



2012

Oregon Department of Transportation

---

Public Transit Division

555 13<sup>th</sup> Street NE • Suite 3

Salem, Oregon 97301-4179

Phone 503.986.3300 • Fax 503.986.4189

Version 0.5 (May 2012 Edition)

# State Management Plan

## for Public Transportation Programs

## Version History

<b>Version</b>	<b>Description</b>	<b>Date</b>
0.1	2007 State Management Plan	December 2008
0.2	First Draft	January 2009
0.3	Final Draft	July 7, 2009
0.4	2009 State Management Plan	July 27, 2009
0.5	2012 State Management Plan – Update	May, 2012

Contact: Dinah Van Der Hyde, Policy and Program Section  
Email: [Dinah.vanderhyde@odot.state.or.us](mailto:Dinah.vanderhyde@odot.state.or.us)  
Website: <http://www.oregon.gov/ODOT/PT/index.shtml>  
Phone: 503-986-3885 or 503-986-3300

⌘ This document is available in alternative formats upon request ⌘

---

# Table of Contents

<b>I. INTRODUCTION</b> .....	6
1. Purpose of this Document.....	6
2. Agency Mission.....	7
3. State Policy Guidance.....	7
4. Programs and Authority.....	7
5. Roles and Responsibilities.....	7
<b>II. BRIEF OVERVIEW OF FUNDING PROGRAMS</b> .....	10
1. Nonurbanized (Rural) Areas Formula Programs (§5311).....	10
2. Older Adults and Persons with Disabilities Program (§5310).....	11
3. Job Access and Reverse Commute Program (§5316).....	12
4. New Freedom Program (§5317).....	12
5. Special Transportation Fund Program.....	13
6. Transit Planning Program.....	13
7. Mass Transit Vehicle Replacement Program.....	14
8. Transportation Options Program.....	15
9. Special Projects.....	15
<b>III. PROGRAM, GRANT AND FINANCIAL MANAGEMENT PROCEDURES</b> .....	16
1. PTD Program Administration.....	17
2. Project Management.....	18
3. Audit Requirements.....	22
5. Reporting and Recordkeeping Requirements.....	25
6. Procurement/Contracting.....	26
7. Public Involvement.....	28
8. Planning and Coordination.....	33
9. Civil Rights.....	36
10. Grant Protest Procedures.....	51
11. Charter Bus Protections.....	52
12. School Bus Regulations.....	54
13. Safety Authority.....	55
14. Drug-Free Workplace and FTA Drug and Alcohol Testing Regulations.....	56
15. FHWA Drug and Alcohol Testing/Commercial Drivers Licenses.....	57
16. Labor Protection.....	58
17. Environmental Protection.....	60
18. Lobbying.....	62
19. Debarment and Suspension.....	63
<b>IV. CAPITAL PROCUREMENT AND MANAGEMENT OF CAPITAL ASSETS</b> .....	64
1. Procurement and Management of Equipment.....	64
2. Vehicle Procurement and Leasing.....	65
3. Vehicle Insurance.....	67
4. Vehicle Maintenance.....	68
5. Vehicle Useful Life and Disposition.....	69
6. Buy America Provisions, Pre-Award / Post-Delivery Certifications, and New Model Bus Testing.....	72
7. Force Account.....	73

<b>V. LAND, BUILDINGS AND FACILITIES</b> .....	76
1. Maintenance Requirements .....	76
2. Restrictive Covenants .....	76
3. Disposition of Property .....	76
4. Facility Useful Life Standards.....	77
<b>VI. NONURBANIZED (RURAL) AREA FORMULA PROGRAM (§5311)</b> .....	78
1. Program Goals .....	79
2. Eligible Subrecipients.....	79
3. Eligible Services and Service Areas .....	80
4. Eligible Assistance Categories.....	82
5. Local Share and Local Funding Requirements .....	82
6. Project Selection Criteria and Funds Distribution Method.....	83
7. Start-up Program.....	84
8. Basic Grant Management Policies .....	84
9. Training Requirements.....	85
10. National Transit Database.....	86
<b>VII. INTERCITY BUS PROGRAM (§5311 F)</b> .....	87
1. Program Goals .....	87
2. Projects of Statewide Significance .....	87
3. Eligible Subrecipients.....	88
4. Eligible Services and Service Areas .....	88
5. Eligible Assistance Categories.....	88
6. Local Share and Local Funding Requirements .....	88
7. Project Selection Criteria and Funds Distribution Method.....	88
8. Basic Grant Management Policies .....	89
9. National Transit Data .....	90
10. Passenger Information.....	90
<b>VIII. TRANSIT ASSISTANCE PROGRAM (TAP)</b> .....	91
1. Purpose.....	91
2. Scholarships.....	91
3. Training .....	91
<b>IX. AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)</b> .....	93
1. Program Goals .....	93
2. Eligible Subrecipients.....	93
3. Eligible Services and Service Areas .....	94
4. Eligible Assistance Categories.....	94
5. Local Share and Local Funding Requirements .....	94
6. Project Selection Criteria and Funds Distribution Method.....	94
7. Basic Grant Management Policies .....	95
8. Reporting Requirements .....	96
<b>X. ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PROGRAM (§5310)</b> .....	97
1. Program Goals .....	97
2. Eligible Subrecipients.....	97
3. Eligible Assistance Categories.....	99

4.	Project Selection Criteria and Fund Distribution Method.....	99
5.	Local Share and Local Funding Requirements .....	100
6.	Training Requirements.....	100
7.	Basic Grant Management Policies .....	100
8.	Reporting Requirements .....	102
<b>XI.</b>	<b>JOB ACCESS AND REVERSE COMMUTE PROGRAM (§5316) .....</b>	<b>103</b>
1.	Program Goals .....	103
2.	Eligible Subrecipients.....	103
3.	Eligible Assistance Categories.....	103
4.	Project Selection Criteria and Fund Distribution Method.....	103
5.	Local Share and Local Funding Requirements .....	104
6.	Training Requirements for Subrecipients.....	104
7.	Basic Grant Management Policies .....	105
8.	Reporting Requirements .....	105
<b>XII.</b>	<b>NEW FREEDOM PROGRAM (§5317).....</b>	<b>105</b>
1.	Program Goals .....	105
2.	Eligible Subrecipients.....	105
3.	Eligible Assistance Categories.....	105
4.	Project Selection Criteria and Fund Distribution Method.....	106
5.	Local Share and Local Funding Requirements .....	106
6.	Training Requirements for Subrecipients.....	107
7.	Basic Grant Management Policies .....	107
8.	Reporting Requirements .....	107
<b>XIII.</b>	<b>SPECIAL TRANSPORTATION FUND PROGRAM .....</b>	<b>108</b>
1.	Program Goals .....	108
2.	Eligible Subrecipients.....	108
3.	Eligible Assistance Categories.....	108
4.	Project Selection Criteria and Fund Distribution Method.....	108
5.	Local Share and Local Funding Requirements .....	109
6.	Training Requirements for Subrecipients.....	109
7.	Basic Grant Management Policies .....	109
8.	Reporting Requirements .....	109
<b>XIV.</b>	<b>DISCRETIONARY GRANTS PROGRAM.....</b>	<b>109</b>
1.	Overview .....	109
2.	Project Selection Criteria and Fund Distribution Method.....	110

## I. Introduction

### 1. Purpose of this Document

The United States Department of Transportation, Federal Transit Administration (FTA) requires that each state adopt policies and procedures to be used in administering the FTA Sections 5309, 5310, 5311, 5316 and 5317 grant programs and publish them in a “State Management Plan”. This document is the State Management Plan adopted by the Oregon Department of Transportation (ODOT), Public Transit Division (PTD).

The 2012 edition of the Oregon State Management Plan for Public Transit Administration Programs incorporates four policy changes developed with the advice of the Public Transportation Advisory Committee (PTAC). These changes improve the administration and oversight that implements the Oregon program. The four changes are:

- a. Chapter III. Grant Management and Procedures Section 9. Civil Rights. Requirement for ADA Complementary Paratransit Plan.
- b. Chapter IV. Capital Purchasing and Management of Capital Assets, Section 4. Vehicle Maintenance.
- c. Chapter VI. Nonurbanized Area Formula Program, Section 6, Project Selection and Funds Distribution Method.
- d. Chapter X. Elderly Individuals and Individuals with Disabilities, Section 2. Eligible Subrecipients.

The policies and procedures for the state-funded transit program, the Special Transportation Fund (STF), are also referenced in this document, as the state funds are coordinated locally with FTA programs. The STF Guidebook further defines the program and provides technical assistance to subrecipients. It can be found at:

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

This plan facilitates PTD’s management of federal and state programs, and forms the basis of oversight by FTA. The plan also provides public information about PTD programs and is a program guide for applicants and subrecipients.

PTD supplements the guidance in this plan with a web-based Transit Provider Handbook to provide more detailed information for subrecipients regarding meeting federal requirements.

Link: <http://www.oregon.gov/ODOT/PT/PROGRAMS/transit-provider-handbook.shtml>

## 2. Agency Mission

ODOT's mission is to provide a safe, efficient, and multimodal transportation system that supports economic opportunity and livable communities for Oregonians.

## 3. State Policy Guidance

The Oregon Transportation Plan (OTP)<sup>1</sup>, adopted September 20, 2006, is the state's long-range multimodal transportation plan and is used as guidance by PTD. The OTP 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 the year 2030. It establishes a vision of a balanced, multimodal transportation system and provides a framework for policy objectives. The OTP emphasizes maintaining assets in place, optimizing the existing system performance through technology and better system integration, creating sustainable funding, and investing in strategic capacity enhancements. The OTP also provides a framework for prioritizing transportation improvements based on varied future revenue conditions, but it does not identify specific projects for development.

The Oregon Public Transportation Plan (OPTH), adopted in 1997, is the state's transit modal plan. It develops the OTP goals and objectives related to the public transportation system, including public transit, special needs transportation, transportation options, and intercity bus programs. PTD's programs are designed to implement the OPTH.

## 4. Programs and Authority

The Governor of the State of Oregon designated PTD as the administrative agent for the following FTA programs: Planning (§5303 and §5304), Elderly Individuals and Individuals with Disabilities (§5310), Nonurbanized Area Formula Program (§5311), Intercity Bus (§5311(f)), Job Access & Reverse Commute (§5316), and New Freedom (§5317). The Governor designated small urban transit agencies, including Central Oregon Intergovernmental Council, City of Corvallis, and Rogue Valley Transportation District as direct recipients of the Urbanized Area Formula Program (§5307).

In March 2009, the Governor also submitted the required memorandum to the federal government to designate Oregon as an eligible recipient of American Recovery and Reinvestment Act (ARRA) funds. The §5311 ARRA funds are managed by PTD.

PTD is also the Oregon state agency in charge of the state's Special Transportation Fund, Oregon Streetcar Project Fund, and Transportation Options programs.

## 5. Roles and Responsibilities

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

---

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

agencies in this partnership.

### **Federal Transit Administration**

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

### **Oregon Transportation Commission**

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

### **Public Transit Division and Other ODOT Agencies**

ODOT is comprised of divisions which implement the agency's various responsibilities. PTD is the designated recipient for FTA funds, and is the "first-tier" recipient. The transportation providers and other agencies with FTA grants through PTD are called subrecipients, and are "second-tier" recipients. PTD is responsible for state-level transit program development and management, as well as first-tier compliance requirements. PTD ensures that the compliance requirements associated with FTA and state funds are met, even when compliance is primarily the obligation of the subrecipients. PTD provides grant management and oversight of projects and activities supported with state and federal transit funds. Technical assistance is provided on an ongoing basis to transit agencies. Other agencies within ODOT assisting PTD in grant and program management include: Internal Audit, Civil Rights, Financial Services, Procurement, Planning, Highway, and the Region offices.

### **Public Transportation Advisory Committee**

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

The committee's membership is a diverse representation of public transportation stakeholders, including representatives from: general public providers in urban areas with over 200,000 in population; urban areas with 50,000 - 200,000 in population; small communities with fewer than 50,000 residents; private-for-profit intercity bus providers; Indian Tribal governments; the Association of Oregon Counties; the League of Oregon Cities; the Statewide Independent Living Council; the Transportation Options Group of Oregon; the Oregon Department of Human Services – Vocational Rehabilitation; the Oregon Disabilities Commission; the Governor's Commission on Senior Services; and the Oregon Passenger Rail Advisory Council.  
[http://www.oregon.gov/ODOT/PT/ABOUT/PTAC/about\\_ptac.shtml](http://www.oregon.gov/ODOT/PT/ABOUT/PTAC/about_ptac.shtml)

### **Area Commissions on Transportation**

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

### **Oregon Transit Association**

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

### **Metropolitan Planning Organizations**

There are six federally-designated Metropolitan Planning Organizations (MPOs) in Oregon. They include the three large urban MPOs (areas greater than 200,000 in population): the Portland regional area, the Salem/Keizer area, and the Eugene/Springfield area; and the three small urban MPOs (areas between 50,000 - 200,000 in population): the Medford/Rogue Valley area, the Cities of Corvallis/Philomath, and the City of Bend. PTD provides financial assistance through the Section 5303 program to assist MPOs with the planning activities required, specifically the transit element of the Unified Planning Work Program (UPWP). PTD staff participate in planning reviews, and receive planning progress reports. MPO staff work with urban transit agencies to provide planning and technical assistance. The MPOs may use locally-controlled Surface Transportation Funds (STP) to finance the transit capital needs of the urban areas. MPOs assure that projects financed with FTA funds within the urbanized areas are included in the Metropolitan Transportation Improvement Program.

### **Special Transportation Fund Agencies**

Special Transportation Fund (STF) Agencies are the 42 counties, transit districts, and Indian Tribes designated by Oregon law to receive the state's Special Transportation Funds. These agencies are designated by PTD as "coordinating entities" for the §5310 program and as "lead

agencies” for the purpose of adopting the locally developed coordinated public transit-human service plans required by FTA. The STF Agencies, in coordination with local transit providers and other stakeholders, identify projects for funding with a variety of local, state, and federal funds. The STF Agencies act to oversee implementation of the local projects. STF Agencies may be transit providers, fiscal partners, and/or grant managers.

### **Public Transportation Providers**

Public transportation providers are the delivery system of transit service in Oregon. Urban transit districts, Indian tribal governments, cities, counties, non-profit agencies, and for-profit operators such as taxi and intercity bus companies offer a wide range of transit services for general public and special needs populations. Many of these agencies are eligible to receive state and federal transit funding. Determination of eligibility is made by PTD in accordance with federal circulars and the policies defined by this management plan. Transportation providers receiving state or federal funds are responsible to ensure that their projects are implemented in accordance with various requirements, including this plan. Many of the services needed by the traveling public are provided by the private sector. ODOT recognizes the value of for-profit transportation providers and reserves a seat on PTAC for a representative of for-profit providers.

## **II. Brief Overview of Funding Programs**

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

### **1. Nonurbanized (Rural) Areas Formula Programs (§5311)**

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

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

### **Financial Assistance for Rural Areas Program**

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

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

Funds are reserved for new “start-up” general public services, which may add new subrecipients to the group of eligible subrecipients. Funds remaining after distribution to the formula and start-ups may be distributed through a competitive discretionary grant process.

### **Intercity Bus Program**

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

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

### **Rural Transit Assistance Program**

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

## **2. Older Adults and Persons with Disabilities Program (§5310)**

ODOT’s Older Adults and Persons with Disabilities program is comprised of the FTA’s Transportation for Elderly Individuals and Individuals with Disabilities (§5310) Program, and funds transferred from the USDOT Surface Transportation Program (STP). The Older Adults and Persons with Disabilities program provides funds for projects that are designed to benefit older adults and persons with disabilities. Oregon receives the Federal Transportation for Elderly Individuals and Individuals with Disabilities program (§5310) funds through an annual apportionment from Congress. ODOT provides the STP funds to the program through an allowable, discretionary transfer.

PTD allocates the funds through a biennial formula grant process. Eligible subrecipients are counties, mass transit districts, transportation districts, transportation service districts, Indian tribal governments, cities, councils of government and private nonprofit organizations. Private for profit companies are not eligible for this program and may only participate as vendors with service contracts or agreements with an eligible subrecipient. The funds may be used in all areas of the state—urban, small urban and rural.

Eligible activities include capital purchases such as vehicles, passenger shelters, and other equipment that support transportation to meet the special needs of older adults and persons with disabilities. The FTA program also funds projects at the capital match rate that are more operational or administrative in purpose, such as purchased services, vehicle and facility preventive maintenance, or developing new systems for improving access to transportation (e.g., travel training, marketing programs, or development of centralized call centers), that are designed to meet the special needs of older adults and persons with disabilities.

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

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

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

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

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

PTD allocates the funds through a Discretionary Grants Program. Eligible subrecipients are counties, 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.

All projects funded with §5316 funds must be derived from a locally developed coordinated public transit-human service transportation plan, called in Oregon “the Coordinated Plan”.

### 4. New Freedom Program (§5317)

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

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

PTD allocates the funds through a biennial discretionary grant process. Eligible subrecipients are counties, mass transit districts, transportation districts, transportation service districts, Indian tribal

governments, cities, councils of government, and private nonprofit organizations. Private companies may participate through purchase of service agreements with an eligible subrecipient.

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

## 5. Special Transportation Fund Program

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

The STF is composed of three programs: the STF Formula, the STF Discretionary, and the Special Transportation Operating (STO) programs. Program subrecipients, called STF Agencies, are defined by statute: 42 designated counties, transit districts and Indian tribal governments.

The STF Formula and STF Discretionary funds are composed of cigarette taxes, ID card revenues, and non-road gas taxes. The majority of these funds (75 percent) are allocated to the STF Agencies on a population-based formula; the remaining funds are distributed through a biennial discretionary grant process. The funds may be used for any transit-related purpose, including operations and capital equipment procurement.

The STO is financed by state general funds. The funds are allocated to the STF Agencies on a population-based formula. The program’s extent is limited to operating projects benefiting older adults and people with disabilities.

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

## 6. Transit Planning Program

PTD’s Transit Planning Program (TPP) is a collaborative process designed to foster involvement by current and potential users of the system, such as the business community, community groups, environmental organizations (when applicable), the disability community, and the general public through a required public participation process.

PTD assists in financing planning projects that lead to improved mobility and accessibility for citizens; more livable and economically vital communities; and efficient, coordinated public transportation systems. Projects may include transit system and service design plans, and statewide planning such as the OTP and OPTP.

PTD is the designated recipient of the Metropolitan Transportation Planning program, FTA Section §5303 and as such is responsible for administration of the funds. Funds are distributed by formula to Oregon’s six MPOs. Funds are dedicated to the fulfillment of each MPO’s UPWP which detail the activities required to complete transportation planning in urbanized areas. In

cooperation with the State and public transportation operators, MPOs must develop long-range transportation plans and Transportation Improvement Programs (TIPs) for their metropolitan planning area. The plans and TIPs must provide for the development, integrated management, and operation of the transportation system and facilities, including accessible pedestrian walkways and bicycle transportation facilities.

Statewide Planning and Research funds, FTA Section §5304 is available for the TIP. In addition, a portion of the §5311 administration may be used to finance rural-area planning as well as other federal and state resources.

Projects are identified by PTD during the biennial Discretionary Grant Program process. The objective of the TIP is to help transit providers with technical planning to:

- a. Expand the system and enhance connectivity to meet future transportation demands
- b. Start a new service
- c. Enhance the movement of people to spur economic development, growth and job creation
- d. Enhance the safety and security of the system and the people who use it
- e. Remove barriers and enhance accessibility
- f. Find transportation solutions that balance and integrate community
- g. Enhance the environment
- h. Encourage public involvement in transportation decisions.

Grants may be used for consultant services, and the value of agency staff time and materials may be used as local match for planning projects.

Examples of planning projects:

- a. System design plans
- b. ADA paratransit plans
- c. Transit marketing plans
- d. Environmental Justice (EJ) plans
- e. Local coordination plans

## 7. Mass Transit Vehicle Replacement Program

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

## 8. Transportation Options Program

The Transportation Options (TO) program promotes alternatives to driving alone such as bicycling, walking, public transit, ride-sharing (carpooling and vanpooling), teleworking and compressed work-weeks. The TO program helps ODOT achieve national and state goals for land use, air quality, congestion management, and energy conservation. TO providers encourage travelers to choose alternative travel modes for the purpose of reducing auto trips, congestion, and pollution they cause, and to enhance livability, physical health, and activity levels. The program is funded by STP funds allocated to PTD by ODOT and is sometimes also referred to as Transportation Demand Management (TDM).

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

Among Oregon's TO programs, four are partially funded by PTD's TO program: City of Corvallis; Cascades West Rideshare; Cherriots Rideshare; and Commute Options for Central Oregon. Two TO programs receive funding directly from their ODOT Region offices rather than from PTD: Point2Point Solutions and Rogue Valley Transit District program. Finally, the Portland Bureau of Transportation contains a robust TO program, and Metro, a regional government center located in Portland, has the Regional Travel Options (RTO) program. Both of these have professional ties but no financial ties to ODOT's TO program. RTO funds and guides five Transportation Management Associations (TMA's) in the Metro region, as well as providing partial funding to a wide variety of TO projects.

Drive Less Save More (DLSM) is PTD-funded mass marketing campaign that promotes TO in Oregon. It started in 2005 in the Portland Metro area and went statewide in 2009.

Drive Less Connect is an interactive ride-match service and database that was launched in 2011. It unifies Oregon's previously fragmented ridesharing services into a system that is both statewide and interstate, since it also includes Washington and Idaho. PTD coordinates with King County Metro, which hosts the Rideshare Online platform, and Washington Department of Transportation, which funded the original implementation of the program.

## 9. Special Projects

From time to time the Oregon State Legislature or the FTA will request projects or activities that are outside of "normal" programs. An example of this kind of activity is the recent procurement of Talgo train sets in collaboration with FTA Region 10 and ODOT's Rail Division (see [http://www.oregon.gov/ODOT/COMM/docs/Talgo\\_FactsJan12.pdf](http://www.oregon.gov/ODOT/COMM/docs/Talgo_FactsJan12.pdf)).

### III. Program, Grant and Financial Management Procedures

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

This chapter describes the administrative responsibilities of PTD and its subrecipients related to the receipt of federal funds. The obligation is to ensure that the requirements of various federal funds are met for programs including, but not limited to, §5309, §5310, §5311, §5316 and §5317.

Generally, federal Office of Management of Budget (OMB) regulations govern the management and oversight of federal grant funds and the requirements are defined by the various OMB circulars. The requirements for the USDOT FTA further define the requirements as defined by 49 USC Chapter 53, and are detailed by the program circulars and the master agreement which is the agreement between the state and the FTA.

Federal funds managed by PTD originate from USDOT FTA, who awards funds to PTD. PTD is a pass-through agency, which, in turn, awards funds to subrecipients who administer the program purposes.

There are additional requirements that may apply to a subrecipient, depending on the type of service provided and the type of organization, which may not be defined by the FTA and would be required by other laws, rules, and policies. Examples include motor carrier, health and safety, and labor regulations.

State programs are defined by state law, administrative rule, and policies adopted by PTD.

Subrecipients must comply with all applicable requirements. Inability to comply, after an opportunity to cure, may result in a rescission of funds and/or denial of future transit funds.

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

A few of the relevant references are:

- 49 USC Chapter 53: <http://uscode.house.gov/download/pls/49C53.txt>
- FTA grant circulars: [http://fta.dot.gov/legislation\\_law/about\\_FTA\\_circulars\\_guidance.html](http://fta.dot.gov/legislation_law/about_FTA_circulars_guidance.html)
- FTA circular 5010.1D (grant management): [http://fta.dot.gov/legislation\\_law/12349\\_8640.html](http://fta.dot.gov/legislation_law/12349_8640.html)
- FTA C 4220.1F (procurement) : [http://fta.dot.gov/legislation\\_law/12349\\_8641.html](http://fta.dot.gov/legislation_law/12349_8641.html)
- 49 CFR Part 19 (financial management for non-profits): <http://www.dot.gov/ost/m60/grant/49cfr19.htm>
- 49 CFR Part 18 (the Common Rule): <http://www.dot.gov/ost/m60/grant/49cfr18.htm>

- FTA regulations: [http://www.fta.dot.gov/laws/leg\\_reg\\_808.html](http://www.fta.dot.gov/laws/leg_reg_808.html)
- OMB circulars: <http://www.whitehouse.gov/omb/circulars/>

## 1. PTD Program Administration

PTD is responsible for administration of FTA and state programs. Fifteen percent of the annual appropriation of §5311 (including STP transfers) and ten percent of the §5310, §5316, §5317 appropriations are allowed for state administration and technical assistance. OMB Circular A-87 identifies the allowable state administrative costs for these programs. A portion of the §5311 administrative allocation may be granted to local providers for eligible planning projects. Funding applied to planning projects must be accommodated within the 15 percent limitation for administration. RTAP is not included in the state administrative set-aside: it has its own allocation of funding, determined annually by Congress. Administration of the state-funded programs is determined by the cost of administration, and not by a percentage.

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

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

### **Administration of Federal Funds**

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

As required by the Federal Funding Accountability and Transparency Act of 2006, PTD posts federal sub-awards as required to the FSRS website: <https://www.fsrs.gov/>.

ODOT's financial management system has an internal control structure that permits the tracking of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions applicable to all federal funds, including §5309, §5310, §5311, §5316, §5317.

PTD submits annual progress reports and Federal Financial Reports (FFRs) on all open grants as required by FTA, and at least yearly. Progress reports and FFRs are reconciled prior to submission. PTD's financial management system is used to collect the data for progress reports; the staff reviews data to validate prior to submission. All associated reports, including and not limited to NTD, 5310, JARC and New Freedom are submitted as required.

ODOT Financial Services Branch (FSB) requests federal funds payment through the Electronic Clearing House Operation (ECHO) system. FSB follows U.S. Department of Treasury regulations 31 CFR Part 205 and FTA Guidelines for Disbursements. ECHO drawn-downs are completed regularly when PTD initiates payment requests to FSB.

PTD reconciles financial statements monthly using ODOT's financial management systems, PTD's grant management system, and FTA Team Web.

It is the goal of PTD to close all federal grants within the three years of availability whenever possible. Funds are reprogrammed as necessary to spend old money first. PTD's procedures for grant administration include methods for expending older money first through the payment process for appropriate reimbursements and through reallocation of funds to projects with longer terms. Subrecipient projects are timed for two years or less; funding for delayed or longer term projects are moved to newer funds. PTD's goal is to close the federal grant within 90 days after work activities for the projects are completed and all federal funds are expended.

PTD's financial records are supported by appropriate documentation. Records pertinent to grants are retained by PTD for a period of three years following closure. 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, PTD extends the retention period until all litigation, claims 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.

## 2. Project Management

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

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

PTD provides technical assistance to potential applicants and subrecipients receiving §5309, §5310, §5311, §5316 and §5317 funds, such as assistance with project planning and preparation of applications, project management and improvement, and compliance with federal requirements. Technical assistance to subrecipients is provided by PTD staff and consultants.

PTD provides assistance to enable subrecipients to apply for other federal funds, including §5309 grants. In cases where PTD is the recipient of the §5309 awards, PTD will oversee the grant-funded projects in a manner consistent with other federally-funded projects, and in conformance to 5010.ID.

PTD is required to ensure that subrecipients comply with federal and state requirements. This is accomplished through provision of technical assistance and ongoing project monitoring performed by PTD staff or its delegates. The goal of project monitoring is to ensure that the subrecipient, and as applicable, the subrecipient's subrecipient or vendor, have appropriate, adequate internal controls and management procedures to ensure that the subrecipient is meeting the terms and conditions of the grant award(s).

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

Proactive activities conducted by PTD staff are preemptive strategies for maintaining good program compliance. For example, PTD staff provide training prior to grant application opportunities to inform potential applicants of the program requirements; staff also provide training after grants are awarded to inform subrecipients of their responsibilities. PTD staff provides one-to-one training as required to keep subrecipient staff informed and on track. PTD makes additional guidance available on PTD's website and is continually adding information for best practice.

PTD may choose to use the results of triennial or other review by FTA in lieu of part or all of a site review performed by or on behalf of PTD. The agency will be asked to submit the FTA review findings and subsequent compliance plans and reports. PTD will evaluate the triennial reviews for any substantive findings that may affect the §5310, §5311, §5316 and §5317 programs, and will follow-up with the agency as required.

### **PTD Project Management Responsibilities**

PTD is responsible to:

- a. Identify and provide information to subrecipients about awards
- b. Inform subrecipients of compliance requirements, for example: financial management standards, reporting and recordkeeping, program income, match and local share
- c. Provide technical assistance and training, as necessary and feasible
- d. Ensure that subrecipient agreements are awarded to eligible entities

- e. Monitor subrecipient activities
- f. Ensure that reimbursement requests are accurate and reflect eligible expenses
- g. Assure that subrecipients have single audit, as applicable
- h. Issue management decisions within six months on any subrecipient audit findings and ensure that subrecipients take corrective action
- i. Maintain PTD records, and correct records as a result of subrecipient reviews and financial audits

### **Subrecipient Project Management Responsibilities**

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

Subrecipients are encouraged to earn Program Income. Program income is defined as gross income directly generated by a grant-funded project. Examples include fares, the Transportation Energy Incentive program, service contract revenue, and income from advertising on buses. There are many sources of program income. Subrecipients must maintain records of program income earned and spent.

Subrecipients may use program income as match, with the following exceptions:

- a. The income from contract services may not be used as match if the original source of payment for the contract is another FTA grant. For example, Agency A buys service from Agency B; Agency A uses a 5310 grant to pay for the services Agency B. Agency B may not claim the money earned from the service contract for match.
- b. Fares may not be used as match. Farebox revenue is expected to be applied to defray operating costs. The expenses eligible to be reimbursed are the net expenses after the subtraction of the fares from the total eligible expenses.

Subrecipient is responsible to:

- a. Administer the grant from award to closeout
- b. Develop internal policies and systems to ensure effective management of awards and compliance with grant requirements
- c. Establish strong internal controls for accounting and compliance with grant terms and conditions
- d. Track receipts, disbursements, assets, liabilities, and balances
- e. Track and report program income
- f. To be reimbursed by state and federal grants, costs must meet the following general criteria:

- i. Be necessary and reasonable for proper and efficient performance and administration of the project
- ii. Be an eligible expense
- iii. Be treated consistently. A cost may not be assigned to the grant as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a grant as an indirect cost.
- iv. Be determined in accordance with generally accepted accounting principles
- v. Not be included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period
- vi. Be the net of all applicable credits
- vii. Be adequately documented
- g. Ensure that organization has a financial management system and any other systems that are appropriate to implement the project, e.g.:
  - i. Procurement
  - ii. Property/capital management
  - iii. Hiring and training employees
  - iv. Contract management/monitoring plan
- h. Establish a budget of the costs required to perform the program/project and a method for monitoring actual costs against the budget. These include:
  - i. A method of tracking and accounting for match funds
  - ii. A method to amend the budget as necessary
  - iii. A method of cost allocation when multiple grants may be charged for agency expenses
- i. Keep abreast of changes in policies, procedures or requirements and advise agency staff of any changes.
- j. Request prior approvals (from PTD) when necessary.
- k. Prepare required reports and include progress or significant achievements in quarterly reports.
- l. Keep PTD aware and informed about project progress.
- m. Allow inspections of records and facilities.
- n. Subrecipients are obligated to assure that its' subrecipients and vendors comply with federal and state requirements, as appropriate. This is accomplished through inclusion of requirements in sub-agreements and contracts, and a project monitoring process performed by the subrecipient or its delegates.

- o. Subrecipients receiving federal funds in excess of \$500,000 from any source(s) must prepare an audit conducted in accordance with Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-profit Institutions. The resulting audit and auditor's letter must be submitted to the PTD on a timely basis.
- p. If a subrecipient has a second-level subrecipient, the second-level subrecipient is responsible for the financial management of federal funds.
  - i. The subrecipient is responsible to assure that the second-level subrecipient also meets the A-133 audit requirement
  - ii. The subrecipient will include in its agreement with the second-level subrecipient the requirement that the second-level subrecipient will comply with the requirements of Office of Management and Budget (OMB) Circular A-133
  - iii. The subrecipient shall arrange for the PTD to be sent a copy of the second-level audit
- q. Subrecipients receiving less than \$500,000 in federal funds must submit to the PTD a copy of any annual audit, if conducted (for example, Municipal Audits) covering the funds expended under current grant agreements with ODOT
- r. Private-for-profit organizations who are subrecipients shall be subject to the audit requirements of the PTD

### 3. Audit Requirements

#### **PTD Project Management Responsibilities**

PTD is responsible to:

- a. Review the annual audits of subrecipients to assure that federal and state transit funds are reported in the audits. Maintain copies of the audits for at least three years.
- b. Review the management letter accompanying an audit to determine if there are material findings that need to be addressed before grant agreements are executed with the subrecipient.
- c. Issue management decisions within six months on subrecipient audit findings and ensure that subrecipients take corrective action.

#### **Subrecipient Responsibilities**

Subrecipient is responsible to:

- a. For federal funds in excess of \$500,000, submit an audit conducted in accordance with Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-profit Institutions Submit the management letter and any other reports that accompany the annual audit. If a subrecipient has a subcontractor responsible for the financial management of federal funds, and the subrecipient itself is subject to this requirement, the subrecipient shall arrange for PTD to be sent a copy of the

subcontractor's annual audit

- b. For federal funds less than \$500,000, an annual audit is not required. However, if an audit is conducted, the subrecipient or subcontractor will submit a copy to PTD.
- c. Private for profit organizations who are subrecipients shall be subject to the audit requirements of PTD
- d. Subrecipients receiving funds directly from PTD and who pass-through federal grant funds to a second entity are required to ensure that the funds are subject to an annual audit in accordance with A-133.

#### 4. Project Monitoring/Project Compliance

##### **Public Transit Responsibilities**

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

The goal of project monitoring is to assure that the subrecipient, and possibly the subrecipient's subrecipients or vendors, have appropriate, adequate internal controls and management procedures to ensure that the subrecipient is meeting the terms and conditions of the grant award(s).

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

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

- a. Review of single audit(s)
- b. Site visits
- c. Review of subrecipient reports and other documentation (desk review). These include, but are not limited to, review of:
  - i. Applications
  - ii. Financial and performance reports
  - iii. Annual audits and management letters
  - iv. Certifications and assurances
- d. Pre-approval requirement for certain activities
- e. Third-party compliance evaluation
- f. Technical assistance and training
- g. Regular contact with subrecipients via telephone, email, training, other
- h. Following subrecipient coverage in the news

**Site Review Procedures:** The site review assesses agency compliance for the transit programs financed by Special Transportation Funds, §5311, intercity bus, §5310, STG, §5316, and §5317. Agencies will receive a site visit at least every five years. Agencies that are determined to be at high risk for managerial or financial weaknesses may be reviewed more frequently. Schedule of agencies to review is based on an assessment of risk, including the following factors:

- a. High awarded dollar amounts
- b. High percentage of award(s) in relation to subrecipient's total budget
- c. Complexity of requirements, meaning the level of knowledge and implementation
- d. Single audit findings and corrective action plans
- e. History of poor performance, e.g., untimely reporting, low quality reports
- f. Questionable financial stability
- g. Prior negative monitoring findings
- h. Lack of subrecipient experience or lack of sufficient administrative staff
- i. Negative press coverage regarding an operational or fiscal issue
- j. High profile programs, i.e., with significant public interest, or interest of congressional delegation or Oregon legislature
- k. Subrecipient has not been visited within the last three years
- l. Request of subrecipient

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

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

### **Agencies Receiving Triennial and Other Reviews from FTA**

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

### **Subrecipient Responsibilities**

Subrecipients are required to:

- a. Allow inspections of records and facilities.
- b. Prepare and submit a plan of correct to the PTD if the result of the site review requires such a plan.
- c. Use the site review questionnaire as a self assessment tool, if necessary.
- d. For subrecipients who pass-through federal grant funds to a second entity - ensure that the funds are subject to an annual audit in accordance with A-133.
- e. Ensure that sub-subrecipients and vendors comply with federal and state requirements, as appropriate. This is accomplished through a project monitoring process performed by the subrecipient or its delegates

## 5. Reporting and Recordkeeping Requirements

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

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

### **Record-Keeping**

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

### **Public Transit Responsibilities:**

- a. Maintain records sufficient to manage the programs and report to FTA, including the annual program of projects status reports and financial status reports.
- b. Report annually as required to National Transit Database (NTD), also as required for §5310, JARC and New Freedom programs.

- c. Maintain grant reports a minimum of three years after project completion.
- d. Require subrecipients to maintain reports, associated records and to report, as required.

**Subrecipient Responsibilities:**

- a. Submit reports as required by the grant agreement(s). Reports will be true, accurate, current, complete, and supported by adequate documentation.
- b. Maintain grant reports and documentation for a minimum of three years after project completion.
- c. Submit periodic performance and vehicle reports as defined in agreement or program guidance documents on the forms provided by the PTD.
- d. Submit reimbursement requests, with appropriate financial documentation, as determined in agreement or program guidance documents in the invoice format provided by the PTD. If the reimbursement request is later found to be incorrect, the subrecipient is obligated to notify the PTD about the change and reimburse overpayment. The subrecipient may submit documentation for additional reimbursement.
- e. Report as required for §5310, §5311, §5316, and §5317 programs, including and not limited to NTD, drug and alcohol, and program performance measures.

**6. Procurement/Contracting**

PTD and §5310, §5311, §5316 and §5317 subrecipients must comply with all federal, state and local laws, ordinances, regulations and policies regarding procurement and contracting. Circular 4220.1F documents the FTA's procurement requirements. Subrecipients who are public entities will follow the requirements that apply to state and local governments, called the Common Rule, 49 CFR Part 18, and nonprofit agencies will comply with 49 CFR Part 19. Both types of agencies will also comply with the following requirements:

- a. Provide for full and open competition
- b. Exclude the use of in-state or local geographic preference
- c. Use technical specifications or functional descriptions and performance levels for identifying products or components rather than brand-names
- d. Allow no contract for rolling stock with a period of performance exceeding five years, unless the funding source is not federal, without FTA approval
- e. Ensure that purchase orders and contracts executed using federal funds include all clauses required by statutes, executive orders and implementing regulations
- f. Use competitive procurement procedures based on the Brooks Act and Davis-Bacon prevailing wage rates when contracting for architectural and engineering services and construction projects if the state has not adopted a statute governing procurement of such services. Oregon has adopted statutes that govern procurement of architectural and engineering services

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

Additional requirements for the state and all subrecipients include:

- a. Maintain a written code of conduct governing the employees who engage in the award and administration of contracts
- b. Maintain written selection and protest procedures
- c. Use the appropriate method of procurement
- d. Ensure the most economic and efficient purchase
- e. Make awards only to responsible contractors who will perform the project under the defined terms and conditions
- f. Use competitive selection processes
- g. Conduct and document a price analysis for each procurement, including accessing the state price agreement contracts for ADA-accessible transit vehicles
- h. Ensure complete agreements. Provisions will include a description of the use of the funds; a beginning and end date; termination and suspension clauses; other applicable requirements pertaining to the type of funds and purpose of project; and sanctions for failure to comply with the requirements of the agreement, including but not limited to, withholding and repayment of funds for cause. All contracts shall include a clause allowing for inspection of records and projects
- i. Maintain a complete record of procurement history as long as the asset is in use, plus three years after disposal
- j. Identify entities to whom the agency pays federal funds as either a "vendor" or a "subrecipient."

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

**PTD Responsibilities:**

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

---

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

days of request.

- f. Comply with ODOT Financial Administration policy 3.1.1, in compliance with OMB Circular A-133, subpart B.210, regarding subrecipient determination.

**Subrecipient responsibilities:**

- a. Follow the appropriate procurement requirements. For public agencies, comply with the Common Rule (CFR Part 18), plus five basic federal requirements for procurements defined by FTA Circular 4220.1F<sup>3</sup>. For private nonprofits, comply with the provisions of FTA Circular 4220.1F and 49 CFR Part 19.
- b. Develop written procurement policies and procedures, including a process for handling protests regarding procurements.
- c. Determine whether a contractor is a vendor or a subrecipient, per OMB Circular A-133 Subpart b.210. If the second party is defined as a “subrecipient,” the subrecipient must provide to the second party funding information at the time of award, including the CFDA title, number and federal award dollar amount of the grant being passed through to the second party. It is the obligation of the subrecipient to ensure that the audit, if required of the second party, properly includes the federal award in the Schedule of Expenditures of Federal Award (SEFA). See OMB Circular A-133 for more information regarding subrecipient and vendor determinations and requirements.
- d. Submit vehicle price comparison and analysis documents with vehicle orders for piggybacking on the state price agreement contracts.
- e. Submit vehicle lease cost comparison to PTD for review and approval prior to signing a lease agreement.
- f. Follow State of Oregon laws, regulations and procedures regarding procurement thresholds (dollar amounts) unless federal requirements are more restrictive—then federal requirements apply.
- g. Request technical assistance, as needed, including review of Requests for Proposals (RFP) or Invitations to Bid (ITB), prior to advertising.

## 7. Public Involvement

ODOT has an adopted a Public Involvement Policy in conformance with federal requirements<sup>4</sup>. PTD’s Public Involvement program is designed to meet ODOT policy and several federal obligations:

- a. Title VI (Civil Rights) defined by FTA Circular 4702.1A, which states that “In order to integrate, into community outreach activities, considerations expressed in the DOT

---

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

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

Order on Environmental Justice, and the DOT LEP Guidance, recipients and subrecipients should seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. An agency's public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions."

Additionally, PTD conforms to the requirements of the ADA.

- b. Statewide Transportation Planning, defined by:
  - ODOT 2010-2013 STIP Development Manual
  - Joint FTA/FHWA Planning Regulation: Planning Assistance and Standards, 23 CFR Part 450
  - Land Conservation and Development PTD Transportation Planning Rule, Statewide Planning Goal # 1, Citizen Involvement
  
- c. Private sector participation requirements are found in many federal laws, regulations and circulars. Summarized, recipients and subrecipients are required to provide private sector providers with a reasonable opportunity to comment on plans, programs, and to be included in the Public Transit-Human Service Coordinated Plans. The rural and special transportation program circulars with references to private sector participation are:
  - Circular 9040.1F – Nonurbanized Area Formula Program Guidance and Grant Application Instructions, April 1, 2007.
  - Circular 9045.1 – New Freedom Guidance and Application Instructions, May 1, 2007
  - Circular 9050.1 – Job Access and Reverse Commute (JARC) Program Guidance and Application Instructions, May 01, 2007
  - Circular 9070.1F – The Elderly and Persons with Disabilities Program Guidance and Application Instructions, May 1, 2007.
  - Circular 9300.1A – Capital Program: Grant Application Instructions, October 1, 1998.

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

## **Public Transit Responsibilities**

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

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

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

- a. Encourage early and continuous public and stakeholder input through a variety of methods including, but not limited to:
  - i. Public surveys
  - ii. Stakeholder advisory committees
  - iii. Technical work groups
  - iv. Website information
  - v. Workshops
  - vi. Annual stakeholder conference
  - vii. Formal solicitation of comments
  - viii. Rule making

- ix. Open public meetings
- x. ODOT's communications initiative, "ASK ODOT"
- xi. Outreach programs at the beginning of each planning process
- xii. Programs, policies and funding decisions posted on PTD's website; affected stakeholders notified and invited to comment.

PTD actively encourages agencies who are, or who represent, minorities; people with low-income; and people with low English proficiency to participate in PTD's programs.

- b. Provide timely information about transportation issues and processes:
  - i. Post program policies and funding decisions on the PTD website; affected stakeholders are notified and invited to comment.
  - ii. Meet regularly with PTAC. Meeting agendas include time for public comment. The meetings are open to the public; the meeting schedule and agenda is published on the PTD website. Meetings are held in accessible locations and with appropriate notice; meeting materials are prepared in alternative formats for people with disabilities. Members represent people with disabilities, Indian tribes, people with low-income and seniors, as well as the transit community and local government.
  - iii. Meet with state-level stakeholder advisory committees, such as the Oregon Transit Association, DHS Non-Emergency Medical Transportation (NEMT) Brokerage committee, and the Indian Tribal Commission's transportation and human service committees to discuss transportation issues affecting their constituents.
  - iv. Consult with stakeholder organizations regarding transportation issues affecting their constituents. Examples include Oregon Transit Association, Association of Area Agencies on Aging, Vocational Rehabilitation and Association of Oregon Counties.
  - v. Appoint technical advisory committees and task forces for special purpose projects to leverage technical expertise and obtain a broad spectrum of input.
- c. Offer reasonable access to information:
  - i. Post program materials on PTD's website.
  - ii. Announce new information to participants and stakeholders at meetings, on the website, and by email.
  - iii. Make all information available in alternative formats for individuals with disabilities
  - iv. Provide opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
  - v. Tailor communications to the particular community or population by using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities.

- d. Provide adequate public notice:
  - i. Ensure that program and planning timelines include a public comment period and are published on PTD's website and emailed to stakeholders.
  - ii. Post all application materials to PTD's website.
  - iii. Offer time for adequate review of material at key decision points.
  - iv. Publish grant fund decisions and announce to advisory committees (ACT, MPO, other stakeholders) and include a 45-day comment period. Allow an additional 45 day comment period if substantive changes result.
- e. Demonstrate explicit and considered response to input:
  - i. Maintain documentation of responses.
  - ii. Record advisory meeting minutes and post on PTD's website.
  - iii. Maintain a dispute resolution process for funding and policy decisions
- f. Seek out and consider needs of traditionally underserved populations. (PTD grant programs are primarily targeted to rural, low income, older adults, and people with disabilities.):
  - i. Require a Public Transportation/Human Services Coordinated plan to be adopted by every STF Agency.
  - ii. Identify new mapping and planning tools to better identify the needs for other underserved populations.
  - iii. Coordinate with individuals, institutions, or organizations and implement community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities.
  - iv. Hold meetings at locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
  - v. Implement US DOT's policy concerning subrecipients' responsibilities to LEP persons to overcome barriers to public participation.
- g. Provide periodic review of the public involvement process. Note: ODOT completed review of the public involvement policy process in 2008
- h. Oversee subrecipient implementation of public involvement, specifically:
  - i. Define and publish requirements for public involvement generally and more specifically when required for grant application processes.
  - ii. Review subrecipient policies and processes during period site reviews, and as required for grant programs.
  - iii. Provide technical assistance.

**Subrecipient Responsibilities:**

- a. Subrecipients will develop a public participation strategy that offers early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. Transportation decisions include and are not limited to: transportation development and Coordinated Plans, service design changes, new services, fare changes, and changes of service policy that may limit access to service.
- b. Subrecipients who offer complementary paratransit services to a fixed route will involve consumers by soliciting participation in the development of its plan by the widest range of persons anticipated to use its paratransit service.
  - i. Each subrecipient shall develop contacts, mailing lists and other appropriate means for notification of opportunities to participate in the development of the paratransit plan, and provide continuing communication as to the implementation and updates to the plan.
  - ii. Consultation shall begin at an early stage in the plan development and should involve persons with disabilities in all phases of plan development. All documents and other information concerning the planning procedure and the provision of service shall be available, upon request, to members of the public, except where disclosure would be an unwarranted invasion of personal privacy.
  - iii. Subrecipients will provide for public comment by making its plan available for review, including submission of the draft plan to PTD, before the plan is finalized. In making the plan available for public review, the subrecipient will ensure that the plan is available upon request in accessible formats.
  - iv. Subrecipients will sponsor at a minimum one public hearing and will provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements. Records of the meeting must be maintained and available upon request.
- c. Subrecipients should seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities.
- d. Subrecipients are required to provide private sector providers with a reasonable opportunity to comment on plans, programs, and to be included in the Coordinated Plans.
- e. Subrecipients will comply with grant-related public involvement requirements as defined by grant application documents.

## 8. Planning and Coordination

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

### **Statewide Transportation Improvement Program (STIP)**

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

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

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

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

PTD prepares and submits Oregon's applications for §5303/5304, §5310, §5311, §5316 and §5317 funds to the FTA. The Program of Projects (PoP) is a statement of intent to award project funding to subrecipients through grants and IGAs. Projects are included in the STIP and TIPs, as required by the FTA.

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

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

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 federal application for appropriated grants each year, but are applied for in a separate application to FTA.

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

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

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

incomes. The coordinated public transit-human services transportation plan is required for §5310, §5316 and §5317 programs.

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

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

PTD has designated each STF Agency as the lead agency to develop and adopt the Coordinated Plan for its area. STF Agencies are responsible to ensure that the plan is completed. The planning area will be (at a minimum) the county or counties governed by STF Agencies, and the areas served by Indian tribal governments.

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

The plan must include the following:

- a. **Stakeholder Involvement:** Stakeholders include and are not limited to: transportation planning agencies, transit providers, private transportation providers, non-profit providers, past subrecipients for §5310, §5311, §5316, and §5317 funds, social service agencies with funds for transportation services or provide transportation services, passengers, potential passengers, various advocacy organizations, human service agencies such as area agencies on aging, medical assistance, jobs, temporary assistance for needy families, employment services, vocational rehabilitation, disabilities programs, housing, health care, mental health, business community, schools, and faith-based organizations.
- b. **List of Agencies Invited to Participate:** Document the meetings with brief notes, and identify stakeholder comments and concerns regarding transportation needs and the plan.
- c. **Data and Analysis:** Collect and analyze data, including demographic, economic, aging, etc. to determine trends and future needs. Analyze existing conditions, including human services, public transportation and potential riders in the planning area. Use the data to identify unmet and under-met needs.
- d. **Unmet Transportation Needs:** Identify the various types of transportation challenges and "gaps" in existing transportation services. Compare the origins and destinations of people with special needs with existing transportation services. Identify the unmet needs and possible wasteful duplication of efforts in certain areas. Ask human service organizations and consumers about their perceptions of service gaps and needs.

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

### **State and MPO Coordination**

Section 5303, Metropolitan Planning Program (MPP) funds are available to carry out the metropolitan transportation planning process and meet the transportation planning requirements of the joint FTA / Federal Highway Administration (FHWA) planning regulations. PTD administers this program as well as the §5304 Statewide Planning and Research Program for ODOT. Staff participates in the annual review of the required Unified Planning Work Program that each MPO is required to create, distributes §5303 using a population-based formula and provides technical assistance regarding transit tasks to be completed.

## **9. Civil Rights**

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

Civil Rights assurances extend to the subrecipient's entire facility and services. Subrecipients are required to keep a record of all complaints and are required to report to the PTD any formal (written) complaints of discrimination in the provision of transportation-related services or benefits. ODOT policies are found at: <http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/>.

### **PTD Responsibilities:**

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

- g. Review Civil Rights compliance during on-site program reviews.
- h. Review Title VI compliance during on-site program reviews.
- i. Notify the public of ODOT commitment to providing non-discriminatory programs, and inform the public how to find more information and file a discrimination complaint.

**Subrecipient Responsibilities:**

- a. Provide annual Title VI assurances. First time applicants, in addition to assurances, shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency.
- b. Develop a Title VI complaint form and procedures.
- c. Record and report Title VI investigations, complaints, and lawsuits. Report to the PTD a concise description of active lawsuits or complaints alleging discrimination in service delivery in the past three years. The report must disclose the status or outcome of lawsuits or complaints, and summarize all civil rights compliance review activities conducted during the three-year period.
- d. Provide meaningful access to Limited English Proficiency (LEP) Persons.
- e. Provide information to the public. Post information on website, buses, brochures, etc
- f. Provide additional information upon request.
- g. Prepare and submit a Title VI Program/Report to PTD. Submit general information to determine compliance with Title VI. Submission shall include:
  - i. A summary of public outreach and involvement activities and the steps taken to ensure minority and low-income people had meaningful access to these activities.
  - ii. A copy of the agency's plan for providing language assistance for persons with limited English proficiency.
  - iii. A copy of agency's procedures for tracking and investigating Title VI complaints.
  - iv. A list of Title VI investigations, complaints, or lawsuits filed with the agency since the last submission. The list should include only those that pertain to public transportation.
  - v. A copy of the agency's notice to the public that it complies with Title VI and instructions to the public on how to file a complaint.
- h. Integrate environmental justice analysis
- i. Seek out and consider viewpoints of minority, low-income and LEP populations.

**Environmental Justice**

Agencies receiving federal grant funds are required to assure nondiscrimination under Title VI of the Civil Rights and other related laws. Environmental justice specifically addresses minority and

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

Subrecipients support Title VI and environmental justice when they:

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

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

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

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

**PTD Responsibilities:**

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

**Subrecipient responsibilities:**

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

- c. Look for opportunities to apply for discretionary grants from PTD that help meet environmental justice goals.

### **Disadvantaged Business Enterprise Program**

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

DBE program objectives:

- a. Assure that provisions of the DBE Program are adhered to by ODOT and PTD, FTA grant recipients, subrecipients and contractors; and initiate and maintain efforts to increase DBE Program participation by disadvantaged businesses
- b. Include DBE requirements in all grant agreements
- c. Assist subrecipients to obtain information on DBE businesses in their geographic areas
- d. Assure that all subrecipients receiving FTA funds of \$250,000 or more for planning, capital or operating assistance per federal fiscal year have adopted ODOT's DBE Program or developed their own, and continue to carry out the adopted program until the funds are expended
- e. Require subrecipients to submit semiannual DBE reports on capital, materials and supplies, and professional services expenses and quarterly ARRA DBE reports on the same

### **Equal Employment Opportunity**

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

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

### **Limited English Proficiency (LEP)**

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

- a. Consider the reasonableness of a program's efforts by evaluating the number or proportion of people who will be excluded from the program or activity without efforts to remove language barriers.
- b. Consider the frequency of contact. Title VI obligations will differ for agencies who have little contact with individuals who are LEP compared to an agency that serves a large LEP population.
- c. Consider the available resources. A larger agency with extensive resources may have to take greater steps than a smaller agency with limited resources. On the premises translators may be appropriate in some circumstances; however, written translation, access to centralized interpreter, language lines or other means may be appropriate in other situations.
- d. Factor costs into this balancing test as part of the consideration of "resources available. "Reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits in light of the factors outlined in the U.S. Department of Justice (DOJ), LEP Guidance.

### **Section 504 and Americans with Disabilities Act**

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

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

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

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

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

### **Summary of ADA Requirements**

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

- a. *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.
- b. *Private* means any entity other than a public entity.
- c. *Fixed route system* means a system of transporting individuals on which a vehicle is operated along a prescribed route according to a fixed schedule.
- d. *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 those required of a public entity. 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. PTD staff 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.

- a. Maintenance of accessible features
- b. Procedures to ensure lift availability
- c. Lift and securement use
- d. Announcements on vehicles of stops on fixed routes
- e. Vehicle identification systems
- f. Service animals
- g. Use of accessible features
- h. Public information/communications
- i. Lift deployment at any designated stop
- j. Service to persons using respirators or portable oxygen
- k. Adequate time for boarding/deboarding
- l. Training

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

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

Annual Certification and Procedure for Monitoring Fixed Route systems for ADA compliance: Annual certification of compliance is required as is an updated plan if service changes require changes to paratransit.

- Conduct desk reviews of annual ADA complementary paratransit plan updates provided by Recipients
- Review additional documentation from Recipients in order to complete desk reviews.
- Schedule on-site reviews for Recipients with deficiencies noted during desk reviews. Complete ADA checklist when conducting site reviews
- Review annual plan submissions.
- Track recipient corrective action plans to conduct follow up activities and actions.
- Periodically review findings of desk and site reviews to identify annual training needs.

ADA Checklist:

**Oregon Department of Transportation  
Public Transit Division  
ADA Review**

**Name of Grantee:**  
**Location:**  
**Date:**  
**Grantee Representative:**  
**ODOT Staff:**

<i>TOPIC</i>	<i>Follow-up</i>
Service Type	
Do you provide (check all that apply): Fixed Route Service: <input type="checkbox"/> Yes <input type="checkbox"/> No Demand Response: Deviated Route Service: <input type="checkbox"/> Yes <input type="checkbox"/> No Deviate for General Public <input type="checkbox"/> Yes <input type="checkbox"/> No Deviate Only for Persons with Disabilities: <input type="checkbox"/> Yes <input type="checkbox"/> No General Public Dial-A-Ride: <input type="checkbox"/> Yes <input type="checkbox"/> No Commuter Service: <input type="checkbox"/> Yes <input type="checkbox"/> No Intercity Service: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Follow-up Action: <input type="checkbox"/> Required: <input type="checkbox"/> Recommended: Other Comments:	<input type="checkbox"/> Yes <input type="checkbox"/> No
ADA ( <b>fixed route services only</b> ) <input type="checkbox"/> N/A	
Do you provide complementary paratransit service extending ¾ mile outside the fixed route? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do drivers announce major stops, transfer stations, requested stops, and destination points? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are routes clearly identified at multi-route stops? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Can lifts be deployed at all bus stops? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are persons with disabilities allowed adequate time to board and disembark the vehicle(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Follow-up Action: <input type="checkbox"/> Required: <input type="checkbox"/> Recommended: Other Comments:	<input type="checkbox"/> Yes <input type="checkbox"/> No
ADA Complementary Paratransit Do you have a program to determine eligibility for paratransit services? <i>Describe:</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

STATE MANAGEMENT PLAN FOR PUBLIC  
TRANSPORTATION PROGRAMS

TOPIC	Follow-up
<p>Level of service is comparable to the fixed route service:</p> <p>Service Area-3/4 mile on either side of fixed route: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Response Time: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Fares: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Trip Purposes: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Hours and Days of Service: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Capacity Constraints: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>What system do you use to track, monitor, and analyze service denials? <i>Describe:</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>No-Show Policy: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Appeal Process: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Subscription Service: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Proper Maintenance of Access Equipment: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Lift and Securement Policy <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Service Animal Policy <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Attendant Policy <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Accessible Information <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Personnel Trained to <i>Proficiency</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Follow-up Action:  <input type="checkbox"/> Required:  <input type="checkbox"/> Recommended:            Other Comments:</p>	
<p>ADA Paratransit Service Plan – "... each agency that operates a fixed route public transit service is required to develop and submit a plan indicating how and when paratransit service requirements are met. The submission of an annual plan is an ongoing planning requirement. Updates must be provided even after full compliance with the complementary paratransit service provisions are achieved. Annual updates need only state what services is offered and point out any ongoing fixed route or paratransit improvements or changes that have occurred or are anticipated." ADA Paratransit Handbook</p>	
<p>Does your agency have a Complementary Paratransit Service Plan?  <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>If yes, answer the following questions</i>            Has your plan been updated to reflect current service? <input type="checkbox"/> Yes <input type="checkbox"/> No            Has your plan been publicly reviewed? <input type="checkbox"/> Yes <input type="checkbox"/> No            Have you submitted annual certification as to the status of the plan?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

TOPIC	Follow-up
Follow-up Action: <input type="checkbox"/> Required: <input type="checkbox"/> Recommended: Other Comments:	<input type="checkbox"/> Yes <input type="checkbox"/> No

### Requirements for Public Providers

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

#### Fixed-Route

- a. 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.
- b. 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.” Accessible vehicles are required or proof of equivalent service.
- c. 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.
- d. PTD requires, as a condition of funding, that each new or revised public fixed-route service have written documentation that discusses how comparable service that meets the requirements of §§ 37.123 – 37.133 will be delivered.

Documentation will include descriptions of:

- i. The planned service delivery
- ii. Each of the defined service criteria
- iii. Eligibility criteria and processes
- iv. Public participation and outreach activities
- e. Full conformance to the ADA regulations on the first day of service to the public is required by federal law.

- f. ADA service documentation must be submitted to PTD for review prior to service startup, if the project is funded in any part through ODOT-source funds.
- g. Paratransit compliance documentation must be approved by the operator's governing board, reviewed regularly and amended as needed.
- h. 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.
- i. Requests for undue financial burden waivers will not be considered.

#### Demand-Response

- a. Public operators of demand responsive services must conform to requirements defined as "equivalency service standard," §37.77 (a) – (e).
- b. 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.
- c. Equivalent Service Standards for public demand responsive systems:
  - i. Response time
  - ii. Fares
  - iii. Geographic area of service
  - iv. Hours and days of service
  - v. Availability of information
  - vi. Reservations capability (if the system is demand responsive)
  - vii. Any constraints on capacity or service availability
  - viii. Restrictions priorities based on trip purpose
- d. 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

- a. 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.

- b. 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.
- c. Equivalent Service Standards for private demand responsive or fixed route systems:
  - i. Schedules/headways (if the system is fixed-route)
  - ii. Response time (if the system is demand-responsive)
  - iii. Fares
  - iv. Geographic area of service
  - v. Hours and days of service
  - vi. Availability of information
  - vii. Reservations capability (if the system is demand responsive)
  - viii. Any constraints on capacity or service availability
  - ix. Restrictions priorities based on trip purpose (if the system is demand responsive).
- d. 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.
- e. 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.
- f. Private primarily: Fixed route system with vehicles over eight passengers (excluding over-the-road vehicles) must ensure that the vehicles are accessible.

#### Intercity Bus

- a. Intercity bus services are offered by a variety of public and private entities through the use of 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.
- b. 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 PTD.
- c. Over-the-road vehicles (also referred to as motor coaches) have special rules, published in a Federal Register Notice on September 24, 1998. These rules require the accessibility of new motor coaches and the accessibility of motor coach service to people with

disabilities<sup>5</sup>. The rules for the purchase/lease of new motor coaches went into effect on October 30, 2000 for large fixed route motor coach companies and will go into effect 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.

- d. 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.
- e. Under the ADA regulations , it is considered discrimination for a motor coach company to:
  - i. Deny transportation to individuals with disabilities
  - ii. Refuse to provide service to an individual with a disability solely because the disability results in the appearance or involuntary behavior that may offend, annoy, or inconvenience the company's employees or other persons<sup>6</sup>.
  - iii. 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.
  - iv. Require or request a passenger with a disability to reschedule his/her trip/ travel time in order to receive transportation.
  - v. Fail to provide reservation services to passengers with disabilities equivalent to those provided to other passengers.
  - vi. Require that a passenger with a disability use designated priority seats, if the passenger does not choose to use them.
  - vii. Require that a passenger with a disability travel with an attendant.
  - viii. 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).

---

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

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

- ix. Refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of persons with disabilities.
  - x. Fail or refuse to comply with any of the applicable ADA regulations
- f. Entities providing public accommodations must provide equal service to individuals with disabilities in a setting appropriate to the needs of those individuals. Waiting rooms provided by intercity bus operators must be accessible to individuals with disabilities, and the opportunity for information, purchase of a ticket, etc., must be available.

### **Vehicle Accessibility Standards**

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

### **Passenger Facilities**

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

- a. 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> .
- b. 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.
- c. Shelters: Where bus shelters are provided, the shelter will be installed or positioned to permit a wheelchair or mobility aid user to enter from the public way and to reach a location, having a minimum clear floor area of 30 inches by 48 inches, entirely within the perimeter of the shelter. An accessible route will connect the shelter to the boarding area.

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

### **Maintenance of Accessible Features**

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

### **Complaints and Grievances**

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

### **Training**

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

### **PTD Responsibilities:**

- a. Obtain annual certifications of compliance from all subrecipients (see page 43).
- b. Include ADA requirements in all grant agreements
- c. Request documentation of ADA policies on a regular basis
- d. Review subrecipient ADA policies and procedures and other supporting documentation, and follow up with the agency regarding compliance issues, if needed
- e. Award vehicle purchases for accessible vehicles and monitor vehicle purchases for accessibility. Obtain Certificates of Equivalent Service, if applicable
- f. Review ADA compliance, including service, maintenance and facilities, during on-site program reviews
- g. Offer PASS training to transit agencies
- h. Review and act upon ADA complaints and forward information to FTA if warranted

### **Subrecipient Responsibilities:**

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

## 10. Grant Protest Procedures

PTD conducts an appeals process to resolve protests of funding or other decisions. Within 30 days of notification of a decision the affected agency may file an appeal of the decision.

- a. The agency will address the appeal to the PTD Administrator.
- b. The appeal will identify the project or proposed project affected by a funding decision; or, will identify the action taken by PTD that is being appealed. The appeal will include the subrecipient or proposed subrecipient affected by the decision, any arguments pertaining to the appeal, and the requested remedy.
- c. PTD will investigate the appeal and will make a written statement of finding within 30 days.

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

## 11. Charter Bus Protections

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

If a subrecipient decides to perform charter service that is not exempted, the service must be provided under an exception as designated by the charter regulations. The agency must also comply with state motor carrier regulations pertaining to chartering. Private charter operators who wish to be notified of charter opportunities must register at a national website; subrecipients who are considering chartering under certain exceptions must check the website and comply with the notification requirements to registered private charter operators prior to accepting the charter.

### Charter Definition:

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

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

### Exemptions:

- a. Subrecipients moving transit employees, contractors and government officials for transit purposes, including training;
- b. Private charter operators that receive Federal assistance, with the following caveat: private charter operators that “stand in the shoes” of public transit agencies are covered per the applicability of the public agency;

- c. Subrecipients performing emergency preparedness planning and operations;
- d. Subrecipients responding to immediate emergencies;
- e. Subrecipients in non-urbanized areas transporting employees for training purposes;
- f. Subrecipients of funds from §5310, §5311, §5316, and §5317 who are allowed to provide charter service that supports “program purposes”.

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

#### **Exceptions:**

- a. Government officials. Subrecipients may provide up to 80 hours per year to government officials for official government business. The subrecipient must stay within its defined service area; no generation of revenue except as required by law; and keeps records.
- b. Qualified Human Service Organization. Subrecipients may provide services to people with mobility impairments including related to advanced age; disabilities and low income. Notice that the program purpose definition also may cover this kind of service.
- c. Leasing of equipment or driver to a registered charter operator.
- d. No response by a registered charter operator. A subrecipient must notify registered operators per the defined procedures if it is interested in providing charter services. If no registered charter operator responds (1) Within 72 hours for charter service requested to be provided in less than 30 days; or (2) Within 14 calendar days for charter service requested to be provided in 30 days or more, the subrecipient may provide the requested service.
- e. Agreement with all Registered Charter Providers: The exception allows subrecipients to provide charter services to a customer consistent with an agreement with all registered charter providers in the subrecipient’s service area.
- f. Petition to the FTA Administrator.

#### **Recordkeeping and Reporting Requirements:**

- a. If a subrecipient is offering service under one of the exemptions, there is no reporting requirement.

- b. If a subrecipient is offering a service under one of the exceptions, there are administrative, record-keeping and reporting requirements. Review the regulations for recordkeeping detail. PTD reports to the FTA for all subrecipient subrecipients. Subrecipients offering service under the exceptions are required to report quarterly to PTD. The form of the report will be defined by PTD. Reports are due 15 days after the end of each quarter:
  - i. July 1 to September 30: October 15
  - ii. October 1 to December 31: January 15
  - iii. January 1 to March 31: April 15
  - iv. April 1 to June 30: July 15

**PTD Responsibilities:**

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

**Subrecipient Responsibilities:**

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

## 12. School Bus Regulations

§5310 and §5311, §5316, §5317 subrecipients are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally-funded equipment or facilities may never be used to provide exclusive school bus service. Head Start transportation is considered human service transportation and not school bus service. Regulations are found in 49 CFR Part 605; 49 USC 5323 (f).

Subrecipients are encouraged to identify ways to coordinate with schools. Subrecipients may

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

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

**PTD Responsibilities:**

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

**Subrecipient Responsibilities:**

- a. Sign a certification of compliance pertaining to School Bus regulations.
- b. Report on tripper services as requested by PTD staff.
- c. Redesign service if required to meet the definition of "tripper service".
- d. Read and understand the School Bus regulations if exploring opportunities to share vehicles and resources in local communities.

### 13. Safety Authority

FTA and PTD have authority to withhold financial assistance from a subrecipient failing to correct a condition which FTA or PTD believes "creates a serious hazard of death or injury." FTA's authority to investigate is permissive, not mandatory.

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

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

**PTD Responsibilities:**

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

- f. Follow up plan of action and notice to subrecipient where inspection and review of records

**Subrecipient Responsibilities:**

- a. Determine and conform to appropriate safety regulations; Establish agency safety programs and provide regular employee safety training;
- b. Perform annual vehicle safety inspections by a certified mechanic. Training to certify mechanics for this process is available.
- c. Report to PTD all accidents. Failure of an agency to comply could result in PTD suspending funding. Within one day report any accident resulting in a fatality. Follow-up documentation must be provided within three business days. Agency quarterly reports must be reported for the following accidents: when a vehicle is totaled or must be towed from the scene; meets USDOT requirements for drug and alcohol testing of the driver; when the operator must file a report with Driver and Motor Vehicle Services.

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

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

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

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

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

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

**PTD Responsibilities For Drug Free Workplace:**

Adopt an ODOT-wide Drug Free Workplace Policy. Post the policy in a public and conspicuous

place, including the intranet.

**PTD Responsibilities For FTA Drug and Alcohol Testing:**

- a. Obtain annual certifications of compliance for "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655 from all 5311 subrecipients;
- b. Conduct review of program policies and procedures periodically, including during site reviews;
- c. Provide regular drug and alcohol testing training for subrecipients and others who have a role in implementing the program;
- d. Provide MIS reporting information to subrecipients as necessary; assure subrecipients submit annual MIS reporting data as required.

**Subrecipient Responsibilities:**

- a. Develop an anti-drug use and alcohol abuse policy statement and program in accordance with FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655, and require contractors and/or sub-subrecipients to develop a program;
- b. Assure that subcontracts include the requirement as appropriate to the purpose of the work;
- c. Sign a certification of compliance to drug and alcohol programs, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655, and testing for year of funding;
- d. Send policy to PTD upon request;
- e. Submit MIS data for the previous year (January 1 to December 31) by deadline specified by Public Transit each year. This is typically at the end of February.

**15. FHWA Drug and Alcohol Testing/Commercial Drivers Licenses**

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

**PTD Responsibilities:**

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

**Subrecipient Responsibilities:**

- a. Assure that operators of vehicles with capacity of 16 or more persons (including the driver)

have the required CDL. (The requirement for CDL is not limited to the operator -- any individual who drives the vehicle for any reason must hold a CDL).

- b. Adopt and implement a compliant drug and alcohol program policy and procure.
- c. Assure that individuals with CDLs are subject to Drug and Alcohol testing under the FHWA, if not tested under FTA regulations.

## 16. Labor Protection

### **For Section 5311 Program:**

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

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

In the past the special warranty was a one-time certification that was signed by each §5311 subrecipient. The terms of the special warranty are now incorporated by reference in the FTA Master Agreement that is signed by ODOT and the grant agreements between ODOT and §5311 subrecipients.

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

### **PTD Responsibilities:**

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

### **Subrecipient Responsibilities:**

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

**For Job Access Reverse Commute (Section 5316) and programs derived from Section 5309:**

The Special Labor Warranty is not applicable to the JARC and §5309 programs. JARC and §5309 programs must comply with the Employee Protections Under the Federal Transit Law, 49 U.S.C. § 5333(b) (formerly identified as Section 13(c) of the Federal Transit Act), which (summarized) are intended to protect the interests of covered employees. Generally, an employer who receives Federal mass transit funds must protect all covered mass transit employees affected by the use of the Federal money. The Department of Labor must approve the arrangements made to protect these employees. For covered employees the arrangements include: preserving their rights and benefits; continuing their collective bargaining rights; protecting them against a worsening of their employment conditions; assuring jobs for employees of acquired mass transit systems; providing priority of reemployment if the employee is laid off or his job is eliminated; and providing paid training.

These protective arrangements must be approved by the Department of Labor (DOL) before the Department of Transportation's FTA can release funds to subrecipients. The terms and conditions of the protective arrangements are included in the subrecipient's contract with FTA. The FTA will submit completed grant applications for JARC and §5309 projects to the Department of Labor (DOL) with a request for DOL's certification that the requirements of Section 5333(b) have been satisfied for each grant. These projects will be referred by DOL to interested labor organizations in the service area of a project for the unions' views prior to DOL certification.

**PTD Responsibilities:**

- a. Submit a chart with each application in Team Web that includes the following:
  - i. The subrecipient/applicant and any other subrecipient(s) of funds clearly identified.
  - ii. The amount and type of funding to be awarded for the PTD and to each subrecipient; identify whether funding is for operating or capital assistance.
  - iii. Project description of the activities to be carried out under the project (i.e. type of service will be provided, what will be purchased or built, how many items will be purchased).
  - iv. Geographic location of the project, including jurisdictional boundaries such as counties or cities.

- v. Service providers that will carry out the project including subrecipients and/or contractors.
  - vi. Identity of all transit providers who compete with, feed into, or provide service adjacent to the funded service or capital project.
  - vii. Labor organizations representing employees of the subrecipient(s) and other transit providers in the service area, including contact information for each.
  - viii. Population of the service area to be served by the grant.
  - ix. Contact information (name, address, phone, and fax number) for subrecipient(s) as well as unions representing employees of the subrecipient(s), and any other transit providers in the service area.
- b. Incorporate requirement to abide by terms of DOL requirements in grant agreements with all §5316 and §5309 subrecipients.
  - c. Obtain updated information from subrecipients for the annual report to FTA (who forwards to DOL).
  - d. Maintain an accurate, up-to-date list of all §5316 and §5309 subrecipients to include all information identified above. Provide this information to FTA annually (who forwards to DOL).
  - e. On site visits, review program implementation and information.

**Subrecipient Responsibilities:**

- a. Read and understand 49 U.S.C. § 5333(b).
- b. Certify annually re: abiding by the terms of the DOL regulation and the conditions outlined in the letters certifying approval from the DOL.
- c. Provide updated information annually to the PTD regarding other transportation providers and their unions operating in the same geographic area in a format provided by the PTD.

**17. Environmental Protection**

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

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

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

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

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

FTA determines whether projects meet the requirements for a categorical exclusion.

**PTD Responsibilities:**

- a. Review projects to determine those that must have DCE approval, ensure the required documents are provided, and submit the DCE packet to FTA on behalf of the subrecipient.
- b. Provide technical assistance as needed to help subrecipients prepare the required DCE information for FTA.
- c. Assure a DCE approval for a project has been obtained from FTA prior to finalizing a grant agreement.

**Subrecipient Responsibilities for Categorical Exclusions:**

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

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

## 18. Lobbying

Recipients and subrecipients of federal grants from any source exceeding \$100,000 annually must certify that they have not and will not use federally appropriated funds for lobbying.<sup>7</sup> State agencies administering federal programs certify to FTA; subrecipients certify to the state. State agencies and subrecipients must impose lobbying restrictions on their third-party contractors and must obtain certifications. The regulations are found in 31 U.S.C. 1352 and 49 CFR Part 20.

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

### **PTD Responsibilities:**

- a. Assure that subrecipients have signed current year annual certification and assurances and have documentation on file pertaining to lobbying activities as required by 49 CFR Part 20.
- b. For each quarter that PTD conducts a lobbying activity, complete Standard Form –LLL. <http://www.whitehouse.gov/sites/default/files/omb/grants/sflll.pdf> -- (Oregon state law prohibits use of state funds for lobbying. PTD does not participate in lobby activity. PTD would submit form LLL if for some reason this activity became part of approved work.)
- c. Obtain Standard Form-LLL from any subrecipient and/or its subcontractor(s) who used non-federal funds to support lobbying.
- d. Send forms within 30 days of the calendar quarter in which the activities were conducted to ODOT Governmental Affairs office, who prepares the quarterly reports to FTA.
- e. Assure ODOT Governmental Affairs submits Standard Form-LLL to FTA, as required.

### **Subrecipient Responsibilities:**

- a. Sign annual 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. For each calendar quarter that 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 the form within 30 days of the end of the quarter to PTD.

---

<sup>7</sup> Lobbying is defined as influencing or attempting to influence an officer or employee of any Federal department or agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with obtaining a federal grant, cooperative agreement, or any other federal award.

- d. If contractors received more than \$100,000 in federal funds and used non-federal funds to support lobbying, subrecipients must obtain the completed Standard Form-LLL from the contractor and submit it to PTD within 30 days of the quarter in which the lobbying activity was conducted.

## 19. Debarment and Suspension

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

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

### **PTD Responsibilities:**

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

### **Subrecipient Responsibilities:**

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

## IV. Capital Procurement and Management of Capital Assets

### 1. Procurement and Management of Equipment

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

Capital equipment is defined as a tangible item with an aggregated purchase price of \$5,000 or more and with a useful life of at least one year. For all equipment, subrecipients are responsible for maintaining appropriate equipment records, including a method of assigning a property tag number to each item; performing a periodic inventory (at least every two years); safeguarding the equipment from misuse and abuse; maintaining the equipment in useful, safe condition; and following appropriate disposal procedures when the item is no longer needed or has exceeded its useful life.

When disposing of equipment, the subrecipient will make all efforts to sell the item at a market price. If the item has a value of \$5,000 or more at the time of disposition, net proceeds are considered program income and must be reinvested in capital equipment.

Any equipment that will be in use for one year or longer should be inventoried and records kept until it is disposed of plus three years. PTD or its representatives may request information at any time on status, whereabouts, and current condition of grant-funded durable goods and equipment regardless of whether it is considered a capital asset by federal funding guidelines.

Oregon's standards were created using industry standards, PTD experience, consultation with ODOT pavement engineers, and a request from all state counterparts for input. These standards will be reviewed for potential updates each biennium as projects are solicited for funding.

The FTA website includes the following information:

State of Good Repair: SGR is the "condition where all assets perform their assigned functions without limitation"

- a. Assets operate as intended, without restrictions
- b. With regular maintenance, assets will operate at the same level on first and last day of service, throughout their useful life
- c. In general, assets within their useful life are considered to be in a state of good repair

Subrecipients must apply the following useful life standards to equipment funded through PTD:

- a. Non-rolling stock vehicles such as maintenance vans, supervisor vans, and light-duty trucks – Useful Life: 4 years, 100,000 miles
- b. Computer equipment, computer software, office equipment, and communications equipment - Useful Life: 5 years
- c. Surveillance equipment such as cameras for vehicles or facilities - Useful Life: 5 years

- d. Mechanical shop equipment such as vehicle lifts, bus washers, and tire changers - Useful Life: 20 years
- e. Fare boxes - Useful Life: 20 years

## 2. Vehicle Procurement and Leasing

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

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

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

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

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

### **PTD Responsibilities:**

- a. Review all subrecipient procurement documents and vehicle orders before submitting to

DAS.

- b. Include vehicle purchasing and insurance requirements in grant agreements.
- c. Verify with subrecipients that vehicle registration and licensing is correct.
- d. Review and approve requests to transfer vehicles to another party.
- e. Release vehicle titles to subrecipients when requested for disposal or transfer when useful life standards are met.
- f. Review vehicle lease agreements prior to execution to help assure all state and federal requirements are met.
- g. Review all subrecipient vehicle procurements prior to contract execution. This provision may be waived for agencies with direct FTA oversight.
- h. Provide technical assistance and review documentation for meeting requirements of the procurement laws and regulations.

**Subrecipient Responsibilities:**

- a. Submit all procurement selection documentation to PTD prior to selection.
- b. 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. If the subrecipient is not the owner/operator, the subrecipient must be included as the second security interest holder on the title.
- c. If Special Transportation Fund (STF) formula monies are used as local match for a purchase, the STF Agency must be the vehicle owner on the title or be listed on the title as secondary interest holder.
- d. Request vehicle transfers to another party from PTD before initiating.
- e. Submit any lease agreements for vehicles to PTD for approval. Subrecipients must receive approval in writing from PTD before entering into the agreement.
- f. Unless changed by federal reauthorization, receive all federally-required certifications from manufacturers on FMVSS and Buy-America for each vehicle type purchased. Subrecipients must also receive a copy of Altoona/STURAA bus test reports on each vehicle type as part of the post-delivery acceptance of the vehicle and keep this report with procurement files. These requirements are also required when piggybacking on any bids, including the state price agreement.
- g. Pay any title and registration fees, as well as DEQ certification fees, if required. The subrecipient is required to license the equipment per Oregon Driver and Motor Vehicle Services regulations.<sup>8</sup>

---

<sup>8</sup> Because of funding requirements, it is common for STF Agencies to own vehicles that are operated by another agency, usually a private non-profit. It is the operator's legal status that determines how the vehicle is licensed, not the owner's, per DMV administrative rules. Public

- h. 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 subrecipients have any questions regarding whether or not a vehicle qualifies for an E-plate, they should contact DMV.
- i. 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.
- j. Do not sell any vehicle until the seller has the title in possession. This includes disposal to a junk yard.

### 3. Vehicle Insurance

Subrecipients 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, Public Transit Division” as “Additional Insured” and provide a certificate of insurance documenting ODOT as an additional insured.

#### **PTD Responsibilities:**

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

#### **Subrecipient Responsibilities:**

- a. Obtain insurance as required by PTD for all vehicles.
- b. Include ODOT-PTD as “Additional Insured” and request the insurance company to provide a copy of the insurance certificate to PTD.
- c. Do not drive uninsured vehicles.

---

Transit PTD 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.

---

#### 4. Vehicle Maintenance

PTD and subrecipients are responsible for vehicles and other equipment financed by state or federal grants. Vehicles must be maintained in good or better condition and must be used for the purposes described in the grant agreement. More detailed information is available on the PTD web site home page, [www.oregon.gov/odot/pt](http://www.oregon.gov/odot/pt) click on link for Transit Provider Handbook.

Vehicle equipment condition is assessed as new, excellent, good, 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. PTD expects subrecipients to make necessary repairs to vehicles in a timely manner.

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

##### **PTD Responsibilities:**

- a. Develop and maintain guidance and technical assistance to inform on proper maintenance of assets.
- b. Maintain an inventory listing of all vehicles purchased with state or federal funds administered by PTD.
- c. Periodically conduct reviews of maintenance practices and annual maintenance reports, either during on-site program reviews or as separate reviews.
- d. Suspend vehicles from service if a visual inspection indicates that the equipment is being maintained poorly or is being operated in an unsafe manner. Maintenance or safety issues must be resolved before a vehicle is put back in use.
- e. Assure maintenance practices are adequate for other types of capital equipment purchased with federal grants. This is performed during on-site program reviews.
- f. Remove from the subrecipient's possession any vehicle that PTD determines the subrecipient has failed to adequately maintain.

##### **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 and components in good condition.
- b. Maintain records for each vehicle.
- c. Maintenance plans must include routine and other maintenance as necessary to keep vehicles in "good or better" condition. This includes all vehicles, whether operated directly by the subrecipient(s) or contractor(s).

- d. Assure maintenance plans include regular pre-trip and post-trip inspections of equipment, including cycling the lift as required by ADA.
- e. Assure all drivers operating grant-funded vehicles receive a standard defensive driving course.
- f. Perform annual vehicle safety inspections for each vehicle and must be completed by a certified mechanic. (Cost is approximately \$150, reimbursable through preventive maintenance grant agreements or operations grants if no preventive maintenance grant is in place.)
- g. For agencies purchasing or operating vehicles with grant funds, either directly or under contract, obey all applicable state and federal laws pertaining to the operation of passenger-carrying vehicles.<sup>9</sup>
- h. Notify PTD if a vehicle is out of service more than 90 days.

## 5. Vehicle Useful Life and Disposition

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

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

Subrecipients 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. Subrecipients are required to notify PTD 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, PTD will transfer the vehicle to another eligible agency.

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

Local public agencies may adopt their own rules and procedures for disposing of federally-funded

---

<sup>9</sup> Such regulations include USDOT Federal Motor Vehicle Safety Regulations, Oregon Motor Vehicle Safety Regulations, Oregon Motor Vehicle Code, and applicable Internal Revenue Service rules and regulations (including fuel excise tax), among others. Subrecipients may be referred to these other regulatory agencies by PTD when violations may have occurred.

surplus property as long as the disposal or sale is conducted in an open, public process. The revenues from the sale of property must be reinvested in the transit program for the same purpose (for instance, proceeds from a vehicle sold are used for purchasing a replacement vehicle; proceeds from office equipment would go towards purchase of new equipment).

**PTD Responsibilities:**

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

**Subrecipient Responsibilities:**

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

Figure 1 - Oregon Vehicle Description and Useful Life Standards

Oregon Public Transit Division Category	Approx. GVWR in lbs.	No. Seats	Approx. Length *	Useful Life Minimum	Price Range
<b>A: Large, Heavy-Duty Transit Bus</b> 	33,000 – 40,000	35-40+	35 ft. – 40 ft. or greater	12 years or 500,000 miles	\$300,000 – \$400,000
<b>B: Medium-Size, Heavy-Duty Transit Bus</b> 	26,000 – 33,000	25-35	30 ft. – 35 ft.	10 years or 350,000 miles	\$100,000 – \$280,000
<b>C: Medium-Size, Medium-Duty Transit Bus &amp; Truck Chassis Cutaway</b> 	15,000 – 26,000	16-30	25 ft. – 30 ft.	7 years or 200,000 miles	\$ 70,000 – \$175,000
<b>D: Medium-Size, Light-Duty Bus &amp; Van Chassis Cutaway Bus</b> 	10,000 – 16,000	12-16	20 ft. – 25 ft.	5 years or 150,000 miles	\$50,000 – \$80,000
<b>E 1: Small, Light-Duty Bus;</b> <b>E 2: Modified Vans;</b> <b>E 3: Modified Minivans</b> 	6,000 – 14,000	3-14	E 1: 20-22 ft. E 2: < 20 ft. E 3: < 20 ft.	4 years or 100,000 miles	\$35,000 – \$65,000
<b>Small Standard Vehicles</b> – Standard vehicles are not on the ODOT Public Transit Division Price Agreement contracts. However, these vehicle types may be on the Department of Administrative Services statewide contracts. Check ORPIN online at: <a href="http://www.oregon.gov/DAS/SSD/SPO/coop-menu.shtml">http://www.oregon.gov/DAS/SSD/SPO/coop-menu.shtml</a>					
<b>E 4: Vans</b> <b>E 5: Minivans</b> <b>E 6: Station wagons</b> <b>E 7: Sedans</b>	6,000 – 14,000	3-14	< 20 ft.	4 years or 100,000 miles	\$20,000 – \$35,000

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

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

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

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

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

**Pre-award and post-delivery certifications:** Procurements for vehicles must be in accordance with “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases” (49 CFR Part 633; Federal Register March 31, 1992). The rule requires that any subrecipient who purchases rolling stock certify to the FTA that it has conducted a pre-award and post-delivery audit to assure compliance with its bid specifications, Buy America requirements and Federal Motor Vehicle Safety Standards. Visual inspection and road testing are required when purchasing unmodified vans, cars, or 20 or fewer buses. Resident inspection is required when purchasing more than 20 buses or modified vans from a single manufacturer.<sup>10</sup>

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

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

---

<sup>10</sup> More information is available in the publication Pre-award and Post-Delivery Audits for Bus Procurements published by the Federal Transit Administration, document #DOT-T-94-06. It is available through PTD (see appendices).

### **PTD Responsibilities:**

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

### **Subrecipient Responsibilities:**

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

## **7. Force Account**

The updated FTA Circular 5010.1D (adopted 11-1-08) redefined the type of work that is considered force account to include preventive maintenance. Typical capital projects that could be affected by the force account plan requirement include shelters, sidewalk and crossing improvements, and preventive maintenance. A force account plan is required if an agency uses its own in-house workforce for a capital project over \$100,000.

Force account includes wage, salary, and benefit costs of the subrecipient's own labor force but does not include materials or supplies. The requirement is to calculate the "cost of force account work to be performed under the grant" (FTA C 5010.1D page IV-35).

The calculation is for the purpose of determining if the grant project will be over \$100,000, in which case the subrecipient will prepare a force account plan for PTD approval prior to incurring eligible expenses; or over \$10,000,000 in which case the force account plan must be pre-approved by the FTA.

No plan or justification is required if the force account work is less than \$100,000.

One of four (4) conditions may warrant the use of a subrecipients' own "in house" labor:

- a. Cost savings
- b. Executive expertise
- c. Safety and efficiency of operations
- d. Union agreement

### **Force Account Plan**

To be eligible for reimbursement for force account work, subrecipient must provide the force account plan and justification including the following before incurring costs:

- a. A justification for using subrecipient work forces
- b. A scope of work describing force account labor activities
- c. A copy of the construction plan, preventive maintenance plan, and specifications which include:
  - i. A detailed estimate of costs
  - ii. A detailed schedule and budget
  - iii. A copy of the proposed cooperative agreement when another public agency is involved.
- d. Documentation equivalent to a sole source justification stating the basis for determining that no private sector contractor has the expertise to perform the work. In addition, the required documentation must provide the basis for the subrecipients' decision to use force account labor
- e. Certification that costs presented are fair and reasonable
- f. An analysis of force account labor availability, considering normal operations and maintenance activities as well as other programmed and existing capital projects. This must be consistent with costs of labor, material, and specialized equipment
- g. Relevant citations from labor union agreements and an analysis of how it pertains to the work in question

### **PTD Responsibilities:**

- a. Identify projects needing a force account plan
- b. Establish and administer program procedures for projects using force account
- c. Approve force account requests
- d. Include the approved use of force account in the agreement statement of work
- e. Report to FTA for program compliance
- f. Provide guidance and technical support to subrecipients
- g. Review requests for reimbursement to ensure accuracy

- h. Conduct on-site reviews to ensure compliance

**Subrecipient Responsibilities:**

- a. If requested by PTD, develop a force account plan and submit to PTD.
- b. Keep accurate, detailed records of all labor hours, equipment hours, and materials used for the force account. All costs charged to the project must apply to a particular line item in the project budget. The documentation must include the following:
  - i. A spreadsheet documenting the hourly rate and labor hours worked for each employee
  - ii. A spreadsheet documenting the workers, work performed, machinery used, and materials supplied
  - iii. Employee personnel policies that delineate paid leave, equal employment, travel, and terms of employment policies, compliant with the Fair Labor Standards Act, and Section 504
  - iv. Purchase vouchers, invoices, lease agreements, and canceled checks for all materials, equipment, or miscellaneous expenses purchased. Invoices for purchases must document the use of purchased items. A copy of the lease agreement must support the use of leased equipment.
- c. Maintain and have on file a maintenance program plan. The plan should outline the all work that will be performed, organized in a format such as by category, or by type, including scheduling.
- d. Maintain records for a minimum of three years after the grant agreement is terminated.

Further guidance for force account may be found in: FTA 5010.1D, Chapter IV, Section 4.a.

## V. Land, Buildings and Facilities

### 1. Maintenance Requirements

Land purchased for a facility project; structures purchased and placed for transit use, such as pre-fabricated passenger shelters, buildings constructed for transit use such as bus barns, administrative offices, and other facilities such as transfer stations, infrastructure construction such as improvements to sidewalks, paving park and ride facilities, are covered in this section. Properties purchased or construction funded with federal or state awards should be maintained free of defects and graffiti to assure the structure and surrounding area is in usable, safe condition. The properties must be used for the purposes described in the grant agreement.

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

### 2. Restrictive Covenants

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

### 3. Disposition of Property

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

When property funded with federal or state funds is no longer needed for the originally authorized purpose, the subrecipient is required to contact PTD for disposition instructions. The options are as follows:<sup>11</sup>

- a. Retain title of the property after compensating the awarding agency (PTD);
- b. Sell the property and compensate the awarding agency (PTD);
- c. Transfer title to the awarding agency (PTD) or to a third-party designated or approved by the awarding agency to continue in its originally funded purpose for provision of public transportation services.

The fair market value of the property at the time of the transaction shall be used when property is sold, transferred to another party, or voluntarily converted to a non-transit use by the transit agency. Subrecipients must have a commercial appraisal or other fair market valuation to determine current fair market value. PTD must review and approve the fair market valuation if a

---

<sup>11</sup> See 49 CFR Part 18.31. ODOT uses federal guidelines for disposition of properties funded with state funds

commercial appraisal is not used.

When compensating PTD under the procedures identified in number 3.a and 3.b above, PTD 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 PTD and the subrecipient.

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

#### 4. Facility Useful Life Standards

Oregon's standards were created using industry standards, PTD experience, consultation with ODOT pavement engineers, and a request from all state counterparts for input. These standards will be reviewed for potential updates each biennium as projects are solicited for funding.

The FTA website includes the following information:

State of Good Repair: SGR is the "condition where all assets perform their assigned functions without limitation"

Assets operate as intended, without restrictions

With regular maintenance, assets will operate at the same level on first and last day of service, throughout their useful life

In general, assets within their useful life are considered to be in a state of good repair

Subrecipients must apply the following useful life standards to facilities funded through PTD:

- a. Passenger Shelters such as pre-fabricated metal, glass, Plexiglas, and stick-frame structures – Useful Life: 20 years
- b. Bus barns such as site-built "pole barns" or other stick-frame barns – Useful Life: 40 years
- c. Administration buildings and maintenance buildings (includes additions) – Useful Life: 40 years
- d. Concrete pavement infrastructure – Useful Life: 20 years
- e. Fencing – Useful Life: 20 years
- f. Office furniture – Useful Life: 10 years
- g. Land - Useful life does not expire on land purchases

### **PTD Responsibilities**

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

### **Subrecipient Responsibilities:**

- a. Contact PTD for technical assistance regarding any applications for discretionary grant funding for land acquisition or development of permanent structures.
- b. Submit maintenance plans for land, buildings and facilities to PTD.
- c. Name PTD as additional insured for premise insurance.
- d. Contact PTD 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 PTD as described above if disposing of property.
- g. Reinvest any proceeds from the sale of property into the transit program for the same purpose.

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

## VI. Nonurbanized (Rural) Area Formula Program (§5311)

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

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

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

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

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

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

## 1. Program Goals

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

## 2. Eligible Subrecipients

§5311 funds are available to entities that:

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

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

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

### 3. Eligible Services and Service Areas

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

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

Service designs may include, and are not limited to:

- a. Fixed-route and demand responsive services provided in nonurban areas that are not part of a designated urban area; the designated urbanized areas are the Portland regional area, Salem/Keizer, Corvallis/Philomath, Eugene/Springfield, Medford/Rogue Valley area, and Bend.
- b. Service that transports people from nonurban areas to and from an urbanized area.
- c. A regional provider with a geographic service area that includes both urban and rural areas. In this case, the share of the service that is “rural” would be eligible for §5311 (A reasonable method of cost allocation between urbanized and rural programs is the responsibility of the subrecipient with concurrence of PTD staff).
- c. Commuter services that transports people to and from a nonurban area, and from a nonurban area to and from an urbanized area.
- d. Regional services that may cross state lines, so long as the agency has the approval of state and federal motor carrier agencies, as appropriate, and the services are compatible with the policies of the agency.

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

- a. Services must be marketed as “public transit service”, including to members of the following communities: low English proficiency, low income, and minorities;

- b. Vehicles must be marked with symbols or a name that identifies the service as public transit and for general public use. Example that may disqualify a subrecipient: Services operated by an agency where the name of the agency is so prominent on the vehicle that the reasonable person would conclude that the service is for the agency clients and not the general public, or when the advertising on the bus obscures the general public information;
- c. Maintain open access policies that do not limit services to a particular type of passenger;
- d. Assure the entire capacity of the system is available to the general public. (Assessment of service capacity and ridership is performed during the application and monitoring processes. If users of the system appear to be predominantly elderly individuals and disabled persons, then the §5311 program manager will perform further evaluation to determine if the service is appropriate for §5311 funding).<sup>12</sup>

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

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

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

Limited use of equipment supported by §5311 (also §5310) may be used to support meal delivery services and package delivery as long as these uses are incidental to the primary purpose of the service.<sup>13</sup> Expenses associated with meal delivery are not eligible for funding assistance—costs must be borne by the nutrition program which provides the meals. Incidental means, for instance, the package delivery is performed in conjunction with passenger transportation rather than making separate trips to deliver items, or the meals are delivered during times the vehicle is not being used. Agencies offering package delivery services must do so in compliance with Oregon Motor Carrier regulations.

---

<sup>12</sup> Percentage of ridership that is general public versus elderly and disabled is not used as the sole determination of a general public service. For example, the population of a local area or county may be predominantly elderly citizens; or the agency may have a service design that maximizes use by the transportation disadvantaged, as allowed by FTA and ODOT. PTD looks at the system in its entirety and any extenuating factors to determine if it is a general public transportation system.

<sup>13</sup> *Incidental* is defined as service that does not result in decreased service quality, a significant decrease of useful life of the capital equipment, or a decrease in the availability of public transportation services.

#### 4. Eligible Assistance Categories

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

Reimbursable administration expenses include salaries and fringe benefits; office expenses associated with administration; contract services (accounting, bookkeeping, attorney fees); and educational expenses associated with administrative staff training. Examples of ineligible expenses include gifts; lobbying; unrecoverable receivables; and budget deficits associated with the agency.<sup>14</sup>

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

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

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

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

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

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

---

<sup>14</sup> Refer to federal Office of Management and Budget (OMB) Circular A-87 for public agencies and OMB Circular A-122 for private non profit agencies for more information about eligible and ineligible expenses and other grant management information.

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

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

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

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

## 6. Project Selection Criteria and Funds Distribution Method

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

Because the §5311 program is not operated as a permanent entitlement program, PTD uses an annual application process. All agencies complete a grant application and must demonstrate that they are eligible to continue to receive funding. However, because §5311 funds are used primarily for operations, and the funds are critical to maintain continuous services, PTD generally considers §5311 agencies eligible for funding from year to year, unless the annual application or other circumstances demonstrate that an agency is no longer eligible.<sup>15</sup>

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

---

<sup>15</sup> These circumstances include, but are not limited to, an agency's transition from 5311(rural) to 5307 (urban) funds, elimination of general public service, or determination by ODOT PTD that an agency no longer meets state or federal requirements for receiving grant funds.

The formula used for allocating §5311 funds is reviewed periodically to see if it distributed funds in a fair and equitable manner. This involved a public involvement process. The formula was reviewed in 2011 and revised. It now uses a three-part formula that includes a base amount, annual passenger trips, and annual service miles. Allocations are reduced for subrecipients who have used less than 90% of allocations based on a three-year average. Those reductions are subject to appeal. The formula also places limits on subrecipients' increases and decreases from the previous year's allocations. Further review of the formula is expected in the future and additional changes may be made at that time.

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

## 7. Start-up Program

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

PTD currently uses unused balances from closed grants to fund the start-up program. PTD anticipates developing a mechanism for reserving funds for start-up projects in the future.

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

Start-up applications may be submitted at any time; access to funding may require agencies to wait until funds are available. Funds may be available for capital and operations as necessary to implement the program in its first year or so. Match rate is in accordance with the type of projects. After the start-up period is completed, the project is included in the formula allocation of §5311. The future direction of the program is to coordinate other funding sources with §5311 funds to provide a more comprehensive funding package and maximize service delivery.

## 8. Basic Grant Management Policies

### Operating Funds

- a. The 5311 program is open to any eligible agency wishing to apply for funding;
- b. Agencies must meet the criteria identified in numbers 2 – 5 above.
- c. Operating funds are granted for each fiscal year, starting in July.

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

#### Capital and Planning Projects

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

#### 9. Training Requirements

PTD may periodically provide workshops on such topics as drug and alcohol program implementation, ADA requirements, coordination, grant responsibilities, quarterly reporting or

other topics related to management of projects. Agencies that receive §5311 funds may be mandated to attend training if required to do so by PTD.

## 10. National Transit Database

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

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

The Oregon Transportation Commission (OTC) approved the Oregon Intercity Bus Program Policy in February 2000. The Intercity Bus Program is funded with 15 percent of the annual FTA §5311 appropriation. Grant funding is guided by Intercity Program policies, Oregon Department of Transportation (ODOT) Corridor Plans, the ODOT Passenger Rail Policy, state and local needs, and community interest.

Where the state provides financial support to rural intercity connections for passenger rail and bus, state funding may be used to match the federal §5311(f) rural intercity service. The State of Oregon continues to have unmet intercity needs, and has not submitted a Governor's Certification to FTA stating that the intercity bus needs of the state are being adequately met.

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

### 1. Program Goals

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

### 2. Projects of Statewide Significance

PTD invests, in consultation with the PTAC, directly in projects of statewide significance. These projects advance the intercity network and statewide mobility and access.

Examples of projects of statewide significance include:

Oregon POINT services; contracted intercity bus service. Starting in 2009, ODOT's PTD began developing the [Public Oregon Intercity Transit \(POINT\) network](#) to connect people and communities. POINT is a mixture of new service, expanded service and service re-branding that relies on public-private partnerships with private bus operators. POINT offers a high-quality intercity bus service, providing passengers free Wi-Fi and extended legroom. PTD utilizes the FTA intercity pilot match program to support some POINT services. For additional information on the POINT services visit: [www.Oregon-POINT.com](http://www.Oregon-POINT.com)

General Transit Feed Specification (GTFS) investments; investments to support the creation, maintenance and use of GTFS data. GTFS is an acronym for the General Transit Feed Specification. The GTFS transit feed specification defines a common format for public transportation schedules and associated geographic, fare, and service calendar information. GTFS data is used in many applications that present public transportation information. The data is also analyzed by transportation planners and researchers.

For Oregon GTFS data visit: [www.oregon-gtfs.com](http://www.oregon-gtfs.com)

### 3. 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.

### 4. Eligible Services and Service Areas

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

### 5. Eligible Assistance Categories

Discretionary grants provide financing for a variety of projects:

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

### 6. Local Share and Local Funding Requirements

Intercity discretionary capital grants require 20 percent local matching funds. Intercity discretionary operating grants require 50 percent local matching funds.

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

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

### 7. Project Selection Criteria and Funds Distribution Method

Grant funding is offered on a biennial basis through a discretionary grant process. PTD staff

reviews all funding applications for threshold criteria.

If a project meets threshold criteria (applicant eligibility, project type), it is evaluated 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 not all proposals may be funded or if funded may not be fully funded.

The state may fund intercity projects of statewide importance outside the discretionary grant process. Such funding may take the form of grants or contracts.

## 8. Basic Grant Management Policies

### Operating Funds

- a. Operating funds in most cases are awarded in an intercity discretionary grant application process, and normally awarded for two years.
- b. Agencies must meet the criteria identified under Section V, numbers 2 – 5.
- c. Any unused grant funds at the end of the agreement or contract period will be deobligated from the project and 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 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.

### Capital and Planning Projects

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

to assure that the facility was completed as described in the grant agreement, and that basic Americans with Disabilities Act (ADA) requirements (parking, signing, curb cuts, etc.) have been met.

- e. PTD will not approve an application for grant funds for a planning or capital project that has already been initiated.
- f. PTD 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 PTD.
- g. All agencies with intercity capital or planning grants are required to submit project status reports with their quarterly reports.

## 9. National Transit Data

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

## 10. Passenger Information

High-quality statewide information for passengers about available transit service is a priority for PTD. In collaboration with Oregon transit agencies PTD supports the TripCheck-Transportation Options website, the Intercity Passenger Timetable and the creation, maintenance and use of GTFS and GTFS-Real Time (GTFS-RT) data. PTD expects 5311(f) subrecipients to host a website with information about their intercity bus service, to collaborate with PTD in keeping TripCheck and the intercity passenger timetable up to date, and to have and maintain GTFS data for their intercity service(s).

## VIII. Transit Assistance Program (TAP)

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

### 1. Purpose

The purpose of this policy is to describe in broad terms the basic elements of the Technical Assistance Program (TAP).

### 2. Scholarships

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

Criteria for awarding scholarships are at the discretion of PTD. PTD will develop criteria through assessing training needs on a periodic basis to determine training topics that assist subrecipients in the development and progress of PTD’s goals for a safe, connected and productive transportation network. Access to training and scholarship criteria are available on PTD’s website.

### 3. Training

Training is provided by PTD and by subject experts, sometimes in conjunction with FTA regarding specific FTA grant requirements. PTD provides workshops to address grant application requirements, quarterly reporting or other grant-related topics. PTD currently uses input from the Oregon Transit Association (OTA), the Public Transportation Advisory Committee (PTAC) and subrecipients to identify the training topics. A training calendar is posted on PTD’s website.

Typical training topics include:

- a. Annual public transit conference, which includes intensive and concurrent sessions to meet a variety of information needs.
- b. Grant-related training to provide information about the grants programs prior to application and post award training to inform subrecipients of the grant requirements and to offer technical assistance and best practices.
- c. Transit manager topics.
- d. Grant management topics taught by topic experts.

- e. Compliance topics including drug and alcohol program management, financial management, the Americans with Disabilities Act and procurement practices.
- f. Training provided by another state agency or other source that is applicable to transit; PTD circulates the information via email and encourages participation.

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

**TAP Management:** The technical assistance and training program is managed to benefit subrecipients of both federal and state rural transportation funds. PTD expects subrecipients to take advantage of training to improve their capability to manage projects financed with federal and state funds, to learn about new methods and opportunities, and to network with peers. Evaluation of subrecipient participation in training programs is included in PTD's site review. At PTD's discretion, subrecipients may be required to attend transit-related training.

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

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

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

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

The ARRA program included projects eligible for the capital match rate under the §5311 program, such as vehicles; facilities (including deferred maintenance and remodels, and other infrastructure needs); passenger shelters; preventive maintenance; equipment (computer, communications, security, signs, etc.); mobility management, as well as ADA paratransit operations.

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

Original subrecipient grant agreements expired on June 30, 2011 with the exception of nine awards extended for time up to June 30, 2012. As of December 1, 2011, there was approximately \$390,000 in deobligated balances from subrecipient projects to redistribute to eligible transit agencies. PTD anticipates redistributing funds for projects to be completed by March 31, 2013.

### 1. Program Goals

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

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

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

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

### 2. Eligible Subrecipients

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

### 3. Eligible Services and Service Areas

See §5311 formula program eligibility requirements above.

### 4. Eligible Assistance Categories

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

### 5. Local Share and Local Funding Requirements

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

### 6. Project Selection Criteria and Funds Distribution Method

Grant funding was offered to current §5311 formula operations subrecipients, as outlined in the federal legislation. The following criteria was used to award projects through PTD:

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

- a. ARRA funding was limited to current §5311 subrecipients.
- b. Grant applications had to be completed with all required information.
- c. Projects must be identified in a Transportation System Plan or other local transportation plan, such as the Transit/Human Services Coordinated plan.
- d. Projects were assigned a local priority rank (ranked order assigned by applicant—for instance, four projects would each be assigned a priority rank number 1 through 4—one number 1, one number 2, etc.). This information will be used by PTD to add projects if more funds become available.
- e. Intercity projects were funded from the set-aside. Therefore, intercity facility projects were not ranked. These projects competed on a statewide basis, and were selected based on the review criteria document available on the PTD website.
- f. Readiness: Projects must be ready to begin procurement or start work as soon as possible after grants were signed. Priority was given to projects that sustained and/or created jobs during the summer of 2009. Published criteria was:
  - i. Facility construction projects (includes passenger shelters, deferred maintenance, renovations and remodels, and other infrastructure needs): public involvement process and environmental documentation is complete and/or ready for approval, local permit requirements were identified and ready to request. Copies of site maps and building plans were required to be submitted with applications. Priority

- was given to add funds to existing projects already started and those expected to be completed within three years.
- ii. Vehicles: Expansion vehicles were eligible. Replacement vehicles must meet FTA requirements for replacement (including spare ratio for fleets with 50 or more vehicles). See Oregon Vehicle Description and Useful Life Standards. PTD orders all vehicles through price agreement contracts.
  - iii. Equipment: Must be readily available for purchase. Software development projects are not eligible.
  - iv. Vehicle Preventive Maintenance: This ongoing activity is eligible. All eligible maintenance expenses are allowed. Fuel expense is not eligible. Major component rehabilitation on vehicles is not eligible.
  - v. Mobility Management: The project must be a new planned activity and ready for implementation.
  - vi. Complementary paratransit operations is limited to 10% of the allocation, and the applicant must have a compliant ADA program.
  - vii. Sustainability: Applicants certified that adequate resources were available to maintain capital assets and to operate vehicles or facilities after the grant period.

## 7. Basic Grant Management Policies

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

- e. All agencies with ARRA grants are required to submit project status reports weekly or monthly, as requested by PTD.

## 8. Reporting Requirements

PTD is responsible for properly monitoring the subrecipient expenditures of ARRA funds, and prepares reports as required. The FTA and OMB developed reporting requirements, and subrecipients are be notified of the requirements and any changes implemented. PTD identifies the ARRA funds at both the time of award and the time of each payment.

ARRA projects required new, extensive reporting above and beyond what is normally required. PTD provides the following information on all ARRA awards: obligated fund amounts, the number and kind of projects, contract award status, project status. In addition, subrecipients are required to report the numbers of direct jobs created and/or number of jobs sustained resulting from these projects in order to PTD to provide the information as required. Grant agreements with subrecipients reflect reporting requirements, as well as the requirement to place signs and emblems announcing use of ARRA funds for projects.

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

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

The FTA's Elderly Individuals and Individuals with Disabilities Program (§5310) supports services for older adults and people with disabilities. The State of Oregon receives an annual apportionment by formula from Congress. In addition, ODOT allocates approximately \$25 million per biennium of USDOT Surface Transportation Program (STP) funds to the §5310 program in a discretionary grant process. These funds derive from flex funds from the highway program that are either dedicated to the transportation program by the Oregon legislature to benefit older adults and people with disabilities (\$10 million), or have been designated by the Oregon Transportation Commission to supplement the same service (an additional \$7.5 million to \$14 million). In addition, ODOT regions designate funds for public transit projects and at times other projects might come forward from ODOT's use of other non-highway, multimodal projects that compete for funds.

PTD uses the biennial discretionary grants process to allocate all §5310 funds to eligible subrecipients.

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

### 1. Program Goals

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

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

### 2. Eligible Subrecipients

Both FTA and PTD value transportation coordination. With passage in 2005 of the federal SAFETEA-LU six-year authorization legislation, and subsequent publication of new circulars in 2007, coordination is a requirement for all §5310-funded projects. STF Agencies and PTD staff must confirm that §5310 projects are derived from a "locally developed coordinated public transit-human service transportation plan."

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

- a. Private nonprofit agencies are eligible to receive funds if the services they provide are

coordinated with other public transportation services and human service agencies.

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

transportation services within a regional area.

### 3. Eligible Assistance Categories

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

- a. Vehicle preservation: replacements and preventive maintenance.
- b. Purchase of vehicles to expand service or to increase capacity.
- c. Purchase of service.
- d. Other capital projects such as, but not limited to, facilities, computers, radios and communication equipment and signage.
- e. Mobility management projects such as coordination development and the administrative costs associated with the development of improved access to transportation services.
- f. Operations (Oregon is in a pilot program implemented with SAFETEA-LU).

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

### 4. Project Selection Criteria and Fund Distribution Method

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

PTD uses press releases and posts the grant program information on the PTD website to ensure that all potentially eligible applicants, including those who are minority organizations or who provide services to minorities, are informed of the opportunity to apply through the STF agency. In addition, STF Agencies, who are the designated coordinating agencies, assist PTD in notifying potentially eligible agencies within their geographic areas about the grant program. PTD staff provides technical assistance to agencies, as needed, to help them develop grant applications.

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

## 5. Local Share and Local Funding Requirements

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

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

Non-cash in-kind contributions, such as volunteer labor, may be used for match in operating projects. In-kind contributions may be used for match for capital projects that are not purchases, on a case-by-case basis. Pre-approval by the program manager is required.

Farebox revenue must be deducted from operating expenses to determine the net operating deficit, which is used as the basis for grant reimbursement. PTD defines farebox revenue as money paid directly by the passenger to the service provider, and includes fares that may be reimbursed by another agency or through a taxi-ticket program, and sales of tickets and passes.

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

## 6. Training Requirements

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

## 7. Basic Grant Management Policies

### Capital Projects

- a. Applications for capital projects are accepted during the PTD's biennial discretionary grant application process and are awarded biennially.

- b. Capital grants are awarded for a two-year period. Preventive maintenance, purchased services, and most mobility management projects are not eligible for time extensions. Any unspent funds will be deobligated from the project. Vehicle procurements and facilities projects may be eligible for time extensions for up to one year if approved by the PTD Administrator. Requests must be submitted 45 days prior to grant expiration. Additional or longer extensions may be approved for large facilities projects that involve several stages of development and construction, and that may take several years to complete. PTD may choose to phase the project into more than one biennial grant.
- c. Decisions to cancel a project for non-performance by a subrecipient are made on a case-by-case basis. Once the grant has expired, it cannot be extended for time.
- d. For facilities projects, PTD staff will visit the completed facility, or require the subrecipient to submit pictures of the facility, or both, prior to final reimbursement on the grant. This is to assure that the facility was completed as described in the grant agreement, and that basic ADA requirements (parking, signing, curb cuts, etc.) have been met.
- e. PTD will not approve an application for grant funds for a capital project that has already been initiated.
- f. PTD will reimburse expenditures for a capital project beginning with the execution date defined by the grant agreement. Any expenditure by the agency prior to the start date is the responsibility of the agency, and will not be reimbursed by PTD. This includes ordering equipment or vehicles.
- g. All agencies with §5310 capital grants are required to submit a project status narrative report with their quarterly reports.

#### Operating Projects

- a. Oregon is participating in a pilot program initiated with SAFETEA-LU authorization that allows operations projects. This ability to access §5310 funds for operations is subject to change. PTD will continue to provide this category of expense as long as it is allowed in the program.
- b. Operating funds are awarded in a discretionary grant application process and are awarded for two years. No extensions for time are allowed in this category.
- c. Agencies must meet the criteria identified under this section, numbers 2 – 5.
- d. Any unused grant funds at the end of the agreement or contract period will be deobligated from the project and will be used by PTD for other eligible projects.

- e. All agencies must submit a quarterly report in order to receive reimbursement. The actual amount of reimbursement is limited to the amount in the grant agreement, provided agencies demonstrate ability to provide local match.

#### Mobility Management Projects

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

### 8. Reporting Requirements

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

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

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

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

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

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

### 1. Program Goals

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

### 2. Eligible Subrecipients

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

### 3. Eligible Assistance Categories

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

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

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

### 4. Project Selection Criteria and Fund Distribution Method

PTD conducts a state wide competitive grant selection process. Projects are solicited and

awarded biennially. Applications are usually available in the fall of each solicitation cycle. PTD publishes a schedule of the discretionary grant process as soon as it is available. Information is available on PTD's website and is circulated by email to interested parties.

Agencies, including Indian tribes and minority organizations, are invited and encouraged to participate in the program. PTD staff provides technical assistance to applicants, as needed, to help them develop grant applications. Applications are submitted to PTD for review and project selection.

Criteria for selection include a defined need for service; high local priority; and availability of match. After PTD's review, the projects recommended by PTD are presented to PTAC for comment. A list of recommended projects is also published for public comment. A listing of all projects recommended for funding is presented to the OTC for final consideration and approval.

## 5. Local Share and Local Funding Requirements

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

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

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

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

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

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

## 6. Training Requirements for Subrecipients

PTD may periodically provide workshops on such topics as capital procurement, operations or other topics related to management of transportation services. Agencies that receive JARC funds

must attend training in one or more of these areas if requested to do so by PTD.

## 7. Basic Grant Management Policies

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

## 8. Reporting Requirements

In addition to the quarterly reporting requirements, §5316 subrecipients are required to submit an annual report to the FTA. The form and content of this annual report is defined by the FTA.

## XII. New Freedom Program (§5317)

The New Freedom Program (§5317) supports new services and facility improvements to address the transportation needs of persons with disabilities. The projects must demonstrate that they exceed the requirements of the Americans with Disabilities Act. The program supports capital, operating, and mobility management projects.

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

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

### 1. Program Goals

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

### 2. Eligible Subrecipients

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

### 3. Eligible Assistance Categories

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

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

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

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

#### 4. Project Selection Criteria and Fund Distribution Method

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

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

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

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

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

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

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

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

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

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

## 6. Training Requirements for Subrecipients

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 PTD.

## 7. Basic Grant Management Policies

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

## 8. Reporting Requirements

In addition to the quarterly reporting requirements, §5317 subrecipients are required to report annually to the FTA. The timing, form and content of the report are defined by the FTA.

## XIII. Special Transportation Fund Program

Please refer to the Special Transportation Fund Program Guidebook, April 2011, for more detailed information about the Special Transportation Fund Program:

<http://www.oregon.gov/ODOT/PT/docs/STF/STF-Guidebook-041311.pdf>.

The following is a summary of the program:

### 1. Program Goals

The Special Transportation Fund (STF) program provides a flexible, coordinated, reliable and continuing source of revenue in support of transportation services for people who are senior and people with disabilities of any age. The Oregon Legislature intended that STF funds be used to provide transportation services needed to access health, education, work, and social/recreational opportunities so that seniors and people with disabilities may live as independently and productively as possible. The funds may be used for any purpose directly related to transportation services, including transit operations, capital equipment, planning, travel training and other transit-related purposes.

There are three STF programs: STF Formula, STF Discretionary and Special Transportation Operations (STO) formula. The programs are defined by Oregon law:

- Oregon Revised Statutes (ORS) 391.800 through 391.830 and
- Oregon Administrative Rules (OAR) Chapter 732.

### 2. Eligible Subrecipients

Access to the funds is limited to the 42 STF Agencies defined by Oregon law: transit districts; if there is no transit district in a county, the county; and, the nine federally recognized Oregon Indian tribal governments. STF Agencies may select local agencies to receive funds from the STF Agency.

### 3. Eligible Assistance Categories

STF formula and STF Discretionary may be used for projects benefiting older adults and people with disabilities, including operations, capital and planning. Use of STO funds is limited to operations.

### 4. Project Selection Criteria and Fund Distribution Method

PTD allocates funds on a biennial basis to each STF Agency. STF Agencies submit an application, which is a plan for use of the funds. PTD reviews the applications to ensure that the projects are in accordance with Oregon law.

For STF Formula and STO funds, after the application is reviewed and approved, funds are distributed on a quarterly basis. For STF Discretionary funds, funds are paid on a reimbursement basis.

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

No matching requirements.

#### 6. Training Requirements for Subrecipients

No specific training requirements. STF Agencies are encouraged to participate in training as offered by PTD.

#### 7. Basic Grant Management Policies

STF Agencies are required to manage STF funds, as defined by Oregon law.

#### 8. Reporting Requirements

STF Agencies are required to report quarterly, as defined by Oregon law and PTD procedure.

### XIV. Discretionary Grants Program

#### 1. Overview

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

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

The Discretionary Grants Program:

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

The sources of funding include:

- a. Special Transportation Fund (STF) discretionary funds.

- b. State Transit Planning Assistance (§5304)
- c. Elderly Individuals and Individuals with Disabilities (§5310), including Surface Transportation Program (STP) Funds allocated by the United States Department of Transportation (USDOT) to Oregon Department of Transportation (ODOT) to be transferred by ODOT to FTA §5310.
- d. Intercity Bus (§5311(f)).
- e. New Freedom (§5317).
- f. Job Access and Reverse Commute (§5316).
- g. Mass Transit Vehicle Replacement Program: STP Funds allocated by USDOT to ODOT to be transferred by ODOT to urban systems in Metropolitan Planning Organization (MPO) areas to be accessed in the FTA §5307 program.
- h. Bus and Bus Facilities (§5309), also known as the State of Good Repair program, as funds become available and states are notified by FTA. PTD solicits for projects and applies on behalf of rural transit agencies; designated FTA subrecipients in urbanized areas apply directly.
- i. Nonurbanized Area Formula Program (§5311) is included as funds are made available.
- j. Other state or federal sources as may be made available for these purposes.

The Discretionary Grants Program is usually conducted every two years in accordance with the state biennium; however, the frequency of availability may change as funds are made available.

## 2. Project Selection Criteria and Fund Distribution Method

See individual program descriptions for §5304, §5309, §5317, and §5316. See selection criteria for ODOT Flex Fund program for funds transferred to FTA programs under that department opportunity. <http://www.oregon.gov/ODOT/TD/TP/FlexFunds.shtml>

Availability of funds and applications are posted on PTD's website, along with the information for each program regarding eligibility, selection, and conditions of award for each fund source.

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