



2007

Oregon Department of Transportation

Public Transit Division

555 13th Street NE • Suite 3

Salem, Oregon 97301-4179

Phone 503.986.3411 • Fax 503.986.4189

Version 0.5

State Management Plan for Public Transportation Programs

This Management Plan was funded in part by Federal Transit Administration, U.S. Department of Transportation

Version History

Version	Description	Date
0.1	2005 State Management Plan	2005
0.2	Revise to include SAFETEA-LU	April 2006
0.3	Reflect new format	March 2007
0.4	Reflect final edits/comments	June 2007
0.5	Made edits/corrections to pg. 6	October 2007

⌘ This document is available in alternative formats upon request ⌘

Table of Contents

I.	INTRODUCTION.....	1
II.	OVERVIEW OF PROGRAMS.....	6
	1. Nonurbanized (Rural) Area Formula	6
	2. Intercity Bus.....	6
	3. Elderly Individuals and Individuals With Disabilities.....	7
	4. New Freedom	7
	5. Job Access And Reverse Commute (JARC).....	8
	6. Special Transportation Fund (STF).....	8
	7. Transportation Options.....	8
	9. Mass Transit Vehicle Replacement.....	9
III.	DISCRETIONARY GRANT PROCESS	10
	1. Program Goals	11
	2. Assistance Categories, Purpose, Eligible Subrecipients, and Match.....	11
	3. Project Selection Criteria and Method of Distributing Funds.....	13
IV.	RURAL AREA FORMULA PROGRAM (FTA 5311).....	14
	1. Program Goals and Objectives	14
	2. Eligible Subrecipients	15
	3. Eligible Services and Service Areas.....	16
	4. Eligible Assistance Categories	17
	5. Project Selection Criteria and Method of Distributing Funds.....	18

6.	Local Share and Local Funding Requirements	19
7.	New Start Program	20
8.	Rural Transit Assistance Program (RTAP).....	20
9.	Training Requirements for Subrecipients.....	21
10.	Basic Grants Management Policies	21
V.	INTERCITY BUS PROGRAM (FTA 5311 (f))	23
1.	Program Goals and Objectives	23
2.	Eligible Subrecipients	23
3.	Eligible Services and Service Areas.....	23
4.	Eligible Assistance Categories	24
5.	Project Selection Criteria and Method of Distributing Funds.....	24
6.	Local Share and Local Funding Requirements	24
7.	Basic Grant Management Policies	25
VI.	ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PROGRAM (FTA 5310).....	27
1.	Program Goals and Objectives	27
2.	Eligible Subrecipients	28
3.	Eligible Assistance Categories	29
4.	Project Selection Criteria and Method of Distributing Funds.....	29
5.	Local Share and Local Funding Requirements	30
6.	Training Requirements	30
7.	Basic Grant Management Policies	30
VII.	NEW FREEDOM PROGRAM (FTA 5317)	32
1.	Program Goals and Objectives	32
2.	Eligible Subrecipients	32
3.	Eligible Assistance Categories	32
4.	Project Selection Criteria and Method Of Distributing Funds.....	33
5.	Local Share and Local Funding Requirements	33

6.	Training Requirements for Subrecipients.....	34
7.	Basic Grant Management Policies	34
VIII.	JOB ACCESS AND REVERSE COMMUTE PROGRAM (FTA 5316).....	35
1.	Program Goals and Objectives	35
2.	Eligible Subrecipients	35
3.	Eligible Assistance Categories	35
4.	Project Selection Criteria and Method Of Distributing Funds.....	36
5.	Local Share and Local Funding Requirements	36
6.	Training Requirements	37
7.	Basic Grant Management Policies	37
IX.	LOCALLY DEVELOPED COORDINATED PUBLIC TRANSPORTATION HUMAN SERVICE PLAN	38
1.	Unified Plan	38
2.	Local Lead Agency	38
3.	Planning Area	38
4.	MPO Coordination	39
5.	Plan Development and Approval.....	39
6.	Plan Content.....	39
X.	STATE MANAGEMENT PROCEDURES	41
1.	Statewide Transportation Improvement Program (STIP)	41
2.	Annual Program of Projects Development and Approval Process.....	41
3.	State Administration and Technical Assistance	42
4.	Financial Management	43
5.	Audit and Financial Review Requirements	44
6.	Project Monitoring/Project Compliance	44
7.	State Reporting Requirements	46
8.	Public Involvement and Coordination.....	47
9.	Grievance or Protest Procedures	48

XI.	SUBRECIPIENT GRANT REQUIREMENTS	50
1.	Civil Rights (Title VI)	50
2.	Environmental Justice	51
3.	Disadvantaged Business Enterprise Program	53
4.	Equal Employment Opportunity.....	54
5.	Section 504 and Americans with Disabilities Act	54
6.	Charter Bus Protections	55
7.	School Bus Regulations	56
8.	Safety Authority	57
9.	Drug-Free Workplace/Drug and Alcohol Testing Regulations	58
10.	Fhwa Drug and Alcohol Testing/Commercial Drivers License.....	60
11.	Labor Protection	60
12.	Environmental Protection	61
13.	Lobbying.....	63
14.	Debarment and Suspension.....	64
XII.	CAPITAL PURCHASING AND MANAGEMENT OF CAPITAL ASSETS	65
1.	Vehicle Purchasing and Leasing.....	65
2.	Vehicle Insurance.....	67
3.	Vehicle Maintenance	67
4.	Vehicle Useful Life/Disposition	69
5.	Procurement/Contracting	71
6.	Buy America Provisions/Pre-Award and Post-Delivery Audits/New Model Bus Testing	73
XIII.	LAND, BUILDINGS AND FACILITIES	75
1.	Maintenance Requirements	75
2.	Restrictive Covenants.....	75
3.	Disposition of Property	75

APPENDICES

APPENDIX A – Organization Chart and Public Transportation Advisory Committee

APPENDIX B – ODOT Civil Rights Policies

APPENDIX C – Compliance Questionnaire

APPENDIX D – Onsite Program Review Checklist

APPENDIX E – Environmental Requirements and DCE Worksheet

APPENDIX F – U.S. Department of Labor Special Warranty

APPENDIX G – ADA Service Guidelines

APPENDIX H – Forms

I. Introduction

Purpose

The United States Department of Transportation offers a number of financial assistance programs designed to assist in the provision of local public transportation services. Certain transit funding programs have been set up to be administered exclusively by the individual states. The Governor of the State of Oregon designated the Oregon Department of Transportation (ODOT), Public Transit Division (PTD) as the administrative agent for USDOT Federal Transit Administration (FTA) Sections 5303, 5310, 5311, 5311(f), 5316, 5317 and the State of Oregon Special Transportation Fund (STF).¹ (See Appendix A, Organization Chart.)

FTA requires that each state produce a “state management plan” documenting its policies and procedures to be used in administering these programs. This document sets forth the State of Oregon’s policies and procedures established for these programs, and other FTA and State funded programs.

Oregon Department of Transportation Mission

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

Oregon Department of Transportation Values

These are the values that guide our decision making and which we follow in implementing ODOT's mission and goals.

- **Safety:** We protect the safety of the traveling public, our employees and the workers who build, operate and maintain our transportation system.
- **Customer Focus:** We learn from and respond to our customers so we can better deliver quality, affordable services to Oregonians and visitors. Our customers include travelers, freight movers and others who use our services and facilities.
- **Efficiency:** We strive to gain maximum value from the resources entrusted to us for the benefit of our customers.
- **Accountability:** We build the trust of customers, stakeholders and the public by reporting regularly on what we are doing and how we are using the resources entrusted to us.
- **Problem Solving:** We work with the appropriate customers, stakeholders and partners to find efficient, effective and innovative solutions to problems.

¹ The Special Transportation Fund is established in ORS 391.800-830 and Oregon Administrative Rules for the Special Transportation Fund 732-005-0000 through 732-020-0045.

- **Positive Workplace:** We recognize innovation and initiative, we show respect for all, and we honor diversity.
- **Environment:** We provide services and facilities in ways that protect and enhance the environment.

Public Transit Division Mission

To provide a means of state financial assistance and coordination to meet the state's mobility needs and achieve ODOT's vision for public transportation.

Public Transit Division Vision

In the long term, create a universally accessible public transportation system in order to increase quality of life for all Oregonians through increasing mobility, reducing congestion, stimulating the economy, and conserving critical resources. In the short term, maximize investment in public transportation and reduce single occupancy vehicle trips.

State Policy Guidance

The Oregon Transportation Plan (OTP)² is the state's long-range multimodal transportation plan. The OTP is the overarching policy document among a series of plans that together form the state Transportation System Plan (TSP). The OTP considers all modes of Oregon's transportation system as a single system, and addresses the future needs of Oregon's airports, bicycle and pedestrian facilities, highways and roadways, pipelines, ports and waterway facilities, public transportation and railroads through 2030. It assesses state, regional, and local public and private transportation facilities. The OTP establishes goals, policies, strategies and initiatives that address the core challenges and opportunities facing Oregon. The Plan provides the framework for prioritizing transportation improvements based on varied future revenue conditions, but it does not identify specific projects for development.

The new OTP, adopted September 20, 2006, supersedes the 1992 Plan. The 1992 OTP established a vision of a balanced, multimodal transportation system and called for an expansion of ODOT's role in funding non-highway investments. The 2006 OTP provides a framework to further these policy objectives with emphasis on maintaining the assets in place, optimizing the existing system performance through technology and better system integration, creating sustainable funding and investing in strategic capacity enhancements.

The division's programs are designed to further the elements of the plan that relate to public and special needs transportation.

² The Oregon Transportation Plan is available at ODOT's Web site at: <http://www.oregon.gov/ODOT/TD/TP/ortransplanupdate.shtml>

ODOT's process for identifying transit projects is designed to be consistent with local area planning initiatives. TSPs created by local communities and state Corridor Plans identify transit needs and opportunities as a part of transportation system analysis. These plans must be in accordance with state-level plans. Transit projects identified through these planning processes are eligible for ODOT grants³.

Agency Descriptions, Roles and Responsibilities

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

Federal Transit Administration

The FTA headquarters office is responsible for: providing overall policy and program guidance; apportioning funds annually to the state; developing and implementing financial management procedures; initiating and managing program support activities; and conducting national program review and evaluation.

The FTA regional offices have the day-to-day responsibility for program administration. Regional office activities include reviewing and approving state grant applications; obligating funds; managing grants; overseeing the state's implementation of the annual program, including revisions to the program of projects; receiving state certifications; reviewing State Management Plans; providing technical assistance and advice to the states as needed; and performing state management reviews every three years, or as circumstances warrant.

Oregon Transportation Commission (OTC) Members

The OTC establishes state transportation policy. The commission also guides the planning, development and management of a statewide integrated transportation network that provides efficient access, is safe, and enhances Oregon's economy and livability. The commission meets monthly to oversee ODOT activities relating to highways, public transportation, rail, transportation safety, motor carrier transportation, and drivers and motor vehicles.

One OTC commissioner is appointed as a liaison to PTD. The commissioner is available to the division administrator for consultation, may facilitate transit-related agenda items at OTC meetings and keeps the division informed about OTC's public transit issues and interests. The commissioner chairs the PTAC committee during the Discretionary Grant Program funding review meetings. The commissioner has no vote but oversees the process. The commissioner also acts as host, if needed, in a follow-up report to the OTC.

³ ODOT is the direct recipient of Federal Transit Administration funds. ODOT Public Transit Division manages these funds and grant programs. The division refers to grant recipients as *grantees*. When referring specifically to grantees in receipt of federal funds through division grants, the term used is *subrecipient*. Some transit agencies also receive direct funds from FTA—these are not generally discussed in this document.

Public Transit Division

PTD is responsible for state-level transit program development and management. The division provides grant management and oversight for projects and activities supported with state and federal funds. The division manages all grant programs in a coordinated manner, and many requirements are the same or similar for all funding sources.

Oregon Transit Association (OTA)

OTA is a nonprofit corporation whose membership is made up of public, private, private for profit, and nonprofit transit operators. The purpose of the Association is to assist members in the development and improvement of efficient, safe and convenient transportation services, techniques and methods, facilities and equipment. They develop and disseminate information and assistance in connection with administrative and judicial actions, and decisions of common interest to all transportation providers; provide for professional growth; assist in research; promote state and federal legislation of common interest to transportation providers and oppose detrimental legislation; promote effective communication between governmental bodies, agencies and transportation providers; and assist in the development of statewide and local policies on public transit and support adoption and implementation of such policies.

The PTD Administrator is a voting member of the OTA Board.

Metropolitan Planning Organizations (MPO)

Portland regional area, Salem/Keizer, Corvallis/Philomath, Eugene/Springfield, Medford-area and Bend are urbanized areas with designated MPOs. Each of the metropolitan planning organizations is a recipient of 5303 planning assistance and is responsible for coordination of FTA programs within its respective planning area.

Requests for FTA funding from within an urbanized area are submitted to the MPO for inclusion in the MPO's Transportation Improvement Program (TIP). MPO staff review each application for coordination, conformity and fiscal constraint in relation to TIP goals and objectives.

Public Transportation Advisory Committee (PTAC)

In 2000, ODOT established the PTAC to assist PTD and the department on transit issues and policies. The ODOT Director appoints members.

The committee is a diverse representation of public transportation stakeholders⁴, including: general public providers in urban areas over 200,000 population, urban areas between 50,000 and 200,000, and small communities under 50,000 population; private for profit and intercity bus providers; representatives of the Association of Oregon Counties; Transportation Options Group of Oregon; Oregon Department of Human Services; Oregon State Disabilities Commission; Governor's Commission on Senior Services;

⁴ See Appendix A, PTAC Membership

Oregon Passenger Rail Advisory Council; and one OTC Member.

The purpose of PTAC is to provide a forum for public and special-needs transportation providers and stakeholders in Oregon. This group works to improve transit services and programs provided by PTD.

Members provide input to ODOT and the division on public transportation issues of regional and statewide significance. This work assists ODOT in including appropriate mobility and modal elements in public transportation policy; and ensures that resources available for transportation planning and delivery are leveraged to the highest extent possible to implement public transportation projects.

PTAC serves as a forum for discussing and identifying public transportation issues and solutions. Specifically, the members work collaboratively to:

- 1) Make recommendations to OTC and the division regarding public transportation policies and programs.
- 2) Make grant funding recommendations to the division and the OTC.
- 3) Make recommendations to OTC and the division regarding necessary changes to existing transportation rules and laws.
- 4) Respond to issues brought to it by the division, other partners and the public.
- 5) Promote statewide advocacy for alternative transportation modes and travel options strategies.
- 6) Support and endorse local community and regional public transportation and alternative travel solutions.
- 7) Disseminate public transportation and travel option information.

Public Transportation Grant Subrecipients

A grant subrecipient may or may not be a transportation services provider (e.g., a provider), but contracts the service or has some oversight responsibilities for funds. The subrecipient may be either an STF agency (county, transportation district, tribe), city, private nonprofit or, in some instances, a private for profit company. Eligible participants and program responsibilities are described later in the document.

II. Overview of Programs

PTD manages several sources of federal and state funds, as well as planning and technical assistance programs. Although each program has its own purpose and eligibility requirements, these programs have common elements and, in many cases, a specific project could be funded with two or more sources of funds. The funds are managed in a coordinated manner in order to take advantage of this flexibility. The primary administrative objective for joint management of programs is to create a flexible framework from which Oregon transportation providers have optimum opportunity to access funds and technical assistance. Expanded descriptions for each of the funding sources and programs are in later sections of this management plan. More information about the planning requirements noted below is included in **Section IX** of this plan.

1. Nonurbanized (Rural) Area Formula

The Rural Area Formula Program provides FTA 5311 funds for capital, operating, planning, intercity and administrative assistance. The State of Oregon receives an annual apportionment by formula from Congress. PTD allocates most of these funds by formula to eligible 5311 subrecipients; i.e., local governments, Indian tribes, and private nonprofit agencies. Transit services funded under this program must be available to the general public. All subrecipients serve rural areas with 50,000 population or less. Some of the funds are distributed to “new start” general public services; the remaining funds are distributed through a competitive discretionary grant process.

The Rural Transit Assistance Program (RTAP) is a training and technical assistance program funded through the FTA 5311 program. It has its own annual allocation of funding from Congress. Oregon’s program is designed to assist transit operators in non-urbanized areas⁵. Agencies receiving FTA and STF funds may participate in RTAP-funded opportunities. Agencies funded by federal human service agencies and urban transit providers’ staff may participate as space and purpose allow.

5311 subrecipients are expected to participate in developing a “locally developed coordinated public transit-human service transportation plan.”

2. Intercity Bus

The service routes supported by the Intercity Bus Program are selected by a statewide assessment of intercity transportation needs with an emphasis on cities with populations greater than 2,500. The primary goal is to create a statewide transportation system that connects local

⁵ More information about the RTAP Program is contained in the RTAP Handbook

services to each other and to the national transportation network, including rail. Fifteen percent of the funds apportioned to the 5311 program are reserved for intercity bus projects. The PTD allocates these funds by direct contracts with carriers selected through a Request for Proposal (RFP) or Invitation to Bid (ITB) process. The division may also grant funds to public or nonprofit rural providers who operate bus services through the discretionary grant process.

3. Elderly Individuals and Individuals with Disabilities

The Elderly Individuals and Individuals with Disabilities Program provides funding for capital purchases benefiting elderly individuals and individuals with disabilities. Oregon receives an annual apportionment by formula from Congress for 5310 program. PTD allocates the funds through a biennial discretionary grant process (**see Section III**). Eligible subrecipients are counties, mass transit districts, transportation districts, transportation service districts, Indian tribal governments, cities, councils of government and private nonprofit organizations. Private companies may participate through purchase of service agreements with an eligible subrecipient. The funds may be used in all areas of the state—urban, small urban and rural.

Oregon is one of seven pilot project states that are being allowed to use up to 33 percent of each annual apportionment for operations at a 56.08/43.92 percent match rate. ODOT plans to use the Pilot Program funds to increase the opportunity to finance operating projects benefiting the elderly individuals and individuals with disabilities. The Pilot Program funds will be included in the discretionary grant process; allocation of these funds will be to appropriate eligible operating projects as identified by the application review and approval process. Since ODOT has state funds available for the same purpose and at the same match rate, the actual amount of 5310 funds to be used in the Pilot Program is unknown, and may range from none up to the limit allowed by the federal law. The Pilot Program will require ODOT to participate in a data collection and reporting activity to assess the effectiveness of using the 5310 funds for operations.

All projects funded with 5310 must be derived from a “locally developed coordinated public transit-human service transportation plan.”

4. New Freedom

The New Freedom Program finances projects benefiting individuals with disabilities “beyond the ADA” which means projects in addition to that which is required by ADA for fixed-route systems and for new projects benefiting individuals with disabilities in rural areas. Oregon receives an annual apportionment by formula from Congress for 5317 program in the small urban (populations greater than 50,000 and less than 200,000) and rural areas of the state. Since ODOT has state funds available for a similar purpose and at the same match ratios, the New Freedom funds will provide additional flexibility in the discretionary grant process.

All projects funded with 5317 must be derived from a “locally developed coordinated public transit-human service transportation plan.”

5. Job Access and Reverse Commute (JARC)

The purpose of JARC Program is to finance projects benefiting low income individuals to access work and work-related opportunities. Oregon receives an annual apportionment by formula from Congress for 5316 program in the small urban (populations greater than 50,000 and less than 200,000) and rural areas of the state. Since other state and federal funds are available for a similar purpose and at the same match rate, JARC funds will add flexibility in the discretionary grant process, especially where more funds are needed to finance qualified projects with merit.

All projects funded with 5316 must be derived from a “locally developed coordinated public transit-human service transportation plan.”

6. Special Transportation Fund (STF)

The STF Formula Program is a state-funded program, defined by Oregon Revised Statute (ORS) 391.800-.830 and Oregon Administrative Rule (OAR) Chapter 732. The funds are composed of cigarette tax and other state-source funds approved by the Legislature. Many agencies use these funds for local match for federal transportation grants. STF Agencies are designated by statute.

The program purpose is to provide an ongoing source of financial support to 42 designated counties, transit districts and Indian tribes for transportation services benefiting elderly individuals and individuals with disabilities. The majority of STF funds (75 percent) is allocated on a population-based formula. The remaining funds are distributed by PTD through a discretionary grant process.

All projects funded with STF funds must be derived from a “locally developed coordinated public transit-human service transportation plan.”

7. Transportation Options

The Transportation Options Program helps ODOT achieve national and state goals for land use, air quality, congestion management, energy conservation and promotion of mobility alternatives for commuters. Examples include rideshare programs, park and ride lots, telework and employer incentive programs to encourage the use of alternatives to driving alone.

Division staff provide technical assistance and contract oversight for transportation options and rideshare programs in Salem, Medford, Albany/Corvallis, Eugene/Springfield, Portland and Central Oregon. The division also assists ODOT regional staff and communities in problem identification and development of appropriate mobility alternatives. These benefits include:

- a. Greater utilization of transit investments
- b. Public health benefits due to increased walking and cycling

- c. Reduced need to invest in road construction and repair
- d. Improved freight mobility due to decreased congestion
- e. Increased access to employment for both urban and rural citizens
- f. Reduced transportation costs for citizens

Projects implementing transportation options strategies may be funded through grants from the PTD, or from other ODOT sources.

9. Mass Transit Vehicle Replacement

This program provides legislature-designated USDOT Federal Highway Surface Transportation Program (STP) funds to urban transit agencies for capital vehicle replacements. This fund opportunity is included in the biennial discretionary grant process. After the projects are selected for funding, the STP funds are transferred from the highway program into the FTA 5307 program for MPO subrecipients to apply directly to FTA for vehicle purchases. Projects must be listed in the local Metropolitan Transportation Improvement Programs (MTIP) for each urban area receiving funds.

III. Discretionary Grant Process

PTD provides discretionary grants to public transportation providers. The discretionary grants process is used to distribute federal and state funds to local transportation agencies for eligible projects.⁶ All grants are awarded with the expectation of funds being available. At times, it may be necessary for the division to reduce or cancel a subrecipient grant due to funding limitations or reductions. See Appendix G for the discretionary grant materials FY 2007-2009.

The discretionary grant process is designed to accommodate a variety of different kinds of funds. It is designed to allow various sources of funds to be allocated in a flexible manner. Program applicants do not apply for a specific source of funding; instead, projects are described in terms of type, need, coordination, cost, match and public support. PTD chooses the most appropriate funding source for the specific project and applicant. Since there are more project applications than funds, projects selected for funding are only those that are highly qualified and meet program criteria.

The Discretionary Grant Program:

- Provides an opportunity for any potentially eligible applicant to request grant funds;
- Is a competitive process;
- Reduces the number of independent grant program solicitations, thereby reducing the overall staff time and cost of implementation;
- Stimulates local resources and matching opportunities to increase the public transportation program; and
- Maximizes coordination of funds available and coordinated administrative processes.

Bringing various funding sources together in a consolidated discretionary grant process is one means to meet the goals of coordination at the state level.

The sources of funding include:

- STF discretionary funds
- Elderly Individuals and Individuals with Disabilities (5310)
- Intercity Bus (5311(f))

⁶ Exceptions are the FTA 5311 formula program, and the state STF formula program. See Appendix G for a full description of the Discretionary Grant Program

- New Freedom (5317)
- Job Access and Reverse Commute (5316)
- STP Funds allocated by USDOT to ODOT are transferred by ODOT to FTA 5310 and 5311
- Reserved or deobligated funds within the FTA 5311 or 5310 programs.
- Other funds are added to the discretionary grant process as they are available.

1. Program Goals

Discretionary projects are selected based on their ability to support:

- a. Strong transit systems in cities of 50,000 or more with a coordinated network of demand-responsive transportation services for elderly individuals and individuals with disabilities in addition to regularly scheduled, fixed route service for the general public.
- b. Coordinated and connected accessible general public transportation in communities of less than 50,000 with an emphasis on service providing affordable and convenient access for the elderly individuals and individuals with disabilities.
- c. Demand-responsive (dial-a-ride) transportation services for elderly individuals and individuals with disabilities where transportation services open to the general public are not yet available.
- d. Intercity bus connections to preserve current service levels, to restore lost service, or to close gaps in the intercity transportation network.
- e. Public transit solutions that provide low-income individuals access to employment and related services.
- f. New public transportation activities that offer services beyond the requirements of the Americans with Disability Act of 1990 (ADA).

2. Assistance Categories, Purpose, Eligible Subrecipients, and Match

Operating Projects

This assistance category will fund operating and purchased service projects that benefit people with low-income, elderly individuals and individuals with disabilities in large and small urban areas, and in rural areas. Rural general public operating projects may be included in this category, if the project implements an aspect of service that benefits

people with low-income, elderly individuals and individuals with disabilities. Eligible applicants are non-profit agencies, public entities and Indian tribes. Private for-profit agencies are only eligible in this category for Intercity Bus projects.

Medicaid match projects are included in this category. Medicaid match projects will provide up to 40 percent of the cost for service provided to eligible individuals. Purchased service projects are matched at 89.73 percent, and operations at 50 percent or 56.08 percent, depending on the specific source of funds. Projects in this category must be derived from the Coordinated Plan—for 5311, projects are expected to be included in the plan. This last clause seems redundant.

Mobility Management and Planning Projects

The discretionary grant program will fund mobility management projects that result in more coordination between human service and public transit service providers and improved access to the transportation system for economically disadvantaged individuals, individuals with disabilities, and elderly individuals. These projects may be in large urban, small urban and rural areas. Eligible subrecipients include non-profit agencies, public entities and Indian tribes. For-profit agencies are eligible if they operate intercity bus services. Match for these projects are 89.73 percent. Projects in this category must be derived from a “locally developed coordinated public transit-human service transportation plan.” Planning projects that are not for mobility management or coordination, for example transit service design plans or facility site plans, are available only to non-profit agencies, public entities and Indian tribes in rural areas. These projects are matched at 80 percent.

Intercity Bus Projects

The discretionary grant program will fund intercity capital, operating, planning and mobility management projects. Eligible subrecipients include non-profit agencies, public entities, Indian tribes and for-profit intercity bus providers. Match for capital and mobility management projects is 89.73 percent. Operating projects have a 56.08 percent match rate, and planning has an 80 percent match rate. Projects in this category must be derived from a “locally developed coordinated public transit-human service transportation plan.”

Vanpool Projects

Limited funds from STP transfers are available for vanpool pilot projects. Projects must be fully developed through the local transportation planning process prior to funding. Applicants are limited to public entities in urban and rural areas, including Indian tribes. The program will support up to one-half of the cost to operate a van-pool for up to two years.

Capital Projects

The discretionary grant program will fund a variety of capital projects including, but not limited to, preventive maintenance, vehicle replacement, and facility construction. The purpose of capital projects is to benefit services provided to elderly individuals, individuals with disabilities and people with low-income. The Mass Transit Vehicle Replacement

program is also included in this project category. Match for capital projects is 89.73 percent. Eligible subrecipients include non-profit agencies, public entities, Indian tribes and for-profit intercity bus providers. Projects in this category must be derived from a “locally developed coordinated public transit-human service transportation plan.”

3. Project Selection Criteria and Method of Distributing Funds

All grant applicants are screened for eligibility, and each project is subjected to a technical evaluation and committee review. Projects are reviewed competitively within like categories. Project need, efficiency, effectiveness, coordination, planning, local priority, and innovation are considered in project selection. Local STF Agencies, designated as coordinating agencies by the division, have a role in prioritizing projects. The division provides the technical review. PTAC reviews the grants and makes final recommendations to the OTC.

IV. Rural Area Formula Program (FTA 5311)

Oregon is predominantly a rural state. With the exception of six urbanized areas located in the Portland tri-county area, Salem, Eugene, Corvallis (Willamette Valley corridor), Medford (southern Oregon) and Bend (central Oregon), the rest of the state is rural by FTA standards. Outside of these urbanized areas, there are more than 200 cities and towns, numerous unincorporated areas and nine federally recognized Indian tribes. Some of Oregon's counties are considered frontier rural by the U.S. Department of Health and Human Services.

In some geographic areas—particularly eastern and southeastern Oregon and isolated rural areas in western Oregon—there are large distances between small towns or Indian reservations and the next larger community. Basic resources such as medical care, educational and work opportunities often are not available without traveling to an adjacent small urban area.

PTD administers the FTA 5311 program which currently supports 35 agencies, including one Indian Tribe, that provide rural transportation services in all parts of Oregon. Local resources to support rural transportation are very limited, and as a result the Oregon program uses its annual 5311 appropriation to support primarily the operating costs of the rural transportation providers. Most of these transportation services would not exist without the help of federal and state funding.

For more information visit: http://www.fta.dot.gov/funding/grants_financing_263.html

1. Program Goals and Objectives

5311 program goals, originally established by the OTC in the early 1990s, are:

- a. Assist in the development and improvement of public transportation services.
- b. Promote the orderly, efficient and economical operation of small city and rural transit systems.
- c. Ensure continued local support for public transit.
- d. Provide funds for capital equipment purchases.
- e. Distribute the funds fairly and equitably to all areas of the state.

The division uses periodic workshops and meetings with its 5311 providers to evaluate the program and make recommendations for changes or improvements. A series of workshops in 1997-98 resulted in a better method of evaluating projects for funding and a three-part formula used to distribute funds. In 2002, PTD conducted a 5311 Summit that resulted in additional recommendations for improvements (see a thru e list below).

The overall purpose of the Oregon program is to ensure rural transportation providers have financial stability from year to year with no interruptions in established services. Objectives for the next five years, based on recommendations from the 5311 Rural Program Summit include:

- a. Continue the New Start Program allowing new service providers or new services to be evaluated for 5311 funding.
- b. Identify existing service areas where there are overlaps in service; develop strategies to eliminate duplication of services, and enhance coordination to maximize available funding.
- c. Establish a minimum level of planning required, including public involvement, as a condition of receiving federal funds.
- d. Establish a regional outlook for the 5311 program; identify gaps in service statewide and target future 5311 funds (through the New Start Program) to rural areas without general public service.
- e. Continue outreach to Oregon's Indian tribes regarding the 5311 program; encourage planning and development of general public transportation programs, if needed.

2. Eligible Subrecipients

FTA 5311 formula funds are available to entities that:

- a. Are public bodies, Indian tribes, or private non-profit agencies with non-urban service areas of 50,000 population or less;
- b. Provide transportation services that are not restricted in any manner to the general public;
- c. Demonstrate compliance to state and federal rules and regulations; and
- d. Have state match available.

The division considers environmental justice principles when reviewing subrecipients' applications for funding.⁷

Occasionally PTD develops projects as a primary recipient of 5311 funds. Usually these are coordination or research projects that benefit a region or the entire state.

⁷ See Section XI, # 2 for more information on Environmental Justice

Participation of private for profit providers in the 5311 program occurs when public agencies contract with a private provider to operate its transit service. Several 5311 agencies use private operators for service. 5311 subrecipients are encouraged to provide for participation of private transportation operators in their programs.

The joint FTA/Federal Highway Administration (FHWA) statewide and metropolitan planning regulations (49 CFR part 613 and 23 CFR part 450) offer an opportunity for public involvement, including that of private operators of transit systems, in the development of local and regional transportation plans.

3. Eligible Services and Service Areas

Projects funded with 5311, or from STP transfers to the 5311 program, must provide services for the general public. ODOT defines “general public” as the entire population of communities, including, but not limited to, defined segments such as employees or clients of particular agencies. Service defined as general public and funded with 5311 must reasonably accommodate anyone who needs a ride, and does not exclude or discriminate against a particular group within the community.

Applicants define their service area during the grant application process. Services include, but are not limited to:

- a. Fixed-route and demand responsive services provided in nonurban areas (population of 50,000 or less).
- b. Services supporting transportation of nonurban populations to and from an urbanized area. (A reasonable method of cost allocation between urbanized and rural programs is the responsibility of the subrecipient with concurrence of division staff).
- c. Local commuter services.
- d. Regional services that may cross state lines, so long as the 5311 agency has the appropriate approvals and licenses from ODOT Motor Carrier Division, insurance, and the services are compatible with the policies of the 5311 agency.

The division allows services to be designed to maximize use by members of the general public who are transportation disadvantaged (e.g., elderly individuals, low-income, minorities) but they may not be restricted from carrying other members of the general public.

To qualify for funding under the 5311 program, general public services must:

- a. Be marketed as “public transit service;”
- b. Use vehicles marked with a program name that clearly identifies them as public transit and for general public use;

- c. Maintain open access policies that do not limit services to a particular type of passenger;
- d. Ensure the entire capacity of the system is available to the general public. (Assessment of service capacity and ridership is performed during the application and monitoring processes. If users of the system appear to be predominantly elderly individuals and disabled persons, then the 5311 program manager will perform further evaluation to determine if the service is appropriate for 5311 funding).⁸

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

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

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

Expenses associated with meal delivery are not eligible for funding assistance—costs must be borne by the nutrition program which provides the meals. Limited use of equipment supported by 5311 (also 5310) may be used to support meal delivery services and package delivery as long as these uses are incidental to the primary purpose of the service.⁹

4. Eligible Assistance Categories

The 5311 program will reimburse eligible capital, administration and operating expenses directly attributed to system operations. Administrative expenses are treated as “operating expenses.”

Reimbursable administrative expenses include salaries and fringe; office expenses associated with administration; contract services (accounting, bookkeeping, attorney fees); and educational

⁸ Percentage of ridership that is general public versus elderly and disabled is not used as the sole determination of a general public service. For example, the population of a local area or county may be predominantly elderly citizens; or the agency may have a service design that maximizes use by the transportation disadvantaged, as allowed by FTA and ODOT. PTD looks at the system in its entirety and any extenuating factors to determine if it is a general public transportation system.

⁹ *Incidental* is defined as service that does not result in decreased service quality, a significant decrease of useful life of the capital equipment, or a decrease in the availability of public transportation services.

expenses associated with administrative staff training. Examples of ineligible expenses include gifts, lobbying, unrecoverable receivables, and budget deficits associated with the agency.¹⁰

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

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

5. Project Selection Criteria and Method of Distributing Funds

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

Because the 5311 program is not operated as a permanent entitlement program, the division uses an annual application process. All agencies complete a grant application and must demonstrate that they are eligible to continue to receive funding. However, because 5311 funds are used primarily for operating, and the funds are critical to maintaining continuous services, the division generally considers 5311 agencies eligible for funding from year to year, unless the annual application or other circumstances demonstrate that an agency is no longer eligible.¹¹

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

¹⁰ Refer to federal Office of Management and Budget (OMB) Circular A-87 for public agencies and OMB Circular A-122 for private non profit agencies for more information about eligible and ineligible expenses and other grant management information.

¹¹ These circumstances include, but are not limited to, an agency's transition from 5311 to 5307 funds, elimination of general public service, or determination by ODOT PTD that an agency no longer meets state or federal requirements for receiving grant funds.

5311 operating funds currently are distributed using a four-part formula that includes a base allocation, service area population, annual passenger trips and annual service miles. The population will be updated every three years unless a more recent census update is available. Annual passenger trips and service hours are updated annually for the formula. The data comes from quarterly reports submitted by each subrecipient.

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

6. Local Share and Local Funding Requirements

PTD does not provide state matching funds for the 5311 program, so all local match is provided by subrecipients. The most frequently used sources of match are STF formula funds (considered local funds), income derived from local tax revenue, revenue sharing, service contracts, package delivery, advertising, grants, donations, and other sources.

PTD requires a 43.92 percent local match for operating grants. The division reimburses 56.08 percent of eligible project expenditures, with grant recipients providing the other 43.92 percent of the project funding as match. The local match for capital purchases is 10.27 percent.

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

For operations projects, matching funds may be a combination of local funds, some federal funds (other than USDOT) and in-kind contributions (limited to one-half the local match requirement). Matching funds must be integral to the project, regardless of source. On a case by case basis, the value of donated supplies, time and services can be used for local match. The value of such donations is determined by each entity with concurrence by the Rural Program Manager.

USDOT funds cannot be used to match PTD grants. However, other federal funds can be used as match to the extent allowed by each federal program. It is the responsibility of grant recipients to verify whether other federal grants they receive can be used as match for FTA grants.

Service contract revenue, such as funding received through a Medicaid brokerage, is eligible to be used as match. Federal funds received directly from a state or local agency (not a service contract) follow the guidelines for federal grants stated above.

For 5311, the use of other federal funds allowed as match is limited to no more than one-half of the local match requirement. Any over-match by federal funds is subtracted from the total operating expense in calculating the net operating deficit.

In-kind contribution is not allowed as match for vehicle purchases.

7. New Start Program

PTD manages a New Start Program for new public agencies that want to apply for funding, or current 5311 agencies that want to provide new services. The focus of the New Start Program is to develop transportation services in rural geographic areas with minimal or no service. The division reserves funds each year for potential New Start projects.

Agencies must establish a need for the project through a planning process that includes such things as a community needs assessment, a service design plan or system plan, and a financial plan. New Start agencies complete an application, a pre-grant compliance questionnaire, and work with division staff for several months prior to the receipt of funds.

Generally, the division will fund only one grantee per geographic area. The evaluation of New Start projects will take into account whether there are other agencies in the same geographic area providing similar services.

New Start applications may be submitted at any time according to the New Start guidelines.

8. Rural Transit Assistance Program (RTAP)

The RTAP is managed to benefit recipients of both federal and state rural transportation funds. In some circumstances, urban agencies receiving FTA funds may participate if training is relevant to those agencies.

Until 2003, PTD used an advisory committee representing nonurban and special needs transportation providers to identify training and technical assistance needs and make recommendations on expenditure of RTAP funds. The division currently uses informal input from the OTA, PTAC and subrecipients to develop annual training programs.

The largest component of RTAP is a scholarship program. Funding is provided to individuals in transit agencies to attend state, regional and national training. Scholarships generally cover 80 percent of travel expenses and training registration fees.

The division also plans or coordinates approximately four training sessions per year on specialized subjects, such as ADA compliance and Drug and Alcohol programs. Some of the training is conducted in conjunction with FTA.

RTAP funds are also used to develop training programs or packages available for use by all transit agencies, such as the Safe at Any Age driver training developed by Ride Connection for the RTAP. Funds are also used to support research activities.

The RTAP program also includes a networking meeting fund, a resource library, and on-site technical assistance as requested, including peer to peer technical assistance.

When PTD contracts with agencies to develop training programs, there is no match requirement.

9. Training Requirements for Subrecipients

Each year PTD provides training opportunities for subrecipients receiving 5311 funding. Some training is through scholarships to attend state, regional or national workshops or conferences that provide pertinent transit-related information for subrecipients.

Other training is provided by the division, sometimes in conjunction with FTA, regarding specific FTA grant requirements. Also, the division arranges for workshops that address grant application requirements, quarterly reporting or other grants-related topics.

PTD expects subrecipients to take advantage of training to ensure management capability of the federal programs. At the division's discretion, 5311 grant recipients may be required to attend transit-related training.

10. Basic Grants Management Policies

Operating Funds

- a. The 5311 program is open to any eligible agency wishing to apply for funding; however, PTD generally does not fund more than one 5311 provider per geographic area.
- b. Agencies must meet the criteria identified under Section III, parts 2 – 6 of this section.
- c. Operating funds are granted each fiscal year. The division may use pre-award authority to authorize reimbursements beginning July 1 of each year, if grant agreements are executed later than July 1.
- d. The funds are granted on a “use it or lose it” basis for each fiscal year. Unused funds are transferred to a reserve account and held for New Start Program projects or projects awarded through the division's discretionary grant process.
- e. All agencies must submit a reimbursement request in order to receive reimbursement. The actual amount of reimbursement is limited to the designated amount of funding as determined by the formula and the local grant agreement, provided agencies demonstrate their local match.
- f. All agencies must submit quarterly financial and performance reports even if they are not requesting reimbursements. The data contained in the reports is used for the division's Oregon Public Transit Information System and used to implement the 5311 allocation formula.

Capital and Planning Projects

- a. Applications for capital and planning projects are accepted during the division's biennial discretionary grant application process.
- b. To close out federal grants in a timely manner, the division implemented the following policies:

- 1) Capital and planning grant agreements are generally awarded for a two-year period, with an option to extend the agreement for a third year if approved by the division administrator.¹²
- 2) If a project is not, or cannot, be completed within the two or three -year time frame, the division may re-negotiate a completion date with the subrecipient. Decisions to cancel a project for non-performance by a grant recipient will be made on a case-by-case basis.
- 3) For facilities projects, division staff will visit the completed facility, or require the subrecipient to submit pictures of the facility, or both, prior to final reimbursement on the grant. This is to ensure that the facility was completed as described in the grant agreement, and that basic ADA requirements (parking, signing, curb cuts, etc.) have been met.
- 4) The division will not approve an application for grant funds for a planning or capital project that has already been initiated, unless the division provided written pre-award authority to begin the project. To be eligible for a pre-award, the project must have met all FTA statutory, procedural and contractual requirements and qualify as a "Category A"¹³ project in the federal program of projects. Pre-award authority does not guarantee funding if ODOT fails to receive appropriations, limitations or other expenditure authority sufficient to allow ODOT to execute the grant agreement.
- 5) The division will reimburse expenditures for a planning or capital project beginning with the start date cited in the grant agreement. Any expenditure by the agency prior to the start date is the responsibility of the agency, and will not be reimbursed by the division.
- 6) All agencies with capital or planning grants are required to submit project status reports with their quarterly reports.

¹² Exceptions are projects that may take several years to complete, such as larger facilities projects involving several stages of development and construction, and planning projects considered complex and technical in nature.

¹³ "Category A" is an FTA term which means a project certified by the state as having met all the Federal statutory and administrative requirements for approval applicable to both the project activities and the subrecipient that will carry out those activities. Category A projects are eligible for federal funding.

V. Intercity Bus Program (FTA 5311 (f))

The OTC approved the Oregon Intercity Bus Program Policy in May 1998. The Intercity Bus Program is funded with 15 percent of the annual FTA 5311 appropriation. Grant funding is guided by Intercity Program policies, ODOT Corridor Plans, the ODOT Passenger Rail Policy, and local needs and community interest, which is necessary to the long-term success of the program.

Where the state provides financial support to rural intercity connections for passenger rail and bus, the state funding may be used to match the federal 5311(f) rural intercity service.

The State of Oregon continues to have unmet intercity needs, and has not submitted a Governor's Certification to FTA stating that the intercity bus needs of the state are being adequately met.

For more information visit: http://www.fta.dot.gov/funding/grants_financing_263.html.

1. Program Goals and Objectives

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

2. Eligible Subrecipients

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

3. Eligible Services and Service Areas

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

4. Eligible Assistance Categories

Discretionary grants provide financing for a variety of project proposals:

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

5. Project Selection Criteria and Method of Distributing Funds

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

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

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

The state may fund intercity projects of statewide importance outside the discretionary grant process. These projects would be submitted to the PTAC for review and approved by the OTC.

6. Local Share and Local Funding Requirements

Any capital projects funded with intercity funds require a 89.73/10.27 or 80/20 percent match regardless of the type of entity (public or private) receiving the grant funds. Operating projects require a 56.08 or 50 percent grant share. Public and private operators are expected to provide the other 43.92 or 50 percent of operating costs.

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

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

7. Basic Grant Management Policies

Operating Funds

- a. Operating funds in most cases are awarded in an intercity discretionary grant application process, and normally awarded for two years.
- b. Agencies must meet the criteria identified under Section IV, parts 2 – 6.
- c. Any unused grant funds at the end of the agreement or contract period will be reserved for other intercity projects.
- d. All agencies must submit a quarterly report in order to receive reimbursement. Private for profit operators may submit reports monthly. The actual amount of reimbursement is limited to the designated amount in the local grant agreement (or contract), provided agencies demonstrate their local match.
- e. All agencies must submit quarterly financial and performance reports even if they are not requesting reimbursements. The data contained in the reports is used for the division's Public Transit Management System or Oregon Public Transit Information System.

Capital and Planning Projects

- a. Capital and planning funds are awarded in an intercity discretionary grant application process.
- b. To close out federal grants in a timely manner, the division implemented the following policies:
 - 1) Capital and planning grant agreements generally will be awarded for a two-year period, with an option to extend the agreement for a third year if approved by the division administrator.¹⁴
 - 2) If a project is not, or cannot, be completed within the two or three-year time frame, the division may re-negotiate a completion date with the subrecipient.

¹⁴ Exceptions are projects that may take several years to complete, such as larger facilities projects involving several stages of development and construction; and planning projects considered complex and technical in nature.

Decisions to cancel a project for non-performance by a grant recipient will be made on a case-by-case basis.

- 3) For facilities projects, division staff will visit the completed facility, or require the subrecipient to submit pictures of the facility, or both, prior to final reimbursement on the grant. This is to ensure that the facility was completed as described in the grant agreement, and that basic ADA requirements (parking, signing, curb cuts, etc.) have been met.
- 4) The division will not approve an application for grant funds for a planning or capital project that has already been initiated, unless the division provided written pre-award authority to begin the project. To be eligible for a pre-award, the project must have met all FTA statutory, procedural and contractual requirements and qualify as a "Category A"¹⁵ project in the federal program of projects. Pre-award authority does not guarantee funding if ODOT fails to receive appropriations, limitations or other expenditure authority sufficient to allow PTD to execute the grant agreement.
- 5) The division will reimburse expenditures for a planning or capital project beginning with the start date cited in the grant agreement. Any expenditure by the agency prior to the start date is the responsibility of the agency, and will not be reimbursed by the division.
- 6) All agencies with intercity capital or planning grants are required to submit project status reports with their quarterly reports.

¹⁵ "Category A" is an FTA term which means a project that is eligible for funding is certified by the state as having met all the Federal statutory and administrative requirements for receiving funds. Both the project activities and the subrecipient that will carry out those activities are approved.

VI. Elderly Individuals and Individuals with Disabilities Program (FTA 5310)

The FTA 5310 program supports services for elderly individuals and individuals with disabilities. The State of Oregon receives an annual apportionment by formula from Congress, and PTD uses the biennial discretionary grant process to allocate the 5310 funds to eligible subrecipients.

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

For more information visit: http://www.fta.dot.gov/funding/grants_financing_263.html.

1. Program Goals and Objectives

The goal of PTD's 5310 program is to improve mobility for elderly individuals and disabled individuals living throughout Oregon. The funds are available for use by agencies in all areas of the state – urbanized, small urban and rural. Because financial resources are limited, one of the program's goals is to ensure that funds will be invested in projects that represent the highest and best use.

PTD uses the standards identified in the OTP for service to elderly individuals and individuals with disabilities. The standards set out broad guidelines that the division uses to design and manage the discretionary grant process.

Because Oregon has a strong state-funded STF Program, PTD manages the 5310 program to be complementary with the STF Program. For example, the STF formula funds are usually used for operating services, while the 5310 grants are often used for vehicle purchases to support those services. Sometimes the 5310 purchased services option (which is uniquely defined as capital in the 5310 program) may be used to provide operating support for contracted elderly individuals and disabled services.

One of the goals of the 5310 program is to encourage Indian tribes to access funding for their programs. Several tribes participate regularly in the 5310 program.¹⁶

¹⁶ See Section XI, #2 for information on Environmental Justice

2. Eligible Subrecipients

Both FTA and PTD value coordination. With passage of SAFETEA-LU legislation, coordination has become a requirement for 5310-funded projects. Therefore, the Division will ensure that 5310 funds projects derived from a “locally developed coordinated public transit-human service transportation plan.”

There are three categories of eligible subrecipients of 5310 funds:

- a. Private nonprofit agencies are eligible to receive funds if the services they provide are coordinated with other public transportation services and human service agencies. They must not duplicate transportation services already available and the agency must demonstrate that the investment of grant funds benefits the community’s overall transportation program, including meeting needs otherwise not met.

In several Oregon communities, the lead agency for transportation coordination and for the delivery of public transit services is a nonprofit entity. These lead agencies receive multiple local, state and federal funds for public and human service transportation, often on behalf of other agencies in the area, and in partnership with an STF Agency.

PTD requires potential applicants to submit documentation of nonprofit status when submitting an application for funding. The Oregon Secretary of State maintains a website of all agencies that have been determined to be nonprofit and their current registration status. The division checks the status of nonprofit applicants prior to completing agreements and amendments, and at such other times that the information may be required.

Agencies providing transportation services to clients only (service is not open to the public or non-client elderly individuals or individuals with disabilities) must allow federally-funded vehicles to be used by other public transportation providers when the vehicles are not scheduled for client services.

- b. Public bodies that certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service. There are no public bodies that have submitted such certification at this time.
- c. Public bodies approved by the state to coordinate services for elderly individuals and individuals with disabilities.

PTD designates the following public agencies as coordinators of services for public transportation, including transportation for elderly individuals and individuals with disabilities. These agencies represent the interests of other public and private entities in the regional area, and are the recipients of multiple sources of local, state and federal funds for public and human service transportation.

- 1) Organizations formed under ORS 190, including those established for the purpose of public transportation and councils of governments.
- 2) Counties, transportation districts and Indian tribes designated by ORS 391.800 as recipients of Special Transportation Funds, and the agency that the county, transportation district and Indian Tribe may designate to act on its behalf.
- 3) City and county governments, mass transit and transportation and county service districts, and Indian tribes acting as lead agencies for the delivery of public transportation services within a regional area.

3. Eligible Assistance Categories

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

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

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

4. Project Selection Criteria and Method of Distributing Funds

PTD maintains a list of all eligible 5310 recipients. All are notified directly of funds availability and are invited and encouraged to participate in the program. The division uses press releases to further notify the public that discretionary grants are available. Local STF Agencies, designated as coordinating agencies by the division, assist the division in notifying public and nonprofit agencies within their geographic areas about the grant program. Division staff provides technical assistance to agencies, as needed, to help them develop grant applications.

STF Agencies review and prioritize all projects benefiting transportation for elderly individuals and individuals with disabilities. The review includes consideration of applicant eligibility, project type and justification, merit, coordination efforts, public involvement, and environmental justice. STF Agencies may establish other review criteria as well, such as local priorities, project planning, efficiency and effectiveness.

PTD performs a technical review of all applications. A listing of all projects is presented to the Project Selection Committee for final consideration and approval.

Discretionary grants are awarded biennially. Usually applications are available in the fall of each solicitation cycle. The process of evaluating applications and making final grant awards takes six to eight months. However, the timing of the application and grant awards process depends on federal and state legislation. If necessary, the division may adjust the timing of the grants process. The division publishes a schedule of the discretionary grant process as soon as it is available.

5. Local Share and Local Funding Requirements

The match rate for the 5310 program is 10.27 percent local funds. The match rate for projects funded from STP transfer funds to the 5310 program is 89.73/10.27 percent, which is the Federal Highway Administration match ratio for STP funds. If the operations pilot program utilizes the opportunity to apply operations funding in 5310, the match rate is 56.08/43.92 percent.

State STF formula funds granted to agencies through the designated STF Agency are considered "local funds" and may be used as match for 5310 funds, along with other local resources available to local agencies.

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

6. Training Requirements

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

7. Basic Grant Management Policies

Capital Projects

- a. Applications for capital projects are accepted during the division's biennial discretionary grant application process.
- b. To close out federal grants in a timely manner, the division implemented the following policies:

- 1) Capital grants other than facilities generally will be awarded for a two-year period, with an option to extend the agreement for a third year if approved by the division administrator.¹⁷
- 2) If a project is not, or cannot, be completed within the two or three-year time frame, the division may re-negotiate a completion date with the subrecipient. Decisions to cancel a project for non-performance by a grant recipient will be made on a case-by-case basis.
- 3) For facilities projects, division staff will visit the completed facility, or require the subrecipient to submit pictures of the facility, or both, prior to final reimbursement on the grant. This is to ensure that the facility was completed as described in the grant agreement, and that basic ADA requirements (parking, signing, curb cuts, etc.) have been met.
- 4) The division will not approve an application for grant funds for a capital project that has already been initiated, unless the division provided written pre-award authority to begin the project. To be eligible for a pre-award, the project must have met all FTA statutory, procedural and contractual requirements and qualify as a "Category A"¹⁸ project in the federal program of projects. Pre-award authority does not guarantee funding if ODOT fails to receive appropriations, limitations or other expenditure authority sufficient to allow PTD to execute the grant agreement.
- 5) The division will reimburse expenditures for a capital project beginning with the start date cited in the grant agreement. Any expenditure by the agency prior to the start date is the responsibility of the agency, and will not be reimbursed by the division.
- 6) All agencies with 5310 capital grants are required to submit a project status report with their quarterly reports.

¹⁷ Exceptions are larger facilities projects, which may involve several stages of development and construction, and may take several years to complete. The division may choose to phase the project into more than one biennial grant.

¹⁸ "Category A" is an FTA term which means a project certified by the state as having met all the Federal statutory and administrative requirements for approval applicable to both the project activities and the subrecipient that will carry out those activities. Category A projects are eligible for federal funding.

VII. New Freedom Program (FTA 5317)

The FTA 5317 program is a program to support new services and facility improvements to address the transportation needs of persons with disabilities that go beyond those required by the ADA. The program supports capital and operating costs.

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

For more information visit: http://www.fta.dot.gov/funding/grants_financing_263.html.

1. Program Goals and Objectives

The goal of PTD's 5317 program is to improve mobility for individuals with disabilities living throughout Oregon. The funds are available for use by agencies in all areas of the state – urbanized, small urban and rural. Because financial resources are limited, one of the program's goals is to ensure that funds will be invested in projects that represent the highest and best use.

Because Oregon has a strong state-funded STF Program, PTD manages the 5317 program to be complementary with the STF and 5310 programs. For example, the STF formula funds may be used for operating services, while 5310 grants are often used for vehicle purchases to support those services. 5317 funds would add additional operations support, alternatives to access, or capital projects for public transportation services beyond those required by ADA.

2. Eligible Subrecipients

The state or local governments, Indian tribes, private for profit and private non-profit public transportation agencies are potentially eligible.

3. Eligible Assistance Categories

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

- a. Operations
- b. Capital projects, including vehicles, facilities, computers, etc.

- c. Mobility management, which includes a wide range of activities that result in improved coordination and access to services

All proposed service enhancements must support new transportation services beyond the ADA. Agencies wishing to purchase non-accessible vehicles must sign a Certification of Equivalency annually assuring the division they have the ability to meet ADA requirements.

4. Project Selection Criteria and Method of Distributing Funds

PTD maintains a list of all currently eligible federal and state grant recipients. All are notified directly of funds availability and are invited and encouraged to participate in the program. The division uses press releases to further notify the public that discretionary grants are available. Local STF Agencies, designated as coordinating agencies by the division, assist the division in notifying public and nonprofit agencies within their geographic areas about the grant program. Division staff provide technical assistance to agencies, as needed, to help them develop grant applications.

STF Agencies review and prioritize all projects benefiting transportation for elderly individuals and individuals with disabilities. The review includes consideration of applicant eligibility, project type and justification, merit, coordination efforts, public involvement, and environmental justice. STF Agencies may establish other review criteria as well, such as local priorities, project planning, efficiency and effectiveness.

PTD performs a technical review of all applications. A listing of all projects is presented to the Project Selection Committee for final consideration and approval.

Discretionary grants are awarded biennially. Usually applications are available in the fall of each solicitation cycle. The process of evaluating applications and making final grant awards takes six to eight months. However, the timing of the application and grant awards process depends on federal and state legislation. If necessary, the division may adjust the timing of the grants process. The division publishes a schedule of the discretionary grant process as soon as it is available.

5. Local Share and Local Funding Requirements

The match rate for the 5317 program is 89.73% for capital and 50% for operating projects.

State STF formula funds granted to agencies through the designated STF Agency are considered "local funds" and may be used as match for 5317 funds, along with other local resources available to local agencies.

The actual amount of reimbursement for any project is limited to the original project proposal prepared by the project applicant, even if project costs exceed those estimated. It is the responsibility of the project applicant to "make up" any shortfalls in project funding.

6. Training Requirements for Subrecipients

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

7. Basic Grant Management Policies

Capital and operating projects will be managed in accordance with procedures established for the 5310 and 5311 programs, as appropriate.

VIII. Job Access and Reverse Commute Program (FTA 5316)

The FTA 5316 program is a program to develop and maintain transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment; and for public transportation projects designed to transport residents of urbanized areas and other than urbanized areas to suburban employment opportunities. Low-income refers to an individual whose family income is at or below 150% of the poverty line as specified by the Community Services Block Grant Act. In many cases, these individuals are also individuals with disabilities.

The State of Oregon receives an annual apportionment by formula from Congress for small urban (populations greater than 50,000 and less than 200,000) and rural areas of the state. PTD uses the biennial discretionary grant process to allocate 5316 funds to eligible subrecipients.

For more information visit: http://www.fta.dot.gov/funding/grants_financing_263.html

1. Program Goals and Objectives

The goal of PTD's 5316 program is to improve mobility for economically disadvantaged individuals living throughout Oregon. The funds are available for use by small urban and rural agencies. Because financial resources are limited, one of the program's goals is to ensure that funds will be invested in projects that represent the highest and best use.

Because Oregon has a strong state-funded und (STF) Program, the 5310 and 5311 programs, PTD manages the 5316 program to be complementary with these programs. For example, the STF formula funds may be used for operating services, while the 5310 grants are often used for vehicle purchases to support those services. 5316 would improve access to transportation services for employment related activities.

2. Eligible Subrecipients

Public agencies, Indian tribes, private for- and non-profit agencies providing services in small urban and rural areas of Oregon are potentially eligible to receive 5316 funds.

3. Eligible Assistance Categories

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

- a. Operations;
- b. Planning;
- c. Capital projects, including vehicles, facilities, computers, etc.; and
- d. Mobility management, which includes a wide range of activities that result in improved coordination and access to services.

4. Project Selection Criteria and Method of Distributing Funds

PTD maintains a list of all currently eligible federal and state grant recipients. All are notified directly of funds availability and are invited and encouraged to participate in the program. The division uses press releases to further notify the public that discretionary grants are available. Local STF Agencies, designated as coordinating agencies by the division, assist the division in notifying public and nonprofit agencies within their geographic areas about the grant program. Division staff provide technical assistance to agencies, as needed, to help them develop grant applications.

STF Agencies review and prioritize all projects benefiting transportation for elderly individuals and individuals with disabilities. The review includes consideration of applicant eligibility, project type and justification, merit, coordination efforts, public involvement, and environmental justice. STF Agencies may establish other review criteria as well, such as local priorities, project planning, efficiency and effectiveness.

PTD performs a technical review of all applications. A listing of all projects is presented to the Project Selection Committee for final consideration and approval.

Discretionary grants are awarded biennially. Usually applications are available in the fall of each solicitation cycle. The process of evaluating applications and making final grant awards takes six to eight months. However, the timing of the application and grant awards process depends on federal and state legislation. If necessary, the division may adjust the timing of the grants process. The division publishes a schedule of the discretionary grant process as soon as it is available.

5. Local Share and Local Funding Requirements

The match rate for the 5316 program is 80 percent for capital, planning and mobility management; 50 percent for operating projects.

State STF formula funds granted to agencies through the designated STF Agency are considered "local funds" and may be used as match for 5316 funds, along with other local resources available to local agencies.

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

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

6. Training Requirements

The PTD may periodically provide workshops on such topics as capital procurement, operations or other topics related to management of transportation services. Agencies that receive 5316 funds must attend training in one or more of these areas if requested to do so by the division.

7. Basic Grant Management Policies

Capital, planning, mobility management and operating projects will be managed in accordance with procedures established for the 5310 and 5311 programs, as appropriate.

IX. Locally Developed Coordinated Public Transportation Human Service Plan

Beginning in FY 2007, as a condition of Federal assistance and as result of SAFETEA-LU, PTD must certify to the Secretary of Transportation that projects selected for funding in 5310, 5316 and 5317 derive from locally developed coordinated plans. 5311 participants' projects are expected to be included in the local planning process. Intercity bus providers are encouraged to be included. Also in 2007, STF Agencies must complete a plan for their STF programs. These two planning requirements are very similar in intent and timing.

1. Unified Plan

To avoid redundancy, the division will require a single, unified coordinated plan to include both state and federal requirements.

2. Local Lead Agency

The STF Agency is designated as the lead agency to develop and adopt the coordinated plan for its area. STF Agencies have been division's partners to coordinate transportation for elderly individuals and individuals with disabilities for the STF Program and are now required by state law to adopt a plan by June 30, 2007. The FTA allows the state to designate lead agencies for the federal programs. STF Agencies may designate another agency to conduct planning process.

3. Planning Area

The planning area will be (at a minimum) the county or counties governed by STF Agencies, or the areas served by Indian tribes. STF Agencies will be asked to coordinate their planning with the Metropolitan Planning Areas (MPOs) and transit agencies in the MPO areas, as appropriate.

- a. Plans may be divided into urban and rural components.
- b. Regional Plans are encouraged: STF Agencies and MPOs may join with other STF Agencies (and other agencies with similar planning requirements) for mutual benefit for planning purposes.

4. MPO Coordination

MPO organizations in urban areas will be consulted and will collaborate with the lead agency. Transit Staff is working with each urban area to identify issues and solutions around developing the plan. Coordination with MPO Planning requirements and STF Program planning requirements is emphasized, but we recognize that it will require additional consultation and coordination.

5. Plan Development and Approval

To meet the coordinated planning requirement PTD is proposing a phase-in planning process.

- a. In order to identify projects for the 2007-2009 PTD discretionary grant process, coordinated plans will need to be well underway by the fall of 2006. These interim plans are required in order for local communities to identify projects to propose for discretionary grant funds, and for PTD to acknowledge that projects are derived from a plan, as required. For communities with transportation plans, the initial planning effort will allow the community to update their plan to be in compliance with the new requirement. For communities without a plan, the initial plan will allow the community to enter into a dialogue about transportation and to identify initial community coordination goals.
- b. The coordinated plan must be adopted by June 30, 2007.

6. Plan Content

Below are four major content areas required to meet the public transit-human service transportation planning requirements. The division expects the planning process to be inclusive and to result in services that take advantage of coordination of resources and services funded with FTA, state and local resources and with human service funds.

1. Stakeholder Involvement

Engaging the appropriate organizations and individuals in planning efforts is critical to identifying the needs of the target population, the needs of the community/region, the transportation services available, and the identification of new solutions.

2. Data and Analysis

Collect and analyze data, including demographic, economic, aging, etc. to determine trends and future needs. Analyze existing conditions, including human services, public transportation and potential riders in the planning area.

3. Identify Unmet Transportation Needs

Identify the various types of transportation challenges and "gaps" in existing transportation services. Compare the origins and destinations of people with special needs with existing

transportation services. Identify the unmet needs and possible wasteful duplication of efforts in certain areas. Ask human service organizations and consumers about their perceptions of service gaps and needs.

4. Develop Transportation Alternatives

Prioritizing needs, along with identifying potential solutions is sufficient in this plan. It is not intended for the plan to design projects and list specific solutions. Transportation solutions will vary in each area depending on the resources available, the size of the market for each alternative and the extent of existing services.

Additional Considerations: The planning initiative will be coordinated with the division's United We Ride activities and the Statewide Planning Program (5304). Funds and technical assistance will be made available to assist in developing the plans, starting with the United We Ride coordination grant allocated to ODOT in 2005. The division is working with an interagency United We Ride Working Group to identify recommendations for plan development strategies and technical assistance.

X. State Management Procedures

1. Statewide Transportation Improvement Program (STIP)

The STIP is a four-year document that identifies highway, bridge, transit and other projects committed for federal funding by ODOT. Projects funded with FTA 5304, 5310, 5311, 5316, 5317, Surface Transportation Program funds and Transportation Options projects are listed in the STIP.

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

The discretionary grant process is used to identify MPO area projects eligible to be funded with 5310, 5316 and 5317 funds. The identified projects are coordinated with local MPOs. MPO staff work closely to ensure that projects identified in the local TIPs are consistent with the STIP.

2. Annual Program of Projects Development and Approval Process

PTD solicits applications for 5311 funds each fiscal year, usually in the March – June quarter. Discretionary grant applications for 5310, 5316 and 5317 funds are available on a biennial basis with the process usually beginning in the fall of each even year.

The PTD prepares and submits Oregon's applications for 5310 and 5311 funds to the FTA. The applications are submitted in summer, with the goal of having approved federal grants by September 30 of each year. The Program of Projects (PoP) is a statement of intent to make grants. Projects are included in the STIP, as required by the FTA.

The division manages transfers of FTA 5307 (urban-area mass transit account block grants) to 5311 for a single project annually: the Longview/Kelso/Rainier MPO which is a bi-state MPO.

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

3. State Administration and Technical Assistance

PTD works with other divisions of ODOT and grant recipients to administer transit projects. Fifteen percent of the annual appropriation of 5311 (including STP transfers) and ten percent (or \$25,000, whichever is greater) of the 5310, 5316, 5317 appropriation are allocated to state administration and technical assistance.

OMB Circular A-87 identifies allowable state administrative costs for the 5310, 5311, 5316 and 5317 programs. A portion of the 5311 administrative allocation can be granted to local providers for eligible planning projects identified through the discretionary grant process, although in recent years many planning projects have been funded with STP transfer funds. The funding of planning projects must be accommodated within the 15 percent limitation for administration. The RTAP is not included in the state administrative program; it has its own allocation of funding, determined annually by Congress.

The primary administrative duties of PTD for the FTA's 5310, 5311, 5316 and 5317 programs include:

- a. Provide technical assistance to applicants and grantees.
- b. Announce program availability, selection criteria and eligibility requirements.
- c. Coordinate reviews of project financing with the Project Selection Committee, PTAC, or the OTC, as appropriate.
- d. Match applicants' project proposals to the available funding.
- e. Prepare and maintain the State Management Plan for 5310, 5311, 5316 and 5317.
- f. Coordinate the transit element of the Statewide Transportation Improvement Program; coordinate MPO TIPs with the STIP.
- g. Monitor local projects for compliance with federal and state rules; report to FTA and ODOT director as necessary.
- h. Monitor grantees' management of equipment and facilities purchased with grant funds.
- i. Develop vehicle and equipment specifications.
- j. Review project plans and specifications.
- k. Review requests for waiver of Buy America requirements.
- l. Review requests to award a bid when only one bid is received.
- m. Review third-party contracting processes.

- n. Gather information for environmental regulations.
- o. Review Charter Bus petitions and certifications.
- p. Review quarterly reports and processes grant payments.

PTD provides technical assistance to subrecipients receiving FTA 5310, 5311, 5316 and 5317 funds, such as assistance with project planning and development, project management and improvement, and compliance with federal requirements. The division also provides assistance to enable grantees to apply for other federal funds including FTA's 5309 and JARC grants.

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

4. Financial Management

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

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

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

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

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

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

Subrecipients must also keep grant records for three years after a project is completed, or a vehicle title is released to the subrecipient.

5. Audit and Financial Review Requirements

PTD reviews the annual audits of subrecipients to ensure that federal and state transit funds are reported in the audits. The division also reviews the management letter accompanying an audit to determine if there are material findings that need to be addressed before grant agreements are executed with the subrecipient.

Subrecipients receiving Federal funds in excess of \$500,000 are subject to audit conducted in accordance with Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, And Non-profit Institutions. Subrecipients affected by this requirement must submit to PTD a copy of its A-133 annual audit covering the federal funds expended under current grant agreements with ODOT. If a subrecipient has a subcontractor responsible for the financial management of federal funds, the subrecipient shall arrange for the division to be sent a copy of the subcontractor's annual audit.

Recipients receiving less than \$500,000 in Federal funds must submit to PTD a copy of any annual audit covering the funds expended under current grant agreements with ODOT; and the annual audit of any subcontractor receiving federal funds as a result of grant agreements.

All subrecipients must include a copy of the management letter and any other reports that accompany the annual audit.

6. Project Monitoring/Project Compliance

PTD, as the administrative agent for state and federal funds, is required to ensure subrecipients comply with federal and state requirements. This is accomplished through a project monitoring program performed by division staff or its delegates. Monitoring specifically evaluates the grantee's managerial and financial capacity, ongoing grant eligibility and ability to comply with state and federal requirements that are a condition of funding.

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

PTD has a three-step monitoring program that begins at the application stage, including internal reviews, and on-site program reviews.

Application Stage

The division's monitoring program starts at the application stage to ensure that applicants are eligible to receive state or federal funds.

- a. Pre-award compliance questionnaires are required for all new agencies receiving federal funds and required periodically for already established subrecipients. The questionnaire assesses the level of compliance with FTA requirements.
- b. Any compliance issues that emerge from the questionnaires must be resolved by the agency before the division finalizes grant agreements for any federally funded projects.
- c. Annual applications for FTA 5311 are reviewed to ensure agency eligibility, project eligibility, financial capability, and verification of local match.
- d. Applications for the discretionary grant process are reviewed for agency eligibility, project eligibility, and compliance with application requirements and processes required by the division.
- e. PTD does not finalize grant agreements for any federally funded projects until compliance issues have been resolved by the grantee.

Internal Reviews

PTD regularly does internal reviews of various documents to monitor subrecipients' compliance. These include, but are not limited to, reviews of:

- a. Quarterly financial reports for problems or anomalies that may indicate financial problems;
- b. Local agencies' annual audits and management letters, if required, to determine if there were any material findings during the audit period;
- c. Drug and alcohol policies submitted by subrecipients for review;
- d. ADA documents submitted to by subrecipients for review;
- e. Public information brochures and route schedules (for ADA compliance);
- f. Procurement practices; and
- g. Informal complaints received by the division regarding service provided by a subrecipient and action taken by the subrecipient.

On-site Program Reviews

PTD performs on-site program reviews of FTA 5311 and 5310 grantees. In choosing agencies to review, the division performs a risk management assessment, which consists of type and size of agency, numbers of outstanding grants, size of grants, the division's historic relationship with the provider, and evidence of ongoing compliance problems.

PTD has a two-tier oversight process. In Tier One, on-site reviews are performed on a rotating schedule, based on an evaluation of risk. The goal is to review agencies approximately every three years; however, the division may elect to perform reviews every five years for agencies with no substantive compliance issues from the last on-site review. The division may also elect to perform internal reviews instead of on-site reviews for very small 5310 agencies having only one grant.¹⁹

In Tier Two, the division may require agencies to complete an Annual Assessment of Compliance Areas. This assessment is in addition to program-specific pre-award questionnaires the grantee may be required to submit.

Agencies Receiving Triennial Reviews from FTA

PTD may choose not to perform on-site reviews of any FTA 5311 agency that receives a triennial review from FTA due to the receipt of 5309 funds. PTD may choose not to perform an on-site review of any 5307 agency that also may receive 5310 funds. The division may evaluate the triennial reviews for any substantive findings.

Construction of Facilities

Most construction or facilities projects funded by PTD are small projects and usually approved for categorical exclusions of environmental requirements by FTA. The division visits the completed facility, or requires photographs of the completed project, or both, prior to making final payment on a grant. This is to ensure the project was completed as described in the grant agreement, and that basic ADA requirements (parking, signing, curb cuts etc.) have been met.

7. State Reporting Requirements

PTD requires performance and fiscal reports from grantees for each of its funding programs. Grant payment is based on receipt and approval of the reports and reimbursement requests. Reports document number of rides, hours, miles, senior and disabled passenger counts, quarterly revenues and expenditures, match, source of match and other data as required by the specific funding source.

If any inconsistencies or problem areas are evident in the reports, those are resolved with the agency involved before grant reimbursement is made. Depending upon the type of grant, the division may require other types of documentation in order to process reimbursement requests.

PTD reserves the right to de-obligate funds before the end of a project for cause. In some cases, repayment of grant funds will be pursued and debarment from future grant opportunities will occur.

¹⁹ See Appendix D for more information regarding the on-site review process and a copy of the review document used by PTD

8. Public Involvement and Coordination

Public Involvement

ODOT requires all agencies applying for capital projects in both the 5311 and 5310 programs to provide an opportunity for public input and comment. This is to ensure that interested parties, including potential private operators, have an opportunity to be heard. The designated STF Agencies, which coordinate local grant applications and prioritization for the discretionary grants process, are required to follow specific public involvement procedures.²⁰

Service Coordination

The State of Oregon's Coordination Policy states that all recipients of FTA grants will coordinate and cooperate with other programs operating or planning to establish transportation systems in their service areas.

On the state level, PTD coordinates the program service and funding objectives through the PTAC, OTC, the Oregon Department of Human Services, and the Legislative Commission on Indian Affairs.

This coordination effort is continued at the local project level. Applicants for FTA transportation grant programs must coordinate their proposed service plans with other local agencies in order to reduce expenditures, improve or increase service, and use resources more efficiently. This is accomplished through their respective advisory committees in non-urbanized areas and MPOs in urbanized areas of Oregon. This coordination effort is examined during the 5310, 5311, 5316 and 5317 discretionary grant program application review process.

In addition to advisory committees and MPO coordination, state transportation program requirements call for local agencies to provide reasonable notice to transportation providers (including private for-profit, private nonprofit and public agencies) regarding proposed changes in transit services. Private transportation providers are encouraged to participate in order that they may present their views concerning the development of local plans and programs.

With respect to FTA 5303 and 5304, the ODOT Transportation Planning Division (Urban Planning and Transit Sections) in its role as coordinator with non-urbanized areas and MPOs, develops a single State grant application and work program each year.

Private Sector Participation

It is the policy of PTD to provide the opportunity for private enterprise to participate in the planning process and delivery of public transit services. This is accomplished through the involvement of

²⁰ See Appendix G for Discretionary Grant Program—Instructions for STF Agencies

private businesses on the PTAC as well as private sector participation in local planning processes, program development and service delivery.²¹

a. Large Communities with Formalized Planning Process

MPOs encourage private enterprise participation in the earliest possible stages of the planning process in order to coordinate public and private transit services. The MPO planning procedures provide opportunities for private transportation providers to be notified of, or be involved in, meetings of the local advisory committees, policy coordinating committees, and the update of the local TIPs.

b. Small Communities and Rural Areas

In small urban areas, communities or rural areas, transit agencies often provide the opportunity for using the capabilities and resources of the private sector to meet the demand for transportation service. Subrecipients are encouraged to consider private companies when designing their transportation services, and several 5311 subrecipients use private entities to operate their services through third-party contracts.

In the 5310 program, many private nonprofit agencies receive funding, either directly from PTD or through a third-party contract with a public agency. Rural intercity providers are often private for profit companies.

c. State Role

The PTD defines procedures to help local agencies comply with public notice requirements so that the private sector has the opportunity to comment on grant proposals or bid on contracts for transit service. The division requires grantees to comply with Oregon's Open Meetings law and public notice requirements in its grant programs. Technical assistance is provided, upon request, by the division to local agencies in the development of their private sector participation process.

9. Grievance or Protest Procedures

PTD encourages all local transportation providers to have grievance procedures in place for resolving local disputes.

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

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

²¹ See Appendices for more detailed information regarding the private sector participation process in local planning and program development.

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

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

XI. Subrecipient Grant Requirements

For the purpose of compliance with state and federal regulations and requirements, the term “project” includes all activities and funding described by the applicant in the project application and defined in the subsequent grant agreement.

Project funds are not limited to the grant and associated match, but include all funds supplied by the grant recipient as necessary to operate the specific project described in the grant agreement. Agencies receiving multiple funding sources must manage their projects to conform to the most stringent of applicable state or federal rules, or they must develop financial strategies to segregate funding streams associated with specific projects.

1. Civil Rights (Title VI)

Reference: FTA C 9040.1.F; FTA C 9070.1.F

ODOT complies with Title VI of the Civil Rights Act of 1964, as amended. The policy applies to both state and local grant recipients and states that, “No person in the United States, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Civil Rights assurances extend to the grantee's entire facility and services operated in connection with the project. Grantees are required to report to PTD any complaints of discrimination in the provision of transportation-related services or benefits. Formal complaints may be filed with USDOT or FTA.

Subrecipient responsibilities:

- a. Sign a certification of compliance pertaining to Civil Rights.
- b. Contact the division immediately via phone, email or fax if the subrecipient has received a lawsuit or civil rights complaint.
- c. Report to the division, either through the compliance questionnaire or the annual application, a concise description of active lawsuits or complaints alleging discrimination in service delivery in the past three years. The report must disclose the status or outcome of lawsuits or complaints, and summarize all civil rights compliance review activities conducted during the three-year period.
- d. Provide updates on the status or outcome of active or pending lawsuits on quarterly reports.

PTD monitors compliance by:

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

2. Environmental Justice

Environmental justice is not a new requirement. Agencies receiving federal grant funds have been required to ensure nondiscrimination under Title VI of the Civil Rights and other related laws.

However, environmental justice specifically addresses minority and low income populations:

A 1994 Presidential Executive Order directed every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on "minority populations and low-income populations."

Transit providers offer mobility for all citizens whether they own a vehicle or not. They provide an essential service for many low-income and minority populations who have no other way to get to work, shopping, child care, medical appointments, recreation or other destinations. Transit agencies support Title VI and environmental justice when they:

- a. Ensure new investments and changes in transit facilities, services, maintenance and vehicle replacement deliver equitable levels of service and benefits to minority and low-income populations.
- b. Avoid, minimize or mitigate disproportionately high and adverse effects on minority and low-income populations.
- c. Enhance public involvement activities to identify and address the needs of minority and low-income populations in making transportation decisions.²²

²² Source: *An Overview of Transportation and Environmental Justice*, U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration.

One of PTD's goals is to help subrecipients consider environmental justice principles in their services. The division will help agencies look at demographics to identify unmet needs. When subrecipients engage in planning related to development of transit services and capital purchases, they are expected to include consideration of "environmental justice."

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

Each year applicants for 5311 funds are asked to identify the minority populations served in their transit programs. Some agencies with significant minority communities are providing bilingual transit information to encourage use of the transit system by those populations.

PTD notifies all Tribal Governments of grant opportunities as they arise. Division staff attend tribal meetings upon invitation and provides technical assistance as necessary with grant application and project development. Several Tribal Governments receive funding from the 5311 and 5310 grant programs.

Subrecipient responsibilities:

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

PTD responsibilities:

- a. Provide technical assistance to help grantees with outreach to minority and low income populations; identify networking opportunities regarding travel training, "bus buddies" and similar programs.
- b. Identify transit needs of low-income and minority populations through statewide planning processes and target funding accordingly.
- c. Ensure that ODOT uses appropriate public involvement processes in awarding grant funds for transit projects.

3. Disadvantaged Business Enterprise Program

Reference: 49 CFR, Parts 23 and 26

As a recipient of FTA funds, ODOT is required to implement a program that provides the maximum opportunity for Disadvantaged Business Enterprises (DBEs) to compete for contracts financed by Federal funds. It is the policy and intent of ODOT to practice nondiscrimination and to create a level playing field on which DBEs can compete fairly for contracts. ODOT's Office of Civil Rights manages this requirement on behalf of ODOT. The DBE program affects all of ODOT's federally funded projects.

DBE program objectives

- a. Ensure that provisions of the DBE Program are adhered to by ODOT and PTD, FTA grant recipients, subrecipients and contractors; and
- b. Initiate and maintain efforts to increase DBE Program participation by disadvantaged businesses.

Subrecipient Responsibilities

Subrecipients who receive planning, capital or operating assistance and who anticipate that they will award prime contracts cumulatively exceeding \$250,000 during a Federal fiscal year are required to have in place a DBE program. Contracts to purchase transit vehicles do not count toward the \$250,000 prime contract amount.

- a. Establish a DBE program and goal and submit documentation for review by PTD and FTA.
- b. In lieu of a DBE program, a subrecipient may develop a contract-specific DBE goal if the subrecipient usually does not receive FTA funds exceeding the amounts listed above.
- c. Subrecipients do not have to submit regular updates of their DBE programs as long as they remain in compliance. However, subrecipients must submit significant changes in their DBE programs for approval.
- d. Direct recipients of FTA funds report to FTA; all others report quarterly to the division.

Subrecipient receiving less than \$250,000 in FTA funds:

- a. Make a good faith effort to use DBE businesses in procurement;
- b. Report quarterly to PTD on any purchases made from DBE businesses.

PTD monitors compliance by:

- a. Including DBE requirements in all grant agreements;
- b. Assisting subrecipients in obtaining information on DBE businesses in their geographic areas;

- c. Ensuring all subrecipients receiving FTA funds exceeding the amounts listed above have the required DBE program and goal prior to executing grant agreements.

4. Equal Employment Opportunity

Reference: FTA C 9040.1.F; FTA C 970.1.F; FTA C 4704.1

ODOT is responsible both for its own compliance (managed by the Office of Civil Rights) and for ensuring that local recipients are in compliance with the Equal Employment Opportunity Act (EEO). The threshold for compliance is receipt in the previous fiscal year of \$1 million or more in FTA assistance, and 50 or more mass transit-related employees. ODOT has an EEO plan covering state employees. In addition, PTD may require documentation from any grantee as it deems necessary to ensure that they do not discriminate on the basis of race, color, creed, national origin, sex, age or disability.

Subrecipient responsibilities:

- a. Post EEO information in a place readily accessible by employees; and
- b. Include an EEO statement in all job advertisements.

PTD monitors compliance by:

- a. Reviewing EEO practices by subrecipients during the on-site reviews.

5. Section 504 and Americans with Disabilities Act

Reference: 49 CFR Parts 27, 37, and 38

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

The ADA affects both public and private entities, whether or not they receive federal or state financial assistance. The ADA requires nondiscrimination and accommodations for disabled people in employment, public accommodations, state and local government services, transportation and communications.

Further, ADA applies to both general public fixed-route transportation systems and specialized demand-responsive systems. ADA requires the purchase of accessible buses, operation of paratransit service as a complement to fixed-route systems, adherence to ADA service provisions for fixed route and demand response systems, and planning. PTD does not release grant funding until agencies are in compliance with the ADA law.

Subrecipient responsibilities:

- a. Sign certifications of compliance pertaining to ADA requirements;
- b. Establish service policies and procedures in accordance with the ADA;
- c. Establish a complementary paratransit program for publicly operated fixed route systems;
- d. Comply with ADA service provisions (fixed route and demand-response);
- e. Purchase vehicles in compliance with ADA requirements, or sign a Certification of Equivalent Service annually;
- f. Include appropriate ADA information in all public information brochures and route schedules;
- g. Inform PTD of any ADA complaints.

PTD monitors compliance by:

- a. Obtaining certifications of compliance from all subrecipients;
- b. Including ADA requirements in all state-local grant agreements;
- c. Monitoring vehicle purchases for accessibility and obtaining Certificates of Equivalent Service, if applicable;
- d. Reviewing the ADA component of the compliance questionnaire;
- e. Reviewing subrecipient ADA policies and procedures and other supporting documentation, and following up with the agency regarding compliance issues, if needed;
- f. Reviewing ADA compliance during on-site program reviews; and
- g. Providing technical assistance on ADA complaints and forwarding information to FTA if warranted.

6. Charter Bus Protections

Reference: 49 CFR Part 604 (Does not apply to FTA 5310)

FTA 5311 subrecipients are prohibited from using federally funded equipment or facilities to provide charter service²³ except on an incidental basis and then only when one or more of the

²³ As defined by the Federal Transit Administration, "charter service" means transportation using buses or vans, or facilities funded with FTA grants provided to a group of persons who travel together under an itinerary either specified in advance or modified after having left the place of origin. The travel group has a common purpose, the travel is under a single contract at a fixed charge for the vehicle or service, and the group has acquired exclusive use of the vehicle or service. This definition includes the incidental use of FTA funded equipment for the exclusive transportation of school students, personnel and equipment.

seven exceptions set forth in the charter service regulation in 49 CFR Section 604.9(b) apply.

If either 5311 or 5310 recipients decide to perform charter service, the agency must comply with federal and state motor carrier regulations pertaining to chartering, as well as FTA regulations regarding charter service.

Subrecipient responsibilities:

- a. Sign a certification of compliance pertaining to Charter Services;
- b. Read 49 CFR if an agency is, or may be, engaging in incidental charter service;
- c. Determine if there are ready and willing private transportation companies able to provide the service;
- d. Apply for one of the charter service exemptions;
- e. Contact PTD staff for technical assistance.

PTD monitors compliance by:

- a. Obtaining certifications of compliance from all subrecipients;
- b. Performing desk reviews of the compliance grant questionnaire or annual application;
- c. Conducting on-site program reviews of charter bus compliance;
- d. Evaluating revenues reported on quarterly reports and follow-up by division staff as needed;
- e. Providing technical assistance to subrecipients as needed on the regulations;
- f. Reviewing any complaints received by the division regarding charter service and following up with the appropriate subrecipient to ensure compliance with the requirements.

7. School Bus Regulations

Reference: 49 CFR Part 605; 49 USC 5323 (f)

5311 and 5310 subrecipients are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. In no case can federally-funded equipment or facilities be used to provide exclusive school bus service. Head Start transportation is considered human service transportation and not school bus service.

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

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

Subrecipient responsibilities:

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

PTD monitors compliance by:

- a. Obtaining certifications of compliance from all subrecipients;
- b. Reviewing applications for funding;
- c. Reviewing the compliance questionnaire pertaining to School Bus regulations;
- d. Performing on-site program reviews to assess compliance;
- e. Providing technical assistance as needed to subrecipients.

8. Safety Authority

FTA has authority to withhold financial assistance from any grantee failing to correct any condition which FTA believes “creates a serious hazard of death or injury.” FTA’s authority to investigate is permissive, not mandatory. PTD, under its own authority, may withhold funding from grantees that fail to correct any condition which the division believes creates a serious hazard of death or injury.

Certain transit providers may be affected by Federal Motor Carrier Safety Regulations and State Motor Carrier Regulations. In addition, insurance requirements, equipment and operational practices, and the operating characteristics of individual grant recipients may require further compliance to Federal Motor Carrier Safety Regulations and Oregon Motor Vehicle Safety Regulations.

PTD expects equipment to be adequately maintained and operated in a safe manner. The following types of accidents must be reported to the Division:

- a. Within one day—any accident resulting in a fatality. Follow-up documentation must be provided within three business days.
- b. Within 10 days:

- 1) All accidents in which a vehicle is totaled or taken out of service;
- 2) All accidents that require drug and alcohol testing of the driver according to USDOT requirements;
- 3) All accidents that require the grantee to file a report with Driver and Motor Vehicle Services.

Subrecipient responsibilities:

- a. Establish agency safety programs and provide regular employee safety training;
- b. Determine and conform to appropriate safety regulations;
- c. Report to PTD all accidents based on the guidelines above. Failure of an agency to comply will result in implementation of a compliance process and could result in the division suspending funding.
- d. Perform annual vehicle safety inspections by a certified mechanic. Training to certify mechanics for this process is available.

PTD monitors compliance by:

- a. Perform desk audit as part of preventive maintenance invoice review and approval;
- b. Doing visual inspections of vehicles during on-site program reviews and check for the annual inspections reports;
- c. Reviewing safety practices and programs during on-site reviews;
- d. Following up with subrecipients on all reported accidents to ensure appropriate documentation on the incident was obtained and drug and alcohol testing (if appropriate) was performed; determining appropriate action if FTA requirements were not followed.

9. Drug-Free Workplace/Drug and Alcohol Testing Regulations

The Drug-Free Workplace Act and the FTA Drug and Alcohol Testing Regulations are related, but they are not the same program and they affect subrecipients differently:

Drug-Free Workplace -- Reference: 49 CFR Part 32

The Drug-Free Workplace Act is part of the federal government's effort to eliminate illegal drugs from the workplace. The Drug-Free Workplace Policy is a "first-tier" requirement applying only to ODOT and does not apply to subrecipients of 5310, 5311, 5316 and 5317. ODOT has adopted an agency-wide Drug Free Workplace Policy which is posted on employee bulletin board.

Some local transit operators may have a drug-free workplace requirement, but this is established under the agency's own authority and is not part of an ODOT grant agreement requirement.

Drug and Alcohol Testing -- Reference: 49 CFR Part 655; 49 CFR Part 40 (Excludes FTA 5310)

“Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” 49 CFR Part 655, revised by the FTA August, 2002, implement the omnibus USDOT drug and alcohol testing act. This part and 49 CFR Part 40, “Procedures for Transportation Workplace Drug and Alcohol Testing Programs” describe policy development and testing procedures required of any agency in receipt of FTA funds, excluding FTA 5310. Grantees affected are those receiving FTA 5311 funds.

PTD also requires conformance to the Drug and Alcohol program requirements for grants financed with JARC (5316). This requirement applies to all subrecipients and their contractors with safety sensitive employees, with the exception of maintenance contractors, at all tiers.

Unless otherwise notified by PTD, all 5311 subrecipients are expected to establish and manage an ongoing Drug and Alcohol testing program in compliance with the regulations. They must submit a current drug and alcohol policy and any changes or updates to the policy. They must also submit Management Information System (MIS) forms annually to PTD and may also be required to submit MIS forms to FTA.

Subrecipient responsibilities:

- a. Develop an anti-drug use and alcohol abuse policy statement and program in accordance with FTA regulations, or require contractors to develop program;
- b. Ensure that subcontracts include the Drug and Alcohol program as appropriate to the purpose of the work;
- c. Sign a certification of compliance to drug and alcohol programs and testing for year of funding;
- d. Send policy to PTD for review and approval each time it is updated;
- e. Submit MIS forms for the previous year (January 1 to December 31) to the division by March 1 of each year.

PTD monitors compliance by:

- a. Obtaining annual certifications of compliance from all subrecipients;
- b. Including Drug and Alcohol program and testing requirements in all state-local 5311 grant agreements;
- c. Obtaining and reviewing subrecipients’ drug and alcohol policies;
- d. Maintaining file of current policies;
- e. Conducting on-site program reviews;
- f. Providing regular drug and alcohol training for grantees;
- g. Ensuring subrecipients submit annual MIS reporting data as required.

10. FHWA Drug and Alcohol Testing/Commercial Drivers License

Reference: 49 CFR Part 382

Some FTA 5310 grant recipients may be effected by drug and alcohol prevention policy development and testing under Federal Motor Carrier Safety Regulations, 49 CFR Part 382, "Controlled Substance and Alcohol Use Testing." This requirement is triggered if subrecipients purchase or operate vehicles with a capacity of 16 passengers or more (including the driver). Operators of these vehicles also require a driver with a Commercial Drivers License (CDL).

Subrecipient responsibilities:

- a. Ensure operators of all vehicles with capacity of 16 or more persons including the driver have the required Commercial Drivers Licenses (CDL), according to Federal Motor Carrier Safety Regulations. (The requirement for CDL is not limited to the operator -- any individual who drives the vehicle for any reason has to hold a CDL).
- b. Ensure that individuals with CDLs are subject to Drug and Alcohol testing under the FHWA, if not tested under FTA regulations.

PTD monitors compliance by:

- a. Reviewing the compliance questionnaire pertaining to drug and alcohol testing;
- b. Reviewing compliance during on-site program reviews.

11. Labor Protection

Reference: Special Section 13 (c) Warranty, Section 18 of the Urban Mass Transportation Act of 1964, as amended.

Section 5333(b) of the Federal Transit Act requires that as a condition of funding, fair and equitable arrangements must be made to protect the interests of employees affected by grant assistance. The Department of Labor (DOL) and the FTA agreed upon a special warranty that applies only to 5311 funded projects. However, in some instances 5310-funded projects may be affected and PTD makes a determination on a case by case basis.

The special warranty substitutes for certification by the DOL of individually negotiated agreements for each project. Each local recipient of 5311 funding must agree in writing to the special warranty. The warranty is a one-time certification and the signed certifications are kept in the division's compliance files on each subrecipient. All new 5311 subrecipients sign the warranty prior to execution of the grant agreement.

Subrecipient responsibilities:

- a. Read and sign the Section 5333 (b) Warranty (one-time certification).
- b. Post the applicable portion of the Special Warranty in a location where employees can readily access the information (see page 2 of Appendix F).
- c. Provide updated information annually to the division regarding other transportation providers and their unions operating in the same geographic area.

PTD monitors compliance by:

- a. Obtaining the signed Section 5333 (b) Warranty from all 5311 subrecipients (and 5310 subrecipients, if appropriate).
- b. Obtaining updated information from subrecipients for the annual report to DOL.
- c. Maintaining an accurate, up-to-date list of all 5311 subrecipients, including the service area of each project, other transportation providers in the area, and the labor organizations representing the employees of such providers. This information is provided to DOL annually.

12. Environmental Protection

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

Categorical exclusions:

Most projects funded with 5310 and 5311 funding are excluded from FTA environmental regulations because they fall into the "categorical exclusion" definition. The FTA classifies two groups of projects which are "categorically excluded."

- a. The first are activities and projects which have very limited or no environmental effects, such as planning, design, administration and operation of transit programs, and vehicle purchases. For these activities, no environmental documentation is required and subrecipients do not have to fill out a Documented Categorical Worksheet Form (DCE).
- b. The second group includes construction projects with potential for off-site impacts: passenger shelters, bus barns, new construction or expansion of transit service facilities, offices and parking facilities.

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

Subrecipient responsibilities—categorical exclusions:

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

- a. Review the "Construction Project Environmental Requirements Flow Chart" (See Appendix E).
- b. Fill out a Documented Categorical Exclusion form (See Appendix E) and submit the form with appropriate attachments to PTD for processing.
- c. Do not start the project until a DCE for the project has been obtained from FTA, ensuring a copy is forwarded to the division, and you have a signed grant agreement with ODOT.

Subrecipients' Responsibilities of Non-Categorical Exclusions:

- a. If a project does not qualify for a DCE, the applicant must satisfy all environmental conditions and reviews and provide required documentation to FTA (with a copy to the division) that all issues have been resolved.²⁴
- b. All costs are borne by the applicant, including Environmental Assessments or Environmental Impact Statements. PTD staff may provide technical assistance as needed.

PTD monitors compliance by:

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

²⁴ Grantees may consult directly with state agencies such as the Environmental Protection Agency, Oregon Department of Environmental Quality, State Historic Preservation Office, or other agencies that may provide assistance in the environmental review process.

13. Lobbying

Reference: 49 CFR Part 20

Recipients of federal grants from any source exceeding \$100,000 annually must certify that they have not and will not use federally appropriated funds for lobbying.²⁵ State agencies administering 5310 and 5311 programs certify to FTA; 5310 and 5311 subrecipients certify to the state. State agencies and subrecipients must impose lobbying restrictions on their third-party contractors and must obtain certifications.

Currently, 5310 and 5311 subrecipients certify to PTD through the grant agreements and the annual certifications and assurances.

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

Subrecipient responsibility:

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

PTD monitors compliance by:

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

²⁵ Lobbying is defined as influencing or attempting to influence an officer or employee of any Federal department or agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with obtaining a federal grant, cooperative agreement, or any other federal award.

14. Debarment and Suspension

Reference: FTSA C 2051.1; FTA Annual Certifications and Assurances

To prevent fraud, waste and abuse in federal transactions, persons or entities that, by defined events or behavior, potentially threaten the integrity of federally-administered programs are excluded from participation in FTA-assisted programs. ODOT will not enter into any third-party or grant agreement with any party included in the "US General Service's Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs." This pertains to both FTA 5310 and 5311 funds.

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

Subrecipient responsibilities:

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

PTD monitors compliance by:

- a. Obtaining certifications of compliance from subrecipients prior to execution of grant agreements.
- b. When ODOT lets a third-party contract exceeding \$25,000 that uses any amount of FTA funding, the contractor will be required to submit a completed integrity certification prior to awarding the final contract. In the case of vendor identification through the DAS purchase program, and although an actual purchase has not taken place, a signed integrity certification will be obtained prior to final vendor selection.

XII. Capital Purchasing and Management of Capital Assets

1. Vehicle Purchasing and Leasing

PTD does not purchase vehicles directly with state or federal funds. Grant recipients are responsible for purchasing equipment and services financed by grants. Recipients may make purchases through Oregon DAS purchasing agreements. DAS helps the division contract for appropriate vehicles to meet the needs of public transportation providers.

Beginning in the fall of 2007, recipients will have the opportunity to purchase all vehicles of the types and sizes on the DAS State Purchasing price agreements. The online ORPIN system operated by DAS will have a list of qualified vendors for each vehicle type contracted for in Categories C, D and E (see vehicle standards for descriptions in Section 4 below). The state price agreements will be created from bid specifications developed by PTD with input from providers. After DAS completes the bidding process, these vehicles will be available to providers at a reasonable price.

Vehicles larger than 30-passenger are to be procured by provider agencies using an open competitive bid process that follows state procurement laws and rules. Any RFP must be reviewed by PTD prior to signing with a vendor. Other group purchasing arrangements for larger vehicles are often available through the "piggybacking" process where large agencies allow other providers to access bid contracts.

Subrecipients have the option of leasing vehicles when it is cost-effective. For instance, it may be appropriate to lease a vehicle in order to start new or expanded service before procurement of a new vehicle can be accomplished. Subrecipients must use normal procurement procedures for leases of vehicles not on the state price agreement. All leases must be submitted to the division for approval.

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

Subrecipient responsibilities:

- a. On all vehicles purchased with PTD grant funds, the titles are required to show the transportation provider as owner and PTD as the primary security interest holder.
- b. If STF formula monies are used as local match for a purchase, the STF Agency must be the vehicle owner on the title or be listed on the title as secondary interest holder.

- c. Vehicles cannot be transferred to another party without the division's knowledge and approval.
- d. Grant recipients must submit any lease agreements for 5310 or 5311 vehicles to the division for approval. Subrecipients must receive approval in writing from the division before entering into the agreement.
- e. Recipients are responsible for receiving all federally-required certifications from manufacturers on FMVSS and Buy-America for each vehicle type purchased. Recipients must receive a copy of Altoona/STURAA bus test reports on each vehicle type as part of the post-delivery acceptance of the vehicle and keep this report with procurement files. These requirements are also required when piggybacking on any bids, including the state price agreement.
- f. The recipient is responsible for paying any titling and registration fees, as well as DEQ certification fees, if required. The recipient is required to license the equipment per Oregon Driver and Motor Vehicle Services regulations.²⁶
- g. Private agencies are not eligible to operate vehicles with license plates identifying the vehicle as government owned, commonly referred to as "E-plates." If grant recipients have any questions regarding whether or not a vehicle qualifies for an E-plate, they should contact DMV.
- h. Grant recipients must obtain insurance coverage to protect the operators, assistants, occupants and the equipment during the life of the project. These requirements are outlined in the grant agreement.

PTD monitors compliance by:

- a. Including vehicle purchasing and insurance requirements in grant agreements.
- b. Verifying with subrecipients that vehicle registration and licensing is correct.
- c. Reviewing and approving requests to transfer vehicles to another party.
- d. Releasing vehicle titles to subrecipients when useful life standards are met.
- e. Reviewing vehicle lease agreements prior to execution to help ensure all state and federal requirements are met.
- e. Reviewing all subrecipient vehicle procurements prior to contract execution. This provision may be waived for agencies with direct FTA oversight.

²⁶ Because of funding requirements, it is common for STF Agencies to own vehicles that are operated by another agency, usually a private non-profit. It is the operator's legal status that determines how the vehicle is licensed, not the owner's, per DMV administrative rules. Public Transit Division recommends that when a lessee/lessor relationship exists, even if it is a handshake arrangement, that the registration accurately reflect the relationship and that the vehicle be licensed appropriately.

2. Vehicle Insurance

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

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

Subrecipient responsibilities:

- a. Obtain insurance as required by PTD for all vehicles.
- b. Include ODOT-PTD as "Additional Insured" and request the insurance company to provide a copy of the insurance certificate to the division.
- c. Uninsured vehicles shall not be driven.

PTD monitors compliance by:

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

3. Vehicle Maintenance

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

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

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

Subrecipient responsibilities:

- a. Develop written vehicle maintenance policies and plans that at least meet the minimum inspection schedules and preventive maintenance procedures recommended by the vehicle manufacturer to keep vehicles in good condition. The grantee may substitute an equivalent preventive maintenance program with the permission of the division.
- b. Maintain records for each vehicle.
- c. Include in maintenance plans regular vehicle inspections (including pre-trip and post-trip inspections), routine maintenance and other maintenance as necessary to ensure "good or better" vehicle condition for all vehicles operated directly by the recipient, subrecipient or contractors.
- d. Include in maintenance plans regular pre-trip and post-trip inspections of equipment, including cycling the lift as required by ADA.
- e. All drivers of vehicles purchased with 5310 and 5311 funds must receive a standard defensive driving course.
- f. Annual vehicle safety inspections for each vehicle by a certified mechanic. (Standard cost is approximately \$100-\$150, reimbursable through preventive maintenance grant agreements or operations grants if no preventive maintenance grant is in place.)
- g. Agencies purchasing or operating vehicles with grant funds, either directly or under contract, are required to obey all applicable state and federal laws pertaining to the operation of passenger-carrying vehicles.²⁷
- h. Notify PTD if a vehicle is out of service more than 90 days.

PTD monitors compliance by:

- a. Maintaining an inventory listing of all vehicles purchased with state or federal funds.
- b. Periodically conducting reviews of maintenance practices and annual maintenance reports, either during on-site program reviews or as separate reviews.

²⁷ Such regulations include USDOT Federal Motor Vehicle Safety Regulations, Oregon Motor Vehicle Safety Regulations, Oregon Motor Vehicle Code, and applicable Internal Revenue Service rules and regulations (including fuel excise tax), among others. Grantees may be referred to these other regulatory agencies by PTD when violations may have occurred.

- c. Suspending vehicles from service if a visual inspection indicates that the equipment is being maintained poorly or is being operated in an unsafe manner. Maintenance or safety issues must be resolved before a vehicle is put back in use.
- d. Monitoring the maintenance practices for other types of capital equipment purchased with federal grants. This is performed during on-site program reviews.

4. Vehicle Useful Life/Disposition

Figure 1 shows the recommended useful life of certain public transit vehicles commonly used in Oregon. These guidelines are used for planning purposes for fleet replacement or when assessing capital grant applications (project justification and project planning).

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

VEHICLE DESCRIPTION AND USEFUL LIFE STANDARDS

	<p>CATEGORY A: Large, Heavy-Duty Transit Bus</p> <p>Built on heavy duty chassis, lift equipped. This category includes articulated buses. Length: 35' to 40' Passengers: 35 - 40+ Useful Life: 12 Years or 500,000 miles Price Range: \$200,000 - \$300,000+</p>
	<p>CATEGORY B: Medium-Size, Heavy-Duty Transit Bus</p> <p>Built on heavy-duty chassis, lift-equipped. Length: ~ 30' - 35' Passengers: 25 - 35 Useful Life: 10 Years or 350,000 miles Price Range: \$150,000 - \$280,000 (~ \$10,000 more for diesel)</p>
	<p>CATEGORY C: Medium-Size Medium-Duty Transit Bus</p> <p>Built on medium duty chassis, lift equipped. Length: ~ 25-30' Passengers: 16 - 30 Useful Life: 7 Years or 200,000 miles Price Range: \$70,000 - \$175,000 (~ \$7,000 to \$10,000 more for diesel)</p>
	<p>CATEGORY D: Medium-Size, Light-Duty Cut-Away Bus (aka Body-on-Chassis)</p> <p>Built on a medium-duty chassis, lift equipped. Length: 20' to 25' Passengers: 12 - 16 Useful Life: 5 Years or 150,000 miles Price Range: \$42,000 - \$65,000 (\$5,000 to \$10,000 more for diesel)</p>
	<p>CATEGORY E: Small, Light-duty Bus, Van, Mini-Van, Station Wagon, and Sedan</p> <ol style="list-style-type: none"> 1. Small, light-duty bus (9-12 passenger with 1-2 wheelchair stations) 2. Lift- or ramp-equipped, lowered floor/raised roof, ADA accessible vans 3. Modified minivan 4. Standard van 5. Standard minivan 6. Standard station wagon 7. Standard sedan <p>Passengers: 3 - 14 Useful Life: 4 Years or 100,000 miles Price Range: \$18,000 - \$55,000</p>

Figure 1

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

Grant recipients are required to contact the division when vehicles have reached the end of their useful life, the grant recipient can no longer use them, the original purpose for the vehicle changes, the service is terminated, or the project ends. Titles are released to the owner at the end of the useful life. The agency is then free to use or sell the vehicle and keep the sales proceeds, but must reinvest them into the transit program for which the vehicle was purchased.

Local public agencies may adopt their own rules and procedures for disposing of federally-funded surplus property so long as the vehicles are disposed of in an open, public process, and the revenues from the sale of vehicles are reinvested in the transit program.

If the fair market value is less than \$5,000, the vehicle may be sold and all the proceeds kept by the grantee. If the grantee is a public entity, the grantee may sell the vehicle via public auction. If the grantee is a private entity, either a local public agency or DAS state surplus must sell the vehicle via public auction. Costs for the sale are deducted and monies returned to PTD. Grant recipients receive the match portion based on the selling price. The monies returned are put into the ODOT Transportation Development fund and are distributed through the discretionary grant process.

Subrecipient responsibilities:

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

PTD monitors compliance by:

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

5. Procurement/Contracting

Reference: 49 CFR Parts 18 and 19; FTA C 4220.1E;

FTA C 9040.1F (V1.3) FTA C 9070.1F

FTA 5310 and 5311 subrecipients must comply with all federal, state and local laws, ordinances, regulation and policies, which might affect contracting. Third-party contracting is governed by the circulars identified above and applies to all grantees that contract with outside sources under FTA

assistance programs. Public agencies are required to follow state procedures using mandatory federal clauses and limitations. Private nonprofit agencies must follow the procedures defined by FTA Circular 4220.1E in its entirety and 49 CFR Part 19.

Subrecipient responsibilities:

- a. Develop written procurement policies and procedures, including a process for handling protests regarding procurements.
- b. For public agencies, comply with the five basic federal requirements for procurements.²⁸
- c. For private nonprofits, comply with the provisions of FTA C 4220.1E and 49 CFR Part 19.
- d. All subrecipients must follow State of Oregon procedures regarding procurement thresholds (dollar amounts).
- e. Submit all lease agreements to PTD for review and approval prior to signing a lease agreement.
- f. Submit third-party contracts and procurements to the division for review and approval prior to executing the contract. PTD will respond within 30 days.
- g. If subrecipients would like technical assistance, they may request help. PTD will respond within 30 days.

PTD monitors compliance by:

- a. Including in grant agreements all federally-required certifications, assurances, and clauses for procurements as appropriate to the type of purchase and price.
- b. Reviewing and approving third-party contracts if required, prior to final grant award.
- c. Reviewing and approving leases for all vehicles prior to executing a grant agreement.
- d. Providing technical assistance in the preparation of requests for proposals, vehicle and construction specifications, bid documents, and subcontracts.²⁹

²⁸ See CFR Part 18: Provide full and open competition; exclude in-state or local preference; include federally required clauses, obtain FTA approval for contracts greater than 5 years; use procedures based on Brooks Act for architectural and engineering procurements unless state statutes have been adopted.

²⁹ The *FTA Third Party Procurement Manual* is available from Public Transit Division and provides additional technical assistance on procurement.

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

Reference: 49 CFR Part 661; 49 CFR Part 663;

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

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

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

Pre-award and post-delivery audits

Procurements for vehicles must be in accordance with “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases” (49 CFR Part 633; Federal Register March 31, 1992). The rule requires that any subrecipient who purchases rolling stock certify to the FTA that it has conducted a pre-award and post-delivery audit to ensure compliance with its bid specifications, Buy America requirements and Federal Motor Vehicle Safety Standards. Visual inspection and road testing are required when purchasing unmodified vans, cars, or 20 or fewer buses. Resident inspection is required when purchasing more than 20 buses or modified vans from a single manufacturer.³⁰

New model bus testing

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

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

³⁰ More information is available in the publication Pre-award and Post-Delivery Audits for Bus Procurements published by the Federal Transit Administration, document #DOT-T-94-06. It is available through the PTD (see appendices).

Subrecipients responsibility:

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

PTD monitors compliance by:

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

XIII. Land, Buildings and Facilities

1. Maintenance Requirements

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

All subrecipients are required to have maintenance plans for buildings and facilities and submit them to PTD.

2. Restrictive Covenants

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

3. Disposition of Property

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

When property funded with federal or state funds is no longer needed for the originally authorized purpose, the subrecipient is required to contact the division for disposition instructions. The options are as follows:³¹

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

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

³¹ See 49 CFR Part 18.31. ODOT uses federal guidelines for disposition of properties funded with state funds

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

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

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

Subrecipient responsibilities:

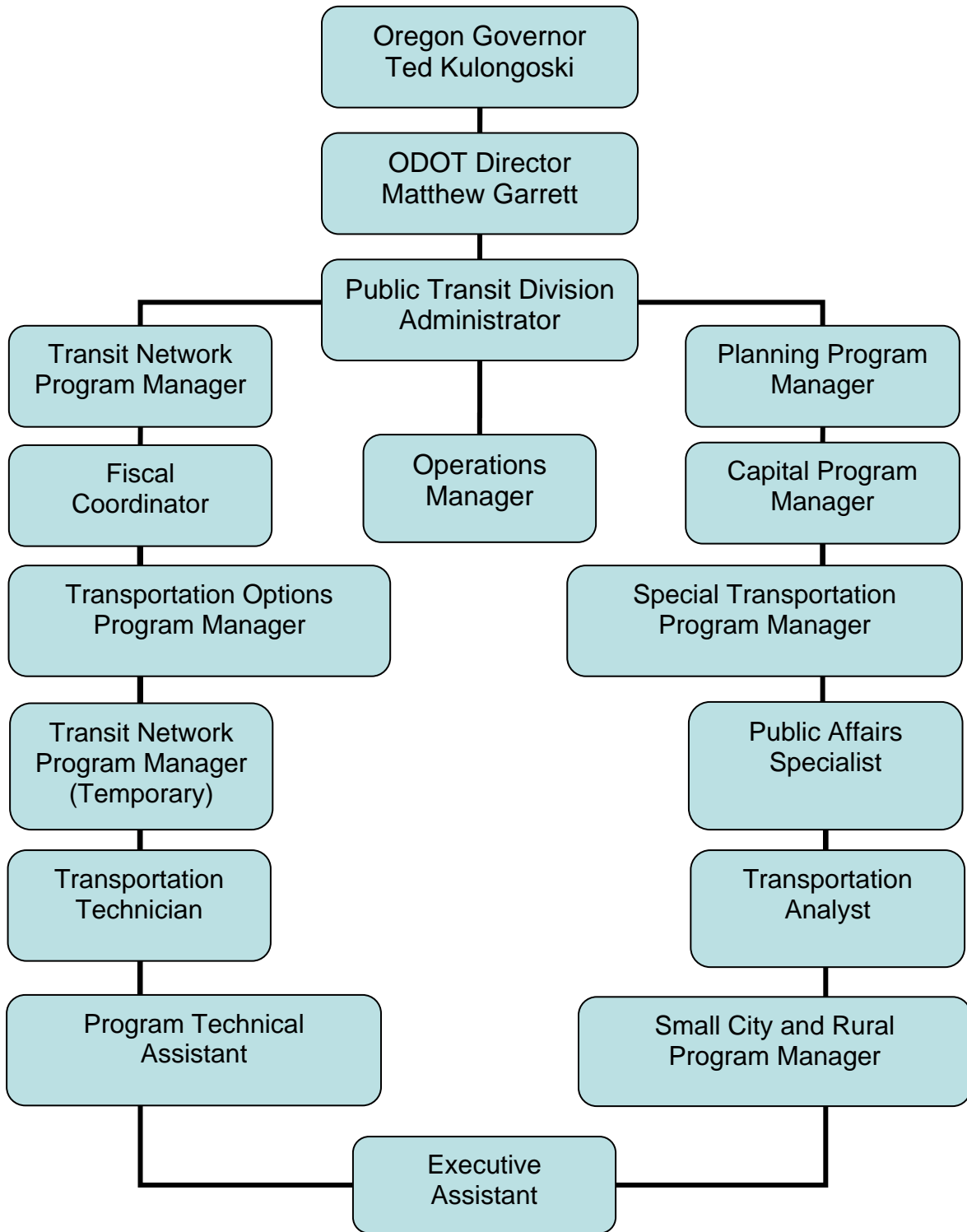
- a. Contact PTD for technical assistance regarding any applications for discretionary grant funding for land acquisition or development of permanent structures.
- b. Submit maintenance plans for land, buildings and facilities to PTD.
- c. Name ODOT-PTD as additional insured for premise insurance.
-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

PTD monitors compliance by:

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

APPENDIX A

Public Transit Organization Chart



APPENDIX A

Public Transportation Advisory Committee

In 2000, ODOT established a Public Transportation Advisory Committee (PTAC) to assist Public Transit Division and the department on transit issues and policies. The ODOT Director appoints members.

The committee is a diverse representation of public transportation stakeholders, including: general public providers in urban areas over 200,000 population, urban areas between 50,000 and 200,000, and small communities under 50,000 population; private for profit and intercity bus providers; representatives of the Association of Oregon Counties, Transportation Alternatives Group of Oregon, Oregon Department of Human Services, Oregon State Disabilities Commission, Governor's Commission on Senior Services, Oregon Passenger Rail Advisory Council; and one Oregon Transportation Commission Member. (See Attachment 1, PTAC membership).

1. Purpose

The purpose of the PTAC is to provide a forum for public and special-needs transportation providers and stakeholders in Oregon. This group works to improve transit services and programs provided by Public Transit Division.

Members provide input to ODOT and the division on public transportation issues of regional and statewide significance. This work assists ODOT in including appropriate mobility and modal elements in public transportation policy; and ensures that resources available for transportation planning and delivery are leveraged to the highest extent possible to implement public transportation projects.

2. Functions

The PTAC serves as a forum for discussing and identifying public transportation issues and solutions. Specifically, the members work collaboratively to:

- a) Make recommendations to Oregon Transportation Commission and the division regarding public transportation policies and programs.
- b) Make grant funding recommendations to the division and the Oregon Transportation Commission.
- c) Make recommendations to Oregon Transportation Commission and the division regarding necessary changes to existing transportation rules and laws.
- d) Respond to issues brought to it by the division, other partners and the public.
- e) Promote statewide advocacy for alternative transportation modes and travel options strategies.
- f) Support and endorse local community and regional public transportation and alternative travel solutions.
- g) Disseminate public transportation and travel option information.

APPENDIX A

3. OTC Member

The OTC member is a liaison only, with no required meetings, readings, or attendance. The OTC member is available to the division administrator for consultation and helps “host” agenda items in the OTC meetings or helps inform the division and PTAC of OTC’s public transit issues and interests.

Public Transit Division Project Selection Committee

1. Purpose

The Project Selection Committee is made up of members representing public transit expertise in Oregon and one OTC Commissioner, who is the Project Selection Committee Chair. Other members are appointed by the PTAC Committee. The committee reviews staff recommendations and stakeholder comments regarding project funding, and conducts the final selection of discretionary grants that fund projects for public and special-needs transportation providers in Oregon. The grants are offered to improve local and rural intercity transit services and programs provided by the division.

2. Functions

This committee provides an efficient process for final funding decisions that relieves the full OTC membership of the review step but insures them of adequate process.

3. OTC Membership

A commissioner chairs the committee during the review meetings. The commissioner does not vote but conducts the final process. The commissioner acts as “host” if needed in a follow-up report to the OTC.

APPENDIX A

Public Transportation Advisory Committee Representation

Membership Categories*	Membership Appointments
1. Statewide Independent Living Council SILC Delegate	Recommended by organization
2. Federally Recognized Tribal Governments	Recommended by Legislative Commission on Indian Services
3. League of Oregon Cities delegate (up to two delegates)	Recommended by organization
4. Association of Oregon Counties (up to two delegates)	Recommended by organization
5. General Public Transportation Provider over 1,000,000 population	TriMet, Portland Metro Area, recommended by organization
6. Urban Transportation Provider over 200,000 population	Lane Transit District, Eugene, OR, recommended by organization
7. Urban Transportation Provider over 200,000 population	Salem Area Mass Transit District, Salem, OR, recommended by organization
8. General Public Transportation Provider between 50,000 and 200,000 population	Rotation with Bend, RVTD, Corvallis, appointed by ODOT Director
9. General Public Transportation Provider under 50,000 population	Various, appointed by ODOT Director
10. Senior/Disabled Transportation Provider	Various, appointed by ODOT Director
11. Private for-Profit Transportation Provider	Various, appointed by ODOT Director
12. Intercity Bus Provider	Various, appointed by ODOT Director
13. Transportation Options Group of Oregon	Recommended by organization
14. Oregon Transit Association	Recommended by organization
15. Oregon Association of Area Agencies on Aging and Disability	Recommended by organization
16. Oregon Department of Human Services (up to two members)	Recommended by organization
17. Oregon State Disabilities Commission	Recommended by organization
18. Governor's Commission on Senior Services	Recommended by organization
19. Oregon Passenger Rail Advisory Council	Recommended by organization
20. Oregon Transportation Commission Liaison	Oregon Transportation Commission

*Revised April 2005 OTC

APPENDIX B

ODOT Civil Rights Policies

To receive information, contact:

Oregon Department of Transportation
Office of Civil Rights
800 Airport Rd SE
Salem, OR 97301-4792

Kurt Jun

Title VI/ Environmental Justice Officer
Portland (Monday, Wednesday & Friday)
Phone: 503-731-3039
Cell: 503-329-8425
Salem (Tuesday & Thursday)
Phone: 503-986-3849
Fax: 503-986-6382
E-mail: Kurt.S.Jun@odot.state.or.us

APPENDIX C
Compliance Questionnaire

**Oregon Department of Transportation
Public Transit Division**

COMPLIANCE QUESTIONNAIRE

**FTA Sections 5310 and 5311 Programs
Fiscal Year July 1, 2005 – June 30, 2006**

The purpose of this questionnaire is to provide Public Transit Division (PTD) with information to evaluate how well its Section 5310 and Section 5311 grantees are complying with various Federal Transit Administration (FTA) requirements that affect the receipt and use of federal funds.

This questionnaire must be completed by each agency receiving FTA Section 5311 or 5310 funds through PTD. If some sections are not applicable because another organization actually provides service, those sections may be left blank. At a minimum, the grantee must complete Sections 2, 3, 12, and 13.

If transportation services funded through FTA are provided by another organization (subcontractor or subrecipient), that organization must also complete the questionnaire. An authorized person with the grantee's agency must sign the questionnaire to indicate it has been reviewed by the grantee.

The compliance areas covered in this questionnaire are:

Section 1:	Service Characteristics
Section 2:	Financial Management
Section 3:	Civil Rights
Section 4:	ADA Accessibility
Section 5:	Drug and Alcohol Regulations
Section 6:	Procurement & Contracting
Section 7:	Maintenance Procedures
Section 8:	Equipment Compliance
Section 9:	School Bus Services
Section 10:	Charter Bus Services (5311 only)
Section 11:	Vehicle Identification (5311 only)
Section 12:	Debarment and Suspension
Section 13:	Lobbying

Public Transit Division staff is committed to assisting all agencies receiving FTA funds with needed technical assistance. Any compliance areas that appear to need improvement will be handled one-on-one with individual grantees, or through additional training provided by the division.

If you need clarification on any aspect of the questionnaire, or if you would like an electronic version, please call Sharon Peerenboom at (503) 986-4414 (sharon.k.peerenboom@odot.state.or.us), Joni Bramlett at (503) 986-3416, (joni.d.bramlett@odot.state.or.us), or Jean Palmateer at (503) 986-3472 (jean.m.palmateer@odot.state.or.us) .

Thank you.

INFORMATION VERIFICATION

Name of Person Answering Questionnaire: _____

Title: _____ Phone No: _____

Email Address: _____

(Name of Agency or Organization) _____

declares that the statements made throughout this questionnaire are true and correct to the best of our knowledge.

Signature of Authorized Individual: _____

Title: _____

Date: _____

For Section 5311 grantees using another organization to provide transportation services:

Name of Person Reviewing Questionnaire: _____

Title: _____ Phone No: _____

Email Address: _____

(Name of Agency or Organization) _____

declares the responses on this questionnaire have been reviewed. They are true and correct to the best of our knowledge.

Signature of Authorized Individual:

Title: _____

Date: _____

Section 1 SERVICE CHARACTERISTICS

Basic Requirement:

Section 5311 funds must be used to provide general public transportation in cities under 50,000 population, and rural areas (population in rural areas can exceed 50,000).

Public transportation means a mass transit vehicle(s) that provides regular and continuing general or special transportation to the public. (This does not include transportation for sightseeing purposes, school bus or charter transportation except with limited conditions). Section 5311 funds may be used to support Section 5310 grantees or agencies, which serve elderly and disabled individuals if the service is marketed as general public transit service. Under the 5311 program, ODOT does not allow policies that offer service to the general public on a “space available only” basis.

Section 5310 funds must be used for capital purchases related to transit services for elderly and disabled persons.

1. What type of transit service does your agency provide? (Please check all that apply)

Demand-Response (also called point-to-point, route deviation, dial-a-ride)

A system of transporting individuals that responds **at the request of the user**. Both general public transit services and services for elderly and disabled individuals may be demand-response.

Fixed-Route:

A system of transporting individuals along a prescribed route according to a fixed schedule **without an advanced request by a passenger** (i.e., where you have a set route at least three days per week whether or not you have riders). Fixed route systems are usually transportation services for the general public.

Commuter Bus:

A fixed route bus service characterized by travel predominantly in one direction during peak hours, with limited stops. The service is usually between the central business district and outlying suburbs. Commuter bus service may also include connections to other modes of transportation.

Other: (specify)

Such as charter bus, school bus, special events

Please attach a copy of all your agency's brochure(s) and schedules describing the transit service.

2. Passenger Type (please check all that apply):

- General Public (anyone who wishes to ride)
- Seniors
- Persons with disabilities
- Client or member-only (services limited to specific individuals and/or passengers defined by a contract with another agency)

3. Hours of Service:

Weekdays: _____

Saturdays: _____

Sundays: _____

4. Fare Structure: (describe the fares, if any, charged to riders)

Regular fare: \$ _____

Student fare: \$ _____

Senior fare: \$ _____

Disabled Person fare: \$ _____

Monthly pass: \$ _____

Tickets or tokens: \$ _____

No fare charged

5. If 5310 or 5311-funded vehicles are being used to support meal services or package delivery, the service must not conflict with, or result in a reduction to, providing transit service to passengers.

Do you use 5310 or 5311-funded vehicles for meal delivery or delivery of other goods?

Yes No

If yes, please briefly describe the service, including what is being delivered, what hours of the day, and how frequently deliveries are made:

6. **For 5311 Grantees Only:**

a. ODOT does not allow general public transportation service to have "space available only" policies. Does your service restrict members of the general public from using your system because of space-available only policies?

Yes No

If yes, explain:

7. How does your agency advertise or market your transit service to the general public? Please explain briefly:
8. What percentage of your ridership is made up of non-seniors, non-disabled persons, and non-contract service?
Percent: _____
9. Is your agency's total capacity (total seats available during normal operating hours) dedicated to transportation of the general public?
 Yes No
If no, what percent? _____

Section 2 FINANCIAL MANAGEMENT

Basic Requirement:

The federal requirements for managing federal funds are found in OMB A-87 for public agencies and A-122 for private nonprofit agencies. Where there are conflicts between state and federal law, the federal law takes precedence over state law.

All Section 5310 and 5311 recipients must have legal, managerial, financial and technical capability to carry out FTA programs and to receive and disburse Federal Funds. Financial systems must be sufficient to prepare reports and track grant funds.

Under federal law, grant recipients receiving more than \$ 500,000 in federal assistance in any year (from all sources) must have an annual audit conducted by an independent CPA Firm.

Grant recipients are required to submit a copy of their annual audit to Public Transit Division.

1. What is the total amount of grant funds your agency received from all federal sources in FY 2004-05?
\$ _____.

2. If your agency is a municipality:
The State of Oregon municipal audit laws require an annual audit (or in some cases a financial statement submitted to the Secretary of State).

a. What is the date of your most recent audit or financial statement?

Date: _____

b. Were there any material findings?

Yes No

If yes, please attach a copy of the findings.

If your agency is private nonprofit:

a. Does your board of directors require an annual audit?

Yes No

b. What is the date of your most recent audit?

Were there any material findings?

Yes No

If yes, please attach a copy of the findings.

c. Does any regulatory body audit your agency?

Yes No

If yes, who? _____

4. FTA requires that all documents, reports, etc. related to FTA grants be maintained for a minimum of three (3) years after the project is closed out.
- a. Are you maintaining your records for three years?
 Yes No
- b. Where are your records stored?
5. If you contract with other agencies to provide transportation, how do you determine the amount the contractor will be paid for providing the service? Is it by cost per trip, cost per mile, cost per hour, a fixed fee, other? Please explain briefly:
6. FTA requires that revenues gained from a sale of a Section 5310 or Section 5311 vehicle be used in your transit program. Do you have procedures to assure that revenues from such sales are used appropriately?
 Yes No
7. Does your agency have written internal financial management and cash handling procedures?
 Yes No
8. Do you have procedures to ensure that FTA grant funds are used only for your transit program?
 Yes No
9. Are your financial records set up on an accrual basis or a cash basis of accounting?
 Cash Accrual
10. Do you use fareboxes and/or donation boxes?
 Yes No
11. Do your drivers handle cash?
 Yes No

12. Do your cash management procedures ensure accuracy, protection of revenues and separation of cash-handling duties? (Checks and Balances)

Yes No

13. Is your transit budget separate from other agency programs, or is it part of another program's budget?

Separate Part of another budget

14. In budgeting for your transit program, do you take into account all costs, such as direct operations costs, vehicle costs, administrative costs, and other direct or indirect costs related to your transit program? (**See note below**).

Yes No

15. Do you bill indirect costs?

Yes No

16. If you bill indirect costs, do you have an award letter?

Yes No

17. How do you determine administrative costs?

Note: Full Cost Accounting or Full Cost Allocation considers the total costs of providing transportation services. The total costs include any commitment or use of time, money, physical resources and other assets of the system used in the accomplishment of program objectives. In full cost accounting, a value is given to these commitments whether or not they resulted in immediate out-of-pocket expenditures. Full cost accounting considers:

- Capital costs versus operating costs
- Fixed costs versus variable costs
- Direct costs versus shared costs

Information from MTAP, *Financial Management Guidelines for Rural and Small Urban Public Transportation Providers*.

Section 3 CIVIL RIGHTS

Basic Requirement:

All 5310 and 5311 grantees must ensure that no person in the United States, on the grounds of race, color, creed, national origin, sex, age, or disability be excluded from participating in, denied the benefits of, or be subject to discrimination under any project, program or activity funded in whole or in part through the Section 5310 and 5311 programs.

FTA requires Public Transit Division to maintain a record of any active lawsuits or complaints received by its grantees. A civil rights complaint is defined as a formal complaint filed in person or in writing to the Office of Civil Rights, ODOT; to the US Department of Transportation; to the Federal Transit Administration; to the Federal Highway Administration; or to private counsel alleging discrimination. Complaints must be filed within 180 days of the alleged discriminatory event or practice.

1. Does your agency include an Equal Employment Opportunity statement in all job announcements?

Yes No

2. Does your agency post Equal Employment Opportunity information in your office?

Yes No

3. Has your agency received notice of any civil rights complaints or lawsuits in the last three years?

Yes No

If yes, **please attach** the following information to this questionnaire:

- a. **date the lawsuit or complaint was filed;**
- b. **a summary of the allegation; and**
- c. **status of the lawsuit or complaint.**

4. Environmental Justice considers the needs of minority and low income populations. Does your agency have programs or policies that help these populations better access your transportation services?

Yes No

If yes, please describe:

5. FTA requires Public Transit Division to monitor the efforts of its grantees in affording contracting opportunities to Disadvantaged Business Enterprises (DBE). Agencies receiving \$250,000 or more from US Department of Transportation (US DOT) must adopt a DBE program.

a. Does your agency receive \$250,000 or more a year in US DOT grant funding (excluding grants received for the purchase of vehicles)?

Yes No

If no, go to Section 4.

b. If yes, has your agency adopted a DBE program?

Yes No

c. If yes, did you adopt your own program, or adopt ODOT's?

Own program ODOT's program

d. If you developed your own program, does it include "race neutral" goals for contracting with DBEs?

Yes No

If you have developed your own DBE program, please attach a copy.

If you have not adopted the required DBE program, you must do so. Please contact PTD for technical assistance.

Section 4 ACCESSIBILITY

The Americans with Disabilities Act of 1990 (ADA) requires that persons with disabilities receive the same level of service from a transportation system as a non-disabled person. Services that are "separate but equal" are not acceptable (i.e. all wheel chairs on one bus and everyone else on another bus).

Basic Requirement -- Fixed Route Systems:

Public operators of fixed route systems open to the general public are required to provide complementary paratransit or other special service to persons with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system. All vehicles purchased must be ADA accessible unless a waiver has been obtained from FTA.

Basic Requirement -- Demand Response Systems: Operators of demand response services must conform to "equivalent service" requirements. All vehicles purchased must be ADA accessible unless the agency certifies that equivalent service is provided.

Comparable or "equivalent service" includes: response time, fares, geographic area of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions priorities based on trip purpose.

1. For Fixed Route Systems: (Skip to # 2 if you do not have a fixed route system)

The following are federal ADA requirements. Does your agency (please check all that apply):

- a. Have complementary paratransit?
 Yes No
- b. Provide paratransit service within 3/4 mile of the fixed route?
 Yes No
- c. Comply with the "equivalent service" requirement stated above?
 Yes No
- d. Have an eligibility process for users of complementary paratransit?
 Yes No
- e. Have an ongoing public involvement process for service-design and eligibility?
 Yes No

f. Have an appeals process to handle disputes?

Yes No

g. Have vehicle identification mechanisms that inform people the service is ADA accessible?

Yes No

h. Use the wheelchair lift if needed at any designated stop?

Yes No

2. For All: FTA requires the following service provisions. Does your agency:

Yes No Train employees on the use of accessibility features?

Yes No Allow service animals on the bus?

Yes No Allow persons using respirators or portable oxygen?

Yes No Provide public information in accessible formats (large print schedules, etc.)

Yes No Allow adequate time for passengers to board and de-board?

Yes No Make announcements for stops?

If by request only, how does the passenger know they can request an announcement?
Explain:

3. FTA requires that if you have any non-lift-equipped vehicles in your inventory, you must be able to provide "equivalent service" through some other means, such as a written agreement with another provider in your service area to provide a lift-equipped vehicle when needed.

a. Do you have non-lift-equipped vehicles in your inventory?

Yes No

b. If yes, do you have procedures in place to provide service to persons with disabilities? Please describe briefly:

Explain how people with disabilities (persons using wheelchairs, persons with visual or hearing impairments, etc.) schedule a ride:

If the procedures are different for a person without a disability, please explain:

5. Have you ever turned down a request for transportation from a person with a disability?

Yes No

If yes, explain:

6. What are your procedures for communicating with people with hearing disabilities? Please explain:

Section 5 DRUG AND ALCOHOL POLICY AND TESTING PROGRAM

Basic Requirement:

All 5311 grantees must develop a drug and alcohol policy and testing program to comply with 49 CFR Part 655 and 49 CFR Part 40.

All 5310 grantees must comply with Federal Motor Carrier Safety Regulations, 49 CFR Part 382 regarding drug and alcohol testing if the grantee operates vehicles with a capacity of 16 passengers or more (including the driver).

For Agencies receiving 5311 grants:

1. Does your agency have an adopted written policy statement on substance abuse in the workplace that addresses the requirements of 49 CFR Part 655?
 Yes No

2. Has your policy been updated since new requirements when into effect in August 2002?
 Yes No

3. Has your policy statement been made available to every safety-sensitive employee?
 Yes No

4. Has your agency provided a minimum of 60 minutes of training to all safety-sensitive employees on the effects and consequences of prohibited drug use on personal health, safety and the work environment?
 Yes No

5. Has your agency provided a minimum of 60 minutes of training for supervisors on the indicators of probable drug use and a minimum of 60 minutes of training for supervisors on the indicators of probable alcohol misuse?
 Yes No

6. Is your agency keeping records of drug and alcohol training for supervisors and employees for two years?

Yes No

7. What agency or firm performs the drug and alcohol testing program for your employees?

Name: _____

8. Have you asked for verification from your testing firm regarding their qualifications to perform testing?

Yes No

9. Is your agency maintaining records documenting your testing program in a separate and secure location?

Yes No

10. Is your agency submitting annual Drug and Alcohol Management Information System reports (MIS) to Public Transit Division, as required?

Yes No

For Agencies Receiving 5310 Grants:

1. Does the size of your vehicle(s) and number of passengers require your drivers to have a Commercial Driver's License?

Yes No

Section 6 PROCUREMENT & CONTRACTING

Basic Requirement:

Section 5310 and 5311 recipients must follow state procurement procedures when awarding and administering FTA-assisted contracts. Recipients must comply with five FTA requirements:

- 1) provide full and open competition;
- 2) exclude in-state or local preference;
- 3) include federally required clauses in all contracts;
- 4) obtain FTA approval on contracts with a duration of more than five years; and
- 5) use state procedures for architectural and engineering procurements, or Brooks Act procedures if there are no state procedures.

Section 5310 recipients that are private, nonprofit agencies must adhere to FTA third-party contracting requirements. These include all provisions above, plus nonprofit agencies must have written procurement procedures, written protest procedures, and ethical standards of conduct.

1. Does your agency have written procurement policies and procedures?
 Yes No

2. Does your agency follow State of Oregon procurement procedures as described in ORS 279?
 Yes No

3. FTA requires full and open competition in all procurements. Does your agency comply with this requirement?
 Yes No

4. FTA requires that you exclude "in-state" or "local preference" clauses in your requests for bid or proposal. (Federal law supersedes state law on this requirement.) Does your agency comply with this requirement?
 Yes No

5. FTA requires that you include all federally required clauses in your procurement contracts. (These are found in the annual Certifications and Assurances.) Does your agency comply with this requirement?
 Yes No

6. Has your agency executed any contracts lasting more than five years?
 Yes No

If yes, did you obtain advance approval from PTD?

Yes No

7. Are you sending draft copies of any capital, operating or planning RFPs and contracts to PTD for review before you finalize them?

Yes No

Section 7 MAINTENANCE PROCEDURES – ALL CAPITAL

Basic Requirement:

All Section 5310 and 5311 recipients must keep federally funded equipment and facilities in good operating condition. Recipients must have policies and procedures to maintain vehicles. Recipients must maintain in operative condition those features of facilities, vehicles, and other capital equipment that are required to make them. ADA accessibility features must be repaired promptly if they are damaged or out of order. Recipients must establish a system of regular and frequent maintenance checks of lifts sufficient to determine if they are operative.

1. ODOT requires a written vehicle maintenance plan.
 - a. Do you have a written vehicle maintenance plan that at least meets the minimum recommendations of the manufacturer to keep the vehicle in good condition?
 Yes No
If yes, what date was it adopted? _____
 - b. Do you have maintenance schedules and records for each vehicle?
 Yes No
If yes, please attach a sample.
2. ODOT requires annual inspections on all vehicles and equipment.
 - a. Are you providing annual vehicle inspections by certified mechanics?
 Yes No
 - b. Do you use a written checklist?
 Yes No
If yes, please attach a copy of your checklist.
3. Are inspections of ADA equipment, including lifts, ramps, securement devices, signage, and communication systems part of your pre-trip or post trip inspection checklist?
 Yes No

What steps are taken when ADA equipment is missing or inoperable?

4. How are deficiencies noted in pre-trip and post-trip inspections handled?
Please explain:

5. Does each of your vehicles contain safety equipment? Please check all that apply:

- Fire extinguisher
- First aid kits
- Triangle reflectors
- Body fluid clean-up kit
- Other/specify:

How often is the safety equipment inventoried?

6. Are procedures in effect to provide "back-up" transportation when regular vehicles are out of service?

- Yes No.

If yes, please briefly describe:

7. Do you have a person in your agency that monitors your vehicle maintenance program?

- Yes No

If yes, provide name and title:

8. ODOT requires a written maintenance plan for facilities and capital equipment funded by Sections 5310 and 5311.

a. Do you have a facility(ies) or capital equipment funded by these programs (other than vehicles)?

- Yes No

b. If you answered "yes" above, do you have a written maintenance plan for the capital item(s)?

- Yes No

Section 8 EQUIPMENT COMPLIANCE CERTIFICATION

Basic Requirement:

Section 5310 and 5311 grantees using federal funds to purchase vehicles are required to conduct pre-award and post delivery reviews to confirm Buy America, purchaser's requirements, and Federal Motor Vehicle Safety Standards (FMVSS) and to certify compliance for all revenue service rolling stock procurements.

Recipients must keep documentation showing how they complied when procuring revenue rolling stock.

1. Is your agency conducting the required pre-award and post delivery reviews as described above?
 Yes No

2. Do your Section 5310 and/or Section 5311 Vehicle Inventory files contain the following documentation and information?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	Original or a Copy of Agreement/Contract
<input type="checkbox"/> Yes	<input type="checkbox"/> No	A Copy of Vehicle Title
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Vendor Invoice/Bill of Sale
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Odometer Disclosure Statement
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Warranty Information
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Lift Information/Warranties/Maintenance, etc.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Physical Location Information
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Disposition Information (if disposed)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Buy American Information
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Altoona Bus Test Report (only one required per vehicle model)

Section 9 SCHOOL BUS SERVICES

Basic Requirement: Section 5310 and 5311 grant recipients, and their contractors, cannot engage in school bus operations (providing vehicles or facilities) exclusively for the transportation of students and school personnel in competition with private school bus operators. (There is an allowable exception - contact PTD for information). In no case can federally funded equipment or facilities be used to provide exclusive school bus service. Head Start is considered a human service and not school bus service; however, federal regulations may prohibit use of transit buses for pre-school transportation.

This prohibition does not apply to school "tripper service." Tripper service is defined as: regularly scheduled mass transportation service open to the public, which is designed or modified to accommodate the needs of school students and personnel. Such service must be open to the public, must serve regular transit stops, and must be delineated on route schedules and maps. Vehicles may not display a "school" sign.

1. Does your agency provide school bus "tripper" services?

Yes No

If yes, please describe the service:

Section 10 CHARTER BUS SERVICES (Section 5311 Only)

Definition of Charter Services:

Charter Services mean transportation using buses or vans or facilities, funded with FTA Section 5311 grants, that are provided to a group of persons who because of a common purpose, have acquired exclusive use of the vehicle or service. The group operates under a single contract, at a fixed charge for the vehicle or service; and the group travels together under an itinerary either specified in advance or modified after the trip begins.

Basic Requirement:

Section 5311 recipients, and their contractors, are prohibited from using Federally-funded equipment or facilities to provide charter service, except on an incidental basis; and then, only when one or more of the seven exceptions set forth in the charter service regulation in 49 CFR Section 605.9 (b) apply.

Other conditions include recovering the fully allocated cost of the service and putting the revenues earned back into your transportation program.

The charter prohibition does not apply to recipients who receive assistance from the Section 5310 program for vehicles only.

1. Do you presently operate any charter services?
 Yes No

If no, skip to Section 11.

- a. If yes, briefly describe the charter service:

- b. Does your agency have written charter procedures?
 Yes No

If yes, attach a copy.

- c. FTA requires that if you are using locally owned vehicles for the charter service, you must maintain vehicle records separately from federally funded vehicle records. Are you maintaining separate vehicle records?
 Yes No

- d. FTA requires that if you are using locally owned vehicles for charter service, they must be stored in a locally owned facility (not funded by federal funds). Are you storing your locally owned vehicles in a locally owned facility?
 Yes No

e. FTA requires you to recover the fully allocated cost when providing charter service. Are you recovering the fully allocated cost of the charter service?

Yes No

f. FTA requires that revenues earned from your charter service be put back into your transportation program? Are you complying with this requirement?

Yes No

g. Have any complaints been filed alleging that your agency is operating charters in violation of the regulations?

Yes No

If yes, describe complaint(s):

h. Does your agency have a process for handling complaints from private providers?

Yes No

If yes, briefly describe process:

Section 11 VEHICLE IDENTIFICATION (5311 only)

Basic Requirement:

Section 5311 vehicles used in general public fixed-route and demand response services must be marked with a program name that defines the service and vehicle as being for the "general public." If the program name is not obviously "general public" then the words "Public Transportation" must be clearly and prominently marked on the vehicle.

Agencies using vehicles other than "transit-style" buses must clearly mark the vehicle as being for the general public.

Contractor vehicles used in general public services must be marked in a similar manner. It is not appropriate for a contractor to advertise its name on the vehicle in a manner that detracts from the identification of the vehicle as a public transit vehicle.

1. Do your agency's vehicles display the name of your transit service?
 Yes No
If yes, what is the name?

2. Does your agency use vehicles other than "transit-style" vans or buses?
 Yes No
If yes, are they identified as a general public transit vehicle?

3. Are contractor vehicles used for your general public service?
 Yes No
If yes, are the vehicles identified as "public transportation?"

4. If some of your vehicles are not identified appropriately, what are your plans for compliance? Please explain:

Please attach a photo of the signing on your vehicles.

Section 12 DEBARMENT AND SUSPENSION

Basic Requirement:

To prevent fraud, waste, and abuse in Federal transactions, persons or entities, which by defined events or behavior potentially threaten the integrity of federally administered non-procurement programs, are excluded from participation in FTA assisted programs. FTA grantees are required to certify that they are not excluded from federally assisted transactions and to ensure that none of their principals (as defined in the governing regulation, 49 CFR Part 29, and FTA Circular 2015.1), subrecipients, or third-party contractors or subcontractors are debarred, suspended, ineligible or voluntarily excluded from participation in federally assisted transactions.

State agencies administering the Section 5310 and 5311 programs certify to FTA. Section 5310 and 5311 subrecipients certify to the state.

1. Are any of your agency's principals currently debarred, suspended, or voluntarily excluded from participation in federally assisted transactions?
 Yes No

If yes, please explain:

2. Does your agency use a third-party contractor?
 Yes No

If yes, how have you verified the contractor is not disqualified by a Federal agency?

Obtained a certification from contractor

There is a clause/condition in the contract regarding debarment and suspension

Have not verified that contractor is not disqualified

Section 13 LOBBYING

Basic Requirement:

Recipients of Federal grants and contracts exceeding \$100,000 must certify that they have not and will not use Federal funds to pay for influencing or attempting to influence an officer or employee of any Federal department or agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal grant, cooperative agreement, or any other Federal award. State agencies administering the Section 5310 and 5311 programs certify to FTA. Section 5310 and 5311 subrecipients certify to the state. States and their subrecipients must impose the restrictions on lobbying on their third-party contractors and obtain certifications.

1. Has your agency received more than \$100,000 in Federal grants in FY 2004-05?
 Yes No

2. Was your agency involved in lobbying a Federal agency, or a member or employee of Congress to seek support for a particular application or Federal award?
 Yes No

3. Did your agency use non-federal funds for lobbying purposes?
 Yes No

If answers to questions 1-3 are all yes, fill out Standard Form LLL at the end of this questionnaire.

4. Does your agency use contractors receiving more than \$100,000 per year in Federal funds?
 Yes No
- If yes, did you obtain a lobbying certification from your contractor as part of your third party contract?
- Yes No

APPENDIX D
On-Site Program Review Checklist

DATE:
TO:
FROM:
SUBJECT: ODOT- Public Transit Division On-Site Program Review

This letter is to confirm Public Transit Division's on-site review of your transit program on (date). The intent of the review is to assess program practices to determine the following:

- Federal program compliance for 5311, 5310, JARC (as applicable)
- State program compliance for STG
- Quality of safety practices
- Quality of program management
- Fiscal responsibility

Please allow 6 hours for the review as follows:

- Entrance interview—30 minutes
- Review Areas —4 hours
 1. Financial, Managerial and Legal Sufficiency;
 2. Transit Operations, Safety and Security;
 3. Americans with Disabilities Act;
 4. FTA Anti-Drug Use and Alcohol Abuse Prevention Program
- Vehicle Visual Inspection and Records Review – 30 minutes
(Not required if your agency has had a vehicle maintenance and program inspection in the last 12 months).
- Exit Interview – 60 minutes

Please make arrangements to have your agency's financial staff available to help answer questions on Financial, Managerial and Legal Sufficiency; and your operations manager or service contractor available to help answer questions on Transit Operations, Safety and Security and ADA. Our experience is that it takes about one hour for each review area, and they can be completed in any order to accommodate the schedules of your staff.

Enclosed with this letter is a list of the physical areas that we may want to look at and records we may want to review in your office.

Also enclosed is a copy of the Review Checklist we will be using. This is provided for your information and to help you determine appropriate staff to include in the review.

If you have any questions, please call (name/phone).

Public Transit Division On-Site Review

The following physical areas within the agency will be included as needed during the site review:

- Administration offices
- Employee areas (where employees congregate and where employee information is posted)
- Maintenance and/or vehicle storage areas
- Vehicles used to provide passenger services regardless of funding source
- Equipment and facilities purchased with grants

Any of the following documentation may be needed during the site review. These documents will not pertain to every agency, nor will the reviewer necessarily ask for all of them. The records should not be removed from where they are normally kept; agency staff should be knowledgeable of location prior to review. If any of the records are kept off-site, agency staff should be prepared to take the reviewer to the records.

For all agencies:

- Governing Board/Advisory board roster and minutes
- Advisory board meeting minutes
- Employee job descriptions
- Employee training records
- Financial management policy and procedures
- Financial documentation (e.g., receipt books, tickets/passes, spreadsheets)
- Procurement policy and procedures
- Procurement records
- Vehicle and equipment maintenance plan and procedures
- Pre & post trip inspection forms
- Vehicle and facility inventory, maintenance plan and records/files
- Vehicle accident records/files
- Vehicle manifests
- Dispatch logs
- System safety and security policy and procedures
- State and Federal Motor Carrier information, as applicable
- Americans with Disabilities Act policies and procedures
- Civil Rights and ADA complaint records/files
- Seat belt and child seat procedures
- Operator on-board procedures

For 5311/JARC agencies, additional materials may be required:

- Marketing materials
- FTA Section 5333(b) Special Warranty policy
- Charter Bus policy, procedure and documentation, and vehicle manifests
- Complementary Paratransit program documentation, as applicable
- FTA Drug and Alcohol program records/files: new employee, random, post-accident

Oregon Department of Transportation Public Transit Division

Oregon Department of Transportation, Public Transit Division
Site Review Checklist

Date of Review: _____ ODOT Reviewer: _____

Agency: _____

Agency Representatives: _____

Agency representative(s): _____

Grant types: FTA 5310 FTA 5311 FTA JARC state STG

<i>Financial, Managerial and Legal Sufficiency</i>		
Financial management and cash control	YES	NO
<p>1. The agency has written financial management and cash control procedures.</p> <p>1.1. Staff is knowledgeable about the policy (e.g., sign the policy.)</p> <p>1.2. Agency procedures require at least two people to count cash and checks.</p> <p>1.3. Agency procedures include at least two approvals prior to payment of invoices.</p> <p>1.4. Agency uses a tally sheet or other passenger counting device.</p> <p>1.5. Passenger reports are used to document contract-paid rides.</p> <p>1.5.1. Schedule/dispatch log is compared to passenger reports on a regular basis.</p>		
<p>Comments:</p> 		
<p>2. The agency has procedures to reduce the opportunity for mishandling cash and other revenues, tickets and passes.</p> <p>2.1. Agency procedures match the farebox to the passenger manifest on a regular basis. Frequency _____</p> <p>2.2. Agency procedures limit or prohibit the driver from handling cash.</p> <p>2.3. Driver-supervisor checks driver procedures (i.e., farebox and on-board reporting procedures) on a regular basis.</p> <p>2.4. Petty cash is limited in amount and is closely monitored.</p> <p>2.5. Agency makes receipts for all funds received (exception is fares into farebox.)</p> <p>2.6. Use of credit cards is limited to authorized individuals.</p>		

Comments:			
<i>Financial, Managerial and Legal Sufficiency (cont.)</i>		YES	NO
3. The agency has security systems for cash, checks, tickets and passes. 3.1. Agency has a method for enumerating and accounting for tickets and passes. 3.2. Cash/checks/tickets/passes are stored in secure location. 3.3. Deposit slips and receipts are compared to ensure that all money received was deposited. 3.4. Bank deposits are made daily and route to bank varies by time of day and route.			
Comments:			
4. The agency operates equipment purchased with state or federal funds. 4.1. The primary use of the equipment is consistent with the original purpose. 4.2. The equipment is tagged or otherwise identified as property purchased with state or federal funds. 4.3. Equipment records include the following: (circle) description, id number, title information, procurement source, acquisition date, cost, percentage of state or federal grant share, the grant number/contract number from which it was procured, location of use, condition, and disposition data including date of disposal, sale price and method of determining fair market value. 4.4. The agency has procedures that protect the equipment from misuse, misappropriation, waste and unwarranted deterioration or destruction. 4.5. The agency conducts physical inventory of equipment on a regular basis. 4.5.1. Frequency _____.			

Comments:				
<i>Financial, Managerial and Legal Sufficiency (cont.)</i>		YES	NO	
<p>5. The agency receives \$500,000 or more annually of any source of federal funds.</p> <p>5.1. If yes, the agency obtains a Single Audit per Federal Office of Management and Budget A-133.</p> <p>5.2. The grantee receives \$500,000 or more in Federal Transit Administration Funds.</p> <p>5.2.1. If yes, the Single Audit is forwarded to Public Transit Division and/or the FTA.</p>				
Comments:				
<p>6. The agency has specified accounts within the accounting system for each program for which it receives state or federal funds.</p> <p>6.1. Agency has a defined method to distribute costs to the programs.</p> <p>6.2. Agency has a defined method to distribute administration and other overhead between programs.</p> <p>6.3. Agency accounting is <input type="checkbox"/> Cash <input type="checkbox"/> Accrual <input type="checkbox"/> Modified</p>				
Comments:				
<p>7. The agency has grants that require matching funds.</p> <p>7.1. Agency has a method to track matching funds.</p> <p>7.2. Agency uses in-kind and non-cash contributions as match.</p> <p>7.3. Agency documents the source and amount of in-kind/non-cash contributions.</p> <p>7.3.1. Volunteers document hours and tasks performed.</p>				

Comments:		
<i>Financial, Managerial and Legal Sufficiency (cont.)</i>	YES	NO
<p>8. The agency has a written procurement policy and procedure.</p> <p>8.1. Agency limits purchasing to specific individuals.</p> <p>8.2. Purchases exceeding a defined threshold (e.g., \$2500) require pre-approval by general manager and/or the governing board.</p> <p>8.3. Large and aggregate purchases (over \$5000) are procured through an open solicitation and negotiated process (<\$75,000 informal; >\$75,000 formal) designed to obtain the best possible price and quality. (E.g., audit, gas, maintenance, insurance contracts and agreements)</p> <p>8.4. Contracts are signed by the governing board or designated delegate</p> <p>8.5. Agency has procedures to ensure that equipment, goods and services are acquired and received as contracted.</p> <p>8.6. Agency maintains complete purchasing records, <i>circle</i>: independent cost estimate, solicitation, selection, negotiations, contracts, amendments, payments, closeout.</p> <p>8.7. The agency excludes geographic preference in solicitations when using FTA funds.</p>		
Comments:		
Federal Program/Managerial Training		
9. The agency has, within the past two years, sent appropriate staff (who manage one or more functions of the FTA Section 5310 or 5311 program) to an ODOT or FTA training concerning public transit program requirements.		
Comments:		

Legal Authority		
10. The agency is a legally formed entity recognized by the State of Oregon.		
Comments:		

<i>Financial, Managerial and Legal Sufficiency (cont.)</i>	YES	NO
Labor and Employee Relations		
<p>11. The agency has written personnel policies and procedures covering recruitment, hiring, compensation, termination, etc.</p> <p>11.1. The agency includes an EEO statement in job announcements.</p> <p>11.2. The agency has a copy of the US Department of Labor Special Section 5333(b) Labor Warranty and has posted page 1 of the Warranty on an employee bulletin board.</p> <p>11.2.1 The warranty has been reviewed by Human Resources staff and the provisions in the warranty are understood.</p> <p>11.3. Agency has union employees.</p> <p>11.3.1. If yes, list union: _____ Local _____</p>		
Comments:		
<p>12. The agency has not had a written complaint alleging discrimination in its employment practices in the last 3 years.</p> <p>12.1. If no, describe:</p> <p>13. The agency recruits minorities and persons with disabilities for employment and volunteerism.</p>		
Comments:		

<i>Financial, Managerial and Legal Sufficiency (cont.)</i>	YES	NO
Policy Board, Commission or Council		
<p>14. The agency has a policy board, commission or council.</p> <p>14.1. If yes, how are the members acquired?</p> <p>_____</p>		
Comments:		
<p>15. The agency appoints an advisory board to advise regarding transportation service delivery and policy issues.</p> <p>15.1. The board has written bylaws that identify the responsibilities of the advisory board.</p> <p>15.2. The advisory board receives board member training.</p> <p>15.3. Advisory board meetings are open to the public.</p> <p>15.3.1. Identify frequency of board meetings: _____</p> <p>15.4. Board meetings are advertised.</p> <p>15.5. Board meetings are held in accessible locations.</p> <p>15.5.1. Reasonable accommodations are made upon request.</p> <p>16. Advisory board meetings are documented and available to the public.</p> <p>17. The agency recruits minorities and persons with disabilities for its policy and advisory boards.</p>		
Comments:		

<i>Transit Operations, Safety and Security</i>	YES	NO
<p>18. Transit operations are open to the general public.</p> <p>18.1. If no, identify eligible passengers:</p>		
<p>Comments:</p>		
<p>19. Transit services and benefits provided by the agency are accessible to all eligible passengers regardless of race, color, religion, sex, national origin, or disability.</p>		
<p>Comments:</p>		
<p>20. The agency has a defined employee/volunteer training program.</p> <p>20.1. Agency maintains current training records.</p> <p>20.2. Training includes (circle): defensive driving, passenger assistance, ADA requirements, passenger relations, evacuation and emergency procedures, behind the wheel orientation, drug and alcohol program policy and prevention, customer service, other (list):</p>		
<p>Comments:</p>		
<p>21. The agency has a written job description for every employee and volunteer position.</p> <p>21.1. Employees/volunteers receive regular performance appraisals.</p>		
<p>Comments:</p>		

<i>Transit Operations, Safety and Security (cont.)</i>	YES	NO
<p>22. The agency pre-qualifies the employees/volunteers prior to employment.</p> <p>22.1. If yes, circle: criminal background check, driver’s license, physical, aptitude test, reference check, prior employer check, other (list):</p>		
<p>Comments:</p>		
<p>23. The agency has “hours of service” standards for their drivers.</p>		
<p>Comments:</p>		
<p>24. The agency has seatbelts on its passenger vehicles.</p> <p>24.1. If yes, child safety and booster seats are used.</p> <p>24.2. Drivers are trained to properly secure child safety and booster seats.</p>		
<p>Comments:</p>		
<p>25. The agency has a written “system safety and security plan.”</p> <p>25.1. Date written: _____</p> <p>25.2. Safety/security officer: _____</p> <p>25.3. Agency plan coordinates with local public safety agencies.</p> <p>25.4. Agency has disseminated the plan to employees and with affected passenger agencies.</p>		
<p>Comments:</p>		

<i>Transit Operations, Safety and Security (cont.)</i>	YES	NO
<p>26. The agency has a written vehicle maintenance plan.</p> <p>26.1. Date written: _____</p> <p>26.2. Maintenance manager: _____</p>		
<p>Comments:</p>		
SAMPLE MAINTENANCE RECORD INSPECTION		
<p>List vehicle ID numbers for records selected for sample:</p>		
<p>27. Maintenance records are easily retrieved and well organized.</p> <p>27.1. Agency has means to track maintenance for each vehicle.</p> <p>27.1.1. (circle) Scheduled maintenance is based on mileage or time elapsed.</p> <p>27.1.2. Evidence of regular brake inspection.</p> <p>27.1.3. Evidence of regular steering and suspension inspection.</p> <p>27.1.4. Evidence of regular lube, oil and filter service.</p> <p>27.1.5. No evidence of chronic high cost repairs.</p> <p>27.2. Pre-trip inspections are a standard routine of operations.</p> <p>27.3. Post-trip inspections are a standard routine of operations.</p>		
<p>Comment: Indicate by ID number the record and problem noted.</p>		

<i>Transit Operations, Safety and Security (cont.)</i>	YES	NO
VEHICLE VISUAL INSPECTION		
28. List ID numbers of vehicles inspected:		
<p>28.1. Vehicles do not show signs of excessive wear or lack of care.</p> <p>28.2. The exterior is clean and free of damage and rust.</p> <p>28.3. Doors, mirrors, lights, wipers and horn work and/or are in good condition.</p> <p>28.4. Emergency door / safety interlock system works.</p> <p>28.5. The interlock system preventing vehicle movement when the lift is deployed works.</p> <p>28.6. The ground under the vehicles does not show signs of excessive fluid leakage.</p> <p>28.7. Tires do not show Lincoln's head or are not unevenly worn.</p> <p>28.8. The interior is clean, and upholstery, floor covering, securement areas, railings are in good condition.</p> <p>28.9. The vehicles start easily and run smoothly without excessive visible exhaust.</p>		
Comment: Indicate by ID number the vehicle and problem noted.		

<i>Transit Operations, Safety and Security (cont.)</i>	YES	NO
Charter Bus		
<p>29. The agency does not use state or federally funded equipment, facilities or operating funds to support charter operations. If “No”:</p> <p>29.1. The cost of the charter is fully allocated and recovered.</p> <p>29.2. (5311 only) The agency published a “Notice of Intent to Charter.”</p>		
Comments:		
School Bus Services		
30. (5310/5311 only) The agency offers exclusive school bus services to students.		
Comments:		
Marketing Transit Services		
<p>31. The agency markets (advertising or promoting) the transportation services.</p> <p>31.1. (5311 only) The marketing effort is directed specifically to the general public.</p>		
Comments:		
USDOT Federal Highway Administration – drug and alcohol testing		
<p>32. (For 5310, STF/STF Only) CDLs are required for all drivers operating vehicles with capacity larger than 16 passengers including the driver.</p> <p>32.1. If yes, Agency has plan of compliance for drug and alcohol testing regulations 49 CFR 391.</p>		
Comments:		

<i>Americans with Disabilities Act</i>	YES	NO
Note to reviewer: Complete this section for ALL agencies.		
33. Agency is: <input type="checkbox"/> public OR <input type="checkbox"/> private non-profit or private for-profit <input type="checkbox"/> primarily in the business of transportation OR <input type="checkbox"/> not primarily in the business of transportation <input type="checkbox"/> fixed route service OR <input type="checkbox"/> route deviation or other demand-response service strategy		
Comments:		
34. Public Transit Division staff traveled on one of the agency’s vehicles in regular service.		
Comments – describe route, vehicle, etc:		
35. Agency pre-trip checklist includes cycling the lift to ensure that it is working order and checking for the presence and condition of the tie-downs in the securement area.		
Comments:		
36. The agency has a written policy requiring use of securement.		
Comments:		
37. Agency allows the lift to be used for standees to board/deboard the vehicle.		
Comments:		

<i>ADA (cont.)</i>	YES	NO
38. Agency requires the driver to assist passengers with disabilities, as they need assistance, to board and de-board the vehicle.		
Comments:		
39. (for fixed routes only) The agency requires that the driver announce stops (or has an audible announcement in lieu of the driver.)		
Comments:		
40. The agency allows service animals to travel with persons with disabilities.		
Comments:		
41. The agency allows Personal Care Attendants (PCA) to travel with persons with disabilities and at no cost.		
Comments:		
42. The agency allows persons with disabilities using respirators or portable oxygen on either the bus or paratransit. (Does not include large tanks prohibited by HAZMAT)		
Comments:		
43. Agency policies ensure adequate time for boarding and de-boarding for persons with disabilities.		
Comments:		

<i>ADA (cont.)</i>	YES	NO
44. Agency provides information to the public regarding availability of accessible services. <input type="checkbox"/> Website <input type="checkbox"/> Brochures/Schedules <input type="checkbox"/> Other (what?)		
Comments:		
45. Agency representative is knowledgeable regarding ADA service requirements appropriate to the specific services offered by the agency to the public. 45.1. Representative has attended training. 45.2. Representative has information and reference materials.		
Comments:		
Public Fixed-Route: Complementary Paratransit		
46. Agency has a complementary paratransit service that provides services to persons with disabilities who are unable to use or access the fixed route. 46.1. If yes, indicate service strategy: <input type="checkbox"/> Route deviation, <input type="checkbox"/> separate paratransit operated by agency, <input type="checkbox"/> contracted out to other entity, <input type="checkbox"/> other (<i>list</i>):		
Comments:		
47. Agency has a program to determine eligibility for paratransit services. 47.1. If yes, indicate entity performing eligibility determinations:		
Comments:		

<i>ADA (cont.)</i>	YES	NO
48. Agency does not extend paratransit services to non-ADA passengers 48.1.1. If no, policies protect ADA eligible passengers' access to service		
Comments:		
49. Equivalency standards are met for the following attributes: 49.1.1. Response time 49.1.2. Fares (no more than twice that of the regular fixed-route fare) 49.1.3. Geographic area of service 49.1.3.1. Service is provided at least ¾ mile and not more than 1 ½ mile of fixed route. 49.1.4. Hours and days 49.1.5. Availability of information		
Comments:		
50. Service is at least curb-to-curb.		
Comments:		

<i>ADA (cont.)</i>	YES	NO
51. Reservations are available on a day-before basis. 51.1. All trip requests are fulfilled. 51.2. Denials are limited to unforeseen events. 51.3. Denials are documented.		
Comments:		
Public Demand-Responsive Services: Equivalent Service Standards		
52. The agency has policies that allow persons with disabilities equivalent access to the transportation service. 52.1. Service denials are documented. 52.2. Denials appear to be incidental and rare.		
Comments:		
53. The agency's policies and procedures ensure that the following equivalency standards are met: 53.1. Response time is the same 53.2. Fares are the same 53.3. Geographic area of service is the same 53.4. Hours and days of service are the same 53.5. Availability of information is the same 53.6. Reservations capability is the same 53.7. Constraints on capacity or service availability are the same 53.8. No restrictions or priorities based on trip purpose		
Comments:		

<i>ADA (cont.)</i>	YES	NO
Private Fixed-Route and Demand Responsive Services: Equivalent Service Standards		
54. The agency is not providing service under the conditions of a service agreement defined by and paid for by a public entity.		
Comments:		
55. The agency has policies that allow persons with disabilities equal access to the transportation service. 55.1. Service denials are documented. 55.2. Denials appear to be incidental and rare.		
Comments:		
56. The agency's policies and procedures ensure that the following equivalency standards are met: 56.1. Response time is the same 56.2. Fares are the same 56.3. Geographic area of service is the same 56.4. Hours and days of service are the same 56.5. Availability of information is the same 56.6. Reservations capability is the same 56.7. Schedules and headways (for fixed route) are the same 56.8. Constraints on capacity or service availability are the same 56.9. No restrictions or priorities based on trip purpose (for demand response)		
Comments:		

Federal Transit Administration Anti-drug Use and Alcohol Abuse Prevention Program (FTA 5311 and JARC only)	YES	NO
<p>57. Agency has a policy that it disseminates to its employees.</p> <p>57.1. Employees are not required to sign a “permission to test” document.</p>		
<p>Comments:</p>		
<p>58. Agency hires service agents.</p> <p>58.1. Service agent: <input type="checkbox"/> TPA <input type="checkbox"/> MRO <input type="checkbox"/> SAP <input type="checkbox"/> BAT <input type="checkbox"/> Lab <input type="checkbox"/></p> <p>Other:</p> <p>58.2. Agency tasks: <input type="checkbox"/> Random selection <input type="checkbox"/> BAT <input type="checkbox"/> Training <input type="checkbox"/> Other:</p> <p>58.3. Agency has performed audits of service agent procedures and checked eligibility requirements to ensure conformance to regulations.</p>		
<p>Comments:</p>		
<p>59. Agency representative is knowledgeable regarding Drug and Alcohol testing requirements appropriate to the agency.</p> <p>59.1. Representative has attended training.</p> <p>59.2. Representative has information and reference materials.</p>		
<p>Comments:</p>		

<i>FTA Drug and Alcohol Program (cont.)</i>	Yes	NO
RECORDS REVIEW		
<p>60. Drug and alcohol program records are kept in a separate secure location.</p> <p>60.1. Where? _____</p> <p>60.2. Access is limited.</p> <p>60.3. Records are easily retrieved and well organized.</p> <p>60.4. Non-DOT records are separate from DOT testing records.</p> <p>60.5. Agency has MIS forms on file.</p> <p>60.6. Agency has evidence of training that includes name, dates, and content.</p> <p>60.7. Record retention is as follows: 5-years: verified positive, documentation of test results, employee referrals to SAP, copies of MIS; 2-years: collection records, employee training; 1-year: negative test results.</p>		
Comments:		
<p>61. Agency has training records.</p> <p>61.1. 1-hour training for all safety sensitive employees.</p> <p>61.2. Employee information about affects of alcohol use and abuse.</p> <p>61.3. Reasonable suspicion: signs and symptoms of drug and alcohol use; 1-hour for alcohol and 1-hour for drugs</p>		
Comments:		

<i>FTA Drug and Alcohol Program (cont.)</i>	Yes	NO
<p>62. Agency has a random testing program.</p> <p>62.1. Testing cycle does not appear to have a discernable pattern and are during all days and hours of service.</p>		
<p>Comments:</p>		
<p>63. For any type of test, referral form from employer to collection site indicates if the test is DOT or non-DOT.</p> <p>63.1. For non-DOT tests, collection site is not using DOT-specific forms.</p>		
<p>Comments:</p>		
<p>64. Agency performs post-accident testing as required by FTA. (<i>sample at least 2 accidents in past year, if applicable</i>)</p> <p>64.1. Accident reports identify FTA-defined threshold of accident.</p> <p>64.2. Post-accident tests are based on FTA-defined threshold.</p> <p>64.3. Cancelled tests are documented.</p>		
<p>Comments:</p>		

<p>65. NEW EMPLOYEE DOCUMENTATION REVIEW (<i>sample at least 2 new employees in past year</i>)</p>		
<p>65.1. Pre-employment information (e.g., want ad, job announcement) includes requirement to test.</p> <p>65.2. Applicant provides written permission to contact pervious employers.</p> <p>65.3. Applicant states on application whether or not he/she had a prior positive test.</p> <p>65.4. If applicant has a positive history, employee is asked for and shows completion of SAP-defined treatment plan.</p> <p>65.5. Documentation of negative pre-employment test is received by employer before new employee assumes safety sensitive position.</p> <p>65.6. If test was positive, applicant was referred to SAP and to treatment resources available in community.</p>		
<p>Comments:</p>		

<p>66. RANDOM COLLECTION DOCUMENTATION REVIEW (<i>sample at least 1 safety sensitive employee who was selected for random test in prior year</i>)</p>		
<p>66.1. Review documentation related to notification to test</p> <p>66.2. Review documentation related to proceeding to collection site</p> <p>66.3. Review documentation sent to employer by collection site</p> <p>66.4. Review documentation sent to employer by MRO</p> <p>66.5. For positive test as determined by MRO, employee was removed from safety sensitive position.</p> <p>66.6. For positive test, employee was referred to SAP.</p> <p>66.7. SAP submitted treatment plan to employer.</p> <p>66.8. Employee was not terminated.</p> <p>66.9. If yes, employee completed treatment plan and a return to duty test prior to returning to safety sensitive position.</p> <p>66.10. Employee is enrolled in or has completed follow-up testing as determined by SAP.</p> <p>66.11. Employee is in random pool during follow-up testing period.</p>		
<p>Comments:</p>		

POST REVIEW FOLLOW-UP	DATE
Exit interview findings discussed with agency representative	
Letter with formal findings sent. ODOT identifies if immediate audit is required and area(s) to be audited and why.	
Agency submits compliance plan within 30 days of ODOT letter. Time frame for compliance dependent on type of problem. <ul style="list-style-type: none"> • Passenger safety – ASAP • Records-related, non-safety related – 90 days • Serious program deficiency – plan of compliance to be implemented completely within 180 days 	
ODOT reviews and approves plan.	
Post 90 day period, ODOT reviews primary areas found out of compliance and progress in compliance plan.	

APPENDIX E
Environmental Requirements Flow Chart
Documented Categorical Exclusion Worksheet

DOCUMENTED CATEGORICAL EXCLUSION WORKSHEET

Note: The purpose of this worksheet is to assist sponsoring agencies in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for projects that may qualify as a documented Categorical Exclusion. Submission of the worksheet by itself does not meet NEPA requirements. FTA must concur in writing in the sponsoring agency's NEPA recommendation. Contact the FTA Region 10 office at (206) 220-7954 if you have any questions regarding this worksheet.

I. PROJECT DESCRIPTION

Sponsoring Agency	Date Submitted	FTA Project Number (if known)
Project Title		
Project Location (Include City and Street Address)		
Project Contact : Name	Phone	E-mail Address (if available)

II. NEPA CLASS OF ACTION

Answer the following questions to determine the project's potential class of action.

A. Will the project significantly impact the natural, social and / or economic environment?

YES (Contact Regional FTA Office) NO (Continue)

Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These projects typically include construction or extension of fixed transit facilities (e.g., light rail, commuter rail, ferries, exclusive busways or HOV facilities).

B. Is the significance of the project's social, economic or environmental impacts unknown?

YES (Contact Regional FTA Office) NO (Continue)

Do other Federal regulations, such as Section 4(f) (parklands, refuges, historic properties), require consideration of alternatives?

YES (Contact Regional FTA Office) NO (Continue)

Is the project likely to require detailed evaluation of more than a few potential impacts?

YES (Contact Regional FTA Office) NO (Continue)

Is the project likely to generate intense public discussion or concern, even though it may be limited to a relatively small subset of the community?

YES (Contact Regional FTA Office) NO (Continue)

If the answer to any of these questions is "YES", contact the regional FTA office to determine whether the project requires preparation of an Environmental Assessment.

C. Does the project appear on the following list of potential Categorical Exclusions?

YES (Mark and Submit to Regional FTA Office) NO (Continue)

Activities not involving or directly leading to construction (e.g., technical studies, planning, preliminary engineering)

- Utility installations along or across a transit facility
- Construction of bicycle and pedestrian facilities
- Installation of noise barriers
- Landscaping
- Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices with no substantial land acquisition or traffic disruption
- Emergency repairs under 23 USC 125
- Acquisition of scenic easements
- Ridesharing activities
- Bus and rail car rehabilitation
- Alterations to facilities or vehicles to make them accessible to elderly or handicapped persons
- Program administration, technical assistance, and operating assistance to continue existing service or increase service to meet routine changes in demand
- Purchase of vehicles for use on existing facilities or new facilities that are also a Categorical Exclusion
- Track and railbed maintenance and improvements when carried out in existing right-of-way
- Installation of equipment to be located within the transit facility and with no significant off-site impacts

These transit projects are generally categorical exclusions under 49 CFR § 771.177 (c) and do not require further documentation unless extenuating circumstances exist, such as the presence of wetlands, historic buildings and structures, parklands, or floodplains in the project area. If such circumstances exist or may exist, contact the Regional FTA office.

D. Does the project appear on following list of potential documented Categorical Exclusions?

YES (Mark and Continue to Part III) NO (Contact FTA Regional Office)

- Grade separations to replace existing at-grade railroad crossings and bridge rehabilitation
- Transportation corridor fringe parking facilities
- Disposal of excess right-of-way where proposed use does not have significant adverse impacts
- Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is consistent with existing zoning and located on or near a street with adequate capacity to handle anticipated traffic
- Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users
- Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks, and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic
- Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is consistent with existing zoning and where there is no significant noise impact on the surrounding community

Acquisition of land for hardship or protective purposes *Note: the eligibility of hardship and protective buys is very limited and must be approved, in writing, by the Regional FTA office before proceeding with any acquisition activities. Failure to do so will render the project ineligible for Federal participation.*

These projects may be categorical exclusions under 49 CFR § 771.177 (d), but require additional documentation in order for such a determination to be made.

III. INFORMATION REQUIRED FOR DOCUMENTED CATEGORICAL EXCLUSIONS

Provide the following information if, based on the answers in Part II, the proposed project appears to be eligible as a documented Categorical Exclusion.

A. Detailed Project Description

B. Location Attach a map or diagram, to scale, identifying the location of the project site and surrounding land uses. Note any critical resource areas, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences.

C. Zoning Briefly describe the existing zoning of the project area.

D. Traffic Describe potential traffic and parking impacts, including whether the existing roadways have adequate capacity to handle increased bus or other vehicular traffic. Include a map or diagram if the project will modify existing roadway configurations.

E. RESOURCES Describe any natural, cultural, recreational, historic or other resources that might be located in the vicinity of the proposed project. Indicate whether the project will have a significant impact on the following resources:

Natural Cultural Recreational Historical Other

F. Noise / Water / Air Quality Describe whether the project will involve significant noise, water or air quality impacts. Note if the project is located in a nonattainment area.

___ Nonattainment Area: ___ Carbon Monoxide (CO) ___ Ozone (O₃) ___ Particulate Matter (PM₁₀)
___ Significant Impact (Describe): ___ Air Quality ___ Noise ___ Water
___ Hot Spot Analysis: ___ Carbon Monoxide (CO) ___ Ozone (O₃) ___ Particulate Matter (PM₁₀)

G. Public Notification Briefly describe any public outreach efforts undertaken on behalf of the project. Indicate opportunities for public hearings (e.g., Board meetings, open houses, special hearings). Attach a copy of published notices, if available. Indicate any significant concerns expressed by agencies or the public regarding the project.

H. Hazardous Materials Prior to acquiring land or a facility, a hazardous materials survey must be conducted. Describe the steps taken to determine whether hazardous materials are present on the project site. Also note the mitigation and clean-up measures that will be taken to remove any hazardous materials from the project site.

I. Property Acquisition If property is to be acquired for the project, indicate whether the acquisition will result in relocation of businesses or individuals. Also provide a brief review of how the property has been used in the past (e.g., first developed as grocery store 1924-1940; converted to light manufacture 1940-1970; vacant 1970-present). **Note: to ensure eligibility for Federal participation, grantees may not acquire property with either local or Federal funds prior to completing the NEPA process and receiving written FTA concurrence in both the NEPA recommendation and property appraisals.**

J. Environmental Justice Indicate whether the project will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects.

K. Related Federal and State/Local Actions Indicate whether the proposed project is likely to require actions by other Agencies (e.g., permits) and attach materials submitted to them.

- ___ **Section 4(f)** *Parklands, Recreation Areas, Refuges, Historic Properties*
- ___ **Section 106** *Historic Properties*
- ___ **Section 404** *Wetlands and Water*
- ___ **Executive Orders** *Wetlands, Floodplains, Environmental Justice*
- ___ **Clean Air Act** *Air Quality*
- ___ **Endangered Species Act**
- ___ **State and Local Requirements** (Describe)

L. Mitigation Measures Describe any measures to be taken to mitigate project impacts.

*Submit this form, attachments, and a transmittal letter recommending a NEPA finding to:
Federal Transit Administration, Region 10
915 2nd Avenue, Suite 3142
Seattle, WA 98174*

APPENDIX F
U.S. Department of Labor Special Warranty

Post this Page on Employee Bulletin Board

SECTION 5311 GRANT RECIPIENTS NOTICE OF RECEIPT OF FEDERAL ASSISTANCE AND ACCEPTANCE OF SPECIAL 13 (c) WARRANTY

Section 18 – Labor Protections

The name ¹of _____ is a recipient of Federal assistance under the Section 18 Formula Grants Program of the Urban Mass Transportation Act of 1964, as amended. As a condition of receipt of this assistance, the _____ has agreed to be bound by the Special Section 13 (c) Warranty for the Public Transportation for Nonurbanized Areas Program. These terms and conditions have been determined by the Secretary of Labor to be fair and equitable in order to protect the interests of employees who may be affected by the Project and are in satisfaction of the requirements of Section 13 (c) of the Act.

Paragraph 4 of the Special 13 (c) Warranty provides for, among other things, a procedure to resolve disputes or controversies arising over the application, interpretation or enforcement of the Special 13 (c) Warranty. In the event a party believes that he has been adversely affected as a result of the assistance and the dispute has not been resolved within 30 days after it first arises, then either party may refer such dispute to a final and binding settlement procedure. If the parties are able to agree upon a procedure, then that agreed upon procedure is to be used. If the parties cannot agree, then either party may contact the Department of Labor, which will itself review the dispute and issue a determination to resolve it or will designate an impartial third party to hear the dispute and issue a final and binding determination.

In the event a party to a dispute wants to contact the Department of Labor, the party should write to:

**Office of Labor-Management Relations Services, Room N-5653
Attn: Division of Employee Protections.
U.S. Department of Labor, Washington, D.C., 20210**

The letter should specify the nature of the dispute, identify the parties and describe the steps already taken by the parties to resolve the dispute.

¹ Write your agency's name in the blank spaces.

**Special Section 13(c) Warranty
for Application to the Small Urban and Rural Program (FTA Section 5311)**

For almost all Federal Transit Administration programs involving operations, including the Section 5311 program, 49 U.S.C. Section 5333 (b) (also known as Section 13(c) of the Federal Transit Act) requires that fair and equitable arrangements must be made to protect the interests of employees affected by such assistance. The Department of Labor (DOL) is responsible under Federal law for the administration of Section 5333 (b).

A. General Application (ODOT-Public Transit Division Responsibility)

The Public Body agrees that, in the absence of waiver by the Department of Labor, the terms and conditions of this warranty, as set forth below, shall apply for the protection of the transportation related employees of any employer providing transportation service assisted by the Project ("Recipient"), and the transportation related employees of any other surface public transportation providers in the transportation service area of the project.

The Public Body 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 organizations representing the employees of such providers.

Certification by the Public Body to the Department of Labor that the designated Recipients have indicated in writing acceptance of the terms and conditions of the warranty arrangement will be sufficient to permit the flow of Section 18 funding in the absence of a finding of non-compliance by the Department of Labor.

B. Standard Terms and Conditions (Applies to all FTA Section 5311 Recipients)

(1) The Project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect employees of the Recipient and of any other surface public transportation provider in the transportation service area of the Project. It shall be an obligation of the Recipient and any other legally responsible party designated by the Public Body to assure that any and all transportation services assisted by the Project are contracted for and operated in such a manner that they do not impair the rights and interests of affected employees. The term "Project," as used herein, shall not be limited to the particular facility, service, or operation assisted by Federal funds, but shall include any changes, whether organizational, operational, technological, or otherwise, which are a result of the assistance provided. The phrase "as a result of the Project," shall when used in this arrangement, include events related to the Project occurring in anticipation of, during, and subsequent to the Project and any program of efficiencies or economies related thereto; provided, however, that volume rises and falls of business, or changes in volume and character of employment brought

about by causes other than the Project (including any economies or efficiencies unrelated to the Project) are not within the purview of this arrangement.

An employee covered by this arrangement, who is not dismissed, displaced or otherwise worsened in his position with regard to his employment as a result of the Project, but who is dismissed, displaced or otherwise worsened solely because of the total or partial termination of the Project, discontinuance of Project services, or exhaustion of Project funding shall not be deemed eligible for a dismissal or displacement allowance within the meaning of paragraphs (6) and (7) of the Model agreement or applicable provisions of substitute comparable arrangements.

(2)(a) Where employees of a Recipient are represented for collective bargaining purposes, all Project services provided by that Recipient shall be provided under and in accordance with any collective bargaining agreement applicable to such employees which is then in effect.

(2)(b) The Recipient or legally responsible party shall provide to all affected employees sixty (60) days' notice of intended actions which may result in displacements or dismissals or rearrangements of the working forces. In the case of employees represented by a union, such notice shall be provided by certified mail through their representatives. The notice shall contain a full and adequate statement of the proposed changes, and an estimate of the number of employees affected by the intended changes, and the number and classifications of any jobs in the Recipient's employment available to be filled by such affected employees.

(2)(c) The procedures of this subparagraph shall apply to cases where notices involve employees represented by a union for collective bargaining purposes. At the request of either the Recipient or the representatives of such employees negotiations for the purposes of reaching agreement with respect to the application of the terms and conditions of this arrangement shall commence immediately. If no agreement is reached within twenty (20) days from the commencement of negotiations, any party to the dispute may submit the matter to dispute settlement procedures in accordance with paragraph (4) of this warranty. The foregoing procedures shall be complied with and carried out prior to the institution of the intended action.

(3) For the purpose of providing the statutory required protections² including those specifically mandated by Section 13(c) of the Act, the Public Body will assure as a condition of the release of funds that the Recipient agrees to be bound by the terms and

² Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) paid training and retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to Section 5 (2) (f) of the Act of February 4, 1887 (24 State. 379) as amended.

conditions of the National (Model) Section 13(c) Agreement executed July 23, 1975, identified below³, provided that other comparable arrangements may be substituted therefor, if approved by the Secretary of Labor and certified for inclusion in these conditions.

(4) Any dispute or controversy arising regarding the application, interpretation, or enforcement of any of the provisions of this arrangement which cannot be settled by and between the parties at interest within thirty (30) days after the dispute or controversy first arises, may be referred by any such party to any final and binding disputes settlement procedure acceptable to the parties, or in the event they cannot agree upon such procedure, to the Department of Labor or an impartial third party designated by the Department of Labor for final and binding determination. The compensation and expenses of the impartial third party, and any other jointly incurred expenses, shall be borne equally by the parties to the proceeding and all other expenses shall be paid by the party incurring them.

In the event of any dispute as to whether or not a particular employee was affected by the Project, it shall be his obligation to identify the Project and specify the pertinent facts of the Project relied upon. It shall then be the burden of either the Recipient or other party legally responsible for the application of these conditions to prove that factors other than the Project affected the employee. The claiming employee shall prevail if it is established that the Project had an effect upon the employee even if other factors may also have affected the employee.

(5) The Recipient or other legally responsible party designated by the Public Body will be financially responsible for the application of these conditions and will make the necessary arrangements so that any employee covered by these arrangements, or the union representative of such employee, may file claim of violation of these arrangements with the Recipient within sixty (60) days of the date he is terminated or laid off as a result of the Project, or within eighteen (18) months of the date his position with respect to his employment is otherwise worsened as a result of the Project. In the latter case, if the events giving rise to the claim have occurred over an extended period, the 18-month limitation shall be measured from the last such event. No benefits shall be payable for any period prior to six (6) months from the date of the filing of any claim.

(6) Nothing in this arrangement shall be construed as depriving any employee of any rights or benefits which such employee of any rights or benefits which such employee may have under existing employment or collective bargaining agreements, nor shall this arrangement be deemed a waiver of any rights of any union or of any represented employee derived from any other agreement or provision of federal, state or local law.

(7) In the event any employee covered by these arrangements is terminated or laid off as a result of the Project, he shall be granted priority of employment or reemployment to fill any vacant position within the control of the Recipient for which he is, or by training or

³ For purposes of this warranty arrangement, paragraphs (1); (2); (5); (15); (22); (23); (24); (26); (27); (28); and (29) of the Model Section 13 (c) Agreement, executed July 23, 1975 are to be omitted.

retraining within a reasonable period, can become qualified. In the event training or retraining is required by such employment or reemployment, the Recipient or other legally responsible party designated by the Public Body shall provide or provide for such training or retraining at no cost to the employee.

(8) The Recipient will post, in a prominent and accessible place, a notice stating that the Recipient has received federal assistance under the Urban Mass Transportation Act and has agreed to comply with the provisions of Section 13(c) of the Act. This notice shall also specify the terms and conditions set forth herein for the protection of employees. The Recipient shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the proper application, administration, and enforcement of these arrangements and to the proper determination of any claims arising thereunder.

(9) Any labor organization which is the collective bargaining representative of employees covered by these arrangements, may become party to these arrangements by serving written notice of its desire to do so upon the Recipient and the Department of Labor. In the event of any disagreement that such labor organization represents covered employees, or is otherwise eligible to become a party to these arrangements, as applied to the Project, the dispute as to whether such organization shall participate shall be determined by the Secretary of Labor.

(10) In the event the Project is approved for assistance under the Act, the foregoing terms and conditions shall be made part of the contract of assistance between the federal government and the Public Body or Recipient of federal funds; provided, however, that this arrangement shall not merge into the contract of assistance, but shall be independently binding and enforceable by and upon the parties thereto, and by any covered employee or his representative, in accordance with its terms, nor shall any other employee protective agreement merge into this arrangement, but each shall be independently binding and enforceable by and upon the parties thereto, in accordance with its terms.

C. Waiver

As a part of the grant approval process, either the Recipient or other legally responsible party designated by the Public Body may in writing seek from the Secretary of Labor as waiver of the statutory required protections. The Secretary will waive these protections in cases, where at the time of the requested waiver, the Secretary determines that there are no employees of the Recipient or of any other surface public transportation providers in the transportation service area who could be potentially affected by the Project. A 30-day notice of proposed waiver will be given by the Department of Labor and in the absence of timely objection, the Department of Labor will review the matter and determine whether a waiver shall be granted. In the absence of waiver, these protections shall apply to the Project.

The Subrecipient certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 49 U.S.C. Section 5333 (b) are applicable thereto.

Signature: _____

Name (printed or typed): _____

Title: _____

Agency/Organization: _____

Date: _____

APPENDIX G
ADA Service Guidelines

Americans with Disabilities Act Policy and Planning Requirements

The Americans with Disabilities Act (ADA) is a civil rights law enacted by the US Congress in 1990. The Federal Transit Administration (FTA) enacted regulations in support of the ADA that define the delivery of transportation services. The regulations require specific actions on the part of transit providers. The FTA regulations are found in the US Department of Transportation 49 CFR Parts 27, 37 and 38: *Transportation for Individuals With Disabilities*; Final Rule, Friday September 6, 1991. These regulations apply to all providers of public or private transportation services whether or not they receive state or federal funding assistance. These rules are available on the Federal Transit Administration's website at http://www.fta.dot.gov/502_ENG_HTML.htm.

Compliance as a Condition of Funding: As a condition of grant funding, transit agencies¹ must demonstrate compliance to the ADA and the FTA's implementing regulations. Agencies will demonstrate compliance through their day-to-day operating procedures, their planning and management of transit services, public involvement and information, vehicle procurement and other activities.

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

Public Transit Division staff will routinely assess each transit program for compliance to the ADA, as defined in the State Management Plan. Public Transit Division will also provide technical assistance materials appropriate to each program.

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

- *Public* means any state or local government and any department, agency, special purpose district, or other instrumentality of one or more state or local governments.
- *Private* means any entity other than a public entity.
- *Fixed route system* means a system of transporting individuals on which a vehicle is operated along a prescribed route according to a fixed schedule.

¹ Transit Agency generically means any public, private or private non-profit agency offering public or client transportation services.

- *Demand responsive system* means a system of transporting individuals that is not a fixed route.

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

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

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

Subrecipients will have a written plan addressing each of the service provisions. (For example, the vehicle maintenance plan will include maintenance of accessible features, including in pre- and post-trip inspections.) The plans do not have to be complex; they will be statements that describe how the agency will meet each of the requirements. If the agency contracts out any or all of the service delivery or maintenance, the subrecipient is responsible for ensuring that the contractor is in compliance.

Vehicle Accessibility Standards: The standards for vehicle accessibility are found at 49 CFR Part 38. Generally, accessible vehicles must be able to accommodate a “common wheelchair. A "common wheelchair" is defined within the ADA as a mobility aid belonging to any class of three or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered.

A "common wheelchair" does not exceed 30 inches in width and 48 inches in length measured two inches above the ground, and does not weigh more than 600 pounds when occupied. An increasing number of individuals are now using wheelchairs and other mobility devices that exceed the dimensions of a "common wheelchair" as defined in the ADA standards.

Requirements for Public Providers

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

Fixed-Route

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

Plans will include descriptions of:

1. The planned service delivery;
 2. Each of the defined service criteria;
 3. Eligibility criteria and processes, and;
 4. Public participation and outreach activities.
- Full conformance to the ADA regulations on the first day of service to the public is required by federal law.
 - ADA service plans must be submitted to Public Transit Division for review **prior** to service startup, if the project is funded in any part through ODOT-source funds.
 - Paratransit plans must be approved by the operator's governing board, reviewed regularly and amended as needed.
 - When new services requiring complementary paratransit planning impact existing service through overlapping or contiguous boundaries, it is the responsibility of the new service provider to coordinate the development of an ADA strategy that provides for coordinated paratransit services with neighboring jurisdictions.
 - Requests for undue financial burden waivers will not be considered.

- “Under the law, complementary paratransit is meant to be just that – a complement to accessible fixed-route service, and is not intended to be a separate service for all individuals with disabilities, but rather a safety net for those individuals who are not capable of independently boarding, riding, or disembarking from an accessible fixed-route vehicle or for when a transit property is unable to provide an accessible vehicle or stop along a route.”²

Demand-Response

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

Requirements for Private Providers

- Per §37.105, private providers conform to requirements defined as “equivalency service standard”. The equivalency service standard applies whether the service is fixed-route or demand responsive. Private providers with a fixed-route system are not required to provide complementary paratransit.
- *Equivalency* means that the system when viewed in its entirety, provides equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the individual and is equivalent with respect to the following service characteristics. These characteristics are in addition to the service provisions.
- *Equivalent Service Standards* for private demand responsive or fixed route systems:
 1. Schedules/headways (if the system is fixed-route)
 2. Response time (if the system is demand-responsive)
 3. Fares
 4. Geographic area of service
 5. Hours and days of service

² Quote from Ola, *Project ACTION Update*, Summer 1997

6. Availability of information
 7. Reservations capability (if the system is demand responsive)
 8. Any constraints on capacity or service availability
 9. Restrictions priorities based on trip purpose (if the system is demand responsive).
- Private operators are divided into two subgroups by the ADA: *Private not-primarily* in the business of transportation and *private primarily* in the business of transportation.
 - *Private not primarily*: Fixed route system with vehicles over 16 passengers plus driver must have accessible vehicles. Fixed route system with vehicles under 16 must have accessible vehicles unless the system when viewed in its entirety meets the standard for equivalent service provisions.
 - *Private primarily*: Fixed route system with vehicles over eight passengers (excluding over-the-road vehicles) must ensure that the vehicles are accessible.

Intercity Bus

- Intercity bus services are offered by a variety of public and private entities, and these services various types of equipment: cars, minivans, vans, small buses and over-the-road coaches. The type of provider and the vehicle used in service defines ADA compliance.
- Generally, for intercity bus services provided by private agencies primarily in the business of transportation and public agencies, unless the intercity service uses cars or over-the-road buses, all new vehicles purchased to place into service must be accessible. For specific requirements, consult with the Public Transit Division.
- Over-the-road vehicles (also referred to as motor coaches) have special rules, published in a Federal Register Notice on September 24, 1998. These rules require the accessibility of new motor coaches and the accessibility of motor coach service to people with disabilities³. The rules for the purchase/lease of new motor coaches went into effect on October 30, 2000 for large fixed route motor coach companies and will go into effect October 29, 2001 for small fixed route motor coach companies. The rules for delivering accessible motor coach service go into effect in October 2001 for large fixed route, charter, tour and other demand responsive motor coach companies. The rules go into effect for small operators in October 2002.
- After these dates, companies must provide service in an accessible coach to a passenger who requests it and gives 48 hours' notice. Small companies may provide equivalent service, instead of acquiring accessible coaches. This equivalent service may be provided in an alternate vehicle (e.g. a van), provided that the service allows passengers to travel in their own wheelchairs. The ADA requires that motor coach companies assist persons who use wheelchairs in getting on and off nonaccessible coaches. Boarding assistance must also be provided at rest stops.
- Under the ADA regulations , it is considered discrimination for a motor coach company to:
 - Deny transportation to individuals with disabilities

³ Motor coach information form Easter Seals Project ACTION

- Refuse to provide service to an individual with a disability solely because the disability results in the appearance or involuntary behavior that may offend, annoy, or inconvenience the company's employees or other persons⁴.
- Use or request the use of persons other than employees (family members, companions, and medical/public safety personnel) for boarding or assistance to passengers with disabilities, unless the passenger requests or consents to assistance from such persons.
- Require or request a passenger with a disability to reschedule his/her trip/ travel time in order to receive transportation.
- Fail to provide reservation services to passengers with disabilities equivalent to those provided to other passengers.
- Require that a passenger with a disability use designated priority seats, if the passenger does not choose to use them.
- Require that a passenger with a disability travel with an attendant.
- Impose special charges on individuals with disabilities, including those who use wheelchairs, for providing services that are required or necessary to accommodate them. (For example: charging a group requesting an accessible coach a higher price than you would a group using an inaccessible coach).
- Refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of persons with disabilities.
- Fail or refuse to comply with any of the applicable ADA regulations
- Entities providing public accommodations must provide equal service to individuals with disabilities in a setting appropriate to the needs of those individuals. Waiting rooms provided by intercity bus operators must be accessible to individuals with disabilities, and the opportunity for information, purchase of a ticket, etc., must be available.

Passenger Facilities:

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

⁴ Exception: It is not discrimination to refuse to provide service to an individual with a disability because that individual engages in violent, seriously disruptive or illegal conduct).

the perimeter of the shelter. An accessible route will connect the shelter to the boarding area.

- Accessible route: At least one accessible route will be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. The accessible route will, to the maximum extent feasible, coincide with the route for the general public. An accessible route with a running slope greater than 1:20 is a ramp. The least possible slope will be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. A cross slope of an accessible route will not exceed 1:50.

APPENDIX H

Forms

Pre-Award Capital Purchase Certification Form

Initial all that apply:

___ This purchase was made from a State of Oregon Price Agreement.

By the signature of its authorized representative, the organization identified below certifies the following:

___ **PRE-AWARD PURCHASER'S REQUIREMENTS CERTIFICATION (all purchases over \$5,000)**

As required by Title 49 of the CFR, Part 663 Subpart B, the vehicle(s) listed below is/are the same product(s) described in the recipient's solicitation specifications and the proposed manufacturer is a responsible manufacturer with the capability to produce a vehicle that meets the specifications.

___ Purchaser's requirements certification documentation was completed and is part of the procurement file.

___ **PRE-AWARD BUS TESTING (all vehicle purchases other than unmodified sedans, station wagons, vans and mini-vans)**

The vehicle obtained in this procurement complies with 49USC A 5323(c) and 49 CFR Part 665.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with federal financial assistance may subject the organization to civil penalties as outlined in the US Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

___ Altoona/STURAA bus test report was received for each vehicle and is in this agency's procurement file.

___ **FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS) CERTIFICATION**

The vehicle described below meets all Federal Motor Vehicle Safety Standards which are applicable to this type of vehicle. Any modifications to the vehicle have not violated the integrity of the structure, design, or systems that have been tested to conform to the FMVSS for this vehicle.

___ Manufacturer's certification is attached.

___ **PRE-AWARD BUY AMERICA COMPLIANCE CERTIFICATION (all purchases over \$100,000)**

As required by Title 49 of the CFR Part 663 Subpart B, the vehicle and equipment to be purchased from the vendor listed below meets the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982 as amended. The recipient signing below has reviewed the documentation provided by the manufacturer which lists the following: (1) the proposed component and sub-component parts of the vehicle and equipment identified by the manufacturer, country of origin and cost; and (2) the proposed location of the final assembly point for the vehicle and equipment, including a description of the activities that took place at the final assembly point and the cost of final assembly.

___ Manufacturer's certification was received and is in this agency's procurement file.

YEAR, MAKE, MODEL: _____ VIN: _____

For certification of multiple vehicles of the same year, make, and model, attach a list of the VINs for each vehicle.

REGISTERED OWNER: _____ DATE: _____

SECURITY INTEREST HOLDER: _____ AGREEMENT NUMBER: _____

RECIPIENT AGENCY: _____ ADDRESS: _____

CITY: _____ STATE, ZIP: _____

SIGNATURE: _____ TITLE: _____

Post-Delivery Capital Purchase Certification Form

Initial all that apply:

___ This purchase was made from a State of Oregon Price Agreement.

By the signature of its authorized representative, the organization identified below certifies the following:

___ **POST-DELIVERY PURCHASER'S REQUIREMENTS CERTIFICATION (all purchases over \$5,000)**

As required by Title 49 of the CFR, Part 663 Subpart C, after visually inspecting and road testing the contract vehicle(s) listed below, the vehicle(s) meet(s) the contract specifications.

___ Purchaser's requirements certification documentation was completed and is part of the procurement file.

___ **POST-DELIVERY BUS TESTING (all vehicle purchases other than unmodified sedans, station wagons, vans and mini-vans)**

The vehicle obtained in this procurement complies with 49USC A 5323(c) and 49 CFR Part 665.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with federal financial assistance may subject the organization to civil penalties as outlined in the US Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

___ An Altoona/STURAA bus test report was received for each vehicle and is in this agency's procurement file.

___ **FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS) CERTIFICATION**

The vehicle described below meets all Federal Motor Vehicle Safety Standards which are applicable to this type of vehicle. Any modifications to the vehicle have not violated the integrity of the structure, design, or systems that have been tested to conform to the FMVSS for this vehicle.

___ Manufacturer's certification is attached.

___ **POST-DELIVERY BUY AMERICA COMPLIANCE CERTIFICATION (all purchases over \$100,000)**

As required by Title 49 of the CFR Part 663 Subpart B, the vehicle(s) and equipment received, described below, meet the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982 as amended. The recipient signing below has reviewed the documentation provided by the manufacturer which lists the following: (1) the proposed component and sub-component parts of the vehicle and equipment identified by the manufacturer, country of origin and cost; and (2) the proposed location of the final assembly point for the vehicle and equipment, including a description of the activities that took place at the final assembly point and the cost of final assembly.

___ Manufacturer's certification was received and is in this agency's procurement file.

YEAR, MAKE, MODEL: _____ VIN: _____
For certification of multiple vehicles of the same year, make, and model, attach a list of the VINs for each vehicle.

REGISTERED OWNER: _____ DATE: _____

SECURITY INTEREST HOLDER: _____ AGREEMENT NUMBER: _____

RECIPIENT AGENCY: _____ ADDRESS: _____

CITY: _____ STATE, ZIP: _____

SIGNATURE: _____ TITLE: _____

EXHIBIT C
ODOT Public Transit Division
2007-2009 Discretionary Grant
Reimbursement Invoice

Agency: _____

Grant No. _____ FEIN (Federal tax ID no.): _____

This Payment Covers: Quarter/Month(s): _____ Fiscal Year: _____

Original Grant Amount	\$
Prior Payments	\$
Balance of Grant (Beginning of Quarter)	\$
Total Expenses this period	\$
Match (1)	\$
Source of Match:	
Other (Explain)	
Total Reimbursement:	\$
Balance of Grant (End of Quarter)	\$

(1) Attach documentation of in-kind match.

Contracting opportunities this period (2)	\$
Contracting opportunities to Disadvantaged Business Enterprise (DBE) firms (3)	\$

(2) Type and dollar amount of contracting opportunity entered into this period.

(3) Type of opportunity and name of DBE firm(s).

I certify that this request is accurate and is not being billed for or reimbursed in any other grant, warranty, insurance or contract:

 Authorized Agency Signature

 Date

 Type or Print Name of Authorized Agency Signature

 Phone Number

Appendix B.16

PIGGYBACKING WORKSHEET

Definition: *Piggybacking is 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/equipment through that original document/process.* ("FTA [Dear Colleague](#)" letter, October 1, 1998).

In order to assist in the performance of your review, to determine if a situation exists where you may be able to participate in the piggybacking (assignment) of an existing agreement, the following considerations are provided. Ensure that your final file includes documentation substantiating your determination.

WORKSHEET	YES	NO
1. Have you obtained a copy of the contract and the solicitation document, including the specifications and any Buy America Pre-award or Post delivery audits?		
2. Does the solicitation and contract contain an express "assignability" clause that provides for the assignment of all or part of the specified deliverables?		
3. Did the Contractor submit the "certifications" required by Federal regulations? See BPPM Section 4.3.3.2 .		
4. Does the contract contain the clauses required by Federal regulations? See BPPM Appendix A1 .		
5. Were the piggybacking quantities included in the original solicitation; i.e., were they in the original bid and were they evaluated as part of the contract award decision?		
6. If this is an indefinite quantity contract, did the original solicitation and resultant contract contain both a minimum and maximum quantity, and did these represent the reasonably foreseeable needs of the parties to the contract?		
7. If this piggybacking action represents the exercise of an option in the contract, is the option provision still valid or has it expired?		

WORKSHEET	YES	NO
8. Does your State law allow for the procedures used by the original contracting agency: e.g., negotiations vs. sealed bids?		
9. Was a cost or price analysis performed by the original contracting agency documenting the reasonableness of the price? Obtain a copy for your files.		
10. Does the contract term comply with the five-year term limit established by FTA?		
11. Was there a proper evaluation of the bids or proposals? Include a copy of the analysis in your files.		
12. If you will require changes to the vehicles (deliverables), are they "within the scope" of the contract or are they "cardinal changes"? See BPPM Section 9.2.1 .		

Note: This worksheet is based upon the policies and guidance expressed in (a) the FTA Administrator's "[Dear Colleague](#)" letter of October 1, 1998, (b) the Best Practices Procurement Manual, [Section 6.3.3-Joint Procurements of Rolling Stock and "Piggybacking,"](#) and (c) [FTA Circular 4220.1E](#).

**Reimbursement Request – Preventive Maintenance
Attachment – Exhibit C**

Provider Name		Date:	
Reimbursement Period			

Vehicle IDs (Last 5 digits of VIN # or agency assigned no.)	Brief Description of Maintenance	Quantity	Charge	Total Charges
Total Charges *				\$

Signature	Title	"I certify that this billing is accurate and that these charges are not being billed to any other grant and are not being reimbursed from any other source."
* The total charges must match the amount requested on Exhibit "C"		

DBE Report
Oregon Department of Transportation
Public Transit Division

Agency Name _____

Federal Grant # _____

Report for period ending _____

Amount of goods/services purchased: \$ _____

Amount of goods/services purchased from DBE vendors: \$ _____

Percentage of purchases from DBE vendors: _____%

DBE vendors used _____

Descriptions of Good Faith Efforts _____

Signed by: _____

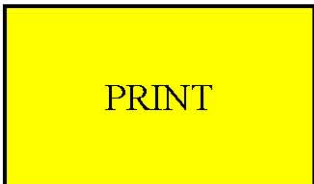
Print name _____

Title _____

Date _____

DISCLOSURE OF LOBBYING ACTIVITIES Approved by OMB Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352 0348-0046 (See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: 4c	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i>	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)



INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
- ³ Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
- ⁴ Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
- ⁸ Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.