exceed two to three years. Although this circular

provides recipients with a great deal of flexibility in developing and subsequently revising programs of projects, it is not FTA's intent that grants be continually revised or amended in ways that will excessively prolong the life of the grant, and consequently result in a large number of active Section 5310 grants. If small amounts of funds remain in an inactive grant, the recipient should request that the funds be deobligated and the project closed out. If the deobligated funds are still within their period of availability, FTA can reobligate the funds in a new grant to the recipient along with other currently available funds. Otherwise the deobligated funds lapse and are reapportioned by FTA among states and UZAs in a subsequent year.

20. AUDIT. States and designated recipients are responsible for ensuring that audits are performed pursuant to the requirements of OMB Circular A–133, "Audits of States, Local Governments, and Non-Profit Organizations," resolving audit findings, and bringing problems to FTA's attention. FTA has not required States and designated recipients to ensure an annual financial audit of a subrecipient is performed when assistance is provided solely in the form of capital equipment procured directly by the state or designated recipient. Even if the amount of FTA funds the recipient passes to a particular subrecipient does not trigger the requirement for an A–133 audit, the recipient may wish to review A–133 audit reports prepared for subrecipients that are required to be audited because the total federal funds from all sources exceed the threshold (currently $750,000). At a minimum recipients should require subrecipients to bring to the attention of the recipient any audit findings relevant to their use of FTA funds.

21. REAL PROPERTY. Real property acquisition standards are included in the current FTA Circular 5010.1, "Grant Management Guidelines" with a summary in Chapter VIII of this Circular, "Other Provisions." Subrecipients may use the recipient's staff appraisers to prepare required independent appraisals.

22. CONSTRUCTION MANAGEMENT AND OVERSIGHT. The responsibility for construction management and oversight lies with the state or designated recipient. FTA does not approve design plans, specifications, contract terms, etc. for construction projects.

23. REPORTING REQUIREMENTS.

    a. Annual Program of Projects Status Reports. By October 31 each year, the state or designated recipient should submit to FTA a program status report for each active grant, covering the twelve-month period ending September 30. Designated recipients in large urbanized areas must submit quarterly status reports. The status reports should be submitted electronically and are intended to meet minimal program information needs at the regional and national levels. Reports should include an updated POP for each approved grant that contains active projects. The updated POP should reflect revised project descriptions, changes in projects from one category to another, and adjustments within budget categories, if applicable. The updated POP can be imported as text into the project summary section of the electronic status report.

If revisions to the POP result in changes to the line item budget for the grant, these changes should be submitted as budget revisions. Significant civil rights compliance issues occurring during the year (such as Title VI, Equal Employment Opportunity (EEO), or Disadvantaged Business Enterprise (DBE) complaints against the recipient or subrecipients), should be addressed in the annual status report. In addition, the recipient may report notable accomplishments or problems involving Section 5310 subrecipients.

b. Milestone Progress Reports (MPR). For activity line items for which milestones were required at the time of grant application (e.g., for vehicle procurements, construction projects, and program reserve), the recipient should enter revised milestone dates as part of the annual report. If the estimated completion date for the grant has changed, the revised date should be entered, with an explanation as to why the date has changed.

c. Federal Financial Report (FFR). The recipient must submit electronically an annual FFR for each active grant, for the period ending September 30. For the purpose of this report, funds are considered encumbered when agreements are signed with subrecipients. Reports should be prepared using the accrual method of accounting.

d. Program Measures. As indicated in Chapter II of this Circular, FTA will be capturing overall program measures to be used with the Government Performance Results Act (GPRA) and the Performance Assessment Rating Tool process for the OMB. The following indicators are targeted to capture overarching program information as part of the annual report that each recipient submits to FTA. Until new measures are established, FTA intends to continue to use the following indicators. Designated recipients and states should submit both quantitative and qualitative information available on each of the following measures with its fourth quarter or annual milestone progress reports.

Traditional Section 5310 Projects

(1) Gaps in Service Filled: Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities, measured in numbers of seniors and individuals with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.

(2) Ridership: Actual or estimated number of rides (as measured by one-way trips) provided annually for seniors or individuals with disabilities on Section 5310 supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year.

Other Section 5310 Projects

(1) Service Improvements: related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals

with disabilities as a result of other Section 5310 projects implemented in the current reporting year

(2) Physical Improvements: Additions or changes to environmental infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of other section 5310 projects implemented in the current reporting year.

(3) Ridership: Actual or estimated number of rides (as measured by one-way trips) provided annually for seniors or individuals with disabilities on Section 5310 supported vehicles and services as a result of other Section 5310 projects implemented in the current reporting year.

Recipients should ensure that the above information is reported in TEAM or its successor thereto for all recipients and subrecipients of Section 5310 funding in projects selected by the state or designated recipient. The recipient may consolidate information for all projects in the annual report for any open Section 5310 grant awarded to the recipient.

e. National Transit Database: Section 5335(c) requires all FTA grant recipients, including grant recipients under Section 5310, to report an asset inventory or condition assessment conducted by the recipient to the National Transit Database (NTD). This requirement is subject to a rulemaking and recipients will not be required to report until the rulemaking is complete.

f. Disadvantaged Business Enterprise (DBE) Reports. If the state or designated recipient receives planning, capital, and/or operating assistance and awards prime contracts exceeding $250,000 in FTA funds in a federal fiscal year, DOT regulations require the state or designated recipient to have a DBE program and establish a DBE goal methodology that applies to all direct and subrecipient contracting activity resulting from those funds. Subrecipients must follow the recipient's established DBE program. FTA recipients that meet the above thresholds must submit a DBE goal to FTA for review by August 1 at three-year intervals, based on a schedule established by FTA. Detailed requirements are described in Chapter VIII, "Other Provisions."

24. MANAGEMENT PLAN. The SMP is a document that describes the state's policies and procedures for administering the Section 5310 program. The SMP required for the Section 5310 and 5311 (Rural Area Formula) programs may be included in the same document. All states are required to have an approved SMP on file in the FTA regional office. Additions or amendments to the SMP must be made and submitted to FTA whenever a state significantly changes its management of the program, or when new program management requirements are imposed by FTA. Changes may be required as the result of a state management review by FTA. FTA has provided detailed requirements in Chapter VII, State and Program Management Plans.

    Designated recipients that are not states must have a Program Management Plan (PMP). This plan shall adhere to the "Management Plan" provisions in Chapter VII.

25. FTA MANAGEMENT REVIEW. FTA's administration of the Section 5310 program results in relatively little federal involvement in the day-to-day program activities or in the review of individual applications from subrecipients. To ensure that the program objectives are being carried out, the FTA regional office, with contractor assistance, conducts periodic state management reviews every three years or as circumstances warrant. The review includes an inspection of documentation on file at the regional office, a visit to the state offices to examine the procedures the state uses in administering the program, and local site visits. The review assesses the accuracy and adequacy of the SMP, and may result in recommendations for changes to the SMP. A draft report with preliminary findings is presented at an exit conference. The state has an opportunity to comment on the report and to take corrective actions before a final report is issued. The FTA regional office follows up on corrective actions required in the final report.

    FTA periodically conducts state management review seminars to help states understand the federal requirements being reviewed and to provide technical assistance. States may contact the regional office for a current schedule of seminars.

    FTA management of other designated recipients will occur through the monitoring of grant progress and activities by FTA regional offices and from the triennial reviews that are conducted by FTA's Office of Oversight on Section 5310 designated recipients that also receive Section 5307 funding. Designated recipients that are not a state or a Section 5307 recipient may be subject to periodic spot reviews that include: an inspection of documentation on file at the regional office, a visit to the designated recipient's offices to examine the procedures used in administering the program, and local site visits. The review assesses the accuracy and adequacy of the PMP, and may result in recommendations for changes to the PMP. A draft report with preliminary findings is presented at an exit conference. The designated recipient has an opportunity to comment on the report and to take corrective actions before a final report is issued.

26. OTHER FTA REVIEWS. FTA also conducts more specific compliance reviews of recipients and subrecipients in particular areas, for example financial management, procurement, drug

and alcohol testing compliance, and the various aspects of civil rights compliance, usually in response to a risk assessment or other indication of a possible problem. FTA coordinates reviews of subrecipients with the recipient.

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CHAPTER VII

STATE AND PROGRAM MANAGEMENT PLANS

1. GENERAL. The state management plan (SMP) is a document that describes the state's policies and procedures for administering FTA's Section 5310 and 5311 programs. The program management plan (PMP) is a document that describes the designated recipient's policies and procedures for administering FTA's Section 5310 program in a large urbanized area. The requirements for the PMP are the same as those for the SMP with exception that the PMP is developed by designated recipients in large urbanized areas whereas the SMP is developed by the state.

   Each recipient, whether a state or a designated recipient in a large urbanized area, is required to have an approved SMP/PMP on file with the appropriate FTA regional office and to update it regularly to incorporate any changes in program management or new requirements. The recipient shall provide an opportunity for review by stakeholders when it develops a new plan or significantly revises an existing plan. In addition, development of SMP/PMPs should be done in the context of local and statewide planning processes. Certain contents of the SMP/PMP, such as coordination of service, project selection criteria, and method of distributing funds, should be coordinated with the statewide transportation improvement program (STIP) and transportation improvement program (TIP).

   At the state level, the state may include the required SMP for Section 5310 and 5311 programs in a single document or separate documents. Further, where designated recipients serve multiple population areas (e.g., the state is the designated recipient for a large urbanized area[s] and areas under 200,000 in population), the designated recipient may choose to have a single management plan, provided it adequately addresses policies and procedures for each of the areas, and subrecipients from the respective population areas know which policies and procedures are relevant to them.

   All public documents developed under a grant from FTA must be prepared and submitted in electronic format.

2. PURPOSE. The SMP/PMP is intended to facilitate both recipient management and FTA oversight by documenting the state's and designated recipient's procedures and policies for administering the Section 5310 program. The SMP/PMP should be a document that is useful to the state, designated recipient, and subrecipients, as well as to FTA. At a minimum, this document must include the recipient's program objectives, policies, procedures, and administrative requirements, in a form readily accessible to potential subrecipients, recipient staff, FTA, and the public. The SMP/PMP's primary purposes are to serve as the basis for FTA to perform recipient-level management reviews of the program, and to provide public information on the recipient's administration of the Section 5310 program. It may also be used internally by the recipient as a program guide for local project applicants. If the

recipient has other relevant documentation that provides the same information requested for the SMP/PMP, such as an annual application instructions manual, it may be included by reference, as an attachment.

3. MANAGEMENT PLAN REVIEWS. FTA conducts oversight reviews to examine each designated recipient's management procedures, and the relationship of the procedures to its management plan. When a state management or triennial review is scheduled, FTA and its contractors examine the SMP or PMP on file as part of a desk review at the regional office to determine whether the procedures in the SMP/PMP satisfy current requirements. At the site visit, the reviewers document whether or not the designated recipient is following its own stated procedures. Review findings relating to the SMP might include recommendations that the designated recipient revise the SMP/PMP to reflect its actual procedures, or that it change its procedures and document them in revisions to the SMP/PMP.

4. MANAGEMENT PLAN CONTENT. While there is no prescribed format for the SMP/PMP, the plan should address the following topics and provide the information as requested for each topic below.

   a. Program Goals and Objectives. Describe the philosophy and policy underlying the recipient's management of the Section 5310 program. Include a description of any process that exists for establishing long-term goals for providing transportation services to seniors and people with disabilities in the recipient's area, including the process for long range planning and consultation with elected officials.

   b. Roles and Responsibilities. Specify the agencies designated to administer the Section 5310 program. Explain the respective roles and responsibilities of the recipients and their subdivisions, other recipient agencies or review boards, local governments, private providers, local applicants, and other involved parties.

   c. Coordination. Describe how the recipient coordinates with other agencies at the state or designated recipient level and encourages and enhances coordination at the project level. This could include a description of any recipient-level coordinating mechanisms, legislation, review boards, and state or designated recipient policies that encourage or mandate coordination at the local level.

   d. Eligible Subrecipients. Describe which entities are eligible to apply for funds, and describe any recipient eligibility requirements that are more restrictive than federal eligibility.

   e. Local Share and Local Funding Requirements. Describe any recipient policies on provision of local matching share. Include a description of any programs which provide matching funds for Section 5310.

   f. Project Selection Criteria and Method of Distributing Funds. A competitive selection process is not required; whether or not the recipient engages in a competitive selection

process, the recipient should describe the recipient's criteria for selecting projects and distributing funds among various applicants. Whether the recipient uses a formula for allocation, imposes its own limitations on use of the funds, or uses an entirely discretionary selection process, the plan should explain the policy rationale and the methods used. This description should include the recipient's procedures for (1) assuring equity of distribution of benefits among eligible groups within the state or urbanized areas, as required by Title VI of the Civil Rights Act; (2) assuring that projects were included in a locally developed coordinated plan; and (3) documenting evidence that the local coordinated plan was developed and approved in cooperation with stakeholders, including individuals with disabilities and seniors utilizing transportation services.

g. Annual Program of Projects Development and Approval Process. Describe the recipient's process and timetable for soliciting, reviewing, and approving applications for local projects to be included in the state's annual POP for Section 5310. The SMP/PMP may include instructions to potential subrecipients on how to prepare local project applications.

h. State Administration, Planning, and Technical Assistance. Describe how the recipient uses Section 5310 funds within the 10 percent limitation for administration, planning, and technical assistance. Also describe additional resources including planning, technical, and management assistance the recipient makes available to local areas and/or subrecipients.

i. Transfer of Funds. Describe any policy the state has for transferring funds between rural and small urbanized areas, or to any area of the state if the state has a statewide program for meeting the objectives of Section 5310.

j. Private Sector Participation. Describe the recipient's procedures for providing for maximum feasible participation by private providers of public transportation.

k. Civil Rights. Describe how the recipient meets federal civil rights requirements and monitors subrecipients to ensure compliance with the requirements of Title VI, Equal Employment Opportunity (EEO), and Disadvantaged Business Enterprise (DBE). The management plan must include the program-specific Title VI requirements detailed in Chapter VIII, "Other Provisions," including the recipient's efforts to assist minority applicants and to include subrecipients serving significant minority populations. (Inclusion in the SMP/PMP may satisfy certain requirements for one-time submissions in the civil rights areas.)

l. Section 504 and ADA Reporting. Describe the recipient's method for monitoring subrecipients' compliance with Section 504 and ADA regulations and for processing the plans, reports, and certifications submitted to it under the provisions of those regulations.

m. Program Measures. Describe the recipient's method for collecting and reporting the data for program measurement described in Chapter II and VI of this circular.

n. Program Management. Describe how the recipient administers its program management responsibilities in such areas as procurement, financial management, property management, vehicle use, maintenance and disposition, accounting systems, audit, and closeout. In addition, include any procedures for management or financial reviews and project monitoring or on-site reviews. Describe any standards set by the recipient for matters such as productivity, cost effectiveness, or service standards. Detail any reporting requirements.

o. Other Provisions. Describe the process by which the recipient complies with other federal requirements such as environmental protection, Buy America provisions, pre-award and postdelivery reviews, restrictions on lobbying, prohibition of exclusive school transportation, and drug and alcohol testing, including the state's procedures for monitoring compliance by subrecipients.

5. MANAGEMENT PLAN REVISIONS. All recipients must have an SMP/PMP approved by FTA on file with the FTA regional office. An approved SMP/PMP remains valid until FTA approves a later plan submitted by the recipient or an FTA management review results in a specific request to the recipient by FTA for a revised SMP/PMP, or FTA announces significant new program documentation requirements. FTA strongly encourages the recipient to issue timely revisions to the SMP/PMP, particularly when information helpful to minority applicants, subrecipients, and third party contractors is involved. When the recipient proposes significant revisions to the SMP/PMP it should give an opportunity to comment at the minimum to potential subrecipients of assistance, potential service providers, other state agencies and representatives of other funding sources, and any relevant state associations and professional organizations.

If revisions are substantive, but not pervasive, the recipient may submit changes and additions in the form of page changes that can be approved by FTA and incorporated into the SMP/PMP on file. If the recipient changes the SMP/PMP significantly, however, it should submit the entire revised plan to FTA for approval. The recipient is responsible for ensuring that FTA has a complete copy of the current SMP/PMP. The recipient may submit minor changes and technical corrections to FTA to update the approved plan, without the need for additional FTA approval. The recipient should reexamine the SMP/PMP to make sure it reflects current requirements of this circular and revise the SMP/PMP by May 1, 2014.

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CHAPTER VIII

OTHER PROVISIONS

1. INTRODUCTION. In addition to the program-specific requirements and guidance provided in this circular, FTA recipients are held to a number of FTA-specific and other federal requirements. This chapter highlights the major requirements and provides citations to the statutory or regulatory text. If there is a conflict between the summary information provided in this chapter and the statute or regulation, the language of the statute or regulation controls. Readers should use this chapter in conjunction with FTA's "master agreement" and the current fiscal year "Certifications and Assurances" that recipients must sign annually (via FTA's electronic grant management system) to establish or renew their funding relationship with FTA. The master agreement and the certifications and assurances represent the recipients' legal affirmation to abide by FTA and other federal requirements that are applicable to their grants.

   Some of the topics covered in the master agreement and the certifications and assurances are summarized throughout this chapter, as a reminder to recipients of their obligations to FTA. More information about individual requirements can be found in the master agreement, the certifications and assurances on the FTA public website **www.fta.dot.gov**, the FTA Electronic Grants Management System's website, and in the references provided throughout this chapter.

2. PROCUREMENT RESTRICTIONS. An applicant seeking federal assistance pursuant to 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. FTA's procurement requirements are codified at 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, nonprofit organizations must comply with similar regulations in 49 CFR part 19). Provisions of the common rule pertaining to procurement requirements for FTA recipients 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(20) October 1, 2013, as amended) at Section 17, "Procurement," updated annually with the issuance of each new master agreement. Finally, FTA has published additional guidance relative to recipients' compliance with third party procurement requirements within the current FTA Circular 4220.1 and its "Best Practices Procurement Manual." The 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 applicant that fails to provide this certification may be determined ineligible for award of federal assistance, if FTA determines that its procurement practices and procurement system are incapable of compliance with federal laws, regulations, and directives governing procurements financed with FTA assistance.

3. ENVIRONMENTAL REVIEWS. All projects seeking FTA financial assistance require compliance with the National Environmental Policy Act (NEPA) implementing regulations (40 C.F.R. § 1500-1508), FHWA and FTA's Environmental Impact and Related Procedures (23 C.F.R. § 771), Efficient Environmental Reviews for Project Decision-making (23 U.S.C. § 139), and numerous other environmental laws, regulations, and orders such as Section 106 of the National Historic Preservation Act (36 CFR 800), the Clean Water Act, and the Endangered Species Act. Project sponsors should consult with the FTA regional office early in project development to identify the appropriate class of action (categorical exclusion, environmental assessment, or environmental impact statement) for the NEPA review and any other environmental requirements. Project sponsors should not move forward with any steps to develop the project that would preclude the fair consideration of alternatives (e.g., engineering and construction) until FTA concludes the NEPA process by issuing a record of decision (ROD), finding of no significant impact (FONSI), or a categorical exclusion (CE). Property acquisition, other than for the linear right-of-way needed for the project (as determined in close consultation with FTA staff), should not take place until a ROD, FONSI, or CE is issued.

4. ENVIRONMENTAL JUSTICE. Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requires the U.S. DOT and the FTA to make environmental justice (EJ) part of our mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on our programs, policies, and activities on minority populations and/or low-income populations. Environmental justice at FTA includes incorporating environmental justice and nondiscrimination principles into transportation planning and decision-making processes as well as project-specific environmental reviews. FTA Circular 4703.1 "Environmental Justice Policy Guidance for Federal Transit Administration Recipients" provides FTA recipients and subrecipients with guidance and instructions necessary to carry out the executive order.

5. CLEAN AIR ACT (CAA). The principal CAA requirement with which FTA-funded projects must comply is the transportation conformity rule. The conformity requirements are contained in an Environmental Protection Agency (EPA) regulation (40 CFR part 93), and

they apply in nonattainment and maintenance areas only—areas that, either: (1) currently violate one or more of the National Ambient Air Quality Standards (NAAQSs) (nonattainment areas); or (2) once violated the standards but have since been redesignated to attainment status by EPA (maintenance areas). The transportation conformity process applies not only to federally funded projects but also to long-range transportation plans and TIPs. Determining conformity for transportation plans and TIPs is the responsibility of the MPO, and FHWA and FTA must review the conformity determination and issue a statement saying that the plan and/or TIP conforms. Determining conformity for individual projects is the project sponsor's responsibility, and FTA and/or FHWA must review this determination and issue a statement, usually in the context of the environmental decision document, saying that the project conforms.

The transportation conformity regulation reserves detailed air quality analysis for large projects that have the potential to create new violations or make existing violations worse. There is also a list of exempt highway and transit projects in the regulation that does not require any analysis, which can be found at 40 CFR 93.126. Many transit projects are exempt from the conformity requirements and can be processed expeditiously. Regardless of the type of project being considered, early consultation with FTA is essential for proposed projects in nonattainment and maintenance areas to establish what the requirements are and how best to satisfy them. The planning and environmental staff in FTA regional offices are the best points of contact for air quality and transportation conformity issues.

6. PRIVATE SECTOR PARTICIPATION. Federal law requires the public to be involved in the transportation planning process, and specifically requires that private providers be provided an opportunity to be consulted in developing transportation plans and programs in both urbanized and rural areas. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

7. REAL PROPERTY ACQUISITION AND RELOCATION ASSISTANCE. If a grant applicant intends to use federal financial assistance in a project which will require real property, the applicant must provide assurances—required by Sections 305 and 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act)—that it will comply with the Uniform Act and with U.S. DOT implementing regulations (49 CFR part 24).

   DOT regulations at 49 CFR part 24 implement a governmentwide regulation that applies to all federal or federally assisted activities that involve the acquisition of real property or the displacement of people. As such, the regulation is specific in naming certain actions that must be taken to achieve uniformity in the treatment of property owners and displaced people. Grantees in the process of planning a federally assisted project that will require the displacement of people should be aware of the regulatory need for relocation planning during the early stages of project development.

The 49 CFR part 24 regulation is available from the Government Printing Office website at: **http://www.access.gpo.gov/nara/cfr/waisidx_99/49cfr24_99.html**. Upon request, FTA regional offices can provide a copy of the uniform act or regulation in its amended form. In addition, the grantee should inform itself of state laws regarding compensation for real property and requirements for relocation of people and personal property.

Real property may be contributed as part of the local matching share. Credit can be allowed only for that portion of the property needed to carry out the scope of the project. Federal funds must not have been used to purchase any property proposed as local matching share. The contribution-in-kind property will be valued at its current market value and when incorporated into the project will be subject to the same reporting and disposition requirements required of all project property. Please consult with your FTA regional office about any property issues.

8. LABOR PROTECTIONS.

   a. Davis-Bacon Act. For FTA programs, 49 U.S.C. Section 5333(a) applies Davis-Bacon Act prevailing wage requirements. This provision applies only to construction projects. In the event that a project involves construction, Section 5333(a) requires the Secretary to ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of loans or grants under 49 U.S.C. Chapter 53 be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary may not approve any such loan or grant without first obtaining assurance that required labor standards would be maintained upon the construction work. This assurance is obtained when recipients accept grant funds and sign FTA's master agreement.

   b. Transit Employee Protection. Title 49 U.S.C. Section 5333(b) does not apply to the Section 5310 program.

9. CIVIL RIGHTS. The recipient agrees to comply with all applicable civil rights statutes and implementing regulations including, but not limited to, the following:

   a. Nondiscrimination in Federal Transit Programs. The recipient agrees to comply, and assures the compliance of each third party contractor at any tier and each subrecipient at any tier under the project, with the provisions of 49 U.S.C. 5332. These provisions prohibit discrimination on the basis of race, color, religion, national origin, sex, age, and disability, and prohibit discrimination in employment or business opportunity.

   b. Nondiscrimination on the Basis of Disability. The recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the project, with the applicable laws and regulations, discussed below, for nondiscrimination on the basis of disability.

(1) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits discrimination on the basis of disability by recipients of federal financial assistance.

(2) ADA, as amended (42 U.S.C. 12101 *et seq.*), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of public transportation.

(3) DOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, 38, and 39. Among other provisions, the regulations specify accessibility requirements for the design and construction of new transportation facilities and vehicles; require that vehicles acquired (with limited exceptions) be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; require public entities (including private entities "standing in the shoes" of a public entity as a subrecipient or under a contract or other arrangement) providing fixed-route service to provide complementary paratransit service to individuals with disabilities who cannot use the fixed-route service; and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems.

(4) Providers of demand responsive service must utilize accessible vehicles, as defined at 49 CFR 37.7 or meet the applicable equivalent service standard. For private and public entities, the service must be equivalent in regard to schedules, response times, geographic areas of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions based on trip purpose.

(5) Providers of fixed-route service must generally utilize accessible vehicles. Private entities may utilize nonaccessible vehicles if they can provide equivalent service in terms of schedules and headways, in addition to the equivalent service requirements described above for demand responsive service. Public entities must also provide complementary paratransit service to fixed-route service as defined in 49 CFR 37.121.

(6) In addition, recipients of any FTA funds should be aware that they also have responsibilities under Titles I, II, III, IV, and V of the ADA in the areas of employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other federal agencies.

c. Nondiscrimination—Title VI. The recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the project, with all of the following requirements under Title VI of the Civil Rights Act of 1964

(1) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d *et seq.*), provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

(2) U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21.

(3) FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients." This document provides FTA recipients and subrecipients with guidance and instructions necessary to carry out DOT Title VI regulations (49 CFR part 21), and DOT Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons.

(4) U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005). This guidance clarifies the responsibilities of recipients of federal financial assistance from DOT and assists them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166.

(5) FTA Circular 4703.1 "Environmental Justice Policy Guidance for Federal Transit Administration Recipients." This document provides FTA recipients and subrecipients with guidance and instructions necessary to carry out U.S. DOT Order 5610.2 to Address Environmental Justice in Minority Populations and Low-Income Populations, and Executive Order 12898 on Environmental Justice that describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles into existing programs, policies, and activities.

(6) U.S. DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations. DOT Order 5610.2 describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles (as embodied in Executive Order 12898 on Environmental Justice) into existing programs, policies, and activities.

d. Equal Employment Opportunity. The recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the project, with all equal employment opportunity (EEO) requirements of Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000e), and with 49 U.S.C. 5332 and any implementing regulations DOT may issue.

e. Nondiscrimination on the Basis of Sex. The recipient agrees to comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended (20 U.S.C.

1681 *et seq*.), with DOT implementing regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25.

f. Nondiscrimination on the Basis of Age. The recipient agrees to comply with all applicable requirements of the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq*.), and Department of Health and Human Services' implementing regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance" (45 CFR part 90), which prohibit discrimination against individuals on the basis of age. In addition, the recipient agrees to comply with all applicable requirements of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 through 634, and Equal Employment Opportunity Commission (EEOC) implementing regulations, "Age Discrimination in Employment Act" (29 CFR part 1625), which prohibit employment discrimination against individuals on the basis of age.

g. Disadvantaged Business Enterprise (DBE). To the extent required by federal law, regulation, or directive, the recipient agrees to take the following measures to facilitate participation by DBEs:

(1) The recipient agrees and assures that it will comply with MAP-21 Section 1101(b) (23 U.S.C. 101 note), which directs the Secretary of Transportation to expend not less than 10 percent of authorized federal funds with DBEs. This 10 percent national goal is aspirational and is used by DOT to help monitor and evaluate DBE participation in DOT-assisted contracting opportunities.

(2) The recipient agrees and assures that it will comply with DOT regulation, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 CFR part 26. Among other provisions, this regulation requires certain 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.

(3) The recipient agrees and assures that it shall not discriminate on the basis of race, color, sex, or national origin, in the award and performance of any third party contract, or subagreement supported with federal assistance derived from DOT, or in the administration of its DBE program, and will comply with the requirements of 49 CFR part 26. The recipient agrees to take all necessary and reasonable steps set forth in 49 CFR part 26 to ensure nondiscrimination in the award and administration of all third party contracts and subagreements supported with federal assistance derived from DOT. As required by 49 CFR part 26 and approved by DOT, the recipient's DBE program is incorporated by reference and made part of the grant agreement or cooperative agreement. The recipient agrees that implementation of this DBE program is a legal obligation, and that failure to carry out its terms shall be treated as

a violation of the grant agreement or cooperative agreement. Upon notification by DOT to the recipient of a failure to implement its approved DBE program, DOT may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001, and/or the Program Fraud Civil Remedies Act, (31 U.S.C. 3801 *et seq*).

For further guidance, refer to the federal laws, regulations, and executive orders cited in this chapter. FTA's regional civil rights officers or headquarters civil rights staff will also provide current guidance upon request.

10. CHARTER BUS SERVICES. Title 49 U.S.C. 5323(d) limits charter service provided by federally assisted public transportation operators. FTA regulations specify these limitations in 49 CFR part 604—Charter Service, amended effective April 30, 2008 (73 FR 2326, Jan.14, 2008). Each recipient must enter into an agreement with FTA that the recipient will not engage in charter service unless permitted by FTA charter service regulations. FTA includes that agreement in its annual publication of certifications and assurances. Charter service is defined based on whether a third party requests the service or whether the transit agency initiates the service. If a third party requests service, FTA will utilize four characteristics of charter service to determine whether the proposed service meets the definition of charter. If a transit agency initiates the service, FTA will look at whether the transit agency also charges a premium fare or accepts a subsidy from a third party.

In addition, the charter rule established a new electronic database. Interested private operators must register at the FTA charter registration website (**http://www.fta.dot.gov/laws/leg_reg_179.html**) in order to receive notice from transit agencies regarding potential charter trips. Private operators may register their geographic area by zip code. When a transit agency receives a request for charter service that does not fit within one of the other exceptions outlined in the rule, and it is interested in performing the service, it must send notice to all private operators registered in the recipient's geographic service area. The notice sent by the transit agency must conform strictly to the requirements of the rule, as additional information may void the notice and may subject the transit agency to a complaint from registered charter providers. The rule also provides for a detailed complaint process for addressing potentially frivolous complaint filings, in addition to complaints against transit agencies that violate the regulation, and a complaint process for removing private registered providers if they are abusing the process. The rule contains hearing procedures, appeal procedures, and several appendices to assist transit agencies with compliance, including a penalty matrix and a series of frequently asked questions and answers.

The charter rule defines a qualified human service organization (QHSO) as an organization that serves persons who qualify for human service or transportation-related programs or services due to disability, income, or advanced age. The term QHSO is used consistent with the president's executive order on human service transportation coordination (February 24, 2004). If an organization serving seniors or individuals with disabilities receives Section

5310 funding, directly or indirectly, the QHSO is not required to register on the FTA charter registration website.

Appendix C to 49 CFR part 604 provides the following additional guidance: Q: If I receive funds under 49 U.S.C. Sections 5310, 5311, 5316, or 5317, may I provide charter service for any purpose? A: No. You may only provide charter service for "program purposes," which is defined in this regulation as "transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities, and/or low income individuals) * * *" 49 CFR Section 604.2(e). Thus, your service only qualifies for the exemption contained in this section if the service is designed to serve the needs of targeted populations. Charter service provided to a group, however, that includes individuals who are only incidentally members of those targeted populations, is not "for program purposes" and must meet the requirements of the rule (e.g., an individual chartering a vehicle to take their relatives including elderly aunts and a cousin who is a disabled veteran to a family reunion).

11. DRUG AND ALCOHOL TESTING. Recipients or subrecipients that receive only Section 5310 program assistance are not subject to FTA's drug and alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver's licenses (49 CFR part 382). Section 5310 recipients and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program.

    An FTA compliant testing program, as required by the receipt of FTA operating or capital funding (5307, 5309, 5311), may be used for Section 5310 employees; there is no need to have separate testing programs. Employees of a subrecipient of Section 5310 funds from a state or designated recipient of another FTA program (e.g., 5307 or 5311) should also be included in the designated recipient's testing program.

    States and designated recipients that receive funds for Sections 5307, 5309, or 5311, in addition to Section 5310, should consult FTA's regulation at 49 CFR part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations." The regulation applies to recipients of funds identified above. The regulation requires that FTA recipients follow the drug and alcohol testing procedures found in applicable FTA (49 CFR part 655) and DOT (49 CFR part 40) regulations.

    Technical assistance materials and training information to help recipients implement the rules are available at FTA's website **http://www.fta.dot.gov** or through contacting the FTA Office of Safety and Oversight, FTA Headquarters.

12. DRUG-FREE WORKPLACE. In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*), and 49 CFR part 32, each recipient is required to maintain a drug-free workplace for all employees and to have an antidrug policy and awareness program. The recipient must agree that it will provide a drug-free workplace and comply with all

requirements of 49 CFR part 32. These provisions apply only to FTA's direct recipients and do not extend to subrecipients.

The recipient is required to provide a written drug-free workplace policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and stating specific actions that will be taken for violations. The Department of Labor provides a drug-free workplace advisor to assist users in developing tailored policy statements at the following link: http://www.dol.elaws/drugfree.htm.The ongoing drug-free awareness program must inform employees about the dangers of drug abuse; about any available drug counseling, rehabilitation, and employee assistance programs; about penalties that may be imposed; and that employees are to be aware that the recipient operates a drug-free workplace.

An employee of an FTA recipient is required to report in writing any conviction for a violation of a criminal drug statute occurring in the workplace, and the recipient/employer is required to provide written notice to FTA within ten days of having received the notice. Within thirty days of receiving the notice of a conviction, the recipient/employer must have taken appropriate action against the employee or have required participation in a drug abuse assistance or rehabilitation program.

Technical assistance materials and training information to help recipients implement the drug-free workplace and drug and alcohol testing rules are available on FTA's website http://www.fta.dot.gov or by contacting FTA's Office of Safety and Oversight, FTA Headquarters, 1200 New Jersey Ave. SE, Washington, DC 20590.

13. RESTRICTIONS ON LOBBYING. Federal financial assistance may not be used to influence any member of Congress or an officer or employee of any agency in connection with the making of any federal contract, grant, or cooperative agreement. The state, subrecipients, and third party contractors at any tier awarded FTA assistance exceeding $100,000 must sign a certification so stating and must disclose the expenditure of nonfederal funds for such purposes (49 CFR part 20).

    Other federal laws also govern lobbying activities. For example, federal funds may not be used for lobbying congressional representatives or senators indirectly, such as by contributing to a lobbying organization or funding a grass-roots campaign to influence legislation (31 U.S.C. 1352). These laws do not prohibit general advocacy for transit. Providing information to legislators about the services a recipient provides in the community is not prohibited, nor is using nonfederal funds for lobbying, so long as the required disclosures are made.

14. PRE-AWARD AUTHORITY.

    a. General. FTA provides blanket, or automatic, pre-award authority in certain program areas. This pre-award authority allows recipients to incur certain project costs before grant approval and retain their eligibility for subsequent reimbursement after grant

approval. The recipient assumes all risk and is responsible for ensuring that all conditions are met to retain eligibility. This automatic pre-award spending authority permits a recipient to incur costs on an eligible transit capital or planning project without prejudice to possible future federal participation in the cost of the project or projects.

The authorization of formula funds or appropriation of funds for discretionary projects and publication of those projects in FTA's annual *Federal Register* Notice of Apportionments and Allocations triggers pre-award authority for design and environmental work on the project. Following authorization of formula funds or appropriation and publication of discretionary projects, pre-award authority for other capital projects including property acquisition, demolition, construction, and acquisition of vehicles, equipment, or construction materials is triggered by completion of the environmental review process with FTA's signing of an environmental ROD, FONSI, or a determination that the project is a categorized exclusion, and included in the STIP.

FTA strongly encourages all recipients to consult with the appropriate FTA regional office regarding the eligibility of the project for future FTA funds and the applicability of the conditions and federal requirements.

Pre-award authority for operating and planning projects under the formula grant programs is not limited to the authorization period.

b. Conditions. In general, all federal grant requirements must be met at the appropriate time for the project to remain eligible for federal funding. Specifically,

(1) Pre-award authority is not a legal or implied commitment that the project(s) will be approved for FTA assistance or that FTA will obligate federal funds. Furthermore, it is not a legal or implied commitment that all activities undertaken by the applicant will be eligible for inclusion in the project(s).

(2) All FTA statutory, procedural, and contractual requirements must be met.

(3) The recipient must take no action that prejudices the legal and administrative findings that FTA must make in order to approve a project.

(4) Local funds expended by the recipient pursuant to and after the date of the pre-award authority will be eligible for credit toward local match or reimbursement if FTA later makes a grant for the project(s) or project amendment(s). Local funds expended by the recipient before the date of the pre-award authority will not be eligible for credit toward local match or reimbursement. Furthermore, the expenditure of local funds on activities such as land acquisition, demolition, or construction before the date of pre-award authority for those activities (i.e., the completion of the environmental review process) would compromise FTA's ability to comply with federal environmental laws and may render the project ineligible for FTA funding.

(5) The federal amount of any future FTA assistance awarded to the recipient for the project will be determined on the basis of the overall scope of activities and the prevailing statutory provisions with respect to the federal/local match ratio at the time the funds are obligated.

(6) For funds to which the pre-award authority applies, the authority expires with the lapsing of the fiscal year funds.

(7) When a grant for the project is subsequently awarded, the Federal Financial Report must indicate the use of pre-award authority.

(8) More information regarding pre-award authority can be found in FTA's annual apportionment notice published in the *Federal Register*.

15. SAFETY AND SECURITY. MAP-21 amended 49 U.S.C. 5329 to provide FTA with the authority to establish a new comprehensive framework to oversee the safety of public transportation throughout the United States. The law requires, among other things, that FTA issue a National Public Transportation Safety Plan, establish safety performance criteria for all modes of public transportation, define a "state of good repair," establish minimum safety performance standards for public transportation vehicles, and a safety certification training program for transit agency and state safety oversight (SSO) staff responsible for safety oversight. States are required to strengthen their SSO programs and submit the programs to FTA for certification. In addition, public transportation agencies must establish comprehensive agency safety plans for their rail and bus operations. FTA will issue interim guidance and regulations to implement these new requirements in consultation with public transportation industry stakeholders.

    Note: FTA has entered into a Memorandum of Understanding (MOU) with the American Association of State Highway and Transportation Officials (AASHTO), the American Public Transportation Association (APTA), and the Community Transportation Association of America (CTAA) that supports the transit industry and federal commitment to bus safety, and supports a model bus safety program to which all the signatories of this agreement have agreed to subscribe. The program also focuses on addressing the needs of rural and small urban providers. The MOU is available on FTA's bus safety website: http://bussafety.fta.dot.gov/show_resource.php?id=3949

16. LEASE VERSUS BUY CONSIDERATIONS. A recipient may use capital funds to lease capital assets from another party in cases where it is determined that leasing would be more cost effective than either purchasing or constructing the asset. All recipients, including those using pre-award authority, must conduct the cost comparison before entering into the lease. Recipients should refer to regulations for further details on conducting the cost effectiveness comparison (49 CFR part 639).

    Recipients should submit the cost comparison to the appropriate FTA regional office for review before entering into the lease or before approval of the grant that supports the lease.

The cost comparison should be retained on file for later review or audit. When a recipient intends to enter into a lease of considerable duration (rather than paying for the lease in a lump sum at the beginning of the lease period), the recipient must be able to complete the acquisition with local funds in the event FTA funds are not available in later years.

17. SCHOOL BUS TRANSPORTATION. Title 49 U.S.C. 5323(f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. The implementing regulation (49 CFR part 605) does permit regular service to be modified to accommodate school students along with the general public ("tripper service"). For the purpose of FTA's school bus regulation, Head Start is considered a social service, not a school program. Rules for the Head Start program limit the types of vehicles that may be used to transport children participating in a Head Start program.

18. COMMERCIAL DRIVER'S LICENSE (CDL). All drivers of motor vehicles designed to transport sixteen or more passengers (including the driver) or of vehicles which have a gross combination weight rating of 26,001 pounds or more must have a CDL. Mechanics that drive the vehicles must also have a CDL.

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APPENDIX A

INSTRUCTIONS FOR PREPARING A GRANT APPLICATION TO FTA

1. PRE-APPLICATION STAGE.

   a. System Access. Applications for FTA grant program funds must be submitted electronically through the electronic grant management system. Applicants must have access to FTA's electronic grant management system in order to enter a grant. If an applicant does not have access to the system, the applicant's representative should contact the appropriate FTA regional office for assistance. Contact information for FTA regional offices can be found in Appendix F.

   b. Planning. Before grant application submission, project planning requirements should be complete and properly documented. Project activities to be funded must be included in a federally approved STIP and TIP, a applicable, for capital and/or operating projects or a Unified Planning Work Program for planning projects. In addition, all projects included in Section 5310 grant applications shall be included in a locally developed, coordinated public transit-human service transportation plan, which should be integrated into and consistent with the metropolitan and statewide planning processes. (See Chapter V for more details.) The coordinated public transit-human service transportation plan must be developed and approved through a process that includes participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public.

   c. Environmental Determination. The impact that a proposed FTA assisted project will have on the environment shall be evaluated and documented in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), before grant application.

   d. Annual Submission of Certifications and Assurances. A grant applicant applying for assistance under the Section 5310 program, or any other FTA grant program, must annually submit certifications and assurances that are applicable to the grant applicant's active and new grants during the fiscal year. The certifications and assurances are discussed in Chapter IV, "Program Development." The certifications and assurances should be examined annually for changes and additions resulting from legislation.

   e. Civil Rights Submissions. Civil rights submissions that may be required include a Title VI Program, Equal Employment Opportunity (EEO) Program, Disadvantaged Business Enterprise (DBE) Program and annual goal, and ADA Paratransit Plan. The FTA regional civil rights officer must verify that all required civil rights submissions are current at the time that the grant application is entered into the electronic grant management system. The required documentation must be submitted before the official submission of the

grant. A grant applicant should maintain readily available records of FTA approvals of civil rights submissions in the event a question concerning compliance should arise. (See Chapter VIII, "Other Provisions," Section 10, "Civil Rights.")

f. Transferred Funds. The request for transfer of funds should be made before applying for a grant, if the grant application will fund projects using funds transferred from other programs. This includes funds flexed from FHWA. (See Chapter II, "Program Overview," Section 6, "Relationships to Other Programs.")

19. APPLICATION STAGE. Applicants for Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) funds should submit their grant applications electronically through the electronic grant management system. This is a database system, which is accessible via the Internet. The user guide covers the creation, submission, award, and execution of a grant application. The user guide also addresses reporting requirements, grant amendments, budget revisions, and close-out procedures. Information entered into the system when preparing an application includes:

a. Recipient Information. Applicants shall enter all required information about their organization in the appropriate fields, including: recipient address, union information, urbanized area identification number (UZA ID), congressional district(s), data universal numbering system (DUNS) number, etc. The information shall be current and accurate for each grant and periodically updated as changes occur.

b. Project Information. Applicants shall identify whether the application is a new grant, a grant amendment, or a budget revision. In addition, applicants shall identify the project start/end date, program date, EO 12372 review date, MPO concurrence date (if applicable), and grant project costs.

(1) Project Description. This information must be in sufficient detail for FTA to obtain a general understanding of the nature and purpose of the planned activities. The POP will be included in this section. At a minimum, the project description must identify subrecipients funded through the grant application and the projects being implemented by each subrecipient. The applicant must clearly identify the capital projects satisfying the 55 percent minimum requirement. (See Chapter III, General Program Information, Section 13, "Eligible Activities"). There is a project description field as well as a specific text field for this information associated with each activity line item. Project activities shall be sufficiently described to assist the reviewer in determining eligibility under the program, and shall include the page number of the coordinated plan where the project was included, as well as the date the plan was adopted.

(2) Program DATE and PAGE (STIP/UPWP). All projects for capital and operating funds in the grant application must be included in the current STIP. The STIP is jointly approved by FTA and FHWA. FTA funds cannot be obligated unless FTA has approved the STIP. The application should note the page(s) in the most recently

approved STIP on which the project(s) contained in the application are listed. The electronic grant system has a field designated "program date" where the date of the most recent FTA/FHWA STIP approval must be entered.

c. Budget. The appropriate scopes and activity line items shall be used when developing the project budget. All sources of funds shall be identified and confirmed. All rolling stock procurements shall include vehicle description and fuel type; expansion activities shall include discussion on vehicle needs. The project budget should reflect the precise activities for which the grant funds will be used, and the budget should be prepared in accordance with requirements for specific funding programs.

   At least 55 percent of the annual apportionment must be identified for traditional 5310 projects, as defined in Chapter III of this circular. The extended budget descriptions should confirm which activities are supporting this requirement. For public transportation projects that exceed the requirements of the ADA or for alternatives to public transportation that assist seniors and individuals with disabilities (e.g., New Freedom type projects), the applicant should use scope 647-00.

   If the grant contains funding for tribal governments, the non-add scope (992-00) should also be added to the budget and identify the amount of funding in the application allocated to each tribe. The non-add scope does not affect the total funds in the budget; it simply allows FTA to query the funding amounts upon request. Other non-add scopes are used for ITS, security funds, and other special emphasis areas.

d. Project Milestones. Estimated completion dates for all milestones should be provided; revenue vehicles have particular milestone requirements. If milestones are not prepopulated by the system for a particular activity line item, use the add function to add milestones for that activity line item to the grant application.

e. Environmental Findings. The application should include a proposed classification of each activity line item in accordance with FHWA/FTA Environmental Impact and Related Procedures. (See 23 CFR parts 771.115 and 771.118.) Grant applicants should refer to 23 CFR 771.118(c) and (d) for a listing of the Class II projects. Most Section 5310 funded projects meet the criteria for a categorical exclusion (CE) and require no further action. However, if a project does not clearly meet the criteria for a CE, a grant applicant is strongly encouraged to contact the appropriate FTA regional office for assistance in determining the appropriate environmental review process and level of documentation necessary.

f. Fleet Status. Fleet status data is not required for Section 5310 grant applications.

g. Application Submission. Once FTA deems the activities eligible and determines that all pre-application requirements have been satisfied, FTA assigns a grant number. At this point, the grant is ready to be pinned (approved) and submitted in the electronic grant management system by the designated recipient/recipient.

h. Certification of Labor Protective Arrangements. Section 5310 grants are not submitted to the Department of Labor (DOL) for certification.

i. Grant Approval. Once FTA staff determines through a final review of the application that FTA program requirements have been met, FTA awards and obligates funds requested in the grant.

j. Grant Execution. After FTA has approved and awarded the grant, the applicant must execute the award before funds can be drawn down from the grant. The applicant must execute the grant within 90 days of its approval. Grants that indicate the use of pre-award activity require the submission of a federal financial report before grant execution. Execution constitutes acceptance of the grant agreement terms and conditions.

20. APPLICATIONS CONTAINING SAFETEA-LU FUNDS. An applicant may submit a grant application containing unobligated SAFETEA-LU funds prior to their lapse date as part of a grant application also including projects to be funded under MAP-21. Any such application must explicitly identify the projects to be funded under each source in addition to identifying the grant year. This information must be contained in the project description and the extended budget descriptions. SAFETEA-LU funds may only fund eligible activities pursuant to Section 5310 under SAFETEA-LU; thus, only traditional 5310 projects (capital only) would be eligible if any SAFETEA-LU funds are combined in a grant with MAP-21 funds.

21. SECTION 5310 APPLICATION CHECKLIST.

Part I—Recipient Information		**Part IV—Budget**		
1.	Are annual certifications and assurances pinned?	1.	Are activity line item (ALI) codes entered under the appropriate scope codes?	
2.	Is the recipient contact and other information complete?	2.	Have funding percentages been verified to ensure that federal funds are not over the allowable share?	
3.	Is UZA/congressional district information entered and accurate?	3.	Does the funding amount entered in the budget match financial information entered in the "project information" field?	
4,	Has Civil Rights Program Documentation been approved by FTA?		a.	Federal funds
5.	Has the applicant's DUNS number been entered in the appropriate field?		b.	Local match
		4.	Does the rolling stock (vehicle) line item contain accurate information such as:	
Part II—Project Details			a.	Description
1	Does the project description (including the POP and other attachments) include adequate descriptive information of funded subrecipients and projects?		b.	Fuel type
Part III—Project Information Have the following fields been completed if applicable?		5.	Details (extended budget description)	
1	New application or amendment?		a.	Has descriptive information been added in the details section of each ALI that identifies the items being funded using the line item?
2.	Start/end date?	6. Have the appropriate non-add scopes been included (e.g., ITS, tribal, etc.)?		
3.	Program date (STIP and TIP date) (UPWP if planning activities included)?	**Part V—Project Milestones**		
4.	Have control totals been entered by the recipient?	1.	Are milestones listed for each ALI? (If an ALI does not have milestones, they should be added.)	
5.	If pre-award authority is applicable, has "yes" been selected?	2.	Have estimated completion dates been entered?	
6.	Has the EO 12372 review been completed, if applicable?	**Part VI—Environmental Findings (NEPA)**		
7	Has the 55 percent floor for traditional Sec. 5310 (capital only) projects been identified?	1.	Has an environmental finding been entered for each ALI?	
8	Are New Freedom type projects appropriately listed under scope 647-00?			

22. ECHO INFORMATION.

a. Title 49 CFR parts 18 and 19, and 31 CFR part 205, govern payments to recipients for financing operations under federal grant and other programs. These regulations require that payment to a recipient be limited to the minimum amounts needed and timed so as to be in accord only with the actual, immediate cash requirements of the recipient in carrying out the approved project. For further information regarding cash management procedures, refer to the FTA "ECHO System Users' Manual for Recipients": **http://www.fta.dot.gov/documents/ECHOWebRecipientUserManual.pdf**.

b. Instructions for completing form:

(1) Fill in your ECHO control number. If this is an initial ECHO setup, FTA will assign ECHO control number.

(2) Check appropriate box(es).

(3) Initial setup.

(4) Change in bank information.

(5) Change in recipient information.

(6) Fill out information in the appropriate section(s) listed below:

(a) Recipient information section—Print or type the name of the recipient and address that will receive ECHO/ACH payments. Also include a contact person's name, date, and telephone and FAX numbers.

(b) Financial institution information section—Have your bank fill out this section. They should print or type the name and address of the financial institution that will receive the ECHO/ACH payment. Also included are the ACH coordinator's name, telephone number, nine-digit routing transit number (ABA #), depositor (recipient) account title, depositor (recipient) account number, and type of account (type can ONLY be designated as checking or savings), signature and title of representative, date, and FAX number.

(7) Mail the form to the name and address shown in the agency information section. This section also includes a contact person's name and telephone number.

ECHO Control Number (ECN)_____

(For initial ECHO setup agency will assign ECN Number, for non ECHO payments enter "N/A").

Initial Setup ☐

Info. Change ☐

Grantee Information Change ☐

Information from this form is required under the provision of 31 U.S.C. 3322 and 31 CFR 210. Treasury uses this to transmit payment data by electronic means to a company's or a grantee's financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Treasury ACH Payment System.

Note: See the bottom for instructions on completing this form.

RECIPIENT INFORMATION		
NAME:		
ADDRESS:		
CITY/STATE/ZIP:		**TELEPHONE NUMBER:** ( )
CONTACT PERSON NAME:		
SIGNATURE OF AUTHORIZED OFFICIAL IN FTA		**TELEFAX NUMBER:** ( )
	DATE: / /	

AGENCY INFORMATION	
NAME: ***Federal Transit Administration***	
ADDRESS: ***1200 New Jersey Avenue, SE Washington, DC 20590***	
CONTACT PERSON NAME:	***202–366–9748***

FINANCIAL INSTITUTION INFORMATION (Note: Have Your Bank Complete This Section)	
NAME:	
ADDRESS:	
CITY/STATE/ZIP:	
CONTACT PERSON NAME:	**TELEPHONE NUMBER:** ( )

NINE DIGIT ROUTING TRANSIT NUMBER: __ __ __ __ __ __ __ __ __		
DEPOSITOR ACCOUNT TITLE:		
DEPOSITORS ACCOUNT NUMBER:		
TYPE OF ACCOUNT: CHECKING SAVING		
SIGNATURE AND TITLE OF REPRESENTATIVE:	**DATE:** **/ /**	**FAX NUMBER:** **( )**

Revised 7/98. If there are any questions, please call 202–366–9748 and ask for the agency's ACH contact.

APPENDIX B

SAMPLE SECTION 5310 PROGRAM OF PROJECTS

State: _____

5310: FY ___ Apportionment (DS, DM, DL): $_____; Carryover: _____
(DS = Rural Areas (under 50,000); DM - Small Urbanized Areas (50,000-200,000); DL = Large Urbanized Areas (200,000 or more))

Transfer Funds (plus or minus): _____

Total Funds Available: _____

Total number of subrecipients funded in this Program of Projects: _____

LIST OF PROJECTS
Required subrecipient information includes: name of entity receiving the award, amount of award, location of the entity receiving the award and the primary location of performance under the award, including the city and/or county and Congressional District.

CAPITAL, OPERATING, AND PROGRAM ADMINISTRATION
(Projects may include reasonable contingencies)
(Subrecipient Types may include: a non-profit organization or a local governmental authority).

Program of Projects & Subrecipients	City	Service Area Urban/Rural	Sub Type Private Public	Project Description/ALI	Quantity	FTA Amount	Local Amount	Total Amount	Coordination Plan Date & Page	Eligible Project Type *	Capital / Operating
Category A											
Sub A										(A)	
Sub B										(C)	
Sub C										(D)	
Sub D										(A)	
Sub E										(B)	
Total											
Category B											
Sub F										(A)	
Total											
Program Admin											
Grand Total											

Total Traditional 5310 55% Capital Amount
Total Other Capital Amount
Total Operating Expense Amount

* Eligibility Project Type refers to 49 U.S.C. 5310 (b)(1) criteria

STATE ADMINISTRATION, PLANNING AND TECHNICAL ASSISTANCE

Not to exceed 10 percent of Section 5310 apportionment and any flex funds transferred to the Section 5310 account may be used to provide a 100 percent Federal share.

Subtotal State Administration (funded at 100 percent)_____ _____

SUBTOTAL STATE ADMINISTRATION _____ _____

APPENDIX C

TECHNICAL ASSISTANCE IN HUMAN SERVICE TRANSPORTATION

The Department of Transportation (DOT), the Federal Transit Administration (FTA), and partners at the Departments of Health and Human Services, Labor, and Education support a range of technical assistance initiatives for coordinating human service transportation. These programs and centers are charged with providing training, resources, and direct assistance to communities and states interested in enhancing the mobility and transportation options for all citizens, including seniors, individuals with disabilities, and people with low incomes. The following list includes technical assistance and training resources available for various aspects of human service transportation.

National Rural Transportation Assistance Program
C/O American Public Works Association
1401 K Street NW, 11th Floor
Washington, DC 20002
202-408-9542
www.APWA.net

The National Rural Transportation Assistance Program (RTAP) was established by FTA in 1987 to provide a wide range of professional services and products. The National RTAP, administered by the American Public Works Association, provides outreach and training to each state's RTAP and coordinates with other organizations involved in rural transit. The National RTAP also works collaboratively with the Community Transportation Association of America to operate a national toll-free telephone line, a Web page, a national peer-to-peer technical assistance network, and various presentations and publications and fulfillment services for national RTAP products.

Project ACTION
1425 K Street, Suite 200
Washington, DC 20005
1-800-659-6428
www.projectaction.org

Easter Seals Project ACTION (Accessible Community Transportation in Our Nation) is a national technical assistance project funded through a cooperative agreement with FTA. The mission of Easter Seals Project ACTION is to encourage and facilitate cooperation between the disability and transportation communities with the goal of achieving universal access through transportation for people with disabilities nationwide.

Easter Seals Project ACTION offers various resources, including a toll-free hotline, website, publications clearinghouse, and quarterly newsletter, as well as training and technical assistance, in an effort to make the Americans with Disabilities Act of 1990 (ADA)work for everyone, every day.

National Job Links Employment Transportation Initiative
341 G Street NW, 10th Floor
Washington, DC 20005
1-800-527-8279
http://www.ctaa.org/ntrc/atj/joblinks/index.asp

The National Joblinks Employment Transportation Initiative, known as Joblinks, is funded by the Departments of Transportation and Labor. Joblinks is a program designed to help communities overcome one of the most significant barriers preventing individuals with low incomes from getting and keeping jobs: transportation. Joblinks has a national peer-to-peer network that links local agencies with experienced practitioners familiar with the human services and workforce development environments and knowledgeable about special client transportation needs.

Through Joblinks, communities can receive access to technical assistance and training specialists who can provide solid problem-solving technical support, particularly in the areas of coordinating client transportation resources and operations, marketing, system start-up and financing, human resource management, and developing accessible services. Joblinks also supports an online information center that connects you with employment transportation news, resources and ideas. Joblinks is administered by the Community Transportation Association of America.

National Technical Assistance Center in Senior Transportation
1425 K Street, Suite 200
Washington, DC 20005
1-800-659-6428
www.projectaction.org

The National TA Center in Senior Transportation focuses on the transportation needs of seniors. The Center conducts analysis of technical assistance needs assist local communities and states. Through analysis and assessment, the national center also provides technical assistance and training on specific strategies for enhancing senior mobility. The Center focuses on a family of services that includes driving transition, travel training for fixed-route bus, paratransit services, and alternative transportation options including door through door, volunteer, and taxi programs.

Intelligent Transportation System (ITS) Peer to Peer Program
Federal Highway Administration
1200 New Jersey Ave. SE

Washington, DC 20590
1-866-367-7487
www.its.dot.gov

The ITS Peer-to-Peer program provides assistance through its network of over one hundred and twenty DOT approved ITS professionals who have planned, implemented, and operated ITS in urban and rural areas. Most of the program's peers are public sector ITS practitioners.
The Peer-to-Peer program delivers short-term assistance according to an agency's ITS needs. Assistance may include telephone consultations, off-site document reviews, presentations, and visits to the site. The program continues to assist metropolitan and rural clients to create solutions for a variety of highway, transit, and motor carrier interests. The program offers assistance in virtually all areas of ITS planning, design, deployment, and operations.

National Transit Institute
120 Albany Street 7th Floor
New Brunswick, NJ 08901
732-932-1700
www.ntionline.com

The National Transit Institute at Rutgers University was established in 1992 to conduct training and educational programs related to public transportation. Funded by FTA, NTI's mission is to provide training, education, and clearinghouse services in support of public transportation and quality of life in the United States. Training is available to public transportation agencies, metropolitan planning organizations (MPOs), state departments of transportation, and other agencies providing transportation services.

Transit Cooperative Research Program
C/O American Public Transportation Association
1666 K Street NW, 11th Floor
Washington, DC 20006
202-496-4800
www.TCRPonline.org

The Transportation Cooperative Research Program (TCRP) is your ticket to information central. Practical research that yields near term results can do much to help—by solving operational problems, adoptions of useful technologies from related industries, and, in general, finding ways for public transportation to be innovative. Funded by DOT and FTA, the program places primary emphasis on putting the results in the hands of organizational and individuals that can use them to solve problems. The information is easily accessible through print, Web documents, CD ROMS, and diskettes, and it is free through the American Public Transportation Association's TCRP Dissemination Center.

Multi-State Technical Assistance Program
C/O American Association of Highway and Transportation Officials

444 North Capitol Street NW, Suite 249
Washington, DC 20001
Telephone: 202-624-3625
FAX: 202-624-3625
www.mtap.org

The purpose of Multi-State Technical Assistance Program (MTAP) is to provide a forum through which state-level public transportation agencies can communicate with each other about federal transit regulations, grant program management, and technical issues pertaining to everyday administration of public transportation service. MTAP was developed to benefit the member states as well as their federal program counterparts and local transit operators. Networking among the states is conducted through two annual meetings, peer-to-peer assistance, conference calls, and electronic communication. MTAP is administered by the American Association of State Highway and Transportation Officials (AASHTO).

APPENDIX D

RELATIONSHIP BETWEEN COORDINATED PLANNING AND METROPOLITAN AND STATEWIDE PLANNING (TABLE)

Coordinated Public Transit - Human Services Transportation Plan	49 U.S.C. 5310 requires preparation of a locally developed, coordinated public transit-human services transportation plan (coordinated plan) for all FTA human service transportation programs. The coordinated plan is required to be developed and approved through a process that includes participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public. The services funded will be coordinated with transportation services assisted by other federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services to the maximum extent feasible. This plan includes: • An assessment of available services that identifies current transportation providers (public, private, and nonprofit); • An assessment of transportation needs for individuals with disabilities, seniors, and people with low incomes; • Strategies, activities, and/or projects to address the identified gaps between current services and needs, as well as opportunities to improve efficiencies in service delivery; and • Priorities for implementation based on resources (from multiple program sources), time, and feasibility for implementing specific strategies and/or activities identified. The coordinated plan serves as the foundation for the program of projects and should be integrated into the metropolitan and statewide transportation planning processes and documents to demonstrate local policy support and federal fund eligibility.
Metropolitan Transportation Plan or Statewide Long-Range Transportation Plan	The metropolitan transportation plan (MTP) is the official multimodal transportation plan that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process. The MTP represents the consensus of state and local officials in metropolitan areas of long-range (no less than twenty years) policies and investment priorities for the transportation system. The MTP includes both long-range and short-range program strategies/actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. The statewide long-range transportation plan is a comparable plan including rural portions of the state as well as the MTP. The MTP or statewide long-range transportation plan has several elements, for example: • Identify policies, strategies, and projects for the future; • Determine project demand for transportation services over twenty years; • Focus at the systems level, including roadways, transit, nonmotorized transportation, and intermodal connections;

	• Estimate costs and identify reasonably available financial sources for operation, maintenance, and capital investments; and • Articulate regional land use, development, housing, mobility, and employment goals and plans.
	Connections to the coordinated plan: Projects or strategies serving human service transportation needs over the twenty-year planning horizon should be referenced in the MTP or statewide long-range transportation plan , by direct inclusion or by explicit reference to the coordinated plan.
Transportation Improvement Program	The transportation improvement program (TIP) is a prioritized, financially constrained four-year program of federally supported projects addressing the most immediate implementation priorities from the MTP. The TIP is developed and adopted by the MPO as part of the metropolitan transportation planning process, thereby representing the consensus of state and local decision makers for allocating funds among the various capital and operating needs of the area. Under federal law, the TIP: • Covers a minimum four-year period of investment and is updated at least every four years; • Is realistic in terms of available funding (known as a fiscally constrained TIP) and is not just a "wish list" of projects; • Is incorporated into the statewide transportation improvement program (STIP); and • Has projects that are drawn from, or consistent with, the MTP. *Connections to the coordinated plan: All strategies proposed for funding under FTA's human services transportation programs are required to be listed in the TIP, which may include discrete projects or more aggregated program-level information. For example: a nonprofit seniors vanpool service could be listed in the TIP if it received a Section 5310 funding federal grant, or the TIP may just reference the amount of Section 5310 funding available to the area on an annual basis.*

Statewide Transportation Improvement Program	The statewide transportation improvement program (STIP) is a statewide prioritized, financially constrained four-year program of federally supported projects that is consistent with the statewide long-range transportation plan, MTPs, and TIPs. Joint approval by FTA and FHWA of the STIP renders the projects, programs, and strategies contained eligible for funding under FTA and FHWA programs. Under federal law, the STIP: • Covers a minimum four-year period of investment and is updated at least every four years; • Is realistic in terms of available funding (known as a fiscally constrained STIP) and is not just a "wish list" of projects; and • Contains the projects, strategies, and programs of TIPs from throughout the state, as well as projects, programs, and strategies from non-metropolitan areas. _____ *Connections to the coordinated plan: All strategies proposed for funding under FTA's human services transportation programs are required to be listed in the STIP, which may include discrete projects or more aggregated program-level information. For example: a nonprofit seniors vanpool service could be listed in the STIP if it received Section 5310 funding federal grant, or the STIP may just reference the amount of Section 5310 funding available to the area on an annual basis. Strategies and/or projects that receive federal funding are required to be listed in the STIP—verbatim or by reference to—the project listing included in TIPs of metropolitan areas of the state.*
Program of Projects	FTA requires a program of projects for processing Section 5310 grants. The POP is submitted to FTA for approval with the electronic grant management grant application. The POP lists the subrecipients and indicates whether they are private nonprofit agencies, governmental authorities, or private operators of public transportation services and, in the case of a state application, designates whether they serve urbanized or rural populations, and identifies any Indian tribal agencies. In addition, the POP includes a brief description of the projects, total project costs, and the 5310 share for each project. The amount of funds required for planning, technical assistance, and program administration is also laid out in the POP.

APPENDIX E

SAMPLE DESIGNATED RECIPIENT LETTER

Governor of ABC State

December 7, 2012

Regional Administrator
Federal Transit Administration
Regional Office

Dear Regional Administrator,

In compliance with changes required by Moving Ahead for Progress in the 21st Century (MAP-21), the Governor of ABC State has officially designated a recipient to administer the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. 5310). The **Regional Transportation Authority (RTA)** will serve as the designated recipient for the urbanized area for Federal Transit Administration Section 5310 funds. This designation was endorsed by the ABC MPO Transportation Policy Committee, acting as the designated policy board of the MPO on December 6, 2012.

As the designated recipient, the RTA will be responsible for administering the program by ensuring that all subrecipients comply with Federal requirements, notifying eligible local entities of funding availability, developing a program selection processes, determining project eligibility, and developing the yearly program of projects. We thank RTA for their leadership and ongoing contribution in supporting our area's efforts to reduce congestion, enhance safety, and provide individual mobility.

Should you have any questions related to this matter, I am available to assist you.

Sincerely,

GOVERNOR

APPENDIX F

FTA REGIONAL AND METROPOLITAN CONTACT INFORMATION

Office	Area Served	Contact Information
Region I	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont	Transportation Systems Center Kendall Square 55 Broadway, Suite 920 Cambridge, MA 02142-1093 Phone: 617-494-2055 Fax: 617-494-2865
Region II	New York and New Jersey	One Bowling Green Room 429 New York, NY 10004-1415 Phone: 212-668-2170 Fax: 212-668-2136
Region III	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia	1760 Market St Suite 500 Philadelphia, PA 19103-4124 Phone: 215-656-7100 Fax: 215-656-7260
Region IV	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and U.S. Virgin Islands	230 Peachtree Street NW Suite 800 Atlanta, GA 30303 Phone: 404-865-5600 Fax: 404-865-5605
Region V	Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin	200 W Adams St Suite 320 Chicago, IL 60606 Phone: 312-353-2789 Fax: 312-886-0351
Region VI	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas	819 Taylor St Room 8A36 Fort Worth, TX 76102 Phone: 817-978-0550 Fax: 817-978-0575

Office	Area Served	Contact Information
Region VII	Iowa, Kansas, Missouri, and Nebraska	901 Locust, Suite 404 Kansas City, MO 64106 Phone: 816-329-3920 Fax: 816-329-3921
Region VIII	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming	12300 W Dakota Ave. Suite 310 Lakewood, CO 80228-2583 Phone: 720-963-3300 Fax: 720-963-3333
Region IX	Arizona, California, Hawaii, Nevada, Guam, American Samoa, and Northern Mariana Islands	201 Mission St Room 1650 San Francisco, CA 94105-1839 Phone: 415-744-3133 Fax: 415-744-2726
Region X	Alaska, Washington, Oregon, and Idaho	Jackson Federal Building 915 Second Ave, Suite 3142 Seattle, WA 98174-1002 Phone: 206-220-7954 Fax: 206-220-7959
Lower Manhattan Recovery Office	Lower Manhattan	One Bowling Green, Room 436 New York, NY 10004 Phone: 212-668-1770 Fax: 212-668-2505
New York Metropolitan Office	New York Metropolitan Area	One Bowling Green, Room 428 New York, NY 10004-1415 Telephone: 212-668-2201 Fax: 212-668-2136
Chicago Metropolitan Office	Chicago Metropolitan Office	200 West Adams Street Suite 2410 (24th floor) Chicago, IL 60606 Telephone: 312-886-1616 Fax: 312-886-0351
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APPENDIX G

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