

**CALIFORNIA DEPARTMENT OF  
TRANSPORTATION,  
DIVISION OF MASS TRANSPORTATION**

**SECTION 5311  
HANDBOOK AND GUIDE  
(49 U.S.C SECTION 5311)**

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**Glossary of Terms**

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**Other Circulars/Documents:**

1. California Administrative Code, Title 21, Chapter 2, Subchapter 15  
Nonurbanized Public Transportation.
2. FTA Circular 9040.1E, Non-Urbanized Area Formula Program Guidance and  
Grant Application Instructions:  
[www.fta.dot.gov/library/policy/circ9040\\_1E/9040face.htm](http://www.fta.dot.gov/library/policy/circ9040_1E/9040face.htm)
3. FTA Circular 4220.1D and FTA Circular 4220.1D Change 1, Third Party  
Contracting Requirements: [www.fta.dot.gov/library/policy/tpcr.html](http://www.fta.dot.gov/library/policy/tpcr.html) and  
[www.fta.dot.gov/library/policy/tpcrpc.htm](http://www.fta.dot.gov/library/policy/tpcrpc.htm).
4. 49 CFR Part 24 Uniform Relocations Assistance and Real Property  
Acquisition for Federal And Federally Assisted Programs:  
[www.fhwa.dot.gov/legsregs/directives/fapg/cfr4924b.htm](http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr4924b.htm).
5. Chapter II from the FTA Circular 5010.1C Grant Management Guidelines:  
[www.fta.dot.gov/library/policy/5010.1c/ch2.htm](http://www.fta.dot.gov/library/policy/5010.1c/ch2.htm).

# I. INTRODUCTION

## A. INTRODUCTION/FOREWORD

*The Federal Transit Administration (FTA) Non-Urbanized Area Formula Program, commonly known as the Section 5311 Program, provides funds for public transportation projects and intercity bus projects serving areas that are outside of an urban boundary with a population of 50,000 or less. With these funds the mobility needs of rural transit users can be both supported and enhanced. Section 5311 Program grants are intended to provide access to employment, education and health care, shopping and recreation.*

*This Handbook and Guide will inform the reader regarding various aspects of the Section 5311 Program as administered by the California Department of Transportation (the Department). The following chapters begin with brief statements identifying the responsibilities pertinent to the chapter. These brief statements allow the Transportation Planning Agencies (TPA), Section 5311 subrecipients, the Department's Division of Mass Transportation (DMT) staff and the District Transit Representatives (DTR) to determine their main duties at a glance, however, the brief statements are not meant as a substitute for the complete guidance contained in the chapter.*

*Appendices 1) "Dates to Remember" and 2) "Program of Project Development to a Fully Executed Contract" flowchart, provide a summary of key dates and tasks that are fully discussed. It may be removed for use as a quick reference guide.*

*This Handbook is also available on the Department's website at [www.dot.ca.gov/hq/MassTrans/ofita.htm](http://www.dot.ca.gov/hq/MassTrans/ofita.htm). There you will also find the forms needed in this Program. Those that do not have access to the Internet should obtain them from the DTR.*

## B. LOCAL PLANNING OVERVIEW

All projects, no matter their purpose or funding source, require early, coordinated and comprehensive planning and they should involve participation by a variety of stakeholders. Projects receiving FTA Section 5311 funds are no different. This comprehensive approach is strongly encouraged at the federal, state, and local levels so that transportation investments are maximized to provide the most effective and efficient use of resources.

Stakeholders should participate actively and regularly in the regional transportation planning process, including development of the Regional Transportation Plan\* (RTP), so that transit projects they would like to see implemented have the opportunity to be considered in a regional planning context.

Other opportunities for stakeholders to become involved in the planning process is through the Technical Advisory Committee (TAC) and Social Services Advisory Committee (SSTAC) processes. The DTR can provide information regarding meeting dates and times. DTRs can also facilitate discussions between stakeholders and planning agency staff if called upon to do so.

*\*For more information regarding the RTP contact the DTR or for an electronic copy of the RTP Guidelines prepared by the California Transportation Commission go to [www.dot.ca.gov/hq/tpp/offices/orip/rtp/rtpguidelines/Contents.htm](http://www.dot.ca.gov/hq/tpp/offices/orip/rtp/rtpguidelines/Contents.htm).*

The TPA should work with the Department to ensure that projects meet Section 5311 Program guidelines. Therefore, it is essential that regular communication with the DTR is established and maintained.

Private sector applicants for Section 5311(f) Intercity Bus funds should become involved in regional planning activities and should seek out ways to facilitate discussion and coordination with stakeholders and end users. Under-served and/or non-traditional subrecipients (i.e. Native American tribal councils) are likewise encouraged to view participation in regional planning activities as a resource that will assist them in receiving Section 5311 Regional Apportionment funds and in developing successful applications for Intercity Bus or State Discretionary funds.

The purpose of the actions described above is to ensure that transit projects are developed through sound planning practices and supported by local stakeholders in both the public and private sectors.

## II. SECTION 5311 PROGRAM OVERVIEW

### A. RESPONSIBILITIES

TPA:

- Ensures that proposed projects meet Section 5311 Program requirements.

DTR:

- Ensures that TPA understands eligibility requirements of the Section 5311 Program and receives a balance sheet in a timely fashion prior to a new grant cycle year.
- Ensures that TPA programs their projects in the Statewide Transportation Improvement Program (STIP).

### B. SECTION 5311 PROGRAM OVERVIEW

The FTA, on behalf of the U.S. Secretary of Transportation, annually allocates apportioned Section 5311 funds to the governor of each state. The Department is the delegated recipient in California. The DMT, located in the Department's Headquarters, administers and manages the Section 5311 Program jointly with the assistance and support of DTRs in the Department's District Offices. Although there are instances where DMT staff will work directly with TPAs and subrecipients, it is the DTR that most often guides and assists them through the Section 5311 Program.

Each year, total appropriated funds are allocated to California and distributed in the following manner:

- 65% to the regional apportionment on a population basis;
- 15% to the Section 5311(f) Intercity Bus Program<sup>1</sup>;
- 15% to the Department's administrative costs, and
- 5% to the State Discretionary Reserve Program<sup>2</sup>.

#### Section 5311 Regional Apportionment

The regional apportionment is allocated to regions or counties based on the population of the rural area. The TPA plans and programs projects for Section 5311 funds and submits a program of projects to the DTR each year for the counties within its jurisdiction. The program of projects includes flexible fund projects<sup>3</sup> that the TPA wants to deliver through the Section 5311 Program. Subsequent to receiving programmed projects from TPAs the Department will prepare and submit the statewide Section 5311 grant application to FTA for approval.

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1 See Chapter XI (A): DTA Section 5311(f): Intercity Bus Program for complete discussion.

2 See Chapter XI (B): State Discretionary Reserve for complete discussion.

3 See Chapter IV: Flexible Funds for complete discussion.

## Section 5311(f) – Intercity Bus Program

Section 5311(f) provides funds on a competitive basis for transit projects that develop and support intercity bus transportation in rural areas of the state. Using a specific evaluation criteria project applications are ranked by a committee comprised of Department and out-side agency staff.

## State Discretionary Reserve

The state discretionary reserve program provides additional funds to operators that have used all of their regional apportionment, yet still have a need for capital funds. Eligible applicants compete for these funds when the fund availability is announced. Unlike the Intercity Bus Program, the discretionary program is offered approximately every three years.

For more information on both Section 5311 (f) and the State Discretionary Reserve, refer to *Chapter XI*.

## **C. ELIGIBILITY FOR SECTION 5311 FUNDS**

Eligible subrecipients include State Agencies, local public bodies and agencies thereof, Indian tribes, private nonprofit organizations, and operators of public transportation services. Private intercity bus operators are eligible for Section 5311(f) funds as described in Chapter XI; otherwise they may only participate as third party contactors for eligible subrecipients.

Eligible projects must serve the general public in rural areas. Projects that primarily serve elderly persons and persons with disabilities, but that do not restrict service to other members of the public, are considered available to the general public if they are marketed as public transit services. Service may be restricted to Elderly and persons.

Section 5311 is a reimbursement program. The FTA designates specific activities that are eligible for reimbursement with Section 5311 program funds. It also requires a local match. The local match has to be from a non-federal source. Eligible activities and local match percentages are listed below:\*

<b>Eligible Uses:</b>	<b>Minimum Local Match Required</b>	<b>Maximum Federal Match</b>
Bicycle facility project	10%	90%
Planning/Technical assistance	20%	80%
Capital purchases: vehicles with Americans with Disabilities Act (ADA) accessible equipment**	17%	83%
Other Capital purchases (i.e. computers, transit facilities, equipment, etc.)	20%	80%
Operating Expenses	50%	50%

*\*Note: All Flexible Funded projects require a minimum match of 11.47%.*

*\*\*All vehicles purchased with Section 5311 funds must be ADA accessible.*

**D. STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM**

With limited exceptions, all Federal funds to be used for highway or transit projects must be included in a federally approved Statewide Transportation Improvement Program (STIP). To this end the TPA must ensure that Section 5311 projects are included in the Department's Statewide Transportation Federal Improvement Program, which is jointly approved by FHWA and FTA. In this Handbook the term federally approved TIP will refer to this document.

*For further guidance on the Department's FSTIP process see the Transportation Programming Website at <http://www.dot.ca.gov/hq/transprog/index.htm> or contact the Division of Transportation Programming at (916) 654-4013.*

### III. PROGRAMMING OF PROJECTS

#### A. RESPONSIBILITIES

TPA:

- Prepare program of projects.

DTR:

- Reviews programmed projects and forwards to DMT.

DMT:

- Review programmed projects for policy conformity and ensures that they are included in the statewide grant application to FTA.

#### B. OVERVIEW

The TPA is responsible for planning and programming the area's Section 5311 regional apportionment and flexible fund projects. They must also ensure that programmed projects are included in their region's federally approved Transportation Improvement Program (TIP). In jurisdictions receiving both Section 5307 and Section 5311 funds, the TPA must ensure that transportation projects programmed with Section 5311 funds are for non-urbanized areas only.

When planning projects, the TPA should integrate the principles of environmental justice into the decision making process. TPA's project planning process should consider economic, social and environmental effects of the project and should ensure that the project is consistent with the official plans of the area.

Regional apportionment funds are provided to meet transit needs identified by the TPA; however, funds are available only for a limited time. Specific project programming details or requirements are described below.

Note: A flow chart of the Federal TIP process is available at [www.dot.ca.gov/hq/transprog/index.htm](http://www.dot.ca.gov/hq/transprog/index.htm) or by phone to the Division of Transportation Programming at (916) 654 4013. Subrecipients are encouraged to contact the TPA to determine the local planning process and timing of the planning cycle.

#### C. PROGRAM REQUIREMENTS

- To ensure that transit needs, as programmed by the TPA, are being met, completed applications for programmed projects must be submitted to the DTR no later than June 30<sup>th</sup> of the year following the year of apportionment. For example, regional apportionment funds programmed in the 2001/02 federal fiscal year must be applied for by June 30, 2003. If an application is not received within the appropriate timeframe, funds for the project will be redistributed to the State Discretionary Reserve. As this requirement is being re-instituted, there will be a grace period for

projects programmed prior to the date of this Handbook. Contact the DTR for further details.

- A county whose regional apportionment is \$50,000 or less may request approval to “bank” their allocation for up to two years. In order to “bank” funds, Counties must provide written justification to the DTR by December 31st of the year of apportionment. The justification must include the reason why apportionment will be banked, the proposed project, the project cost, the source of the local match, and a procurement schedule.
- All Section 5311 funds available in a given year must be programmed, except when the banking of funds has been approved.
- For projects completed and reimbursed with regional apportionment funds, the remaining balance will be disencumbered for reprogramming by the TPA.
- Projects completed and reimbursed with flexible funds are not available for reprogramming.

#### ***D. PROGRAM OF PROJECTS***

Each October the DTR will provide the TPA with an estimate of their region’s apportionment, available carryover, and a Regional Program of Projects (POP) form. **Please note: POPs are due to the DTR by December 31<sup>st</sup> of each year.**

Available carryover includes un-programmed funds from the previous cycle and any de-obligated funds from reimbursed projects. If there is disagreement with the regional apportionment or carryover amount, notify the DTR immediately.

The final apportionment will be provided after the passage of the Federal budget. DMT uses the completed POPs in preparing the statewide Section 5311 grant for submittal to FTA for approval.

In order for a subrecipient to apply for a Section 5311 grant, their projects must be included in the TPA POP. The POP may be amended to add, delete or change projects during the year. The TPA must notify the DTR should an amendment to the POP be necessary.

#### ***E. POP FORM***

The current POP and instructions for completion are provided at the end of this section. The form is divided into three sections: 1) 5311 Regional Apportionment Part I: Operating Assistance, 2) Part II: Capital, and 3) Part III: Flexible Funding.

The following funds may be transferred into the Section 5311 Program:

- Congestion Mitigation and Air Quality Program (CMAQ).
- Regional Surface Transportation Program referred to as STP in this program.
- State Administered STP, also known as Federalized State Transportation Improvement Program funds (Federalized STIP).

The Department must approve all flexible fund projects prior to transferring the funds. A complete application is required with the submission of the POP for projects listed in Part III.

For flexible fund projects, the following tasks need to be performed:

- Identify the agency delivering the project.
- Briefly describe project that is consistent with the federally approved TIP (the project description for vehicle projects must include quantity, vehicle size (bus or van) passenger capacity, fuel type and whether the project is for replacement or expansion).
- Identify funding program.
- Indicate ‘yes’ or ‘no’ for attaching the federally approved TIP page and application for the eligible project, including the project cost and federal share.
- The date of the California Transportation Commission allocation approval must be provided for federalized STIP projects.

See *Chapter IV* for a complete discussion.

**STATE OF CALIFORNIA FTA SECTION 5311  
REGIONAL PROGRAM OF PROJECTS (POP) – FISCAL YEAR 2002/2003 – GRANT 21**

COUNTY/ REGION: \_\_\_\_\_  
 CALTRANS DISTRICT: \_\_\_\_\_  
 ORIGINAL SUBMISSION DATE \_\_\_\_\_ REVISION SUBMISSION DATE: \_\_\_\_\_

CARRYOVER: \$ _____
CURRENT APPORTIONMENT: (+) \$ _____
TOTAL FUNDS AVAILABLE: (=) \$ _____

**Section 5311 Regional Apportionment:** Please see Section 5311 Handbook, Chapter III

**NOTE:** Do not list previously approved projects (ie projects listed in a prior grant).

**PART I - OPERATING ASSISTANCE**— May apply for two years, but each year has to be listed separately.

	SUBRECIPIENT	TIME PERIOD	FY	NET PROJECT COST	FEDERAL SHARE
1.	_____	July 1, _____ to June 30, _____	_____	\$ _____	\$ _____
2.	_____	July 1, _____ to June 30, _____	_____	\$ _____	\$ _____

**PART II - CAPITAL** - For vehicle procurement indicate quantity, vehicle size, vehicle length, passenger capacity, fuel type and expansion (E) or replacement (R).

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	SUBRECIPIENT	PROJECT DESCRIPTION	ESTIMATED COMPLETION DATE	NET PROJECT COST	FEDERAL SHARE
1.	_____	_____	_____	\$ _____	\$ _____
2.	_____	_____	_____	\$ _____	\$ _____
3.	_____	_____	_____	\$ _____	\$ _____
<b>Section 5311 Regional-Apportionment - <u>Total</u></b>				\$ _____	\$ _____

**Flexible Funds - CMAQ, STP, or Federalized STIP\*:** Please see Section 5311 Handbook, Chapter IV.

**PART III – FLEXIBLE FUNDS** - Project description and associated dollar amounts must be consistent with attached Federally approved TIP page.

	SUBRECIPIENT	PROJECT DESCRIPTION	FUND TYPE	FTIP PAGE ATTACHED	APPLICATION ATTACHED*	NET PROJECT COST	FEDERAL SHARE
1.	_____	_____	_____	_____	_____	\$ _____	\$ _____
2.	_____	_____	_____	_____	_____	\$ _____	\$ _____
3.	_____	_____	_____	_____	_____	\$ _____	\$ _____

\*Federalized STIP Projects must provide the date of the California Transportation Commission allocation approval.

<b><u>Flexible Fund - Total</u></b>	\$ _____	\$ _____
<b><u>Total Programmed</u></b>	\$ _____	\$ _____

## Instructions:

- Regional Program of Projects (POP) receives final approval from the Department of Transportation's Division of Mass Transportation (DMT). The District Transit Representative (DTR) will notify the subrecipient of approval for programming in this cycle.
- For vehicle projects indicate quantity, vehicle size (van, bus, or trolley), vehicle length (i.e., 35'), passenger capacity, fuel type, and expansion (E) or replacement (R).
- Regional apportionment project applications must be submitted no later than June 30<sup>th</sup> of the year following the year of apportionment. If an application is not received within the appropriate timeframe funds for the project will be redistributed to the State Discretionary Reserve.
- Flexible fund project applications must be submitted with the POP. For guidance with completing an application, see Section 5311 Handbook and Guide, Chapter IV or contact the DTR for assistance. The latest version of the Section 5311 application is available on the Department of Transportation's website at [www.dot.ca.gov/hq/MassTrans/ofta.htm](http://www.dot.ca.gov/hq/MassTrans/ofta.htm).
- Flexible Fund Projects –
  - CMAQ or STP Projects Subrecipient will be notified in writing that project will be included in grant. The letter will provide instruction regarding fund transfer and the appropriate forms to be completed will be attached.
  - Federalized STIP Projects Subrecipient must initiate the transfer of funds through the DTR.
- Any project that does not meet Federal Transit Administration's (FTA) Timely Use of Funds policy cannot be considered within the Section 5311 program.

*FTA Timely Use of Funds Policy:*  
*Funds awarded in the Section 5311 program are available for a limited number of years. The year of apportionment and two (2) additional years to encumber, and one (1) year to expend.*
- All vehicle purchased reimbursed with Section 5311 program funds must be ADA accessible regardless of service (fixed route or demand-response service) or procurement type (local or State).

Please contact your DTR for additional guidance.

When completing this form the following chapters of the Handbook should be reviewed:

SECTION 5311 PROGRAM OVERVIEW, Chapter II

PROGRAMMING OF PROJECTS, Chapter III

FLEXIBLE FUNDS, Chapter IV

APPLICATION AND STANDARD AGREEMENTS, Chapter V (Certifications And Assurances of the Regional Agency, Application page 6)

DATES TO REMEMBER, Appendix 1

FLOWCHART, Appendix 2

## IV. FLEXIBLE FUNDS

### A. *RESPONSIBILITIES*

Subrecipient:

- Submit application with POP and all accompanying documents in a timely fashion.
- Work with District Local Assistance Office to facilitate fund transfer.

TPA:

- Ensures that flexible fund projects are accurately described in the federally approved TIP.
- Ensures that flexible fund and federalized STIP projects are programmed in the STIP.
- Provide a copy of the federally approved TIP page identifying the project(s) and FHWA/FTA letter approving the TIP or TIP amendment to the subrecipient.
- Programs flexible fund projects on POP.

DTR:

- Review completed application and all accompanying documents for correctness and completeness.
- Review and provide comment to the TPA during the programming of flexible funds projects and federalized STIP projects.

DMT:

- Review application and all accompanying documents for program requirements and then authorize fund transfer.

### B. *WHAT ARE FLEXIBLE FUNDS?*

The Intermodal Surface Transportation Efficiency Act of 1991 and continuing with the Transportation Equity Act for the 21<sup>st</sup> Century, authorized the transfer of funds between the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). This created increased funding opportunities for transit projects. FHWA programs may be transferred or “flexed” into the Section 5311 Program, such as:

- CMAQ;
- Regional STP known as STP in this Program;
- State administered STP known as Federalized STIP in this program.

CMAQ projects must contribute to reducing pollutant emissions. Both capital and new operating projects are eligible to receive CMAQ funding. New operating projects are

defined as a start-up service operating less than three years or a service expansion. STP and federalized STIP projects are allowable for capital projects exclusively.

When flexible funds are transferred into the Section 5311 Program they become Section 5311 funds, taking on all the rules and regulations of the Program. The only exception is with regard to the matching requirement. Flexible fund projects allow a greater federal match and a lower local match as compared with Section 5311 funds. The federal match is 88.53% maximum and the local match is 11.47% minimum.

### **C. PROCEDURES**

Because the flexing of funds must involve programs outside of DMT, early planning is important when using CMAQ, STP, or federalized STIP funds to deliver a project through the Section 5311 Program. The TPA and subrecipient must work together to ensure that the funds are programmed, the complete application is submitted, and the project is included in a federally approved TIP by the December 31 due date in order to be included in the statewide grant for the given year. Additionally, for federalized STIP projects the California Transportation Commission must approve the allocation request no later than its February meeting to be included in the statewide grant for the given year. Another reason for early planning is that **once flexible funds are transferred, they remain in the Section 5311 Program and are not eligible for transferring out of the Section 5311 Program.**

When the TPA programs flexible funds on the POP, the subrecipient must submit the following to the DTR:

1. A completed 5311 application and other submittals as required.  
(see Chapter V and VI and/or:  
<http://www.dot.ca.gov/hq/MassTrans/ofa.htm#DOWNLOAD>.)
2. Copy of the Federally Approved Transportation Improvement Program (TIP) page that provides the project description, cost and funding type. See next paragraph for the definition of a Federally Approved TIP page. *A sample is provided as Addendum #1 at the end of this Chapter.*
3. A copy of the FHWA/FTA Federally Approved TIP approval letter for the specific project, which can be found at:  
[http://www.dot.ca.gov/hq/transprog/federal/ftip\\_status/tip.htm](http://www.dot.ca.gov/hq/transprog/federal/ftip_status/tip.htm). *A sample is provided as Addendum #2 at the end of this Chapter.*
4. A completed Preliminary Environmental Survey for projects that acquire right-of-way or for capital outlay (construction or improvements) projects. *This document is available in Chapter VI and at [www.dot.ca.gov/hq/MassTrans/ofa.htm](http://www.dot.ca.gov/hq/MassTrans/ofa.htm).*

### **D. FEDERALLY APPROVED TIP**

The Federally Approved TIP is a list of projects programmed to receive Federal funding. It also includes projects of Regional Significance, regardless of fund source. The Federally approved TIP contains all capital and non-capital transportation projects proposed for Federal funding, including:

- Highways, Streets and Roads Projects;
- Transit Projects;
- Bicycle Projects;
- Pedestrian Projects;
- Trail Projects;
- Transportation Enhancement Projects; and
- Federal Lands Highway Projects.

As stated above the Federally Approved TIP Page identifying the project and the FHWA/FTA approval letter must be attached to the application.

**The description in the application must be consistent with the project identified in the Federally Approved TIP.**

***E. FLEXIBLE FUNDING PROCESS USING CMAQ AND STP FUNDS (GRAPHICALLY DISPLAYED IN ADDENDUM #3)***

1. **On December 31<sup>st</sup> of each year**, a POP is due to the DTR. A completed application plus all other required documents (*see Chapter VI – Other Submittals*) needs to be attached to this POP. The DTR will then review the POP and the application(s) for accuracy and completion prior to forwarding to DMT.
2. **March:** DMT sends letter to the subrecipient stating that the project will be included in the statewide Section 5311 grant and then provides instructions and the necessary forms for transferring funds.
3. Subrecipient sends completed forms to the Department’s District Local Assistance Engineer (DLAE) identified in the letter.
4. DLAE and the Office of Local Assistance located in the Department’s headquarters work together to request that FHWA transfer project funds to FTA.
5. FHWA transfers project funds to FTA.
6. When FTA approves the Department’s statewide Section 5311 grant, standard agreements are prepared within 30 days. Once signed by all parties, the executed standard agreements are sent to the subrecipient. After the project is delivered, transit agencies request reimbursement.

***F. FLEXIBLE FUNDING PROCESS USING FEDERALIZED STIP FUNDS (GRAPHICALLY DISPLAYED IN ADDENDUM #4)***

1. With approval from the California Transportation Commission (CTC), the Transportation Planning Agency (TPA) programs State administered Surface Transportation Program (STP) funds for transit project in the State Transportation Improvement Program (STIP). TPA notifies subrecipient that project has been programmed.

2. **On December 31<sup>st</sup>** of each year a POP due to the DTR. A completed application plus all other required documents (*see Chapter VI – Other Submittals*) needs to be attached to this POP. The DTR will then review the POP and the application(s) for accuracy and completion prior to forwarding to DMT.
3. Transportation Planning Agency (TPA) works with the District State Funding representative to request an allocation approval from the California Transportation Commission (CTC), which is necessary to transfer funds to the Section 5311 program. Approval must be obtained no later than the February CTC meeting of the federal fiscal year of the grant. For example, for a project to be included in the 2002/03 statewide grant, the CTC must approve the transfer of funds no later than the February 2003 meeting.
4. When FTA approves the Department's statewide Section 5311 grant, standard agreements are prepared within 30 days. Once signed by all parties, the executed standard agreements are sent to the subrecipient. After the project is delivered, transit agencies request reimbursement.

Addendum #1

page 3-2.8-1

Sacramento Area Council of Governments  
Final 2000/01 Metropolitan Transportation Improvement Program Project List by Lead Agency

Placer County		Lead Agency: City of Auburn Dept of Public Works					
SACOG ID# <b>PLA20270</b> CTPS ID# 2070000278  Location Auburn Rail Station  Project Description Construct a permanent platform for the Auburn Rail Station; construct a transit transfer center.	Completion Year <b>2001</b>	Fiscal Year	Revenue Source	Engineering	Right of Way	Construction	Total Revenue
		< 01		\$273,736		\$1,850,291	\$2,124,027
		2001	Congestion Mitigation and Air Quality			\$200,000	\$200,000
		2001	State Surface Transportation Program			\$690,000	\$690,000
					\$273,736	\$0	\$2,740,291
<b>Federal Project</b>	Total Cost	<b>\$3,014,027</b>					
		Exempt Category	Reconstruction or renovation of transit buildings and structures (e.g. rail or bus buildings, storage and maintenance facilities, stations, terminals and ancillary structures) (Mass Transit)				
SACOG ID# <b>PLA20208</b> CTPS ID# 2070000057  Location Auburn Transit Operations  Project Description Operate Auburn Transit	Completion Year <b>2003</b>	Fiscal Year	Revenue Source	Engineering	Right of Way	Construction	Total Revenue
		2001	Farebox Revenue			\$21,800	\$21,800
		2001	Federal Transit Administration-Section 5311			\$66,500	\$66,500
		2001	Transportation Development Act			\$127,200	\$127,200
		2002	Farebox Revenue			\$22,900	\$22,900
		2002	Federal Transit Administration-Section 5311			\$51,000	\$51,000
		2002	Transportation Development Act			\$148,300	\$148,300
		2003	Farebox Revenue			\$23,700	\$23,700
		2003	Federal Transit Administration-Section 5311			\$52,500	\$52,500
		2003	Transportation Development Act			\$152,800	\$152,800
				\$0	\$0	\$666,700	\$666,700
<b>Federal Project</b>	Total Cost	<b>\$666,700</b>					
SACOG ID# <b>PLA20310</b> CTPS ID# 2070000118  Location Auburn Transit Shelters  Project Description Construct transit shelters at transit stops throughout Auburn	Completion Year <b>2002</b>	Fiscal Year	Revenue Source	Engineering	Right of Way	Construction	Total Revenue
		2001	Congestion Mitigation and Air Quality			\$10,000	\$10,000
		2001	Transportation Development Act			\$1,300	\$1,300
				\$0	\$0	\$11,300	\$11,300
<b>Federal Project</b>	Total Cost	<b>\$11,300</b>					

SAMPLE Project Listings in SACOG's MTIP

\*Exempt\* denotes projects that SACOG staff has determined to be exempt from SACOG's Air Quality conformity analyses based on the 40 CFR 93.126, 40 CFR 93.127 and 40 CFR 93.128

Addendum #2



**U.S. DEPARTMENT OF TRANSPORTATION**  
FEDERAL HIGHWAY ADMINISTRATION  
CALIFORNIA DIVISION  
980 Ninth Street, Suite 400  
Sacramento, CA 95814-2724

October 6, 2000

IN REPLY REFER TO  
HDA-CA  
File #: 740  
Document #: 33569

Mr. Jeff Morales, Director  
CALTRANS, 1120 N Street  
Sacramento, California 95814

Attention: Federal Resources Branch, Room 3500  
for Garland Hagen, Transportation Programming Program

Dear Mr. Morales:

**SUBJECT: FEDERAL STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM**

We have completed our review of the State of California's 2000/01-2002/03 Federal Statewide Transportation Improvement Program (FSTIP) that was submitted by the California Department of Transportation (Caltrans) for review and approval under the provisions of 23 U.S.C. 135, as modified by section 1204 of the Transportation Equity Act for the 21st Century (TEA-21). Under the provisions of 23 CFR 450.220(a), the FSTIP must be submitted at least every two years for joint approval by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). California's 2000/01 - 2002/03 FSTIP replaces the State's previous FSTIP for the 1998/99 - 2000/01 triennial period, that was approved by FHWA and FTA on October 5, 1998.

The Federal Highway Administration and the Federal Transit Administration, based on the Caltrans and metropolitan planning organizations (MPOs) self-certifications of their statewide and MPO planning process, review of self-certification supporting documentation, federal certification of planning processes in designated transportation management areas (TMAs) in California, and our involvement in the State and metropolitan transportation planning processes, hereby find that the 2000/01-2002/03 FSTIP is based on transportation planning processes that substantially meet the requirements of 23 U.S.C. Sections 134 and 135 and 49 U.S.C. Sections 5303-5305.

Based on our review and finding that the 2000/01-2002/03 FSTIP substantially meets the statewide planning requirements of 23 U.S.C. 135 and the statewide and metropolitan planning regulations of 23 CFR 450, we are jointly approving the FSTIP subject to the following corrective actions being taken with respect to the statewide planning and programming process:

1. Pursuant to 23 CFR 450.212(f), the State, and any other agencies/organizations which are responsible for satisfying the statewide transportation planning requirements, must publish and adopt procedures for public involvement throughout the statewide transportation planning and programming process including development of the state transportation plan. The required public involvement procedures will be published and adopted by the State, and any other agencies/organizations which are responsible for satisfying the statewide transportation planning and programming requirements, prior to initiating steps in the planning process leading to the 2002 State Transportation Plan and 2002/03 - 2004/05 FTIPs and FSTIP.
2. Pursuant to 23 CFR 450.212(a)(7), the State, and any other agencies/organizations which are responsible for satisfying the statewide transportation planning requirements, must review and evaluate its public involvement process for effectiveness in assuring that the process provides full and open access to all. The state, and any other agencies/organizations which are responsible for satisfying the statewide transportation planning and programming requirements, will complete this evaluation prior to publishing procedures for public involvement throughout the statewide planning and programming process, including, the development of the state transportation plan pursuant to 23 CFR 450.212(f).
3. Pursuant to 23 CFR 450.212(a)(6), the State, and any other agencies/organizations which are responsible for satisfying the statewide transportation planning requirements, must make a concerted effort to involve the public, especially those traditionally under-served by existing transportation, in a process developed for ensuring, demonstrating, and substantiating compliance with Title VI and the February 11, 1994, Executive Order on Environmental Justice in Minority Populations and Low Income Populations. This includes the development of procedures for the collection and analysis of statistical data of participants in, and beneficiaries of State transportation programs; establishment of procedures to identify and eliminate discrimination; and identification and implementation of affirmative measures to ensure nondiscrimination. The State, and any other agencies/organizations which are responsible for satisfying the statewide transportation planning and programming requirements, will accomplish this task throughout their integrated transportation planning processes including the public involvement process for the statewide transportation plan pursuant to 23 CFR 450.214(c)(3) and the federal statewide transportation improvement program pursuant to 23 CFR 450. 450.216(a).

As approved by the FHWA and FTA, California's 2000/01 - 2002/03 FSTIP incorporates either directly or by reference:

1. Those transportation projects, or identified phases of transportation projects, in the non-Metropolitan Planning Organization (non-MPO) portions of California that are either proposed for funding under the Federal Transit Act and/or title 23 U.S.C., or are regionally significant and require an action by FHWA or FTA.

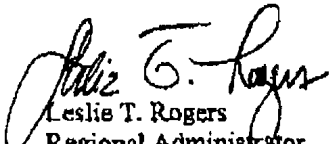
2. Those transportation projects, or identified phases of transportation projects, in the MPO portions of California, with the exception of proposed projects in the Tahoe Metropolitan Planning Organization (TMPO) planning region pending the necessary program approval by the Governor of Nevada, that are included in a conforming 2000/01 - 2002/03 MPO Federal Transportation Improvement Program (FTIP) and are either proposed for funding under the Federal Transit Act and/or title 23 U.S.C., or are regionally significant and require and action by FHWA or FTA.

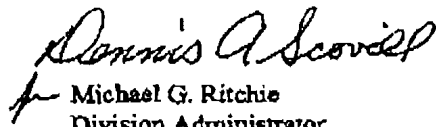
We want to commend Caltrans and the MPOs on their efforts to implement the California Transportation Improvement Program System (CTIPS). We fully support the CTIPS implementation effort and believe it will enhance the planning and programming process, streamline future FSTIP development efforts, and provide new opportunities and flexibility to the State and regional planning agencies in developing and disseminating program information to the public. We note, however, that there are some discrepancies between the CTIPS generated financial data and the hard copy financial data submitted with the FSTIP. As with most new data systems, some additional refinements appear appropriate to reconcile the CTIPS financial data with the FSTIP financial data provided by Caltrans. We are approving the 2000/01-2002/03 FSTIP with the understanding that Caltrans is committed to resolving any CTIPS issues and will work with each MPO to ensure that CTIPS reflects complete and accurate information. We encourage the continued cooperation of Caltrans and the MPOs to make CTIPS a success.

Our review of California's recent Congestion Mitigation and Air Quality Improvement Program (CMAQ) annual reports have raised questions and issues concerning the eligibility and benefits of a number of projects that were implemented with CMAQ funds. The primary purpose of the CMAQ program is to fund transportation projects and programs in nonattainment and maintenance areas which reduce transportation-related emissions. In order to enhance the implementation of the CMAQ Program, assure funding eligibility, and improve the annual CMAQ report, we would like to discuss various options with Caltrans for capturing emissions reductions data that best meets our needs, your needs, and the needs of the MPOs and local agencies.

While this letter constitutes approval for inclusion of conforming MPO federal transportation improvement programs (FTIPs) into the statewide program, it is done with the understanding that FTA funding approval on individual projects included in the FSTIP are subject to the grantees meeting all necessary FTA administrative requirements.

Sincerely,

  
Leslie T. Rogers  
Regional Administrator  
Federal Transit Administration

  
Michael G. Ritchie  
Division Administrator  
Federal Highway Administration

Addendum #3

**Flexible Funding Process Using CMAQ and STP Funds**

**On December 31<sup>st</sup> of each year**, a POP is due to the DTR. A completed application plus all other required documents (see Chapter VI – Other Submittals) need to be attached to this POP. The DTR will then review the POP and the application(s) for accuracy and completion prior to forwarding to DMT.



**March:** DMT sends letter to the subrecipient stating that the project will be included in the statewide Section 5311 grant and the provides instructions and the necessary forms for transferring funds.



Subrecipient sends completed forms to the Department’s District Local Assistance Engineer (DLAE) identified in the letter.



DLAE and the Office of Local Assistance located in the Department’s headquarters work together to request that FHWA transfer project funds to FTA.



FHWA transfers funds to FTA.



When FTA approves the Department’s statewide Section 5311 grant, standard agreements are prepared within 30 days. Once signed by all parties, the executed standard agreements are sent to the subrecipient. After the project is delivered, transit agencies request reimbursement.

Addendum #4

**Federalized Funding Process Using Federalized STIP Funds**

With approval from the California Transportation Commission (CTC), the Transportation Planning Agency (TPA) programs State administered Surface Transportation Program (STP) funds for transit project in the State Transportation Improvement Program (STIP). TPA notifies subrecipient that project has been programmed.



TPA submits the Regional POP form to the DTR, which will identify proposed federalized STIP. TPA should also provide the subrecipient with a copy of the POP.



Subrecipient submits complete application plus all other required documents to the DTR.



TPA must obtain allocation approval for the project from the CTC no later than the February meeting. Subsequent to receiving approval the funds will be transferred to the Section 5311 program.



When FTA approves the Department's statewide Section 5311 grant, standard agreements are prepared within 30 days. Once signed by all parties, the executed standard agreements are sent to the subrecipient. After the project is delivered, transit agencies request reimbursement.

## V. APPLICATION AND STANDARD AGREEMENT

### A. RESPONSIBILITIES

Subrecipient:

- Ensures that application is complete and correct.
- Provision of all necessary documentation.

TPA:

- Reviews application and certifies consistency with the Regional Transportation Plan and Federal Transportation Improvement Program.

DTR:

- Reviews all application and documentation for completeness and correctness.

DMT:

- Reviews all submitted application and documentation to make sure they meet program requirements.

### B. OVERVIEW

This chapter will assist the subrecipient in preparing a complete application. The application is comprised of the eight parts listed below. Each application Part is prefaced with a description of its purpose, guidance and requirements in providing the information required. Immediately following the form are samples to assist you. The application without samples is available at <http://www.dot.ca.gov/hq/MassTrans/ofa.htm>.

PART I	Certification and Assurances of the Subrecipient
PART II	Certification and Assurances of the Regional Agency
PART III	Project Description
PART IV	Project Budget: (A) Operating Assistance (B) Capital
PART V	Labor Union Information for Section 13(c) Certification
PART VI	Coordination of Services with Social Service Agencies
PART VII	Public Hearing – Capital Projects Only
PART VIII	Civil Rights

**SAMPLES** are also included in this Chapter and are organized as follows:

Part	Sample Type
Part III – Project Description	Operation Assistance Capital – Vehicles Capital – Transit Shelters
Part IV – Project Budget	Operating Assistance Capital – Vehicles (State Procurement) Capital – Vehicles (Local Procurement) Capital – Equipment Capital – Transit Shelters
Part VI – Social Services	Description of Efforts to Coordinate Social Service with Social Service Agencies
Part VII – Public Hearing – Capital Projects Only	Proof of Publication

**Important Note: See Chapter VI for Other Submittals.**

Application Quick Checklist

An optional checklist is provided to assist the subrecipient in preparing a complete application. *See page 1 of the Application.*

Standard Agreement

After DMT receives FTA approval for the statewide grant, standard agreements are prepared for projects where the subrecipient has provided a complete application. Standard agreements will be distributed within 30 days of the availability of funds. The standard agreement represents a contractual obligation between the Department and the subrecipient to perform in accordance with federal and state guidelines, therefore the subrecipient should read the document before signing and returning to the DTR. Notify the DTR if subrecipient cannot meet terms and conditions identified in the standard agreement.

The standard agreement identifies a project delivery schedule and an expiration date. If the subrecipient cannot complete the project by the delivery date and submit a request for reimbursement by the expiration date the subrecipient must request an extension. Extensions will be approved on a case-by-case basis. **The request for an extension must be made in writing at least one month before the date of expiration.**

# ***SECTION 5311 PROGRAM APPLICATION***





## **PART I - CERTIFICATIONS AND ASSURANCES OF THE SUBRECIPIENT**

### Purpose:

This part of the application provides supporting documentation for the assurances that the California Department of Transportation (Department) is required to give to the FTA when approving a project. It is also used to assure that each subrecipient as it pertains to this program has specifically met other FTA requirements.

### Guidance:

- Contact Person - may differ from certifying representative. This should be the person to contact for questions regarding the application or project.
- Project Description – as identified on the Program of Projects (POP). Must be consistent throughout the application.
- Funding Program – identify 5311 Regional Apportionment, CMAQ, STP, or Federalized STIP.
- Amount of Funds Requested – NOTE: if amount of funds requested differs from federal share programmed in the POP, provide a statement that the difference of funds will not be utilized for this project. For regional apportionments, funds are available for reprogramming by TPA. For flexible funded projects, funds are **not** available for reprogramming.
- Item 5, Title VI – Insert date of most current Title VI submitted. For additional guidance see *Chapter VI, Other Submittals*.
- Item 22, Annual Certifications and Assurances - The Subrecipient must submit a completed certification and assurances form, per current Federal Register, on a yearly basis. For additional guidance see *Chapter VI, Other Submittals*.
- Item 23, Authorizing Resolution – A certified or original copy of the authorizing resolution must be on file in Department Headquarters. For additional guidance, see *Chapter VI, Other Submittals*.
- Certifying Representative – Original signature of designated authority by resolution to file and execute Section 5311 applications.

**PART I - CERTIFICATIONS AND ASSURANCES OF THE SUBRECIPIENT  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT APPLICATION**

**General Information:**

Name of Subrecipient: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Project Description: \_\_\_\_\_

Funding Program: \_\_\_\_\_ Amount of Funds Requested: \_\_\_\_\_

**Certifications and Assurances:**

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

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

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

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

5. The subrecipient, at a minimum, is required to provide both an updated Standard DOT Title VI Assurance and an Urban Mass Transportation Civil Rights Assurance (Appendix A and B of the Title VI Program Guidelines for Urban Mass Transportation Administration Recipients UMTA C7402.1) every three years, beginning with FY 1999/2000 (for example 2000, 2003, 2006...). The subrecipient has provided to California Department of Transportation an updated Standard DOT Title VI Assurance and Urban Mass Transportation Civil Right Assurance signed and dated \_\_\_\_\_.

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

7. The subrecipient certifies its acceptance of the terms and conditions of the "Special Section 13(c) Warranty for Application to the Small Urban and Rural Program", as executed by the Secretary of Labor and the Secretary of Transportation on May 31, 1979. The subrecipient acknowledges receipt of a copy of this warranty and understanding of its provisions.
8. The subrecipient assures and certifies that its services funded by Section 5311 are, and shall remain, open to the general public.
9. The subrecipient assures and certifies that the revenues generated by its incidental charter bus operations (if any) are, and shall remain, equal to or greater than the cost (including depreciation on Federally assisted equipment) of providing the service.
10. The subrecipient understands that the requirements of 49 CFR part 604 will apply to any charter service provided, the definitions in 49 CFR part 604 apply to this agreement, and any violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.
11. The subrecipient certifies that its procurements and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA Circular 4220.1D, "Third Party Contracting Requirements," and such other implementing requirements as FTA may issue. The subrecipient certifies that it will include in its contracts, financed in whole or in part with FTA assistance, all clauses required by Federal laws, executive orders, or regulations and will ensure that each sub recipient and each contractor will also include in its sub agreements and contracts financed in whole or in part with FTA assistance all applicable contract clauses required by Federal laws, executive orders, or regulations.
12. The subrecipient assures and certifies that private for-profit transit operators have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed transportation services.
13. The subrecipient assures and certifies that the project complies with the environmental impact and related procedures of 23 CFR Part 771.
14. The subrecipient certifies that it has established and implemented an anti-drug program and has conducted employee training complying with the requirements of 49 CFR part 653 and has a drug testing program in place that complies with the "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" procedures as outlined in 49 CFR Part 655.
15. The subrecipient assures and certifies that it requires its subcontractors and sub-recipients to have established and implemented an anti-drug program, to have conducted anti-drug employee training, and have a drug testing program in place that complies with "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" procedures, as outlined in 49 CFR Part 655.
16. The subrecipient certifies that it has established and implemented an alcohol misuse prevention program and an alcohol-testing program complying with the requirements of 49 CFR parts 655.
17. The subrecipient certifies that before expending any Federal assistance to acquire the first bus of any new bus model or any bus model with a new major change in configuration or components or before authorizing final acceptance of that bus (as described in 49 CFR part 665), that model of bus will have been tested at a bus testing facility approved by FTA and subrecipient and FTA will have received a copy of the test report prepared on that bus model.

18. The subrecipient certifies that the recipient shall comply with 49 CFR Part 604 in the provision of any charter service provided with FTA funded equipment and facilities. The subrecipient certifies that in the provision of any charter service provided, subrecipient and its recipients will provide charter service that uses equipment or facilities acquired with Federal assistance authorized for 49 U.S.C. 5307,5309, or 5311 only to the extent that there are no private charter service operators willing and able to provide those charter services that it or its recipients desire to provide unless one or more of the exceptions in 49 CFR part 604.9 applies.

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

20. The subrecipient assures and certifies that when procuring capital equipment acquired with Federal assistance it will comply with all Buy America provisions as contained in 49 CFR Parts 660 and 661. This policy means that certain steel, iron, and manufactured products used in any capital equipment acquired with Federal assistance must be produced in the United States. Buy America requirements apply to all purchases, including materials and supplies funded as operating costs, if the purchase exceeds the threshold for small purchases (currently \$100,000).

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

22. The subrecipient certifies that it will submit the "Federal Register Part \_\_, Fiscal Year \_\_\_\_ Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements; Notice" the Appendix A Certifications and Assurances Checklist and Signature Page when available.

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

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

**Certifying Representative:**

*(Please Print)*

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **PART II - CERTIFICATIONS AND ASSURANCES OF THE REGIONAL AGENCY**

### Purpose:

This part of the application provides documentation to assure the Department that the project has the programming approval of the transportation planning agency (TPA) and to provide supporting documentation for the assurances that Department is required to give to the FTA when approving a project.

Under California law, the TPAs are responsible for transportation planning and for the allocation and programming of transportation funds from various Federal, State, and local sources. It is therefore appropriate for the Department to receive the findings of the TPA before giving its assurances to FTA.

### Guidance:

- Name of Regional Agency – planning agency responsible for transportation planning within county/region location of subrecipient's project.
- Project Description – as identified on Program of Projects.
- Authorizing Resolution – *for additional guidance see Chapter VI, Other Submittals.*
- Federally Approved TIP – a copy of the Federally Approved TIP page and FHWA/FTA approval letter for TIP or amendment must be provided for all flexible funded projects.
- Certifying Representative – the Original signature of the authorized TPA representative, certifying that the Regional agency approves the programming of the subrecipient's project.

<b>PART II – CERTIFICATIONS AND ASSURANCES OF THE REGIONAL AGENCY</b> <b>STATE OF CALIFORNIA</b> <b>FTA SECTION 5311 PROJECT APPLICATION</b>
--

**General Information:**

Name of Regional Agency: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Name of Subrecipient: \_\_\_\_\_

Project Description: \_\_\_\_\_

**Certifications and Assurances:**

1. The transportation planning agency has approved, by resolution, the programming of funds for this project in the following amount(s):

(a) Section 5311 - regional/county apportionment: \$ \_\_\_\_\_

(b) Flexible Funding - *FUND TYPE (check one)*:

_____ STP	\$ _____
_____ CMAQ	\$ _____
_____ Federalized STIP	\$ _____

\_\_\_ YES \_\_\_ NO Federally Approved TIP page with project description is attached.

\_\_\_ YES \_\_\_ NO A copy of the FHWA/FTA Federally Approved TIP approval letter is attached.

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

3. The subrecipient has, or will have by the time of delivery, sufficient funds to operate the vehicles and equipment purchased under this project, as applicable.

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

**Certifying Representative**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
*Please Print*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **PART III - PROJECT DESCRIPTION**

#### **Purpose:**

This part of the application provides general information to assist the Department in meeting its obligations in the administration and management of the FTA Section 5311 program. The Project Description will allow for the following:

- 1) preparing or amending the State program of projects, as necessary;
- 2) to assist the Department in determining the project's eligibility for the designated funding; and
- 3) to assist the Department in determining which Federal or State requirements may apply to the project (e.g., environmental documentation, public hearing requirements, Disadvantage Business Enterprise (DBE) program requirements, etc.).

#### **Guidance:**

The project description should be brief (preferably no more than two pages, except for construction projects), but contain the general information required (listed below):

#### **General Information Required for all Applications:**

At a minimum -

- Identify the geographic area to be served (including maps).
- Identify the type of service provided (e.g., fixed route, demand response, etc.)
- Identify who will operate the service. If service is or will be provided by a private operator under contract with the subrecipient, identify the contractor and include a copy of the existing contract or proposed contract.
- Describe the special efforts that are being made to provide transportation services to persons with disabilities.
- Describe the accessibility of the subrecipient's system to persons with disabilities.

Additional guidance by type of project continues below.

#### **Operating Assistance Projects**

- Identify the project period by fiscal year.
- Discuss farebox recovery and service schedules. If brochures are available providing this information, copies should be attached.
- Cost of transit service operation will be itemized in the project budget – Part IV.
- For a list of ineligible operating expenses – *for additional guidance see Chapter IX Billing Procedures.*

## Capital Projects

### 1) Transit Vehicles

- Provide adequate description of the vehicles being procured (i.e. quantity, type, passenger capacity, vehicle length, fuel type, service life<sup>1</sup>).
- Indicate procurement type being utilized either State Contract or Local Procurement. *See Chapter VII, Procurement for procurement requirements.*
- For procurements utilizing the State Department of General Services Contract include a draft purchase order to the contract approved vendor.
- For procurements using “Local” methods, *see Chapter VII, Procurement for requirements.* Request for Proposals (RFP) must be included with the application for review by the DTR and approved by OFTA Headquarters prior their release. Allow four (4) weeks for review and approval.
- If vehicles are for fleet “expansion” include a statement regarding number of vehicles in current fleet.
- If vehicles are for “replacement” include current fleet information for vehicle being replaced – *Example 1:*

*Example 1 -*

1	2	3	4	5	6
Replacement Requests Vehicle Type	Vehicle License Number	VIN Last 5 digits	Vehicle Year/Make	Passenger Capacity	Date Purchased

- Provide a procurement schedule – *Example 2 (STATE) and 3 (LOCAL):*

<b>STATE CONTRACT PROCUREMENT SCHEDULE-Example 2</b>	
Purchase Order to Contract Approved Vendor	November 2002
Take Delivery/Acceptance	May 2003
Put Into Service	June 2003
Submit Invoice to State	July 2003

<b>LOCAL PROCUREMENT SCHEDULE – Example 3</b>	
Advertisement of Request for Proposal	November 2002
Opening of Bids	January 2003
Award of Bids/Place Order	March 2003
Take Delivery/Acceptance	February 2004
Put Into Service	March 2004
Submit Invoices to State	April 2004

<sup>1</sup> See Chapter X Equipment Management and Disposition, X-2.

**2) Equipment**

- Include a statement of how equipment will be utilized in the operations of a transit system.
- Include a statement regarding whether equipment is for replacement of existing equipment (list description of equipment being replaced – quantity, type or brand, year purchased, etc.).

**3) Transit Shelters**

- Identify if transit shelters will be purchased “prefabricated” or if subrecipient (or subcontractor) will be “constructing” the transit shelters.
- Identify which entity will be installing or constructing the transit shelters.
- Identify if any land acquisition will be needed.
- Provide adequate information regarding planned location of shelters. Maps, planning documents or brochures should be included.
- Include statement regarding the basis of the categorical exemption or complete the Preliminary Environmental Survey (*See Chapter VI*), whichever applies.

**4) Construction Projects – Facilities and Land Acquisition**

Submit the California Department of Transportation’s FTA Preliminary Environmental Survey (*See Chapter VI*).

For construction projects, a fixed-facility impact analysis to assess the effects on minority communities is required. If this information has been prepared as a result of an Environmental Assessment or Environmental Impact Statement, providing a copy of the Finding of No Significant Impact or Record of Decision will satisfy this requirement.

Facilities will be awarded in a minimum of two phases in at least two grants. An example of two phases in two grants would be: Phase I activities may include preliminary engineering, final engineering, and right-of-way acquisition; and Phase 2 may include right-of-way acquisition and construction. Failure to progress in the first phase will impact award of the next phase(s).

Projects for land acquisition require prior approval from the DMT.

<b>CONSTRUCTION MILESTONES <i>Sample Phase 1</i></b>	
Preliminary Engineering (Environmental)	March 2002
Final Engineering (Plans, Specifications and Estimates)	June 2002
Right-of-way Acquisition	June 2002

<b>CONSTRUCTION MILESTONES <i>Sample Phase 2</i></b>	
Construction	July 2002
Place into service	April 2003

**PART III – Project Description - Operating Assistance**  
**STATE OF CALIFORNIA**  
**FTA SECTION 5311 PROJECT APPLICATION**

This application is being made for operating assistance for Toppom County Transit (TCT) for fiscal year **2000/2001** in the amount of \$20,000.00 in Section 5311 federal funds.

TCT is a fixed route bus system serving the **general public** in the communities of Traylor, Obtaen, Pardose, Florence and Devine. The system has been in operation since August 1980 and mainly operates over six routes.

TCT operates weekdays from approximately 6:00AM to 6:00PM and on Saturdays and Sundays from 8:00AM to 6:00PM (six legal holidays are excepted). Fares are \$.55 for commute trips, \$.35 for non-commute, and \$.25 for disabled. Additional schedule and fare information for each route is attached.

The system currently operates six (6) Gillig, compressed natural gas (CNG) fueled, 45 ft. transit buses. All TCT buses are wheelchair accessible.

**OR if contracted to a service provider**

The Toppom County Transit (TCT) has contracted the fixed route bus service to Possum Transit Services (PTS). PTS is the current contractor. The contract was awarded on October 10, 1990 for a period of five (5) years – January 1991 through December 1996. A copy of the operations contract with TCT is attached.

**PART III – Project Description - Capital – Vehicles**  
**STATE OF CALIFORNIA**  
**FTA SECTION 5311 PROJECT APPLICATION**

The Montara County Transit Department (MCTD) is applying for capital funding under FTA Section 5311 for the purchase of one (1) Rincon S2005 Type I 15-passenger transit van (\$52,000), service life four years or 100,000 miles\* to replace:

<b>Vehicle Type</b>	<b>Vehicle License #</b>	<b>VIN</b>	<b>Vehicle Year/Make</b>	<b>Passenger Capacity</b>	<b>Date Purchased</b>
Transit Van	3KLD0000	1DKE33M4339	1992/EI Dorado	15	December 1991

\*State Contract number 1-00-23-10 will be utilized in the purchase the new vehicle.

Procurement Schedule:

Purchase Order to Vendor	November 2001
Take Delivery/Acceptance	May 2002
Put Into Service	June 2002
Invoice to State	July 2002

The replacement vehicle is part of a fleet used to provide transportation service in Montara County. The fleet consists of eight (8) vehicles, five (5) 28-passenger transit buses, and three (3) 15-passenger vans. All vehicles are owned and maintained by MCTD.

The MCTD provides a fixed route transit service on a daily basis (Monday-Friday; 5:00AM-11:00PM and Saturday-Sunday; 6:AM-9:00PM) throughout Montara County. The service is designed to meet the transportation needs of the general public and serves all persons with special needs. The service area encompasses the rural town of Cheslme at the northern part of the coast region through the southern border of La Granada. A map of all route schedules and locations is included.

*Attached - copy of a draft purchase order, current fleet information and route schedule maps.*

**PART III – Project Description - CAPITAL- Transit Shelters**  
**STATE OF CALIFORNIA**  
**FTA SECTION 5311 PROJECT APPLICATION**

This application is for \$15,000.00 in federal share for the installation of two (2) new pre-fabricated bus shelters in the City of Toltec. Shelter descriptions:

Shelter 1 –

Location: 17<sup>th</sup> and Pompt Street

Type: Barrel-Top #235

Mfg: Pulltown

The City of Toltec Public Works Department will perform installation work. No land acquisition required – in public right of way.

Shelter 2 –

Location: 24<sup>th</sup> and Upscale Avenue

Type: Victorian #45566

Mfg: Pulltown

The City of Toltec Public Works Department will perform installation work. No land acquisition required – in public right of way.

Each shelter will be placed in a location on the designated route and will have wheel chair access. These shelters will be served by the deviated fixed routes provided by Tolleson Transit, which provides routes connected to Applewood County. Attached are maps and schedules for affected routes.

A copy of the Transit Works Planning Document (2000-2004), dated June 12, 2000, is attached. This document shows all locations for planned installation of bus shelters for years 2000-2004.

Environmental clearance is covered by a categorical exemption. A copy of the categorical exclusion document is attached.

A copy of the bids obtained is attached.

Installation Schedule:

Place Order	July 2000
Take Delivery	September 2000
Complete Installation	October 2000
Submit Invoice to State – DTR	November 1, 2000

## **PART IV (A) – PROJECT BUDGET OPERATING ASSISTANCE**

### Purpose:

This part of the application provides *estimated* operating costs. These operating costs are considered those expenses necessary to operate, maintain, and manage the transit service eligible under Section 5311 program.

### Guidance:

- Subrecipient – List subrecipient name.
- Contractor – if applicable – list contract service provider name.
- Project Period – Identify project period (by fiscal year) for which transit service costs will be requested for funding.
- Item (1) Total Operating Expense – Itemize all costs directly related to system operations.
- Item (2) Less Fare box and Other Revenue – List all ineligible revenues (i.e. transit fare box and fare box-related revenues). Total the amounts listed and (deduct) from Total Operating Expenses. *Also see Chapter 8, Billing Requirements.*
- Item (3) Less Ineligible Expenses – List all ineligible expenses. Total amount and (deduct) from Total Operating Expenses. *Also see Chapter 8, Billing Requirements.*
- Item (4) NET PROJECT COST – Item (1) – Item (2) – Item (3) = NET PROJECT COST
- Item (5) Local Share – Itemize by Source Type and Amount. Local share (i.e. non-Federal share) includes all local and state funds contributed to meeting net project cost.
- Item (6) Funds Requested – List allowable federal share of **Net Project Cost**. See chart below:

*FUNDING PROGRAM	LOCAL SHARE	FEDERAL SHARE
5311 REGIONAL	50.00%	50.00%
FLEXIBLE FUNDED	11.47%	88.53%

- Item (7) Budget Summary – Summarizes total net cost of project.

Final grant reimbursement is based on *actual* costs, not budget estimates, and is limited to the amount of the approved grant.

<b>PART IV (A)– PROJECT BUDGET / OPERATING ASSISTANCE</b> <b>STATE OF CALIFORNIA</b> <b>FTA SECTION 5311 PROJECT APPLICATION</b>
--

**Subrecipient:** \_\_\_\_\_  
**Contractor (if applicable):** \_\_\_\_\_  
**Project Period:** July 1,      to June 30,      (Fiscal Year      )

**(1) Total Operating Expenses (Itemize)**  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
**TOTAL OPERATING EXPENSES**      \$      \$      (1)

**(2) Less Fare box and Other Revenue**  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
**TOTAL FAREBOX AND OTHER REVENUE**  
**APPLIED AGAINST ELIGIBLE EXPENSES**      \$      \$      (2)

**(3) Less Ineligible Expenses**  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
**TOTAL INELIGIBLE EXPENSES**      \$      \$      (3)

**(4) NET PROJECT COST (Line 1 – Line 2 – Line 3)**      \$      (4)

**(5) Local Share (Itemized by Source Type & Amount)**  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
**TOTAL LOCAL SHARE**      \$      \$      (5)

**(6) FEDERAL SHARE \***      \_\_\_\_\_      (6)  
 \*Federal Share Max Allowed % of Net Project Cost (Item 4):  
 5311 Regional=50%; Flexible Funded=88.53%

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**(7) BUDGET SUMMARY: Local Share + Federal Share = Net Project Cost**  
**LOCAL SHARE:**      \_\_\_\_\_ \$      (5)  
**FEDERAL SHARE:**      \_\_\_\_\_ + \$      (6)  
**NET PROJECT COST:**      \_\_\_\_\_ = \$      (7)

<b>PART IV (A) – PROJECT BUDGET - OPERATING ASSISTANCE</b> <b>STATE OF CALIFORNIA</b> <b>FTA SECTION 5311 PROJECT APPLICATION</b>
---

**Subrecipient:** River Rock County  
**Contractor (if applicable):** Paradise Transit  
**Project Period:** July 1, 2000 to June 30, 2001 (Fiscal Year 2000/2001)

<b>(1) Total Operating Expenses (Itemize)</b>			
Salaries/Wages	\$125,000.00		
Vehicle Fuel	\$ 48,000.00		
Transit Service Contract	\$265,000.00		
Printing – Schedules, Tickets	\$ 13,000.00		
<b>TOTAL OPERATING EXPENSES</b>	<b>\$451,000.00</b>	<b>\$451,000.00</b>	<b>(1)</b>
<b>(2) Less Fare box and Other Revenue</b>			
Transit Fare box	\$ 23,000.00		
Related-Related Revenues	\$ 14,000.00		
	\$		
<b>TOTAL FAREBOX AND OTHER REVENUE APPLIED AGAINST ELIGIBLE EXPENSES</b>	<b>\$ 37,000.00</b>	<b>\$ 37,000.00</b>	<b>(2)</b>
<b>(3) Less Ineligible Expenses</b>			
MTP Overhead	\$126,000.00		
Intercity Transportation	\$ 55,000.00		
	\$		
	\$		
<b>TOTAL INELIGIBLE EXPENSES</b>	<b>\$181,000.00</b>	<b>\$181,000.00</b>	<b>(3)</b>
<b>(4) NET PROJECT COST (line 1 – Lines 2 &amp; 3=4)</b>		<b>\$233,000.00</b>	<b>(4*)</b>
<b>(5) Local Share (Itemized by Source Type &amp; Amount)</b>			
Local Transportation Fund	\$ 75,000.00		
State Transit Assistance	\$ 88,000.00		
<b>TOTAL LOCAL SHARE</b>	<b>\$163,000.00</b>	<b>\$163,000.00</b>	<b>(5)</b>
<b>(6) FUNDS REQUESTED {*Allowable (%) of Line 4}</b>		<b>70,000.00</b>	<b>(6)</b>
*Federal Share Max Allowed (%): 5311 Regional=50%; Flexible Funded=88.53%			

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<b>(7) BUDGET SUMMARY: Local Share + Federal Share = Net Project Cost</b>			
LOCAL SHARE:	\$163,000.00		(5)
FEDERAL SHARE:	\$ 70,000.00		(6)
<b>NET PROJECT COST:</b>	<b>\$233,000.00</b>		<b>(7)</b>

## **PART IV (B) – PROJECT BUDGET CAPITAL PROJECTS**

### Purpose:

This part of the application provides estimated costs associated in delivering the capital project.

### Guidance:

- Subrecipient - List subrecipient name
- Project Description – as identified on Program of Projects.
- Item Description – Provide a detail description of the item being obtained.
- Equipment – Provide adequate detail regarding quantity, item type, brand name, cost per item, etc. Equipment purchased must be utilized in the delivery of a transit service (i.e. computer equipment, radios). *For bidding requirements, please see Chapter VII on Procurement.*
- Vehicles – Provide adequate detail regarding quantity, vehicle type, passenger capacity, length, fuel type, and procurement type (State or Local), and service life expectancy. *For procurement requirements see Chapter VII on Procurement.*
- Construction / Transit Shelters – Provide adequate detail regarding quantity, shelter type, brand name, cost per item, and location information. Provide copies of any maps or planning documents if available. *For bidding requirements see Chapter VII on Procurement.*
- Construction / Facilities – Provide adequate detail regarding the proposed project.
- Net Project Cost – Total cost for all items identified.
- Local Share – Itemize by Source Type and Amount. Local share (i.e. non-Federal share) includes all local and state funds contributed to meeting net project cost. *[Review allowable local share by funding program list.]*
- Federal Share – List allowable federal share of **Net Project Cost**. See chart below:

<b>*FUNDING PROGRAM</b>	<b>LOCAL SHARE</b>	<b>FEDERAL SHARE</b>
5311 REGIONAL (Equipment, Shelters, Facilities)	20.00%	80.00%
5311 REGIONAL (Vehicles)	17.00%	83.00%
FLEXIBLE FUNDED (All projects)	11.47%	88.53%



**PART IV (B) – CAPITAL PROJECT = VEHICLES (STATE CONTRACT)**  
**STATE OF CALIFORNIA**  
**FTA SECTION 5311 PROJECT APPLICATION**

**Subrecipient:** River Rock County

**Project Description:** Capital – Purchase Vehicles (5311 Regional)

ITEM DESCRIPTION	COST
Vehicles – Three (3), 15-passenger, Type I Vans; CNG STATE Contract; Price: \$20,000 each x 3 =	\$ 60,000.00
<u>Copy of draft purchase order is attached.</u>	
<b>NET PROJECT COST:</b>	<b>\$ 60,000.00</b>

LOCAL SHARE (Itemize by Source Type & Amount)	AMOUNT
<u>Local Transportation Fund</u>	\$ 10,200.00
<b>TOTAL LOCAL SHARE – Funding Program: 5311</b> Allowable Percentage: <u>17%</u>	<b>\$ 10,200.00</b>
<b>TOTAL FEDERAL SHARE – Funding Program: 5311</b> Allowable Percentage: <u>83%</u>	<b>\$ 49,800.00</b>

---

*FUNDING PROGRAM	LOCAL SHARE	FEDERAL SHARE
5311 REGIONAL (Equipment, Shelters, Facilities)	20.00%	80.00%
5311 REGIONAL (Vehicles)	17.00%	83.00%
FLEXIBLE FUNDED (All Projects)	11.47%	88.53%

**PART IV (B) – CAPITAL PROJECT - VEHICLES (LOCAL PROCUREMENT)**  
**STATE OF CALIFORNIA**  
**FTA SECTION 5311 PROJECT APPLICATION**

**Subrecipient:** River Rock County

**Project Description:** Capital – Purchase Transit Buses (CMAQ funded)

ITEM DESCRIPTION	COST
Transit Buses – Three (3); 35-passenger; 45 foot; CNG fueled; Brand: Blue Bird; Price: \$120,000 each x 3 =	\$360,000.00
<u>Local Procurement – Bid Package #4456 approved by CT FTA 10/01/02</u>	
<b>NET PROJECT COST:</b>	<b>\$360,000.00</b>

LOCAL SHARE (Itemize by Source Type & Amount)	AMOUNT
Local Transportation Fund	\$ 41,292.00
<b>TOTAL LOCAL SHARE – Funding Program: CMAQ</b> Allowable Percentage: 11.47%	<b>\$ 41,292.00</b>
<b>TOTAL FEDERAL SHARE – Funding Program: CMAQ</b> Allowable Percentage: 88.53%	<b>\$318,708.00</b>

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*FUNDING PROGRAM	LOCAL SHARE	FEDERAL SHARE
5311 REGIONAL (Equipment, Shelters, Facilities)	20.00%	80.00%
5311 REGIONAL (Vehicles)	17.00%	83.00%
FLEXIBLE FUNDED (All Projects)	11.47%	88.53%

**PART IV (B) – CAPITAL PROJECT - EQUIPMENT  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT APPLICATION**

**Subrecipient:** River Rock County

**Project Description:** Capital – Purchase Computer Equipment for TransTrack Project

ITEM DESCRIPTION	COST
Computers – Three (3); Brand: MacIntosh; SyncMaster 770; <i>Brochure attached; \$5,600.00/each; 3 x \$5,600 =</i>	\$ 16,800.00
Server – One (1); Brand: NTS; Modal #2717; <i>Brochure Attached</i>	\$ 7,500.00
List of Phone Bids is attached.	
<b>NET PROJECT COST:</b>	
<b>\$ 24,300.00</b>	

LOCAL SHARE (Itemize by Source Type & Amount)	AMOUNT
Baylor City Sales Tax Fund	\$ 4,860.00
<b>5311</b>	
<b>TOTAL LOCAL SHARE* = Allowable Percentage: 20%</b>	<b>\$ 4,860.00</b>
<b>TOTAL LOCAL SHARE* = Allowable Percentage: 80%</b>	<b>\$ 19,440.00</b>

*FUNDING PROGRAM	LOCAL SHARE	FEDERAL SHARE
5311 REGIONAL (Equipment, Shelters, Facilities)	20.00%	80.00%
5311 REGIONAL (Vehicles)	17.00%	83.00%
FLEXIBLE FUNDED (All Projects)	11.47%	88.53%

**PART IV (B) – CAPITAL PROJECT - TRANSIT SHELTERS  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT APPLICATION**

**Subrecipient:** River Rock County

**Project Description:** Capital – Install Three (3) Transit Shelters in City of Lobos

ITEM DESCRIPTION	COST
Purchase & Install – Three (3) Transit Shelters; prefabricated; Brand: EGGO; Type 1628-00 (brochure attached); Green metal benches; Cost: <b>\$3,500.00 each x 3 =</b>	\$ 10,500.00
<b>List of phone bids is attached.</b>	
<b>NET PROJECT COST:</b>	<b>\$ 10,500.00</b>

LOCAL SHARE (Itemize by Source Type & Amount)	AMOUNT
Local Transportation Fund	\$ 1,204.00
<b>CMAQ</b>	
<b>TOTAL LOCAL SHARE* = Allowable Percentage: 11.47%</b>	<b>\$ 1,204.00</b>
<b>CMAQ</b>	
<b>TOTAL FEDERAL SHARE* = Allowable Percentage: 88.53%</b>	<b>\$ 9,296.00</b>

*FUNDING PROGRAM	LOCAL SHARE	FEDERAL SHARE
5311 REGIONAL (Equipment, Shelters, Facilities)	20.00%	80.00%
5311 REGIONAL (Vehicles)	17.00%	83.00%
FLEXIBLE FUNDED (All Projects)	11.47%	88.53%

## **PART V – LABOR UNION INFORMATION FOR SECTION 13(c) CERTIFICATION**

### **Purpose:**

This part of the application provides the Department with written documentation that the sub-recipient has agreed to accept the terms and conditions of the special warranty of employee protective arrangements. This protection requires fair and equitable arrangements to protect the interests of participants in the Section 5311 program.

Under the terms of the Special Section 13(c) Warranty for Application to the Small Urban and Rural program (see Appendix E of this handbook), the Department "shall provide to the Department of Labor and maintain at all times during the Project, an accurate up-to-date listing of all existing transportation providers which are eligible Recipients of transportation assistance funded by the Project, in the transportation service area of the Project, and any labor organization representing the employees of such providers."

### **Guidance:**

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

<b>PART V –LABOR UNION INFORMATION FOR SECTION 13(c) CERTIFICATION</b> <b>STATE OF CALIFORNIA</b> <b>FTA SECTION 5311 PROJECT APPLICATION</b>
---

Name of Subrecipient: \_\_\_\_\_

Project Description: \_\_\_\_\_

Union Representation of Subrecipient’s Employees

Organization Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Other Surface Public Transportation Providers	Union Representation of Employee If Any
	Organization: Contact Person: Address:  Telephone:
	Organization: Contact Person: Address:  Telephone:
	Organization: Contact Person: Address:  Telephone:
	Organization: Contact Person: Address:  Telephone:

## **PART VI – DESCRIPTION OF EFFORTS TO COORDINATE SERVICES WITH SOCIAL AGENCIES**

### Purpose:

This part of the application provides supporting documentation, together with the regional agency certification, for the following assurance, which the Department is required to give to FTA in approving the project: "The local recipient, to the maximum extent feasible, has to have coordinated with other transportation providers and users, including social service agencies capable of purchasing service."

FTA Circular 9040.1E further specifies that the Department should receive, from each project subrecipient, "a description of efforts to coordinate with social service agencies in the service area."

### Guidance:

- ***Current Section 5311 subrecipients*** may provide a copy of their previous submission, updating it as needed.
- ***New Section 5311 subrecipients*** must fulfill the following: 1) identify the consolidated transportation service agency, social service transportation providers and users in the area; 2) document efforts to notify agencies of the proposed project and to determine the possible coordination and purchase of service agreements; and 3) include copies of pertinent correspondence

**PART VI – DESCRIPTION OF EFFORTS TO COORDINATE SERVICES  
WITH SOCIAL SERVICE AGENCIES  
STATE OF CALIFORNIA  
FTA SECTION 5311 PROJECT APPLICATION**

The Consolidated Transportation Service Agency (CTSA) for Noholes County is the Noholes Transportation Agency (NTA).

Noholes County Transportation Commission (NCTC) for Noholes County endeavors to extensively coordinate transportation services on a bi-annual basis. In addition, the NCTC convenes its Social Service Transit Advisory Group (SSTAG) meeting tri-annually. The SSTAG advises the NTA on service design, routes, schedules and policies, plus conducts surveys as needed.

The following agencies in Noholes County have been contacted and participate regularly -

Northern County Regional Center  
Senior Citizens Association, Inc.  
Noholes Work Activity Center  
City of Noholes Parks Center  
MedStar Assisted Transportation  
North Valley Services  
Noholes Medical Center  
AMERI Regional Center  
City of Stoneyville  
Precision Rehabilitation Center  
Noholes Chamber of Commerce  
Treemirs Family Health Center  
Regional Noholes Women's Center  
Valley Veterans Services  
Tri-City Paratransit Service  
Castle Hill Senior Transport Service

Educational and informational seminars are coordinated and held every two months at the Noholes Regional Center.

Documentation of efforts to notify each agency of proposed projects in the 2000/2001 Fiscal Year are available through the Noholes Transportation Agency (Attention: Betty Kann) 231 Meyers Way, Noholes, CA 96111.

## **PART VII – DOCUMENTATION OF PUBLIC HEARING OPPORTUNITY (CAPITAL PROJECTS ONLY)**

### Purpose:

This part of the application provides documentation that the public has been afforded an opportunity to comment on **capital assistance projects**. A public hearing must be held, unless no one requests one, to consider the economic, social, and environmental effects of the project, and to find the project consistent with official plans for the area. It is permissible for the TPA to hold a public hearing on behalf of the subrecipient. A public hearing is not required for **operating assistance projects**.

### Guidance:

The notice of public hearing shall be published in a newspaper of general circulation in the geographic area to be served at least 30 days before the scheduled or proposed hearing date. The notice must include a concise statement of the proposed project, the project cost, and either:

1. State that a hearing will be held, indicating the date, time and location;  
or
2. Provide a reasonable method for interested persons to inform the subrecipient within 15 days after the notice is published of their interest in attending the hearing (example: phone number or address of a contact person).
  - a. If the subrecipient does **not** receive any requests for a hearing within the 15-day period, publish a second notice stating that no hearing will be held because no requests were received.
  - b. If the subrecipient does receive a request for a hearing within the 15 day period, publish a second notice stating the date, time and location of the hearing no later than 10 days before the scheduled hearing.

### Documentation to be included in the application:

1. the name of the newspaper and date of publication
2. a copy of the published notice or notices
3. a. if a hearing is held, include a copy of the transcript;  
Or  
b. if no requests for hearing, include a copy of the second notice; state no hearing will be held because no requests we received;  
Or  
c. if the original notice states that a hearing will be held and no hearing is held because no interested persons are present, document this fact.

**An application is not complete until the public hearing or hearing opportunity period is completed and all required documents are submitted. Therefore, subrecipients should consider the application due date when scheduling the public hearing to allow adequate time to meet this requirement.**

The BAKERSFIELD CALIFORNIAN  
P.O. BOX 440  
BAKERSFIELD, CA 93302

NORTH BAKERSFIELD RECREATION  
405 GALAXY AVE  
BAKERSFIELD, CA 93308-1723

STATE OF CALIFORNIA  
COUNTY OF KERN

I AM A CITIZEN OF THE UNITED STATES AND A  
RESIDENT OF THE COUNTY AFORESAID: I AM OVER  
THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY  
TO OR INTERESTED IN THE ABOVE ENTITLED  
MATTER. I AM THE ASSISTANT PRINCIPAL CLERK  
OF THE PRINTER OF THE BAKERSFIELD  
CALIFORNIAN, A NEWSPAPER OF GENERAL  
CIRCULATION, PRINTED AND PUBLISHED DAILY IN  
THE CITY OF BAKERSFIELD COUNTY OF KERN,

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A  
NEWSPAPER OF GENERAL CIRCULATION BY THE  
SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF  
CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE  
NUMBER 57610; THAT THE NOTICE, OF WHICH THE  
ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED  
IN EACH REGULAR AND ENTIRE ISSUE OF SAID  
NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF  
ON THE FOLLOWING DATES TO WIT:

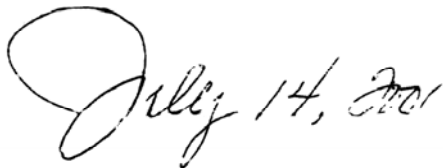
07/14

ALL IN THE YEAR 2001

I CERTIFY (OR DECLARE) UNDER PENALTY OF  
PERJURY THAT THE FOREGOING IS TRUE AND  
CORRECT.



DATED AT BAKERSFIELD CALIFORNIA



## PROOF OF PUBLICATION

Ad Number 366152  
Edition TBC  
Class Code 520  
Start Date 7/14/01  
Run Date(s) 07/14  
Billing Lines 25  
Total Cost 36.75

PO # BUS REPLACEMENT  
Run Times 1  
Legal Notices  
Stop Date 7/14/00  
Inches 3.34  
Account 1KER01

Billing NORTH BAKERSFIELD RECREATION  
405 GALAXY AVE  
BAKERSFIELD, CA 93308-1723

Solicitor I.D.: C010

First Text

\_\_\_PUBLIC HEARING NOTICE OF INTENT FOR TESTIM\_\_\_

\_\_\_Ad Number 366152\_\_\_

**PUBLIC HEARING  
NOTICE OF INTENT FOR  
TESTIMONY ON GRANT  
APPLICATION FOR  
DEPARTMENT OF  
TRANSPORTATION FUNDING**

A public hearing is scheduled at The North Bakersfield Recreation And Park District Board of Director's Meeting on August 28, 2001, 5:30p.m., at 405 Galaxy Avenue, Bakersfield, to hear testimony on a grant request to the State of California Department of Transportation for Federal Transit Administration Section 5311 Program, CMAQ funding in the amount of \$67,194 for the purchase of a Transit 8-10 passenger vehicle. For further information contact Sherry Eggelston at (661) 321-7654.

Secretary of the Board of Directors of North Bakersfield Recreation And Park District.

July 14, 2001 (#366152)

STATE OF CALIFORNIA  
COUNTY OF KERN

I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID: I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY TO OR INTERESTED IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT PRINCIPAL CLERK OF THE PRINTER OF THE BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN, AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610; THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES TO WIT:

May 11, 2001

ALL IN THE YEAR 2001

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Sue Testi

DATED AT BAKERSFIELD CA

May 11, 2001

**NOTICE OF  
PUBLIC  
HEARING**

**NOTICE OF  
PUBLIC HEARING**

The Kern Regional Transit division of the Kern County Roads Department is applying to the State Department of Transportation for a Federal Transit Administration (FTA) Section 5311 (f) capital grant in the amount of \$240,000 for the purchase of four (4) transit buses for Kern Regional Transit.

Notice is hereby given that a public hearing is proposed for Thursday, June 14, 2001, to consider public requests or testimony regarding this application. All requests for a hearing must be received no later than May 25, 2001. If no requests are received a notice will be published indicating that no requests were received and that a hearing will not be held.

Persons seeking further information should contact John R. Wilbanks of Kern Regional Transit at (805) 862-8895 or at 2700 M Street, Suite 400, Bakersfield, CA. 93301.

May 11, 2001 (29687)

## **PART VIII – CIVIL RIGHTS**

### **Purpose:**

This part of the application provides documentation for the Department to monitor civil rights compliance of sub-recipients. The basic requirement is that no person in the United States shall on the grounds of race, color, or national origin be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance and ensure that federally supported transit services and related benefits are distributed in an equitable manner.

### **Guidance:**

- Describe any lawsuits or complaints that have been received or acted on in the last year regarding Title VI or other relevant civil rights requirements.
- Provide a status of lawsuits or an explanation of how complaints were resolved including corrective actions taken.

### **Additional Documents as Required**

- **Authorizing Resolution** (*Sample Located in Chapter VI*)
  - *A certified or original copy must be on file in Headquarters' FTA for first-time submittals; copies are acceptable with the application thereafter.*
  - *An Authorizing Resolution is valid for up to three (3) years unless the resolution states otherwise. A new resolution must be provided after three (3) years or if there is a change in the authorizing designee.*
- **Title VI**
- **Preliminary Environmental Survey** – (*Located in Chapter VI – Other Submittals*)

**Application forms available:**

<http://www.dot.ca.gov/hq/MassTrans/applicat.htm>

**Circular or references available on the DMT or FTA**

<http://www.fta.dot.gov/>

**Website:**

## VI. OTHER SUBMITTALS

### A. *RESPONSIBILITIES*

Subrecipient:

- Prepares and submits appropriate submittals as required.

DTR:

- Reviews and approves documents submitted that accompany application (i.e., Resolution, Title VI, Certifications and Assurances, and Preliminary Environmental Survey).

DMT:

- Reviews and approves documents that are submitted directly to DMT (i.e., Audit and Disadvantaged Business Enterprise (DBE) Program).

### B. *OVERVIEW OF ANNUAL REQUIREMENTS*

There are various requirements that need to be met on a yearly, triennial and by project basis. They include:

- Audit Requirements due each year for certain subrecipients;
- DBE Program Requirements due each year for certain subrecipients;
- Alcohol and Drug Annual Reporting Requirements, due each year;
- Authorizing Resolutions, due for first time application submittals and updated every three years;
- Title VI: Urban Mass Transportation Administration Civil Rights, due from each subrecipient and updated every three years;
- Certifications and Assurances, due each year;
- Preliminary Environmental Survey – required for certain projects.

### C. *AUDIT REQUIREMENTS*

Each non-Federal entity that expends a total amount of Federal awards equal to or in excess of more than \$300,000 in any fiscal year is required to comply with the audit requirements of the Federal Single Audit Act of 1984 (P.L. 98-502) and the Single Audit Act Amendments of 1996 (P.L. 104-156) as implemented by OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations".

**Subrecipients are required to submit copies of annual single audit reports and corrective action plans to the DMT within 30 days after receipt of the auditor's report.** DMT staff will notify those subrecipients that are subject to this requirement.

#### **D. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REQUIREMENTS**

Subrecipients of Section 5311 funds must meet the requirements of the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) Regulations (49 CFR Part 26). Transportation Equity Act (TEA) 21 specifies that a reasonable amount of appropriations be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

DMT staff will review applications and inform those subrecipients that are required to prepare a DBE program.

Section 5311 subrecipients are required to submit a formal DBE program if they meet the below criteria:

- a. The amount of funds received, in a federal fiscal year, of \$250,000 in anticipated contracting opportunities, per contract, excluding transit vehicle and land purchases;
- b. Agencies who will award prime contracts in a Federal fiscal year; and
- c. Based on the 5311 program for prime contracting, if the Local Agency determines that there is enough subcontract work to set an overall DBE goal. In this case, Headquarters staff will review the DBE proposal and make the determination if a formal DBE program is required.

These programs, if required, will be submitted to DMT, except that Section 5311 subrecipients receiving Section 5307 or Section 5309 funds will submit their programs directly to FTA and inform the DMT of this action. *If the subrecipient has provided a DBE program to the Department's Local Programs Office, that program may be adjusted to include a transit plan.*

Other Section 5311 subrecipients, though not required to prepare a DBE program, are required to have a mechanism in place to "take all necessary and reasonable steps in accordance with 49 CFR Part 26" to ensure that Disadvantaged Veterans Business Enterprise (DVBE) have the maximum opportunity to compete for and perform contracts. The mechanisms must provide for tracking and reporting DBE participation levels achieved. It also must include sufficient documentation in the files of the grantee or its contractors to substantiate efforts undertaken to meet these obligations.

DBE participation levels are defined as the amount of funds expended with DBE as a proportion of all contracting opportunities on a FTA funded project. DBE participation generally includes the full amount of a procurement contract award to be DBE. Where a prime contract is awarded to a non-DBE firm, which subcontracts with a DBE firm, the amount of the subcontract is counted.

In reporting DBE participation in the Section 5311 program, only firms that have been certified by the Department as a DBE participant may be counted. The Department's Office of Civil Rights maintains a computerized listing of certified DBEs. A current listing by specific categories may be requested by a grantee at any time. Requests for DBE listings and requests for certification applications should be directed to Chief of the Office of Business Enterprise. The office is located at 1801 30th Street, Sacramento. The mailing address is P.O. Box 942874, Sacramento, CA 94274-0001. The phone number is (916) 227-9599. The website is: [www.dot.ca.gov/hq/bep/](http://www.dot.ca.gov/hq/bep/).

It is the responsibility of each subrecipient to maintain records of DBE participation and the contracting opportunities for each of its Section 5311 projects and report these data as described below. For each project for which contracting opportunities exist and for which the established goals are not achieved, the grantees must also be prepared to document its good faith efforts to achieve the goals.

Good Faith Efforts include the following:

1. Adequate solicitation of DBEs (through all reasonable and available means), with sufficient time for DBEs to respond to the solicitations;
2. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved;
3. Providing interested DBEs with adequate information about the plans, specifications and requirements of the contract in a timely manner;
4. Negotiating in good faith with interested DBEs. The fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidders' failure to meet the contract goal, as long as the costs are reasonable. Prime contractors are not however required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
5. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities.
6. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the grantee or contractor.
7. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services.
8. Effectively using the services of available minority/women community organizations and other organizations to provide assistance in the recruitment and placement of DBEs.

*Every invoice submitted for reimbursement must include DBE information using the form "FEDERAL TRANSIT ASSISTANCE (FTA) Section 5311 Grant Program, Disadvantaged Business Enterprise (DBE) Participation Report" located on the Federal Transit Administration Web Site at [www.dot.ca.gov/hq/MassTrans/ofta.htm](http://www.dot.ca.gov/hq/MassTrans/ofta.htm).*

#### **E. ALCOHOL AND DRUG ANNUAL REPORTING REQUIREMENTS**

The FTA required all subrecipients to have an Alcohol and Drug Testing Program in effect to receive Section 5311 funding. Annual reporting is included in this program. Each subrecipient must complete Management Information System forms and retain them in their files. A random sample of subrecipients selected by FTA must submit MIS forms to DMT by February 15<sup>th</sup> of each year. DMT staff will notify the agencies selected. The forms required as part of this report will be provided to subrecipients in January or they may be downloaded from the FTA Website at <http://transit-safety.volpe.dot.gov/safety/DAMISasp>.

The Federal Transit Administration (FTA) final rule for Drug Testing is contained in the Federal Register (49CFR Part 655) Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations. An electronic version of this document can be found at <http://transit->

[safety.volpe.dot.gov/safety/dateesting/regulations/pdf/49cfr655](https://www.volpe.dot.gov/safety/dateesting/regulations/pdf/49cfr655). Every transit agency receiving Section 5311 funds certifies compliance (Section 5311 Project Application, Part 1, CERTIFICATIONS AND ASSURANCES OF THE SUBRECIPIENT). Failure to comply with this section can result in suspension of a grantee's eligibility for federal funding.

Following are the aspects of the alcohol and drug testing program:

## Drug Testing

Each transit agency must establish a drug testing program for safety-sensitive employees. Safety-sensitive employees are defined as those who perform duties related to safe operation of a transit service.

Safety-sensitive duties include:

- Operation of a revenue service vehicle, including when not in revenue service;
- Operation of non-revenue service vehicle when required to be operated by the holder of a Commercial Drivers License (CDL);
- Controlling dispatch or movement of a revenue service vehicle;
- Maintenance of revenue service vehicles or equipment used in revenue service, unless such service is contracted out; and
- Carrying a firearm for security purposes.

A drug testing program will provide for pre-employment testing, random (on the job), reasonable suspicion, post-accident and return-to-duty testing.

Drugs that must be tested for include:

- Marijuana
- Cocaine
- Opiates
- Amphetamines
- Phencyclidine (PCP)

A transit agency must maintain several types of records as documentation of its anti-drug program. They include:

- Records related to collection, including documentation of random, reasonable suspicion and post-accident tests;
- Test results;
- Records relating to policy or regulation violations;
- Employee training records;
- Records of assessments, return-to-duty provisions, follow-up
- Evaluations, referrals, and rehabilitation program completion; and

- The annual management information system (MIS) reports are retained in the subrecipient's files. Subrecipients that must submit MIS forms to DMT will be notified.

## Alcohol Testing

Each transit agency must have an alcohol misuse policy in place. It should designate an agency contact person, list of categories or employees subject to testing, expected compliance and the portion of the workday when employees are to be in compliance. It should also specify circumstances and procedures for testing and explain employee rights for refusal of testing and resultant consequences.

Each transit agency must retain records for its Alcohol Misuse Prevention Program. They must maintain records on the collection process, Evidential Breath Testing (EBT) Device calibration, Blood Alcohol Technician (BAT) training, reasonable test decisions, post accident test decisions, test results, refusals and disputes, and employee compliance. The records must document employee awareness education and training and supervisor training.

## **F. AUTHORIZING RESOLUTIONS**

A certified or original copy of the authorizing resolution must be on file with DMT for first-time application submittals and copies are acceptable with the application thereafter. This resolution identifies the Section 5311 Program and designates all individuals authorized to submit applications, contractual documents, and request for reimbursements.

The Section 5311 Program does have the flexibility to accept Authorizing Resolutions for up to a maximum of three years if the following information is included in the resolution:

1. The authorizing resolution must refer to the 5311 Program;
2. Resolution cannot refer to a specific application; and
3. Grants signature authority by title.

The subrecipient will determine if this option is viable or choose to use the single application specific authorizing resolution. *Sample provided at the end of this Chapter.*

## **G. TITLE VI: URBAN MASS TRANSPORTATION ADMINISTRATION CIVIL RIGHTS**

Each subrecipient is required to provide a Title VI: Urban Mass Transportation Administration Civil Rights document and it must be updated every three years. This requirement is for each subrecipient, not each application. The purpose of this document is to ensure non-discrimination of the subrecipient. Part VIII of each application submitted for each project requires the subrecipient to provide information on any lawsuits or complaints received or acted upon in the last year regarding Title VI or other relevant civil rights requirements. This part of the application provides any additional information until the new Title VI document is submitted.

## **H. CERTIFICATIONS AND ASSURANCES**

Each subrecipient is required to annually complete the Department of Transportation's Federal Transit Administration's Assurances for Federal Transit Administration Grants and Cooperative Agreements.

*Notice located at the FTA Website address: <http://www.fta.dot.gov/library/legal/fr11801a.html>.*

FTA updates the assurances each January of the federal fiscal year (October 1 – September 30). It is the responsibility of each subrecipient to download the forms or if Internet access is unavailable to contact the DTR for a copy. The signature page must be completed and returned to the DTR by March 31<sup>st</sup> of each year. Subrecipients receiving both Section 5311 and Section 5307 funds may submit a hard copy of the Certifications and Assurances submitted to FTA.

These forms are required in addition to the Certifications and Assurances that are included in Part I of the Section 5311 application.

## **I. PRELIMINARY ENVIRONMENTAL SURVEY**

All projects that receive Federal funding must meet National Environmental Policy Act requirements. Vehicle and operating projects are exempt for this requirement, however construction projects must be considered. In order to determine whether a construction project is exempt the Preliminary Environmental Survey must be completed and submitted with the application. *The survey questions are located on the next page.*

## Preliminary Environmental Survey

Please provide detailed responses addressing the following:

Provide a paragraph describing the project.

How was the public advised of this project (i.e. public notice publication date, posting, etc)?

What is the square footage of proposed building?

What does the proposed building contain (e.g., waiting area, ticket booth, bathroom, etc)?

What is the square footage of the property on which the building will be constructed?

Will there be any undeveloped land after proposed project is complete?

Does the proposed project have a parking lot? If yes, how many parking spaces?

Will condemnation be necessary to deliver the proposed project? If yes, please explain.

What is the current zoning of property to be purchased?

Will property be rezoned to accommodate project?

Is the property and/or building to be purchased vacant\*? If no, what is on the property?

Does the property lie in a flood plain?

Identify land use on all adjacent sides of property to be purchased (i.e. single family housing, Super Saver Market, Wal Mart) and provide a map.

What is the appraised value of the property to be purchased?

Is the proposed project an intermodal facility? If yes, identify all modes involved.

How many and what type of transit vehicles will use proposed facility?

Discuss traffic impacts and steps taken to mitigate such.

Discuss noise impacts and steps taken to mitigate such.

Are there hazardous materials on, around, or impacting property to be purchased?

Are there biological concerns (i.e., protected species, wetlands, etc.) that may impact the proposed project?

Are there historical or cultural issues associated with this project?

\* Note: Agency must hold a public hearing before purchasing property.

Authorizing Resolution

RESOLUTION NO. \_\_\_\_\_

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

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

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

**WHEREAS**, *[subrecipient]* desires to apply for said financial assistance to permit operation of rural transit service in *[subrecipient's service area or county]*; and

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

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the *[subrecipient]* does hereby authorize *[Name/Title or Title or designated representative]*, to file and execute applications on behalf of *[subrecipient]* with the Department to aid in the financing of operating or capital assistance projects pursuant to Section 5311 of the Federal Transit Act of 1964, as amended.

That *[Name/Title or Title or designated representative]* is authorized to execute and file all assurances or any other document required by the Department.

That *[Name/Title or Title or designated representative]* is authorized to provide additional information as the Department may require in connection with the application for the Section 5311 projects.

That *[Name/Title or Title or designated representative]* is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5311 project.

**PASSED AND ADOPTED** by the *[subrecipient]* of the *[Sample County]*, State of California, at a regular meeting of said Commission held on the ## of *[Month]*, 20## by the following vote:

AYES:

NOES:

ABSENT:

<<Insert ANY/ALL Pertinent Signatures (as applicable),  
Titles and Dates>>

## VII. PROCUREMENT

### A. RESPONSIBILITIES

Subrecipient:

- Determine method of procurement and prepare required information.

DTR:

- Reviews local procurement and eligible “piggybacking” documentation and forwards to DMT.

DMT

- Reviews procurement documents for Federal & State requirements.

### B. OVERVIEW

All purchases reimbursed with Section 5311 funds must be conducted in accordance with Federal procurement requirements. The requirements are set forth in FTA Circular 4220.1D, Third Party Contracting Requirements. An electronic copy of this circular can be found at [www.fta.dot.gov/office/program/gmw/c4229\\_1d.html](http://www.fta.dot.gov/office/program/gmw/c4229_1d.html) or contact the DTR for a copy. Also, the FTA Best Practices Procurement Manual is an excellent resource. An electronic copy can be found at [www.fta.dot.gov/library/admin/BPPM](http://www.fta.dot.gov/library/admin/BPPM) or contact the DTR for a copy.

**All purchases must be approved by DMT prior to incurring costs.**

### C. MICRO PURCHASES AND SMALL PURCHASE PROCEDURES

Micro purchases are those combined purchases under \$2,500. Purchases below that threshold may be made without obtaining competitive quotations if the subrecipient determines that the price is fair and reasonable. The subrecipient must provide a letter identifying the project, vendor name and address, the price, and how the determination that the price is fair and reasonable was derived.

Small purchases are those relatively simple and informal procurements that cost more than \$2,500 combined, but do not cost more than \$100,000. The subrecipient must obtain a minimum of three competitive quotations; this may be accomplished by phoning vendors. A letter must be provided identifying the project, the vendors contacted and their addresses, the quoted price, and the selected vendor. If the vendor with the lowest price is not selected an explanation must be provided.

### D. STATE PROCUREMENT

Whenever possible subrecipients are encouraged to purchase vehicles using the California Department of General Services (General Services) Statewide Vehicle Contract. The benefits of State Procurement are lower vehicle costs and a significant reduction of administration costs. State Procurement also assures compliance with all Federal and State requirements.

The procedures for purchasing from the state contract are developed by General Services. To purchase from the state contract, the subrecipient submits a letter and a purchase order (PO) to the authorized vendor after receipt of a fully executed standard agreement. The letter must identify the contact person, a brief description of the equipment being purchased, and the price. The PO authorizes the vendor to fill the order. Subrecipients must indicate that the purchase is an approved Section 5311 project on the PO.

Division of Procurement can be reached at 1-800-559-5529 or 916-375-4450 or at [www.pd.dgs.ca.gov/default.asp?mp=org/vehpgm.asp](http://www.pd.dgs.ca.gov/default.asp?mp=org/vehpgm.asp).

### ***E. LOCAL PROCUREMENT***

Local Procurement is the process whereby subrecipients develop Invitations For Bid or Request for Proposal for their purchase. Local procurement is the method of choice when the subrecipient requires a vehicle that is not available through the state contract.

In order to purchase vehicles using the Local Procurement method, subrecipients must ensure that their local procurement bid package includes:

- Assurance that the local agency will adhere to an open, fair and competitive process of receiving and analyzing bids. In order to ensure that the process was competitive, the **subrecipient must receive DMT approval before entering into a formal agreement with a vendor.**
- Document the basis for vendor selection or rejection.
- Pre-award and post-delivery (when available) audit reports. An electronic version of the requirements can be found at:  
[www.fta.dot.gov/library/legal/bushandbook/sec1.htm](http://www.fta.dot.gov/library/legal/bushandbook/sec1.htm).

Federally required certifications include:

- Buy American (if over \$100,000).
- Bus Testing/Altoona Testing.
- Drug Free Workplace.
- Federal Motor Vehicle Safety Standard.
- Energy Conservation, Air Quality and Clean Water.
- Debarment and Suspension.
- Disadvantage Business Enterprise.
- Restrictions on Lobbying (if over \$100,000).
- Americans with Disabilities Act (ADA).

Elements to be included in the bid specifications should include:

- Bonding Requirements and any penalties for late delivery.
- Civil Rights – Non-Discrimination.

- Copeland Anti-Kickback.
- Davis Bacon Act.
- Use of Recycled Products.

Subrecipient must ensure that all federally required clauses are contained in the vehicle specifications and purchase contract. Local procurement documents are submitted to the DTR, who will in turn forward them to DMT for review and approval. It is imperative that subrecipients submit complete procurement packages.

As a reminder:

- All vehicles must be ADA accessible.
- A complete procurement package is submitted to the DTR.
- DMT will provide written approval of the procurement package for use in the Section 5311 Program.
- Subrecipient selects the lowest responsive bidder and provides a copy of the bid summary to the DMT for review and approval.
- A pre-award audit certification must be submitted by the agency and approved by the DTR.
- DTR will review purchase contract between the agency and the bus manufacturer.
- DTR to review the post delivery audit.

**F. PIGGYBACKING**

The term “Piggybacking” is defined as the post-award use of a contractual document/process that allows someone who was not contemplated in the original procurement to purchase the same supplies or equipment through the original document/process. FTA has prepared a “Piggybacking Worksheet.” An electronic copy can be found at [www.fta.dot.gov/library/admin/BPPM/appB16.html](http://www.fta.dot.gov/library/admin/BPPM/appB16.html) or contact the DTR for a copy.

FTA policy states:

*“Piggybacking is permissible when: (a) the solicitation document and the resultant contract contain an assignability clause that provides for the assignment of all or part of the specified deliverables as originally advertised, competed, evaluated and awarded. This includes the base and option quantities. In addition, the original solicitation and resultant contract must contain both a minimum and maximum quantity, which represent the reasonably foreseeable needs of the parties to the solicitation.”*

For a subrecipient to piggyback on another agency’s vehicle contract the following must be submitted to the DTR:

- A letter from the subrecipient requesting approval to purchase vehicles through another agency’s vehicle contract.

- A letter from the agency allowing the subrecipient to purchase from their vehicle contract. The letter must include the number of vehicles the subrecipient is allowed to purchase, the number of vehicles purchased from the contract to date, and the remaining number of vehicles that may be purchased from the contract.
- A copy of the vehicle contract. If DMT previously reviewed and approved the bid document, submit the DMT letter approving the procurement document of use in the Section 5311 Program.

#### Draft Purchase Order

- DTR reviews these items for correctness and completeness and forwards them to DMT for approval. DMT will provide a written response, either approving or denying the piggyback, to the subrecipient.

## VIII. LAND ACQUISITION

### A. RESPONSIBILITIES

Subrecipient:

- Obtains appraisals and prepares initial environmental and other required documents **prior** to application submission.

DTR:

- Reviews submittals for accuracy and conformance to policy.

DMT:

- Provides policy direction and guidance.

### B. OVERVIEW

Real property acquisition and relocation activity must be conducted in accordance with the requirements in the *Uniform Relocation Assistance and Real Property Uniform Relocation Act of 1970, as amended (Uniform Act)*, and codified in *49 CFR, Part 24*. FTA guidance states, “The objective of the Uniform Act is that owners of real property to be acquired for Federal and Federally assisted projects be treated fairly and consistently; that persons displaced be treated fairly, consistently and equitably; and that acquiring agencies implement the regulations in a manner that is efficient and cost effective.”

Subrecipients may not incur costs prior to receiving approval from DMT.

### C. APPRAISAL

Real property must be acquired at its current fair market value. Fair market value will be established on the basis of a recent, independently prepared appraisal by a certified appraiser. An additional appraisal may be made if the grantee finds the valuation problem complex and deems a second appraisal to be appropriate. Subrecipients shall instruct appraisers to disregard any decrease or increase in the fair market value of the real property caused by the likelihood that the particular property is to be acquired for the project.

One appraisal and a reviewer’s analysis will be required when the estimated property value is \$250,000 or less. Two appraisals and a reviewer’s analysis will be required when the estimated property value exceeds \$250,000, or when an estimated property value in excess of \$250,000 must be resolved through eminent domain proceedings or if a property is to be condemned.

Instead of using its power of eminent domain, when a property cannot be purchased at appraised value, a subrecipient may propose acquisition through negotiated settlement. The subrecipient must document that reasonable efforts to purchase it at the appraised amount have failed and prepare written justification supporting why the settlement is reasonably prudent and in the interest of the public. When the settlement exceeds the offer by \$10,000, a litigation attorney must provide a written assessment of proposed settlement risks over the risks of proceeding in

court. Prior FTA concurrence is required when a settlement of \$50,000 or more and must be further negotiated.

FTA has identified exceptions to obtaining a full appraisal. Full appraisal and/or negotiation procedures are not necessary in certain instances. The DTR should be contacted for further guidance when any of the following conditions apply:

- a. The owner is donating the property.
- b. The subrecipient does not have authority to acquire property by eminent domain.
- c. The property qualifies as a voluntary acquisition as defined in 49 CFR 24.101(a).
- d. The valuation problem is uncomplicated and the fair market value is estimated at \$2,500 or less, based on available data.

Unless one or more of the exceptions above applies, the project application that includes real property acquisition is considered incomplete without an appraisal.

#### ***D. ASSURANCES, EVALUATION AND COMPLIANCE***

The assurance for Real Property Acquisition and Relocation, *located at the end of this chapter*, must be submitted as part of the Section 5311 application process in order for the application to be considered complete.

#### ***E. NEGOTIATION***

Federal land acquisition regulations require that appraisals, including an “offer of just compensation” (with supporting documentation) be prepared before entering into negotiations or executing a purchase agreement for the land. A subrecipient may **initiate** the negotiation process prior to grant approval. However, no reimbursement will be made for costs incurred prior to execution of the standard agreement. It is therefore important for subrecipients await notification that the standard agreement is fully executed before entering into the purchase agreement. The purchase agreement is normally executed at or prior to the opening of escrow.

Payments are made on a reimbursement basis upon presentation of proper invoices and supporting documentation. Grant funds will not be available for deposit in escrow. Subrecipients should therefore be prepared to finance land acquisitions initially with local funds.

ASSURANCES  
For  
REAL PROPERTY ACQUISITION Requirements  
And  
RELOCATION Requirements of Title II  
Of the  
Uniform Relocation Assistance and Real Property  
Acquisition Policies Act of 1970, as Amended

The \_\_\_\_\_ (name of subrecipient) \_\_\_\_\_ hereby assures that it will comply with Sections 210 and 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Uniform Relocation Act Amendments of 1987, Title IV of the Surface Transportation and Uniform Relocation Act Amendments of 1987, Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, P.L. 100-17, 101 Stat. 246-256 and the implementing regulations of 49 CFR Part 24.

\_\_\_\_\_  
(name of authorized official)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(title)

\_\_\_\_\_  
(date)

## IX. BILLING PROCEDURES

### A. RESPONSIBILITIES

Subrecipient:

- Prepares a Request for Reimbursement (RFR) and supporting documents and forwards to DTR.

DTR:

- Reviews and reconciles RFR and supporting documentation and submits it to DMT.

DMT:

- Conducts final review and approval of RFR.
- Submits RFR package to Accounting and State Controller for payment.

### B. OVERVIEW

In order to receive reimbursement for project costs, the subrecipient must submit a signed Request for Reimbursement (RFR) to the Department **after** executed standard agreement and project completion, but **prior** to contract expiration.

The Department is obligated by law to process the RFR within 30 working days of the date received by the DTR. Therefore, the RFR should be dated as close as possible to the mailing or submittal date.

#### Items Needed in Payment Request

1. Documentation supporting the costs claimed as outlined below under each category (capital, operating and land acquisition).
2. One original and one copy of the RFR are to be submitted to the local Department District office.
3. All agencies must submit a FTA Section 5311 Disadvantaged Business Enterprise (DBE) Participation Report form with their RFR.

*A copy of this form is attached at the end of this Chapter as Addendum #1.*

### C. OPERATING ASSISTANCE GRANTS

#### Definition of Operating Expenses

Operating Expenses are those costs directly related to system operations. At a minimum, the following items must be considered operating expenses: fuel, oil, drivers' salaries and fringe

benefits, dispatcher salaries and fringe benefits, and licenses. The Federal share of eligible operating assistance must not exceed 50% for regional apportionment and 88.53% for flexible funds.

### Terms

- Payment will only be on a reimbursement basis,
- Payments cannot be requested more than once a month, and
- Supporting documentation should include enough detail to ensure that expenses claimed are allowable.

Because payment is limited to 50% for regular 5311 apportioned funds and 88.53% for flexible funds of the net project costs, the request must show the net project cost. This is determined by deducting farebox, certain other revenues, and ineligible expenses from the total operating expense.

**Important note:** The remaining share of eligible operating assistance (50% regular apportionment; 11.47% flexible funds) must be financed from sources other than Federal funds.

### Items Needed in Payment Request

- Date of request
- Grantee name and address
- State contract number
- Period for which reimbursement claimed
- Total operating expenses
- Fare box and/or other revenues not eligible for local match
- Ineligible expenses, including depreciation
- Net operating expenses = Net Project Cost (see Ineligible Operating Expenses on page IX-3)
- Amount requested
- Grantee's signature
- Supporting documentation to include:
  - Summary of expenses and revenues for the period claimed;
  - Service provider's invoice (if applicable);
  - Service agreement (if applicable and not already submitted).

### Template

A template is attached as *Addendum #2* to this chapter for Operating Assistance Projects. Please note that this template is just a guide. The local agency may use whatever form they like as long as:

- Request is on agency letterhead;
- The information itemized above is provided and supporting documentation is attached; and
- Includes original signatures.

### Net Operating Expenses

The net project costs for operating assistance is determined by subtracting the following from operating expenses, as defined by the State Controller's uniform system of accounts and records for transit operators:

- a. Farebox and other revenues, including contra-expense items, which are not eligible for inclusion in the local match. Contra-expenses are revenue items, which directly offset transit expenses. They include:
  - Interest income earned on working capital;
  - Cash discounts and refunds, which directly offset accrued expenses.
  - Insurance claims and reimbursements, which directly offset accrued liabilities; and
  - State fuel tax rebates to public operators.
- b. Any expenses included in total operating expenses that are for activities not related to the provision of mass transportation within the grantee's service area. Such ineligible expenses include:
  - Entertainment.
  - Fines and penalties.
  - Charitable donations.
  - Interest expense on long-term borrowing and debt retirement.
  - Charter bus operations.
  - School bus operations (i.e. operations for the exclusive transportation of school students, not the carrying of students in regularly scheduled mass transportation services).
  - Sightseeing services.
  - Freight haulage.
  - Maintenance of non-transit vehicles.
  - Mass transportation services outside of the grantee's service area.
  - Expenses for contingencies or capital acquisitions, including contributions to a capital reserve account or fund.
  - Capitalized costs or expenses recognized as part of and reimbursable under another FTA project. This includes both the value of cash contributions and in-kind services provided as the local share of projects.

- Lobbying
- Costs of advisory councils unless prior FTA approval has been granted.
- For private mass transportation operators, provision for Federal, State, or local income taxes.
- Indirect transit-related functions or activities of regional or local entities performed as a normal or direct aspect of general public administration (e.g., expenses of a city council in considering transit matters, expenses of a regional transportation planning agency in programming funds).
- Depreciation accrued by public operators, depreciation on facilities or equipment purchased with public (i.e., Federal, State or local) capital assistance, depreciation of an intangible asset and/or depreciation in excess of the rate otherwise used for income tax purposes.

*Further guidance is found in Office of Management and Budget (OMB) circular A-133, (available at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>), which establishes principles and standards for determining costs applicable to Federal grants, contracts, and other agreements with State and local governments and Indian tribal governments.*

#### **D. CAPITAL ASSISTANCE GRANTS**

##### Definition of Capital Assistance

Capital expenses include the acquisition, construction and improvement of public transit facilities and equipment needed for a safe, efficient and coordinated public transportation system. The Federal share of eligible facilities and equipment shall not exceed 80 percent for 5311 Regional Apportionment and 88.53% for Flexible Funds of the net project cost.

##### Terms

- Payment will only be on a reimbursement basis.
- Payments cannot be requested more than once a month.
- Purchase orders must be in an amount equal to or greater than the total project costs.
- No payment will be made if the vendor's invoice exceeds the grantee's purchase order.

##### Examples of Eligible Expenses for Capital Assistance Grants

1. Buses;
2. Vans or other paratransit vehicles;
3. Radios and communications equipment;
4. Passenger shelters, bus stop signs, and similar passenger amenities;
5. Wheelchair lifts and restraints;

6. Vehicle rehabilitation, remanufacture, or overhaul;
7. Preventive maintenance defined as all maintenance costs;
8. Extended warranties which do not exceed the industry standard;
9. The mass transit portion of ferryboats and terminals;
10. Operational support such as computer hardware or software;
11. Installation costs; vehicle procurement, testing, inspection and acceptance costs;
12. Construction or rehabilitation of transit facilities including design, engineering and land acquisition;
13. Facilities to provide access for bicycles to transit facilities or equipment for transporting bicycles on transit vehicles;
14. Lease of equipment or facilities when lease is more cost effective than purchase.

*When lease of equipment or facilities is treated as a capital expense, the state must establish criteria for determining cost effectiveness, which may include non-economic factors such as management efficiency, availability of equipment, and staffing capabilities. While 49 C.F.R. Part 639, the Final Rule on Capital Leases, published in the Federal Register on October 15, 1991, does not apply to Section 5311, it contains guidelines which may be useful to the state in making the cost-effectiveness comparison;*

15. The capital portion of costs for service provided under contract.

*Such costs are commonly referred to as the "capital cost of contracting" and include depreciation, interest on facilities and equipment, as well as those allowable capital costs that would otherwise be incurred directly, including maintenance. Under this provision, only privately owned assets are eligible. No capital assets (vehicle, equipment, or facility) that have any remaining Federal interest in them, nor items purchased with state, or local government assistance, may be capitalized under the contract. Costs incurred in the provision of services ineligible for FTA assistance such as charter or school bus service may not be capitalized under the contract. Capital costs of contracting may be computed as a fixed percentage of the contract without further justification.*

16. Joint development projects

*(FTA Circular 9300.1A, "Capital Program: Grant Application Instructions," Appendix B, provides guidelines for joint development projects);*

17. The introduction of new technology, through innovative and improved products, into mass transportation;
18. Transit related intelligent transportation systems; and
19. The provision of ADA paratransit service (may not exceed ten percent of the state's annual apportionment of Section 5311 and may be used only by recipients that are in compliance with ADA requirements for both fixed route and demand responsive service).

For additional information on eligible expenses for capital assistance grantees, please see the FTA circular at [http://www.fta.dot.gov/library/policy/circ9040\\_1E/9040face.htm](http://www.fta.dot.gov/library/policy/circ9040_1E/9040face.htm)

### Items Needed in Payment Request:

- Date of request.
- Grantee name and address.
- State contract number.
- Receipt of vehicle/equipment certification.
- Vendor's discount (if any).
- Amount requested.
- Grantee's signature.
- Supporting documentation to include:
  - Grantee's purchase order to vendor.
  - Vendor's invoice with the following data:
    - Item description.
    - Invoice date.
    - Quantity.
    - Model number (if applicable).
    - Serial or vehicle identification number.
    - Unit price.
    - Discount (if any).
    - Sales tax.
    - Freight or shipping charges (if not included in the unit price).
    - Total cost.
    - Vehicle – Letter of Acceptance

***NOTE:*** Sales tax does not apply to “items and materials when used to modify a vehicle for physically handicapped persons” (Section 6369.4 of the California Revenue and Taxation Code). **SALES TAX PAID FOR SUCH ITEMS WILL NOT BE REIMBURSED.**

### Template

A template is attached as **Addendum #3** to this chapter for Capital Assistance Projects. Please note that this template is just a guide. The local agency may use whatever form they like as long as:

- Request is on agency letterhead;

- The information itemized above is provided and supporting documentation is attached; and
- Includes original signatures.

**E. LAND ACQUISITION AND/OR CONSTRUCTION OF REAL PROPERTY**

Acquisition of real property and relocation activities necessary to secure property for a project in which there will be Federal funds must be carried out pursuant to the requirements in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act), as amended. The Uniform Act is implemented by regulation (49 CFR part 24).

- The objective of the Uniform Act is that owners of real property to be acquired for Federal and federally assisted projects be treated fairly and consistently; that persons displaced be treated fairly, consistently and equitably; and that acquiring agencies implement the regulations in a manner that is efficient and cost effective.
- The regulations implementing the Uniform Act are very specific in naming the means to achieve those legislated objectives.
- For detailed information on this matter please see:  
<http://www.fta.dot.gov/library/policy/5010.1C/ch2.htm>

Terms

- Funds allocated for acquisition of real property, including appraisal fees, are payable after the close of escrow.
- Appraisals of fees are only eligible if incurred after execution of State/local agreement.
- Prior FTA concurrence is required when the grantee's recommended offer of just compensation exceeds \$250,000, or when a property must be condemned.

Items Needed in Payment Request

- Date of request.
- Grantee's name and address.
- Amount requested.
- Grantee's signature.
- Supporting Documentation required:
  - Copy of the purchase agreement.
  - Copy of the recorded deed.
  - Invoice for appraisal fees.
  - Itemized statement of incurred costs.
  - Confirming vendor invoices (e.g., architectural fees).

## Template

A template is attached as *Addendum #4* to this chapter for Land Acquisition Projects. Please note that this template is just a guide. The local agency may use whatever form they like as long as:

- Request is on agency letterhead;
- The information itemized above is provided and supporting documentation is attached; and
- Includes original signatures.

Addendum #1

**FEDERAL TRANSIT ASSISTANCE (FTA) Section 5311 Grant Program  
DISADVANTAGED BUSINESS ENTERPRISES (DBE)  
PARTICIPATION REPORT**

All FTA Section 5311 Recipients must complete and submit a DBE Participation Report when submitting a Request for Reimbursement.  
DBE Participation Reports are required for all recipients including those that are not required to develop a DBE program in order to capture  
all levels of DBE participation.

CONTRACT NUMBER	FY	DISTRICT	COUNTY	PROJECT TYPE	INVOICE DUE DATE	CONTRACT COMPLETION DATE
GRANT RECIPIENT			AGENCY ADDRESS			CONTRACT AMOUNT \$

ITEM NO.	DESCRIPTION OF WORK PERFORMED AND MATERIALS PROVIDED	SUBCONTRACTOR NAME AND BUSINESS ADDRESS	DBE CERT. NO.	CONTRACT PAYMENTS					DATE WORK COMPLETE	DATE OF FINAL PAYMENT
				Non-DBE	DBE*	DBE, SMBE*	DBE, SWBE*	DBE, SMBE, SWBE*		
				\$	\$	\$	\$	\$		

**ORIGINAL COMMITMENT:**  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_

**TOTAL**

\$      \$      \$      \$      \$

\*The decision of which column to be used for entering the DBE dollar value is based on what Program(s) the firm is Certified. This Program status is determined by the Civil Rights Certification Unit based on ethnicity, gender, ownership and control issues at time of certification. The certified firm is issued a certificate by the Civil Rights unit that states their program status as well as the firms Expiration Date. DBE Program status may be obtained by accessing the Civil Rights website (<http://www.dot.ca.gov/hq/bep/>) and downloading the Calcert Extract or by calling 916 227 2207.

List all First Tier Subcontractors, Disadvantaged Business Enterprises (DBE's) regardless of tier, whether or not the firms were originally listed for goal credit. If actual DBE utilization (or item of work) was different than that approved at time of award, provide comments on a separate page. List actual amount paid to each DBE, even if different than originally listed for goal credit. Definitions: SMBE (Small Minority Business Enterprises) and SWBE (Small Woman-Owned Business Enterprises)

**I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT**

**AUTHORIZED REPRESENTATIVE SIGNATURE**

**PHONE NUMBER**

**DATE**

ADDENDUM #2

Use of this form: Press F1 for help on any of the fill-in boxes. **Double click to open document** ---Don't go to File Open. Use tab to go from one field to another. Don't press the enter key. This form must be on Agency letterhead

**Operating Assistance Invoice**

Date: May 13, 2002

Grantee Name/  
Address:

Project Title: Operating Assistance for FY / for

Contract Number:

Project Period: July 1, through June 30,

Net Project Expenses: Total Allowable Cost  
Less Farebox Revenue  
Less Ineligible Expenses  
Net Project Expenses

Eligible Reimbursement: Net Project Expenses  
Allowable Federal Share  
Eligible Reimbursement

Total Amount of Contract:

Reimbursement Request:

Balance?

*Balance? If reimbursement request amount is for less than funds available, contact your District Transit Representative. Section 5311 apportioned balances are available for reprogramming as long as the District Transit Representative receives written notification at time of reimbursement. A letter needs to be submitted with the invoice if part of the funds were utilized. If none of the funds were used, a letter should be submitted as early as possible before the contract expiration. Flexible Funds are NOT available for reprogramming.*

Grantee name and \_\_\_\_\_  
Original Signature:

**Supporting Documentation**

**(Must be attached to complete invoice)**

- Summary of expenses and revenues for period claimed (must match with information on this invoice).
- Service providers invoice (if applicable and not already submitted).
- Service Agreement (if applicable and not previously submitted).
- If there is a figure in the balance box above, please attach a letter as referenced in the note above.

ADDENDUM # 3

Use of this form: Press F1 for help on any of the fill-in boxes. **Double click to open document ---Don't go to File Open. Use tab to go from one field to another. Don't press the enter key. Note: Use letterhead when printing this form.**

**Project Invoice Capital Assistance**

Date: 5/13/2002

Grantee Name/

Address:

Contract Number:

Total Amount of Contract:

Net Project Cost:

Amount Requested:

Balance?

Balance? If reimbursement request amount is for less than funds available, contact your District Transit Representative. Section 5311 apportioned balances are available for reprogramming as long as the District Transit Representative receives written notification at time of reimbursement. A letter needs to be submitted with the invoice if part of the funds were utilized. If none of the funds were used, a letter should be submitted as early as possible before the contract expiration. Flexible Funds are NOT available for reprogramming.

Grantee's name and \_\_\_\_\_  
Original Signature:

**Important Note:**  
Amount Requested Can't exceed 80%/88.53% (5311/Flex Funds) of the project costs and **vendor's invoice can't** exceed the grantee's purchase order.

**Supporting Documentation**

**(Must be attached to complete invoice)**

- Grantee's purchase order to vendor
- Vendor's invoice with following data:
  - Description of Item
  - Quantity
  - Model Number (if applicable)
  - Serial or vehicle identification number
  - Unit Price
  - Discount (if any)
  - Sales Tax
  - Freight or shipping charges (if not included in the unit price)
  - Total
- Receipt of Vehicle/Equipment Certification (This is usually a letter or form received from the vendor signed by the local agency to initiate the warranty. It usually states that the agency received the vehicle, it is in working order, etc.)
- If there is a figure in the balance box above, please attach a letter as referenced in the note above.
- Proof of payment to vendor (cancelled check).

ADDENDUM #4

Use of this form: Press F1 for help on any of the fill-in boxes. **Double click to open document** ---Don't go to File Open. **Use tab to go from one field to another.** Don't press the enter key. **Print this form on letterhead.**

**Project Invoice Land Acquisition/Construction**

Date: May 13, 2002  
Grantee Name/  
Address:

Contract Number:

Total Amount of Contract:

Net Project Cost:

Amount Requested:

Balance?

Balance? If reimbursement request amount is for less than funds available, contact your District Transit Representative. Section 5311 apportioned balances in excess of \$1,000 are available for reprogramming as long as the District Transit Representative receives written notification at time of reimbursement. A letter needs to be submitted with the invoice if part of the funds were utilized. If none of the funds were used, a letter should be submitted as early as possible before the contract expiration. Flexible Funds are NOT available for reprogramming.

Grantee name and \_\_\_\_\_  
Original Signature:

**Amount Requested** can't exceed 80%/88.53% (5311/CMAQ) of the project costs and funds allocated for acquisition of real property, including appraisal fees, are payable after the close of escrow. **Appraisal fees** are only eligible if incurred after execution of State/Local agreement.

**Supporting Documentation**

**(Must be attached to complete invoice)**

- Copy of the purchase agreement / bill of sale.
- Copy of the recorded deed.
- Invoice for appraisal fees.
- Itemized statement of incurred costs.
- Confirming vendor invoices (i.e., architectural fees).
- If there is a figure in the balance box above, please attach a letter as referenced in the note above.

## **X. EQUIPMENT MANAGEMENT AND DISPOSITION**

### **A. RESPONSIBILITIES**

Subrecipient:

- Responsible for the management and disposition of property acquired with Section 5311 funds.
- Must prepare physical inventory every two years.

DTR:

- Monitors subrecipient management and disposition of equipment.
- Annually performs on-site inspection of equipment.

DMT:

- Sets policy on equipment monitoring and disposition.

### **B. OVERVIEW**

After project delivery, the subrecipient implements the project as described in project description of their Section 5311 application. All capital equipment, whether vehicle, transit facility, or other equipment, must be maintained and adequate safeguards developed to prevent loss, damage, or theft. Any loss, severe damage, or theft must be documented and reported to the DTR immediately.

The DTR will perform annual on-site inspections of equipment funded through the Section 5311 Program until the service life of the equipment is reached.

The subrecipient must maintain adequate insurance coverage to protect the Federal interest.

### **C. EQUIPMENT MANAGEMENT REQUIREMENTS**

Equipment acquired under the Section 5311 Program is to be used by the subrecipient in the programs or projects for which it was acquired. The sub-recipient must maintain adequate property records. Records shall include the following:

- property description;
- identification number;
- procurement source;
- acquisition date;
- cost;
- percentage of Federal participation in the cost;
- standard agreement number;

- location, use and condition
- disposition data, including the date of disposal;
- sale price, or where applicable, the method used to determine its fair market value; and
- statement of who holds title to the equipment.

A physical inventory of equipment must be taken and the results reconciled with equipment records at least once every two years. Differences shall be noted. The subrecipient shall verify the existence, current use and continued need for the equipment in writing by April 31 of each even numbered year. A copy of the physical inventory must be attached. In addition, the subrecipient shall verify that the equipment acquired under the grant will continue to be used for the purpose for which the grant was approved and that none of the equipment has been sold, damaged, lost or otherwise taken out of transit service. If the required inventory has not been conducted or if the assurances cannot be made, a statement should be submitted with the certification that details relevant information such as date, items involved, nature of the loss and the standard agreement number in which it was procured.

As previously stated, any loss, damage, or theft must be investigated and documented by the grantee. A letter must be sent to the DTR describing the loss. Other information that should be provided includes insurance claims, police report, etc.

Adequate maintenance procedures must be developed and implemented to keep the property in good working condition.

#### ***D. SERVICE LIFE STANDARDS***

The service life for vehicles begins on the date it was placed in revenue service and continues until it is removed from service. The Section 5311 Program follows the service life standard established by FTA. The service life standard is as follows:

Large, heavy-duty transit buses (approximately 35' – 40', and articulated buses): at least 12 years of service or an accumulation of at least 500,000 miles.

Medium-size, heavy-duty transit buses (approximately 30'): 10 years or 350,000 miles.

Medium-size, medium-duty transit buses (approximately 25' - 35'): 7 years or 200,000 miles.

Medium-size, light-duty transit buses (approximately 25' – 35'): 5 years or 150,000 miles.

Other light-duty vehicles such as small buses and regular or specialized vans (approximately 16' – 28'): 4 years or 100,000.

#### ***E. DISPOSITION***

Disposition of vehicles and other equipment acquired with Section 5311 funds must be conducted in accordance with Federal grant disposition standards. According to Section 5311 guidelines, states do not have to return to FTA the proceeds from the disposition of equipment, regardless of the fair market value at time the equipment is sold. States can follow their own procedures regarding the use of proceeds as long as the proceeds remain in use for mass transit

purposes. This applies to all equipment currently in use, which was purchased with Section 5311 funds. Therefore, subrecipients in the Section 5311 Program will be permitted to retain all proceeds from the disposition of equipment to be used for mass transportation purposes. Disposition shall follow competitive sales procedures to ensure highest possible return.

***F. NOTIFICATION***

Individual Section 5311 State-local project agreements require a subrecipient to notify the Department whenever project equipment is no longer needed or used for the project purpose for which it was granted. The Department will attempt to transfer used Section 5311 equipment to another Section 5311 grant project if the age, condition, and mileage would make it suitable for transfer or if the Department is aware of a demand for the equipment by others subrecipients.

DMT must approve all equipment dispositions until service life standard has been achieved. The subrecipient submits a letter stating that the vehicle (year and vehicle identification number (VIN) purchased with Section 5311 funds is no longer needed or in use. If the vehicle has achieved the service life standard identified above the letter should include the vehicle (year and VIN) and a statement that any proceeds for the sale of the vehicle will be used for the purpose of mass transit. Both of these letters will be sent to the DTR.

## **XI (A). FTA SECTION 5311(F): INTERCITY BUS PROGRAM AND STATE DISCRETIONARY RESERVE**

### **A. RESPONSIBILITIES**

Subrecipients:

- Encouraged to coordinate with TPAs to ensure that proposed project meets identified needs.
- Submits complete application to DTR.

TPA:

- Ensures that successful projects are placed in a federally approved TIP.
- May provide letters of support.

DTR:

- Reviews applications for completeness and correctness.
- Forwards applications to DMT with comments or recommendations.

DMT:

- Distributes applications to DTRs and provides application workshops.
- Facilitates Section 5311(f) Review committee meeting.
- Prepares list of successful projects and standard agreements.

### **B. OVERVIEW**

FTA requires all states to spend a minimum of 15% of their annual Section 5311 apportionment to implement and fund intercity bus transportation unless the Governor certifies that the intercity bus needs are being adequately met. Currently, 15% of each year's Section 5311 state apportionment is set-aside for the Intercity Bus Program. The Section 5311(f) Intercity Bus Program is designed to address the intercity travel needs of residents in non-urbanized areas of the state by funding services that provide them access to the intercity bus and transportation networks in California. *A flowchart of the 5311 (f) process is on page 4.*

### **C. PROGRAM OBJECTIVES**

The three primary national objectives of this program are:

**OBJECTIVE #1:** To support the connection between non-urbanized areas and the larger regional or national system of intercity bus service.

**OBJECTIVE #2:** To support services to meet the intercity travel needs of residents in non-urbanized areas.

**OBJECTIVE #3:** To support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities.

***D. ELIGIBLE SUBRECIPIENTS***

Both public and private transportation providers are eligible to receive Section 5311(f) funds. A public agency does not need to be a Section 5311 subrecipient in order to receive Section 5311(f) funds. The project and service area determines eligibility. Although FTA no longer requires private transportation providers to apply through a public agency, coordination with regional agencies would significantly strengthen the application.

***E. ELIGIBLE PROJECT CATEGORIES***

Proposed projects must support one or more of the program objectives. Assuming that the proposed project addresses the program objectives, most categories of capital and operating assistance projects are eligible for funding through FTA Section 5311(f). Commuter service is not eligible for Section 5311(f) funding and operating assistance projects are limited to start-up service for up to three years.

***F. ELIGIBLE SERVICE AREAS***

Section 5311(f) is designed to provide non-urbanized areas access to and from longer haul intercity transportation, and thereby support the intercity bus transportation network. For both capital and operating assistance grants, one or both of the proposed project termini must be in a non-urbanized area. Emphasis is placed on connectivity and mobility between non-urbanized and urbanized areas, not circulation within an area.

***G. PROJECT EVALUATION***

The initial evaluation is performed by the DTR. Applications are then forwarded to DMT along with recommendations and comments. The Section 5311(f) Review Committee will evaluate and rank projects based on the evaluation criteria

The project evaluation criteria are:

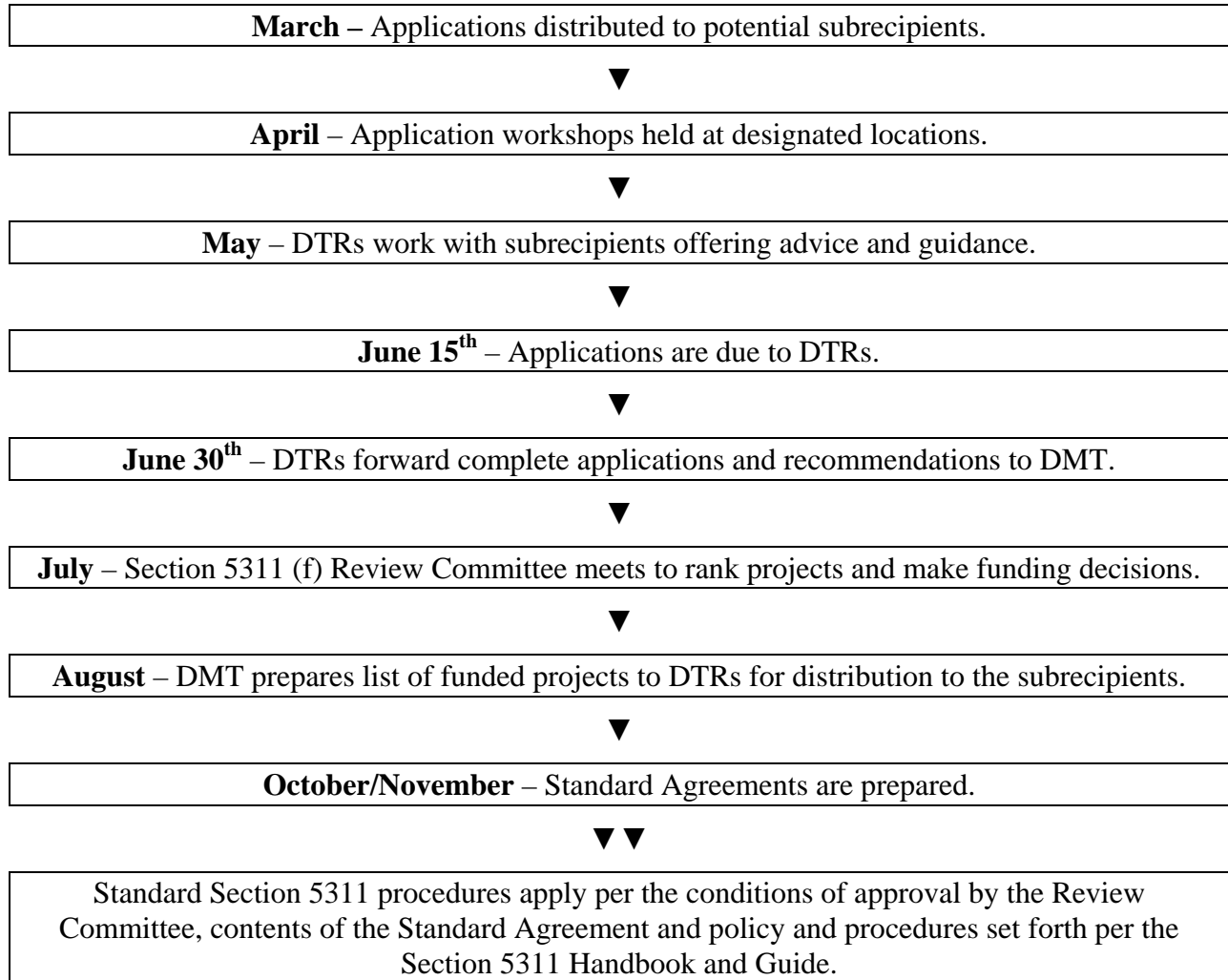
- Strength of application;
- Support of program objectives;
- Local support, commitment and coordination;
- Statewide or regional significance; and
- Project continuation.

***H. APPLICATION CONTENTS***

The application contained in Section 4 of this Handbook and Guide has been modified for use in the Section 5311(f) Program. The Section 5311(f) application, guidelines, and forms are updated

and distributed annually in March. Because Section 5311(f) is a competitive program an incomplete application could reduce a project's competitiveness. A copy of the current Section 5311(f) application is available on the DMT Website at [www.dot.ca.gov/hq/MassTrans/ofta.htm](http://www.dot.ca.gov/hq/MassTrans/ofta.htm), or contact your DTR.

### Section 5311 (f) Process Flowchart



## **XI (B). STATE DISCRETIONARY RESERVE**

### **A. RESPONSIBILITIES**

Subrecipient:

- Submits complete application to DTR.

TPA:

- Identify regions' projects for consideration in the state discretionary cycle.
- Ensures that successful projects are placed in a federally approved TIP.
- Submits POP form to DTR.

DTR:

- Announces State Discretionary Reserve cycle and distributes applications.
- Reviews applications for completeness and correctness.

DMT:

- Announces cycle and distributes applications to DTRs.
- Ranks projects.
- Prepares list of successful projects and standard agreements.

### **B. OVERVIEW**

Five percent of each year's Federal allocation is placed in the State Discretionary Reserve fund. In addition, funds redistributed from a county's apportionment (see Chapter 3) also contribute to the reserve.

As the name implies, the State has discretion in allocation of the State Discretionary Reserve. Occasionally, the State will develop a special project for the overall good of the Section 5311 Program that will use these funds. However, the most common method used by the State to allocate the reserve is through a "call for projects," which in 3 to 4 year cycles as determined by the Section 5311 Program manager.

Local transportation planning agencies that receive a Section 5311 county apportionment will be notified of a "call for projects" to be funded by the State Discretionary Reserve. The notification will include application instructions, an application form, and scoring criteria.

A specially formed committee will rank all applications received competitively. Projects will be funded in ranked order until funds are exhausted.

## **XII. ACQUIRING USED SECTION 5311 EQUIPMENT**

### **A. RESPONSIBILITIES**

Subrecipient:

- Ensure used equipment must stay within the Section 5311 Program.
- Inform DTR of all transactions.

DMT:

- Must approve of any Section 5311 used equipment sale.

### **B. OVERVIEW**

Occasionally, used Section 5311 vehicles or other equipment become available for transfer to other agencies. This occurs when the equipment, for one reason or another, is no longer being used or is no longer needed for the project for which it was originally granted. When this occurs, the Department will solicit interest from agencies about receiving the equipment under a Section 5311 grant.

Before the Department can certify to FTA that a local subrecipient has met all Section 5311 Program requirements and is eligible to receive a vehicle by transfer, the subrecipient must submit a Section 5311 application to start the process whereby this proposal can be considered for approval.

### **C. SECTION 5311 APPLICATION PROCESS**

If the subrecipient is a Section 5311 recipient and is proposing to provide the same service as the original subrecipient, the application should include all the items required in the Section 5311 Handbook and Guide, with the following exceptions:

- Description of efforts to coordinate with social service agencies - the subrecipient may refer to the original application.
- Description and documentation of public involvement in preparing the application - the subrecipient may refer to the public notice submitted with the original application.

### **D. KEY POINTS**

- The subrecipient should fully describe the proposed project.
- The Certifications and Assurances by the subrecipient and the regional agency should show "none" for the amount of funds being requested.
- The project description should be "Transfer of Section 5311 Vehicle."
- The application must include the proposed third party contract if the subrecipient will be contracting with a third party.

- A budget sheet is not required as no federal funds are involved.
- If the subrecipient has never been approved for Section 5311 assistance, the subrecipient must submit a complete application and all the appropriate onetime submittals.
- The agency relinquishing the vehicle will be asked to deliver the vehicle at a site designated by the Department within the same Department district.

When the transfer of the equipment to the receiving agency is made, the receiving agency will reimburse the relinquishing agency for the 20 percent local match based on the fair market value of the vehicle. Documentation regarding how the fair market value of the used vehicle was established is to be submitted to the Department. A satisfactory method to determine fair market value is by competent appraisal approved by the Department.

The vehicle is to be transferred to the approved subrecipient in its present condition. Any repairs are the responsibility of the approved subrecipient.

## GLOSSARY OF TERMS

CMAQ	Congestion Management and Air Quality is a source of flexible funds that may be used in the Section 5311 Program.
DBE	Disadvantaged Business Enterprise Program (49 CFR Parts 23 and 26) is a Federal program intended to remedy past and current discrimination against disadvantaged business enterprises, ensure a level playing field and foster equal opportunity in DOT- assisted contracts. Program is required when the total amount received from the Federal Transit Administration (FTA) per agency is in excess of \$250,000 of anticipated prime sub contractible opportunities in a Federal fiscal year.
DMT	Division of Mass Transportation is a division within the California Department of Transportation
DTR	District Transit Representative is the person(s) in the Department's District office that works with transportation agencies and operators on transit issues.
Federalized STIP	State Administered STP
Federally Approved TIP	Federally Approved Transportation Improvement Program is a planning document prepared by Metropolitan Planning Organizations (in urbanized areas) or the Department (in rural areas) that identifies projects receiving Federal funds and that is jointly approved by FTA and FHWA.
FHWA	Federal Highway Administration is the Federal agency that administers highway Programs on behalf of the United States Department of Transportation.
Flexible Funds	Federal funding provisions that allow specific funding Programs to be used for transit or highway projects.
FTA	Federal Transit Administration is the Federal agency that administers the Section 5311 Program, among others, on behalf of the United States Department of Transportation.
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
Nonurbanized	An area outside of the urbanized boundary with a population of 50,000 or less. Interchangeable with the term rural.
Piggybacking	The process whereby a subrecipient uses another agencies vehicle contract to purchase their vehicles.
POP	Program of Projects is a listing of transportation projects developed by the TPA that will receive Section 5311 funds. Must be submitted on the Regional Program of Projects form.
Section 5311	A FTA funding program specifically for transportation projects serving nonurbanized areas.
Section 5311(f)	A part of the Section 5311 Program that funds transportation projects serving intercity bus needs. Also know as Intercity Bus Program.

Standard Agreement	The document that defines the contractual agreement between the transit operator and the Department for an approved transportation project.
STP	Surface Transportation Program is a source of flexible funds that may be used in the Section 5311 Program.
Subrecipient	The transit operator that receives Section 5311 funds from the California Department of Transportation.
TEA 21	Transportation Equity Act for the 21 <sup>st</sup> Century
TPA	Transportation Planning Agency is the entity responsible for programming their region's Section 5311 funds.

Dates to Remember

October	Transportation Planning Agency Receives Program of Project Form and Balance Sheet	See Chapter III
December 31	POP Form and Applications for Flexible Funded Projects Due	See Chapters III, IV, and V
January	Subrecipients Randomly Selected To Submit Drug and Alcohol Management Information Systems Forms Notified	See Chapter VI
February 15	Drug and Alcohol MIS Forms Due	See Chapter VI
March 1	Subrecipients that must submit Disadvantaged Business Program Plan and Audited Financial Statements Notified	See Chapter VI
March	Section 5311(f) Application Cycle Begins	See Chapter XI
April	Section 5311(F) Application Workshops Held	See Chapter XI
April 31 of Even Years	Inventory of Section 5311 Equipment Due	See Chapter X
June 31	Section 5311(f) Applications Due	See Chapter XI
June 31 Following the Year of Apportionment	Applications For Regional Apportionment Due	See Chapter V
August	Section 5311(f) Successful Projects Announced	See Chapter XI

**PROGRAM OF PROJECT DEVELOPMENT THROUGH COMPLETION OF A  
FULLY EXECUTED STANDARD AGREEMENT**

State Department of Transportation's Division of Mass Transportation (DMT) estimates each county's or region's Section 5311 regional apportionment based on the guaranteed funding in Transportation Equity Act for the 21<sup>st</sup> Century or apportionment bill. Balance sheets are prepared and distributed to the District Transit Representative (DTR) along with the Regional Program of Projects (POP) form. After passage of the Federal budget, balance sheets will be adjusted to reflect the final apportionment as needed and redistributed to the Transportation Planning Agencies (TPA) through the DTR.



DTR forwards balance sheets and POP to the TPA



TPA programs its available funds.



Subrecipients prepare applications for projects programmed by the TPA on the POP.



TPA ensures that projects are included in the federally approved Transportation Improvement Plan. POP is submitted to the DTR. If flexible funded projects are listed on the POP, applications and other required documents must be submitted also.



DTR reconciles TPA's POP with their balance sheet and reviews applications that may have been submitted. If POP and applications are accurate and complete they are forwarded to DMT. If documents are inaccurate or incomplete, the DTR works with the agency to make corrections.



DMT compiles all POPs and develops the annual statewide Section 5311 grant application for submittal to the Federal Transit Administration.





Federal Transit Administration processes application. DMT is notified when grant is awarded.



DMT is now ready to prepare Standard Agreements for projects with complete applications. Standard Agreements are forwarded to the DTR for distribution to subrecipients.



DTR receives 6 copies of the Standard Agreement. Five copies are sent to the subrecipient to be signed by the designated signature authority on file.



Subrecipient returns 5 signed Standard Agreements to the DTR.



The DTR, in turn, sends them to DMT for two additional signatures. The standard agreement is considered fully executed once all required signatures are obtained.



**Subrecipient will receive a fully executed standard agreement for their files. The project is now ready for implementation.**

1.

*California Administrative Code, Title 21, Chapter 2, Subchapter  
15 — Nonurbanized Public Transportation*

CALIFORNIA ADMINISTRATIVE CODE  
TITLE 21, CHAPTER 2  
SUBCHAPTER 15 NONURBANIZED PUBLIC TRANSPORTATION

ARTICLE I. APPLICABILITY

1650. APPLICABILITY. These regulations are applicable to the Federal formula grant program for nonurbanized areas provided for under Section 18 of the Urban Mass Transportation Act of 1964, as amended. These regulations specify how Section 18 funds are made available in California. They supplement, and do not supersede, Federal regulation of the program.

ARTICLE 2. DEFINITIONS

1652. APPLICANT. "Applicant" means Indian Tribes, the State of California and its subdivisions including local public agencies authorized to provide public transportation services under State law.

The State of California and its subdivisions shall also include, but not be limited to, the State Universities and Colleges, the University of California and any wholly owned or controlled nonprofit corporation of these subdivisions.

The local public agencies shall include cities, counties, special districts and any wholly owned or controlled nonprofit corporation thereof.

1655. DEPARTMENT. "Department" means the California Department of Transportation.

1657. ELIGIBLE RECIPIENTS. "Eligible recipients" under Section 18 include State agencies, local public bodies and agencies thereof, private nonprofit organizations, Indian tribes and groups, and operators of public transportation services. Eligible recipients who do not qualify as applicants shall contract with applicants in order to obtain funds. Eligible recipients are responsible for obtaining any necessary certificates or permits as their operations may require.

1659. NONURBANIZED AREA. "Nonurbanized area" means that area not included within the boundaries of an urbanized area as defined by the U.S. Bureau of Census in their latest decennial census.

1663. TRANSPORTATION PLANNING AGENCY (TPA). "Transportation planning agency" means the entity designated pursuant to Section 29532 of the Government Code and as supplemented by the County Transportation Commission created pursuant to Division 12 (commencing with Section 130000) of the Public Utilities Code.

1664. SECTION 18. "Section 18" means Section 18 of the Urban Mass Transportation Act of 1964 as amended.

#### ARTICLE 3 ROLES AND RESPONSIBILITIES

1665. APPLICANTS. The applicant shall develop the project application and supporting documentation in a format determined by the Department. The applicant shall act either as an operator directly or on behalf of a private or private nonprofit provider of public transportation service. Projects may include purchase of service agreements with private providers of public transportation services.

1666. TRANSPORTATION PLANNING AGENCIES. The transportation planning agency (TPA) shall plan and program all projects that are of local significance within each county for which funds are requested by applicants for this program. If funds from the State Discretionary Reserve are also requested, the TPA shall submit a priority list for projects for the proposed use of these funds. The TPA shall submit the program of projects for the counties within its jurisdiction to the Department.

In the Counties of Los Angeles, Orange, Riverside, and San Bernardino, planning and programming roles and responsibilities shall be in accordance with Division 12 (commencing with Section 130000) of the Public Utilities Code.

1667. THE DEPARTMENT. The Department shall provide overall program administration, provide liaison to applicants and transportation planning agencies, provide technical assistance to applicants, give program direction and review of local, regional and State processes, receive and review project applications, aid applicants in carrying out their project responsibilities, provide coordination for interregional projects, make application and provide liaison to the U.S. DOT on behalf of all accepted applicants through submittal of a unified State program of projects, resolve issues common to all applicants and represent the

best interest of the local operators and the State to the Federal Government, execute agreements to implement projects, and arrange for payment of invoices.

1668. DIRECTOR. The director of the Department shall be responsible for final decisions resolving conflicts or appeals on local, regional, or State decisions.

#### ARTICLE 4 FUNDING

1670. DISTRIBUTION OF FUNDS. The Department shall distribute the State's annual apportionment of Section 18 funds as follows:

(a) Up to fifteen percent (15%) for program administration and technical assistance in accordance with Section 18.

(b) Up to twenty percent (20%) to the State Discretionary Reserve for the Department to distribute to capital or operating assistance projects that exceed a region's ability to fund, to projects that are multi-regional in nature, or to projects that address Statewide interest or concerns as determined by the Department. Criteria for selection of the projects shall include such items as Statewide significance, use of other available funding, local support, ranking of projects by the TPA, relation of project to local needs and other similar criteria.

(c) Not less than sixty-five percent (65%) for county apportionments for capital or operating assistance projects. The county apportionment shall be calculated on the basis of the latest Federal decennial census of the nonurbanized area population except that, for any county that is entirely nonurbanized area, the county apportionment shall not be less than \$15,000 per year. County apportionments for a multi-county transportation planning agency shall be treated as a single apportionment.

These apportionments shall be programmed exclusively by the TPA for projects selected by the TPA, subject to meeting the applicable State and Federal regulations. In order for an applicant to qualify for the State Discretionary Reserve for a project, all county apportionment funds available to that county for the current fiscal year shall be programmed.

1674. REDISTRIBUTION PROCESS. Any amount of a county apportionment for which a completed project application has not been received by the Department by the end of the State Fiscal Year after its original availability (e.g., by June 30, 1985, for funds from the 1983-84 apportionment) shall be redistributed to the State Discretionary Reserve.

## ARTICLE 5 PROJECT FUNDING

1676. PROJECT FUNDING. Funds made available for projects under Subsections (b) and (c) of Section 1670 may be used for public transportation projects which are included in a State program of projects for public transportation in areas other than urbanized areas. The Federal share for any construction or capital project under this Section shall not exceed eighty percent (80%) of the net cost of such construction or capital project. The Federal share for any project for the payment of financial assistance for operating expenses as defined by the United States Department of Transportation shall not exceed fifty percent (50%) of the net cost of such operating expense project. At least fifty percent (50%) of the remainder of the net cost for both capital and operating projects shall be provided in cash or cash equivalent from sources other than Federal funds or revenues from the operation of public mass transportation systems. Up to fifty percent (50%) of the remainder of the net cost may be made up of unrestricted funds from other Federal programs.

1677. USE OF OTHER FEDERAL FUNDS. Applicants that have used funds pursuant to Section 5 or Section 9 of the Urban Mass Transportation Act in the past for services that extend into nonurbanized areas shall continue to use these Section 5 or Section 9 funds for these purposes as long as the services are appropriate for the area. Section 18 funds shall be used only for new or expanded services in these nonurbanized areas.

2.

**FTA Circular 9040.1E, Non-Urbanized Formula Program  
Guidance and Grant Application Instructions**

3.

**FTA Circular 4220.1D and FTA Circular 4220.1D Change 1,  
Third Party Contracting Requirements**

4.

**49 CFR Part 24 Uniform Relocations Assistance and Real  
Property Acquisition for Federal and Federally Assisted  
Programs**

5.

**Chapter II from the FTA Circular 5010.1C Grant Management  
Guidelines**