OREGON DEPARTMENT OF TRANSPORTATION

SPECIAL TRANSPORTATION FUND PROGRAM GUIDEBOOK

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PUBLIC TRANSIT DIVISION

SPECIAL TRANSPORTATION FUND PROGRAM GUIDEBOOK

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INTRODUCTION

The Special Transportation Fund (STF) was created in 1985 by the Oregon Legislature. The STF was originally funded with a $.01 per pack cigarette tax. In 1989, this tax was raised to $.02. Today, the cigarette tax revenue, as well as excess revenue earned from sales of photo ID Cards and other funds from Oregon Department of Transportation, provides approximately $17 million to the 2011-2013 STF biennial budget. Originally, the law identified 33 transit districts or counties as eligible to receive the STF moneys; subsequently, in 2003, the nine federally recognized Indian Tribes in Oregon were added as eligible recipients. The resulting 42 designated entities are called "STF Agencies."

The Oregon Department of Transportation (ODOT) Public Transit Division (PTD) administers the funds for the State of Oregon. The STF Program is governed by:

- Oregon Revised Statutes (ORS) 391.800 through 391.830 and
- Oregon Administrative Rules (OAR) Chapter 732.
  *See Appendix A for STF laws.

The ***SPECIAL TRANSPORTATION FUND GUIDEBOOK*** is intended to be a resource for STF Agencies, including their governing boards and administrative staff, as well as STF Advisory Committees and providers. The guidebook is a summary of requirements, and offers advice and resources to assist in managing the program.

The majority of STF requirements apply to all STF Agencies. The guidebook identifies requirements that are different for districts and counties than for Indian Tribes.

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Purpose of the STF

The 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.

Program Management

The STF is divided into two accounts: *STF Formula Program* and *STF Discretionary Grant Account.*

STF Formula Program

The STF Formula program is not a grant program. Access to the formula funds is an entitlement for the 42 designated entities. Each STF Agency is responsible for developing its own program policies and procedures as required to implement the law, and to meet its needs. It is not the role of PTD to approve the local program; the role of PTD is to monitor each program to ensure that it conforms to the law.

The following is a brief summary of PTD activities:

- The STF is identified in PTD's budget.
- After subtracting administration costs, the STF is divided into two parts.
    - Seventy-five percent is allocated to the Formula Account for distribution to designated STF Agencies.
    - Twenty-five percent is allocated to the Discretionary Account.
- Each STF Agency receives a percentage of the STF Formula Account based on the population of the area compared to the total state population.
- The Oregon Transportation Commission establishes a Minimum Allocation, which is currently $38,000 per year.
    - Each STF Agency gets either the population-based allocation or the minimum allocation, whichever is more.

  - For STF Agencies with less than $38,000 in their population-based share of the STF, additional funds from the Discretionary Account are added to the population-based share up to $38,000.
- Each STF Agency may also request an additional $2,000 for STF administrative purposes. The administrative allotment is financed by the moneys in the Discretionary Account.
- STF Agencies must submit an application to claim their allocation. The application is for a two-year period, although the STF Agency may apply for one single year at a time.
- Applications are reviewed by program staff.
- An agreement is executed with PTD before the funds are disbursed.
- Funds are distributed at the beginning of each quarter of the fiscal year (FY): July, October, January and April.
- If funds are withheld for lack of eligibility, or for failure to apply, ODOT will retain the funds for the STF Agency for up to three years. The administrative allotment is held for only the fiscal year of eligibility.

Note: PTD's fiscal year (FY) runs from July 1 to June 30.

See page 19 for more information about the STF Formula Application process.

STF Discretionary Grant Account

Funds remaining after payment of the minimum allocation and the administrative allotment are retained in the STF Discretionary Account. The Oregon Transportation Commission determines how these discretionary funds are spent. Discretionary funds are distributed through a competitive grant program and to projects of statewide importance defined by the Commission.

Projects funded with STF Discretionary Grant Account funds are administered via a grant agreement between ODOT and the STF Agency, and each grant agreement includes defined performance and financial expectations.

See page 21 for more information about the Discretionary Grant Program.

ODOT Oversight of the STF Program

PTD is responsible for the stewardship of the STF Program. The STF Program is reviewed when PTD staff monitors other programs managed by

ODOT and as part of the division's Site Review Program. ODOT Audit Division, and possibly Oregon Secretary of State, may also review the program in the case of alleged misuse of funds, or when it is determined to be necessary.

STF Agency Program Management

Overview

The STF Agency is responsible for complying with all of the requirements defined by the law. The STF Agency may delegate some of the requirements, but must ensure compliance for the delegated requirements.

Each STF Agency has significant latitude to develop program policies and procedures to meet the requirements. The STF Agency may impose stricter standards than those defined by law. Examples: STF law requires STF Advisory Committees to maintain written bylaws, but does not prescribe the content of the bylaws. The STF law broadly identifies the type of providers and activities that are eligible for the funds, but the STF Agency may decide to limit eligibility to certain providers or certain types of projects.

Several key factors are necessary and must be maintained for eligibility for STF moneys. A summary of the minimum requirements:

1. The STF Agency has appointed an advisory committee.
    a. District and county committees have at least five members.
    b. Tribal committees have at least three members;
2. The advisory committee meets at least twice per year and as many times as necessary to fulfill the duties of the program;
3. The governing body of the STF Agency receives the advice of the advisory committee regarding distribution of funds;
4. The STF Agency manages the program and funds as prescribed by Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)[1];
5. The STF Agency has adopted a Coordinated Plan;
6. A project eligible for funding exists, and the recipient of the STF is also eligible as prescribed by OAR;
7. An application is submitted to PTD that describes the plan for STF; and
8. All reports are submitted as required.

[1] See Appendix A.

Accounting for Funds

STF law directs STF Agencies to receive and disburse funds from a "separate governmental account." Oregon law requires that municipal governments establish Special Revenue Funds for dedicated revenues when required by statutes, charter provisions, or the terms under which revenue is dedicated. Because Oregon STF law requires separate accounting for Special Transportation Funds, STF Agencies that are districts and counties must establish a Special Revenue Fund within the STF Agency's adopted budget.

STF Agencies that are districts and counties may also establish a reserve fund to save STF moneys for a future purpose. According to the Oregon Department of Revenue, a reserve fund accumulates money to pay for any service, project, property, or equipment that an STF Agency can legally perform or acquire. A special resolution or ordinance of the governing body is needed to set up a reserve fund. The reserve fund must have a specific purpose, such as the purchase of a transit vehicle. There must be a separate reserve fund for each purpose. Once money is placed in a reserve fund, it can only be spent for the specific purpose of the fund.

Oregon budget law defines the procedures to establish and maintain the special revenue fund and reserve fund. It is the expectation of PTD that these procedures be used to manage the local STF Program. Please refer to the Oregon Department of Revenue publication, Local Budgeting Manual, http://www.oregon.gov/dor/PTD/docs/local-budgeting-manual_504-420.pdf for more information.

Tribal governments are not bound by Oregon budget law. Each Tribe has policies and procedures adopted by the tribal council. Indian Tribes must follow these adopted policies when managing the STF.

Creating and Managing the STF Program

Any procedure for managing the STF Program that results in meeting the requirements of the law is acceptable. Currently, there are three different management types: the governing board of the STF Agency, which directly manages the program; the STF Agency which appoints a staff person to perform the day-to-day management; and the STF Agency which obtains program management support for an outside agency.

For example: The Klamath Tribes Tribal Council designated an employee

of the human service department to manage the STF Program. Linn County contracts with Cascade West Council of Governments to manage the STF processes. In Curry County, one of the county commissioners and the county council are directly involved in the management of the program.

It is also possible for two or more STF Agencies to join their programs together. At this time, no STF Agencies are taking full advantage of this opportunity; however, several counties share management activities. For example, Union County is the lead agency to apply for discretionary grants for Union, Baker and Wallowa Counties, and Wasco County contracts with Hood River County Transportation District to administer Wasco County's program.

STF Advisory Committee

The governing board of the STF Agency is required to appoint an advisory committee and is required to consult with the advisory committee before making fund decisions.

The STF Advisory Committee is an essential component of a successful STF Program. The purpose of the committee is to represent the people who are served by the STF Program. The advisory committee considers how STF funds should be spent and provides the governing body with information about their community's special transportation needs. The advisory committee is the mechanism in STF law that allows for public involvement and input to the STF process. It is important that STF Agencies create an advisory committee process that allows for public involvement.

The advisory committee must:

1. Be appointed by the governing board of the STF Agency;
2. Have at least the minimum number of members for the type of committee (tribal or district/county);
3. Comply with the public involvement policies of the STF Agency;
4. Comply with the state of Oregon's public meeting laws;
5. Hold meetings a sufficient number of times as necessary to advise the STF Agency and carry out the purposes the Special Transportation Fund. At a minimum, the advisory committee must meet twice a year;
6. Be involved in developing the Coordinated Plan: the STF Committee must advise the STF Agency before the plan is adopted;
7. Maintain written bylaws that define membership, terms of office, responsibilities, meeting schedule, etc, as directed by the STF Agency. The bylaws must be available to the public;

8. Keep records of all meetings.

Advisory Committee Membership
The STF Agency may choose advisory committee members that meet the needs of its program.

Tribes must appoint at least three members. There are no specific membership criteria. However, each Tribe should consider appointing committee members that are representative of the people being served.

Districts and counties are required to have at least five members who meet membership criteria defined by law:

- Members must live in the district or county and be knowledgeable about the transportation needs of the seniors and people with disabilities.
- Individuals must meet one of the following qualifications:
    - Be a person who is a senior or a person with a disability *and* is a user of transportation services in the district or county;
    - Be a person who is senior or a person with a disability *and* who lives in an area of the district or county where there are no public transportation services;
    - Be a representative of seniors living in the district or county;
    - Be a representative of people with disabilities living in the district or county; or
    - Be a representative of a provider of services offered to seniors and people with disabilities.
- Provider representatives must be in the minority; meaning that of five members, only two can be providers.
- The STF Agency is asked to consider geographic diversity and balance of the membership qualifications when appointing STF Advisory Committee members.

Individuals who work for agencies that receive STF moneys are always defined as “providers”, even if they also qualify for one or more of the other membership categories.

It is legal to have a committee composed of members representing a single membership category (excepting providers). STF Agencies should appoint individuals who reflect the variety of people being served by the program. For more information about involving people with disabilities as members of STF advisory committees, please refer to Appendix C.

STF Committee Members as Public Officials
Advisory committee members appointed by STF Agencies that are districts or counties are considered to be public officers under Oregon law. Consult with the governing body of the STF Agency or legal council if there are questions related to the responsibilities of public officers.

Each STF Agency that is a district or county should have a procedure for managing conflict of interest. Requirements are found in ORS Chapter 244 — Government Ethics, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2011ors244.html. For more information, contact the Oregon Government Ethics Commission, http://www.oregon.gov/OGEC/Pages/index.aspx, or 503-378-5105.

Indian Tribes will follow their adopted policies for the conduct of advisory committee members.

Advisory Committee Duties
The governing body of the STF Agency will define the duties of the advisory committee. STF advisory committee conflicts are often caused by a lack of understanding of their roles and responsibilities, and their scope of authority. When defining duties and authority, consider the following questions: Does the governing body want a committee to perform the minimum required functions, or do they expect the committee to perform more duties? What are the duties of the STF Administrator? Who is in charge: does the committee direct the STF Administrator, or visa versa? How is the committee's advice conveyed to the STF Agency?

Besides the central role of the advisory committee to consult with the governing body of the STF Agency regarding the distribution of funds and the Coordinated Plan, the committee may perform one or more of the following functions:

- ⌧ Evaluate the need for transportation services to seniors and people with disabilities.
- ⌧ Establish criteria for evaluating proposals for services.
- ⌧ Recommend funding levels and propose changes to the planned use of the STF.
- ⌧ Develop a process for identifying projects to fund with STF.
- ⌧ Review requests for funds.
- ⌧ Review operating reports from providers.
- ⌧ Monitor and evaluate services funded with STF moneys.
- ⌧ Communicate with the public about the STF Program.
- ⌧ Perform activities that will improve the quality of the STF-funded

services, such as providing technical assistance.

- ✉ Identify opportunities to coordinate STF funded services with each other and with other transportation programs.

Additionally, bylaws defining roles and responsibilities, and committee procedures, are required. Adopted bylaws will guide the advisory committee in its actions and deliberations, and will make it easier for the public to understand the committee's responsibilities. The bylaws should define the membership of the committee, the terms of office, the meeting schedule, how the committee makes decisions and other committee procedures. For a sample bylaw, please refer to Appendix D.

STF Program Planning

There is a planning requirement for the STF Program, called the ***Coordinated Plan***. The purpose of the plan is to guide the use of the STF. There is a very similar planning requirement for federal transit funds. The Coordinated Plan meets the requirements for both state and federal requirements. See Appendix B for plan requirements.

The primary purpose of the Coordinated Plan is to establish priorities that are used to direct the spending of STF moneys and identify opportunities to coordinate services operated by other local governments and non-profit agencies and private providers in the area. STF programs are not required to exclusively serve seniors and people with disabilities. Coordination of programs and funding sources is allowed and encouraged.

Coordination is important to ensure that funding is used efficiently and effectively. Coordination means many things, including two or more agencies planning and operating services to be mutually supportive, or combining multiple sources of funds and other resources into a single program. Many agencies use STF to match federal transportation funds that require match. STF is a good source of match because it is from "local" funds.

In addition to the Coordinated Plan, STF Agencies are also encouraged to develop service plans that build upon their priorities and strategies. The service plan is where the rubber hits the road: the service design, the schedule, the route, the fares, the size and type of vehicles, etc.

Use of Funds

Projects supported by the Special Transportation Fund are intended to benefit seniors and people with disabilities.

- Seniors are defined as persons who are 60 years old or older, per the

law. The STF Agency may designate a lower age range when determining eligible users of the service, if such designation does not negatively impact service to older participants.

- People with disabilities are defined as persons who have special requirements in using public transportation and services effectively due to a disability. The disability may include illness, injury, advanced age, congenital malfunction, or other permanent or temporary incapacity or disability, and includes individuals who use a wheelchair or have semi-ambulatory capabilities. The term “wheelchair” includes a variety of three and four-wheeled mobility devices.
- The general public may also be served by programs funded with the STF. Allowing the public access to the same service is appropriate if such use does not interfere with the use of the service by seniors and people with disabilities.

The STF is intended to increase the resources available to provide public transportation for seniors and people with disabilities. The law governing the STF requires that funds be used to increase the total revenues available for transportation and not used to replace funds appropriated by counties and districts for the STF Program, which is referred to as “supplanting”. This supplanting rule does not apply to the providers of services; however, some STF Agencies have rules prohibiting supplanting by providers.

The STF is to be used for the following broad purposes:

1. Maintenance of existing transportation programs and services for seniors and people with disabilities;
2. Expansion of such programs and services;
3. Creation of new transportation programs and services for seniors and people with disabilities; and
4. Planning and development of transportation services for those not currently served.

Examples of current STF uses:

- Contingency accounts.
- Reserve accounts.
- A percentage of the cost of fixed route services. A large percentage of people riding the fixed routes in many communities are people with disabilities and seniors.
- Match for federal funded grants for projects that provide service for seniors and people with disabilities.

- Dial-a-ride transportation services for general public or for seniors and people with disabilities (curb-to-curb or door-to-door service).
- Mileage reimbursement programs (sometimes called volunteer driver programs) for persons providing individual transportation services.
- Taxi and bus ticket subsidy programs when the tickets are used by seniors and people with disabilities.
- Transportation support for special client groups (group and individual transport for senior centers, group home or work activity center participants).
- Brokerages that coordinate or streamline the delivery of services for seniors and people with disabilities.
- Marketing and outreach programs, travel training programs and similar programs that make transportation more available or usable.
- Planning for transportation serving the seniors and people with disabilities.
- Purchases of equipment, such as vans, buses and wheelchair lifts,
- Purchases of computers, communications equipment, passenger shelters and other capital items necessary to manage a transportation program and which make the program more usable for seniors and people with disabilities.
- Outreach programs to recruit and manage volunteer drivers.
- Coordination activities to improve existing transportation services.

Examples of ineligible uses:

- Drivers are never counted as passengers, so reimbursement for an individual driving his or her own car for their own trip (such as to and from a volunteer activity), is not allowed. However, if the intent of the trip is to transport a qualifying passenger, reimbursement for all mileage related to the trip, including mileage to and from passenger pick-up and drop-off is allowed.
- Direct STF payment to passengers is not allowed. However, giving a person a bus pass or voucher that has been purchased with STF moneys is allowed.
- Gas vouchers are not allowed for an individual's own car, but would be allowed if for a volunteer to drive the vehicle.

Administrative Allotment

An annual Administrative Allotment of $2,000 is available to each STF Agency. The allotment is intended to defray the STF Agency's cost of **receiving, disbursing and accounting for** their STF moneys. Per STF law, the STF Agency is prohibited from using moneys from the STF

Formula Allocation to defray these specific administrative expenses. The additional costs of developing and managing the STF Program, including indirect costs charged by the STF Agency, planning, advisory committee management, contract management, and technical assistance, are not defined as administration, and may be supported by moneys from the Formula Allocation.

Distribution of Funds to Providers and Projects

The method used to determine how funds are to be used is at the discretion of the STF Agency, since the law does not define a local distribution procedure. The procedure used by the STF Agency should reflect the local conditions. For example: a small county with a single provider may not require a formal application and review process, whereas a larger county with many demands on the funds will need an appropriate method to assist in making decisions.

Examples of procedures used by STF Agencies include:

- A grant application process with application and eligibility criteria that are used to make decisions.
- A process of negotiation with the providers of service and the STF Advisory Committee about the best use of the funds.
- An request for proposal for service delivery.
- A directive from the STF Agency.

Eligible Recipients of STF

Transportation providers eligible to receive STF funds from STF Agencies include:

- Cities;
- Counties;
- Transportation districts;
- Public or private agencies;
- Indian Tribes;
- Individuals; or
- Any of these joined in cooperative agreements.

STF Agencies may choose to establish policies to limit distribution to a certain kind of agency only.

To be eligible for STF, a recipient must:

- Be eligible to enter into agreements;
- Have the legal, managerial and operational capacity to do the work to

be paid for by the STF;
- Not be debarred or suspended from federal grants[2];
- Maintain compliance with federal, state and local laws and regulations including, and not limited to, those pertaining to passenger transportation, civil rights, labor, insurance, safety and health, as applicable;
- Comply with the laws or rules of the STF Program;
- Properly use and account for the STF; and
- Operate the project or service in a safe, prudent and timely manner.

The STF Agency may require additional eligibility qualifications.

Applicability of ADA and Other Transportation-Related Laws

There are many laws pertaining to public transportation, including civil rights, employment, licensure, insurance, vehicle operations, etc. STF Agencies and their recipients are responsible for knowing about and complying with applicable laws and regulations.

The STF rule requires compliance with the Americans with Disabilities Act (ADA) transportation regulations[3] to the extent that it is required. The ADA is a federal civil rights law requiring transportation services provided to the public by public agencies and private entities (non-profit and for-profit) are available to people with disabilities. Applicability of the ADA varies according to the type of service, the type of vehicle, the type of agency providing the service, and other variables.

Indian tribal governments are not required by federal law to comply with the ADA. Therefore, the STF law does not compel compliance. Frequently, however, ADA compliance is required as a condition of a federal grant program. One federal grant program that requires ADA compliance is the USDOT Federal Transit Administration. If STF is mingled with federal funds (for example, used as match funds), then ADA compliance for that project is required.

[2] Federal debarment and suspension is a procedure intended to prevent poor performance, waste, fraud and abuse in federal procurement and nonprocurement actions. It ensures that federally funded business is conducted legally with responsible persons. Debarment or suspension means that an organization, business or individual is not allowed to do business with the federal government. The General Services Administration maintains a list of those who are debarred or suspended. http://www.epls.gov/

[3] 732-005-0016 Purpose and Use of STF Moneys (4)(a): Projects must comply with the requirements of USDOT Federal Transit Administration regulations, 49 CFR PART 37 TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (Americans with Disabilities Act) section 37.3, as applicable to the specific Project and Provider.

- For ADA transportation regulations, go to the USDOT Federal Transit Administration website: http://www.fta.dot.gov/civilrights/civil_rights_2360.html.

Agreements with Recipients

The STF Agency will enter into written agreements with recipients (other than itself) receiving STF moneys for projects financed with Formula Program (and Discretionary Program moneys, as appropriate.) The primary purpose of an agreement is to define the use and limitations of the funds, and to provide the STF Agency with a means to monitor the agency receiving the funds. If the STF Agency has no external providers, then it is the responsibility of the STF Agency to establish procedures to monitor their internal program and use of the funds on a regular basis.

The agreement must include:

1. A statement of work to be performed in consideration of the STF moneys;
2. A beginning date and an end date;
3. Termination and suspension clauses;
4. Other applicable requirements of OAR 732-005-0000 through 732-020-0045[4];
5. Sanctions associated with failure to perform, including but not limited to, withholding and repayment of funds for cause.
6. The STF Agency may impose additional requirements under its own authority.

Contract Monitoring

Contract monitoring should be an ongoing process. STF Agencies should establish procedures for monitoring recipient's performance. The frequency and manner in which the recipient's performance is monitored should be clearly stated and directly related to the terms of the contract. Both Fiscal and Programmatic monitoring are performed concurrently. The following are some general guidelines for monitoring recipient performance.

Fiscal monitoring is an examination of the contractor's financial statements, records, and procedures. Fiscal monitoring includes, but is not limited to:

- Reviewing bills, invoices or other fiscal documentation;
- Comparing budgets and/or budget limits to actual costs;
- Obtaining reasonable documentation that services charged to the STF were actually delivered according to the contract; and

[4] See Appendix A

- Comparing bills with supporting documentation to determine that costs were allowable, necessary and/or allocable, according to the policies of the STF Agency (or federal program if the STF is being used as match to a federal grant).

Programmatic monitoring compares actual service delivery with the description of performance objectives and measures as identified in the contract. Program monitoring may include any or all of the following:

- Reviewing the service provisions of the contract to determine what the recipient is to provide and the desired quality;
- Reviewing the contractor's reports and other materials to determine if services are being provided;
- Interviewing direct delivery staff and others to determine if services are being performed according to the contract; and
- Conducting on-site reviews, when appropriate, to check the nature and quality of the services being provided.

Written documentation pertaining to contractor performance, such as progress reports, site visit reports, payment and expenditure data, memoranda of verbal discussions, and written correspondence, should be maintained and reviewed to ensure satisfactory progress. These documents are part of the official fiscal record and must be retained for three years following the final payment.

Reporting Requirements

The primary purpose of the report is to ensure that STF is being used for the defined purpose, to measure the effect of the program and to provide feedback about the effects of the program to the Oregon Legislature and others.

Reports are required on a quarterly basis from each STF Agency. Reports are due at the Public Transit Division 45 days after the end of each quarter:

- November 15, for July-September;
- February 15, for October-December;
- May 15, for January-March; and
- August 15, for April-June.

Reports are considered fiscal documents, and should be signed by the individual with fiscal authority, or with delegated authority for fiscal activities.

Failure to report may result in a loss of eligibility for STF.

STF Agencies are encouraged to use the OPTIS grant management system for reporting. For more information regarding OPTIS, please contact the division.

Record Retention

The STF Agency will maintain all financial records for at least three years after the division's final disbursement for the fiscal year. Records relating to capital purchases must be retained for three years after disposition of the capital items.

Maintaining Control of STF-Funded Assets

The STF Agency is required to have procedures in place to maintain "continuing control" of capital items valued over $5,000 and purchased in whole or part with STF. The method of control depends on the type of capital. At a minimum, the STF Agency is required to maintain an inventory of these capital items. The STF Agency may keep an inventory of items costing less than $5,000.

Specific requirements for vehicles:

- Vehicles purchased or leased in whole or in part with STF must be registered through the Oregon Driver and Motor Vehicle Services to the STF Agency or the organization receiving the equipment.
- If the vehicle is registered to an agency other than the STF Agency, the STF Agency must be listed on the vehicle title as the security interest holder.
- The STF Agency may lease vehicles to providers. The vehicles titles must document this relationship.

Continuing control may also include ensuring that the capital item is being used for the appropriate purpose, and that it is kept in good, safe condition. For example, if a senior program operates a bus paid for with STF, the STF Agency must be informed about the use of the vehicle: where it is parked, how often it is serviced, its use, etc. These topics could be included in a lease or use agreement.

Responsibility for Audits

Agencies in receipt of $750,000 of federal funds are required to obtain an audit in compliance with the federal Office of Management and Budget.

Public Transit Division will include a review of STF Program management

in its Site Review Program. STF recipients, including the STF Agencies and providers, will allow the Division, ODOT Internal Audit, and the Secretary of State to inspect the transportation services paid for with STF. STF recipients are also required to permit access to all data and records, physical premises and system equipment for inspection.

The Public Transit Division may request additional information including, but not limited to, audits of specific projects or services.

STF FORMULA APPLICATION PROCEDURES

An STF Agency may apply for funds at any time, however, STF Agencies must apply sufficiently early (by April 17) to ensure that funds will be disbursed the following July. The STF Agency submits a completed application using forms supplied by PTD. Applications are posted on PTD's website: http://www.oregon.gov/ODOT/PT/Pages/programs/enhanced-mobility.aspx#funding

The application covers the entire biennium, however, the STF Agency may choose to apply for only one year at a time. The application may be used to request all or a portion of the funds made available to the STF Agency. PTD recommends that STF Agencies plan for and request all of the funds available.

Once the application is approved, a grant agreement is prepared which includes estimated funds available and a description of the use of the funds, including provider(s) and project(s). Funds will not be distributed until the agreement is fully executed.

The agreement directs the STF Agency to comply with the law and defines sanctions for failure to comply with the requirements of the agreement - including withholding funds and repayment of funds for cause. The agreement does not include any additional requirement that is not already defined by STF law.

Amended Applications

An STF Agency may change its STF Program plan at any time to accommodate changes in local conditions. If the change adds a new provider or a new project, the STF Agency must submit an amended application. Reallocation of funds between existing providers and projects, or dropping a provider or project, does not require an amended application. Contact the STF Program Manager for guidance.

Redistribution of Funds

If an STF Agency initially does not make application for STF funds, the money will remain available for three years: the year of allocation plus two additional years. It may be applied for at any time during the three-year period. For example, funds allocated for FY 2007-2008 are available through FY 2009-2010.

If the funds are not requested within the three year period, Public Transit Division redistributes the funds.

The administrative allotment must be requested each year. Administrative allotments not requested are not available in future years.

Application Review

The PTD staff is responsible for reviewing the application to verify that the proposed use of the STF is in compliance with STF law. It is not the role of the staff to agree with the uses of funds. An annual application review evaluates the applications for the following:

1. Completeness of information,
2. Appropriateness of provider and service type,
3. Existence of an advisory committee, and
4. Proper management of funds.

Application Disapproval

If the above requirements are not met, PTD staff will request additional information or clarification. If the requested information is not submitted, staff may disapprove the application and advise the STF Agency of the grounds for disapproval. A disapproved application may be improved and resubmitted.

Grounds for disapproving STF applications include, but are not limited to:

1. An application is incomplete or incorrect;
2. ODOT staff has knowledge that the STF Agency, or a provider of service, is in clear violation of the laws of the STF Program, or is improperly using program funds;
3. ODOT staff has knowledge that the STF Agency, or a provider of service, is debarred or suspended, or is incapable of performing or has not performed the service in a safe, prudent and timely manner.

STF Discretionary Grant Program

The STF is divided into two funding source "buckets": the *STF Formula Program* and *STF Discretionary Grant Account.* The use of the STF Discretionary Account is determined by the Oregon Transportation Commission. Some of the funds may be used by PTD for projects of statewide significance. The majority of the funds are distributed to transportation projects using PTD's biennial discretionary grant program. Program rules for STF discretionary funds can be found in OAR 732-020-0005, Discretionary Program[5].

The Discretionary Grant Program is designed to accommodate a variety of funds. Program applicants do not apply for a specific source of funding; they apply for projects which they describe in terms of type, need, coordination, cost, match and public support. ODOT staff then chooses the most appropriate source for the specific project and applicant.

STF Agency Grant Program Responsibilities

STF Agencies are designated as "lead agencies" for the purpose of federal funding, and are the designated recipients of STF moneys once the final awards are offered.

- STF Agencies are PTD's local coordinators for the area's discretionary project applications.
- The Coordinated Plan determines local priorities as well as application and review processes.
- STF Agencies and their STF Advisory Committees review the applications. This review assures that projects are derived from the Coordinated Plan.
- At the time of submittal, STF Agencies are asked to indicate on the application if they will accept funding for projects that could potentially be funded with STF discretionary moneys.
- According to administrative rules, STF Agencies are not obligated to submit an application to PTD that does not meet its approval.

Managing STF Discretionary Grants

The STF Discretionary grant agreement is a contract between ODOT and the STF Agency. The STF Agency will execute a sub agreement with the agency performing the project. The content of the sub agreement will include**:**

[5] See Appendix A

1. A statement of work to be performed in consideration of the STF discretionary grant;
1. A beginning and end date;
2. Termination and suspension clauses;
3. Sanctions associated with failure to perform, including but not limited to, withholding and repayment of funds for cause;
4. Other applicable requirements of OAR 732-005-0000 through 732-020-0045[7];and
5. Any additional requirements under the authority of the STF Agency.

The STF Agency may add requirements. The responsibility for the match should be included in the sub agreement.

Sub agreements must be executed as soon as possible. Prior to execution, the STF Agency should submit a draft to PTD staff for review. A copy of the final executed agreement must be submitted to PTD.

STF Agencies may combine into a single agreement the requirements for the STF Formula funds and STF Discretionary funds.

The contract management process is similar to that for STF Formula funded projects.

As needed, PTD will provide technical support to both the STF Agency and the provider performing the project. PTD staff recognizes that STF Agency staffing is often limited; however, the role of PTD is to support STF Agency staff, not to supplant them. PTD will look to the STF Agency for problem resolution, should any issues arise with a project.

STF Discretionary Grant Reimbursement

STF discretionary grants are paid on a reimbursement basis. STF Agencies are responsible for submitting reports to PTD at least quarterly. The provider performing the project prepares the payment request and progress report and submits it to the STF Agency for review and approval. After review, the STF Agency submits the report to PTD.

After PTD reviews the report and approves the payment request, payment is sent to the STF Agency, who is responsible to pay the provider.

[6] See Appendix A

The STF Agency may use its own procedures to manage the flow of funds between themselves and the provider. For example, the STF Agency may pay the provider and then request reimbursement from PTD; or the STF Agency may receive reimbursement from PTD and then pay the provider.

Appendix A: STF Laws and Rules

Chapter 391 — Mass Transportation

2003 EDITION

ELDERLY AND DISABLED TRANSPORTATION

391.800 Elderly and Disabled Special Transportation Fund. (1) There is established in the State Treasury, separate and distinct from the General Fund, the Elderly and Disabled Special Transportation Fund. All moneys in the Elderly and Disabled Special Transportation Fund are appropriated continuously to the Department of Transportation for payment of the department's administrative costs of the program and payment to mass transit districts, transportation districts, Indian Tribes and counties as provided in ORS 391.810.

(2) The Elderly and Disabled Special Transportation Fund shall consist of:

(a) Moneys transferred to the fund under ORS 184.642 and 323.455 (3);

(b) Other moneys appropriated to the fund by the Legislative Assembly; and

(c) Moneys obtained from interest earned on the investment of moneys in the fund.

(3) Moneys in the Elderly and Disabled Special Transportation Fund, with the approval of the State Treasurer, may be invested as provided by ORS 293.701 to 293.820, and the earnings from the investments shall be credited to the Elderly and Disabled Special Transportation Fund. [1985 c.816 §9; 1987 c.62 §1; 1989 c.224 §66; 2003 c.601 §2; 2003 c.751 §3]

391.802 Definition for ORS 391.800 to 391.830. As used in ORS 391.800 to 391.830, "Indian Tribe" means a federally recognized Indian Tribe in Oregon that has members residing on a reservation or tribal trust lands in Oregon. [2003 c.751 §2]

391.810 Distribution of funds to districts, Indian Tribes and counties; rules. (1) The Department of Transportation shall distribute three-quarters of the moneys in the Elderly and Disabled Special Transportation Fund, including the interest attributable thereto, to mass transit districts organized under ORS 267.010 to 267.390, transportation districts organized under ORS 267.510 to 267.650, Indian Tribes and to those counties in which no part of a mass transit district or transportation district is located as follows:

(a) Each district shall receive that share of the moneys as the population of the counties in which the district is situated, determined under ORS 190.510 to 190.610 last preceding apportionment of the moneys, bears to the total population of the state. However, if two or more districts are situated in a single county, distribution of moneys under this subsection shall be determined as though only the mass transit district is located in that county or, if there are two or more transportation districts in the county, as though only the transportation district with the highest population is located in that county.

(b) Each county in which no part of a mass transit district or transportation district is located shall receive that share of the moneys as its population, determined under ORS 190.510 to 190.610 last preceding apportionment of the moneys, bears to the total population of the state.

(c) Each Indian Tribe shall receive that share of the moneys as the population of the Tribe residing in Oregon, determined by the Oregon Transportation Commission pursuant to rules adopted under subsection (4) of this section, bears to the total population of the state.

(2) After the requirements of subsection (1) of this section have been met, the department shall distribute the remainder of the moneys in the Elderly and Disabled Special Transportation Fund to the districts, Indian Tribes and counties described in subsection (1) of this section as follows:

(a) Each district, Indian Tribe or county that receives a share of the moneys in proportion to population under subsection (1) of this section shall receive an amount, determined by the commission by rule and not to exceed $2,000 annually, to be used to defray the administrative expenses of the district, Indian Tribe or county in carrying out its functions under ORS 391.800 to 391.830.

(b) Each district, Indian Tribe or county that receives a share of the moneys in proportion to population under subsection (1) of this section shall receive for each fiscal year a minimum amount, determined by the commission by rule, to be distributed to providers of transportation for use as specified under ORS 391.830 (4).

(c) Each district, Indian Tribe or county shall receive any money distributed to it from the discretionary grant account established under ORS 391.815.

(d) After the requirements of paragraphs (a) to (c) of this subsection have been satisfied, the department shall set aside and transfer the remainder of the moneys in the Elderly and Disabled Special Transportation Fund to a discretionary grant account established under ORS 391.815.

(3) The department may not distribute moneys to a mass transit district, transportation district, Indian Tribe or county under this section unless the

district, Indian Tribe or county has appointed an advisory committee under ORS 391.820.

(4) The department shall adopt rules necessary for the administration and implementation of ORS 391.800 to 391.830. The rules may include but are not limited to:

(a) Restrictions and requirements on the distribution and use of moneys received under this section;

(b) Development of a form contract for use by districts, Indian Tribes and counties when distributing moneys received under this section; and

(c) Restrictions and requirements on a district, Indian Tribe or county for failure to comply with the provisions of this section or ORS 391.815 or 391.830.

(5) Each district, Indian Tribe or county described in subsection (1) of this section is specifically authorized to enter into an agreement with another district, Indian Tribe or county under ORS 190.003 to 190.130 to facilitate the performance of the functions authorized under ORS 391.830. [1985 c.816 §10; 1989 c.224 §67; 1989 c.866 §8; 2003 c.613 §1a; 2003 c.751 §4]

391.815 Discretionary grant account; purpose; application for grant; grant approval; distribution of moneys. (1) After the requirements of ORS 391.810 have been satisfied, the Department of Transportation shall set aside and transfer the remainder of the moneys in the Elderly and Disabled Special Transportation Fund to a discretionary grant account established as an account in the Elderly and Disabled Special Transportation Fund.

(2) The moneys in the discretionary grant account established under this section are continuously appropriated to the department for the purpose of distribution for ultimate use for transportation and services to the elderly and disabled as described under ORS 391.830 (4). The department may distribute moneys from the discretionary grant account only as directed by the Oregon Transportation Commission under this section.

(3)(a) A district, Indian Tribe or county described in ORS 391.810 (1) may make application to the department for a distribution from the discretionary grant account established under this section. The application shall describe the purposes for which the grant is to be used and the monetary amount that is required to carry out those purposes.

(b) Upon receipt of an application, the department shall cause the application to come to the attention of the commission, which shall, after consideration, approve or deny the application, in whole or in part.

(c) The commission shall approve only those grants applied for under

paragraph (a) of this subsection that are for use for the purposes set forth in ORS 391.830 (4).

(4) Upon approval of an application, in whole or in part, the commission shall direct the department to distribute the dollar amount approved to the applying district, Indian Tribe or county. [1989 c.866 §10; 2003 c.751 §5]

391.820 Advisory committees; membership; duties. (1) The governing body of each mass transit district, transportation district, Indian Tribe or county that receives moneys from the Elderly and Disabled Special Transportation Fund under ORS 391.810 shall appoint an advisory committee to advise and assist the governing body in carrying out the purposes of ORS 391.800 to 391.830. The number and terms of the members of an advisory committee appointed under this section shall be determined by the appointing governing body.

(2) To be qualified to serve on an advisory committee of a district or county, an individual must reside within the boundaries of the district, the county within which a district or part thereof is located or the county in which no part of a district is located and must be:

(a) A person who is an elderly or disabled individual and uses transportation services in the district or county;

(b) A person who is an elderly or disabled individual and lives in an area of the district or county where there are no public transportation services;

(c) An individual engaged in providing transportation services to the elderly or disabled in the district or county;

(d) A representative of elderly individuals; or

(e) A representative of disabled individuals.

(3) To be qualified to serve on an advisory committee of an Indian Tribe, an individual must be able to represent the transportation needs of elderly and disabled persons served by the Indian Tribe as determined by the governing body of the Indian Tribe.

(4) An advisory committee appointed under this section shall review the distribution of moneys by the governing body of a district, Indian Tribe or county under ORS 391.830. The advisory committee may propose any changes to the policies or practices of the governing body relating to the distribution that the advisory committee considers necessary or desirable. [1985 c.816 §11; 1987 c.532 §1; 1989 c.224 §68; 2003 c.751 §6]

391.830 Use of funds to finance and improve transportation for elderly and disabled. (1)(a) Each mass transit district and transportation district that receives moneys from the Department of Transportation under ORS 391.810 (1) or (2)(b), after providing for costs of administration in an amount determined under ORS 391.810 (2)(a), shall distribute the moneys to providers of transportation for the purpose of financing and improving transportation programs and services for the elderly and disabled residents of the district and the county in which all or a portion of the district is located. The moneys received under ORS 391.810 (1) and (2)(b) and distributed to providers of transportation in areas within the counties in which the district is located but outside the boundaries of the district shall be that share of all moneys received by the district as the population of those counties residing outside the district, as determined by the last federal decennial census, bears to the total population of the counties.

(b) Each county that receives moneys from the department under ORS 391.810 (1) or (2)(b), after providing for costs of administration in an amount determined under ORS 391.810 (2)(a) shall distribute the moneys to providers of transportation for the purpose of financing and improving transportation programs and services for the elderly and disabled residents of the county.

(c) Each Indian Tribe that receives moneys from the department under ORS 391.810 (1) or (2)(b), after providing for costs of administration in an amount determined under ORS 391.810 (2)(a), shall use the moneys for the purpose of financing and improving transportation programs and services for elderly and disabled individuals served by the Indian Tribe.

(2) The governing body of a district, Indian Tribe or county, after consultation with the advisory committee it appointed under ORS 391.820, shall determine the amount of money to be distributed to a provider of transportation and the purposes for which the money must be used. Moneys received under ORS 391.810 (2)(c) shall be used for the purposes for which received as indicated in the directive from the Oregon Transportation Commission as described under ORS 391.815. All moneys received under ORS 391.810 shall be distributed and used consistent with rules adopted by the Department of Transportation under ORS 391.810 (4).

(3) A provider of transportation receiving funds prior to January 1, 1986, from a governmental unit or agency for purposes related to the transportation needs of the elderly or disabled is eligible to receive moneys from a district, Indian Tribe or county under this section.

(4) Moneys distributed to providers of transportation under this section may be used for the following purposes:

(a) Maintenance of existing transportation programs and services for the elderly or disabled.

(b) Expansion of such programs and services.

(c) Creation of new programs and services.

(d) Planning for, and development of, access to transportation for elderly and disabled individuals who are not currently served by transportation programs and services.

(5) Except in the case of a uniform budget reduction or upon order or other authorization of the department, the increase in moneys received under ORS 391.810 under this section and ORS 323.030, 323.455, 391.810 and 391.815 may not be used to supplant moneys currently appropriated by counties, Indian Tribes or districts for elderly and disabled transportation projects.

(6) As used in this section, “provider of transportation” includes a city, county, district, Indian Tribe or any other person or agency, whether public or private, that maintains, operates or sponsors vehicles and facilities for the transportation of passengers for profit or on a nonprofit or voluntary basis. [1985 c.816 §12; 1989 c.224 §69; 1989 c.866 §11; 2003 c.613 §2; 2003 c.751 §7]

Oregon Administrative Rules for the Special Transportation Fund[8]

General Information

732-005-0000
Purpose of Rule

The rules in Chapter 732, Divisions 5, 10 and 20 establish the procedures and requirements of the Public Transit Division for the administration of the Special Transportation Fund (STF) for the Elderly and Disabled.

732-005-0005
Statutory Authority and Procedures

ORS 391.810 requires the Public Transit Division to adopt rules necessary for the administration and implementation of the STF under ORS 391.800 through 391.830.

732-005-0010
Definitions

The following definitions apply to rules in Chapter 732 Divisions 5, 10 and 20:

(1) “Administration” means the essential activities incurred by the STF Agency: receiving, disbursing and accounting for STF moneys.

(2) "Administrative Allotment" means a fixed amount, disbursed annually to a STF Agency, for Administration.

(3) "Advisory Committee" means a committee appointed by a STF Agency to advise and assist the STF Agency in carrying out the purposes of the Special Transportation Fund.

(4) "Capital Item" means a single item of durable equipment, a vehicle, a structure (facility) and real estate with an acquisition cost of $5000 or more.

(5) “Coordination” means working cooperatively with Providers and other individuals and agencies representing people unable to drive, low-income, Elderly and People with Disabilities, to more effectively apply funding and other resources to meet common transportation needs. Coordination actions may reduce duplication of service, reduce cost, increase service levels or make services more widely available in a community.

(6) "Disabled", also “People with Disabilities” means a person or

[8] These rules were adopted by the Oregon Transportation Commission on December 14, 2004 and are effective January 1, 2005.

persons who, by reason of illness, injury, advanced age, congenital malfunction, or other permanent or temporary incapacity, have a physical or mental impairment that substantially limits one or more of their major life activities. This definition does not include substance abuse disorders resulting from the current illegal use of drugs.

(7) "Discretionary Account" means a Special Transportation Fund account for distribution of the remaining cigarette tax receipts and other revenues contributed to the STF set aside following distribution of the Formula Allocation, Minimum Allocation and Administrative Allotment.

(8) “Discretionary Grant” means a grant award from the Discretionary Program.

(9) “Discretionary Program” means a program financed by the Discretionary Account that may be offered by the Division to support Projects benefiting the Elderly and People with Disabilities.

(10) "District" means a mass transit district organized under ORS 267.010 to 267.390 or a transportation district organized under ORS 267.510 to 267.650.

(11) “Division” means the Oregon Department of Transportation, Public Transit Division.

(12) "Elderly" means 60 years of age or older.

(13) "Formula Allocation" means an amount of STF moneys made available to a STF Agency on the basis of the STF Agency’s share of resident population in proportion to the population of the state as a whole.

(14) “Formula Program” means the program of regular distribution of STF moneys from the Division to the STF Agencies that is composed of the Formula and Minimum Allocations, plus the Administrative Allotment.

(15) “Incidental Use” means a use of a Project that is not the primary purpose of the Project.

(16) “Indian Tribe” means a federally recognized Indian Tribe in Oregon that has members residing on a reservation or tribal trust lands in Oregon.

(17) "Minimum Allocation" means a minimum annual amount for which each STF Agency will be eligible, composed of the Formula Allocation moneys plus moneys from the Discretionary Account sufficient to equal the Minimum Allocation.

(18) “Oregon Transportation Commission” means a commission established under ORS 184.612.

(19) "Project" means a Public Transportation Service, a Capital Item or any associated activity including, but not limited to, planning and needs assessment, training, and research and that falls within the purposes defined in OAR 732-005-0016.

(20) "Provider” means a city, county, district, Indian Tribe, or any other person or agency, whether public or private, that maintains, operates, or

sponsors vehicles and facilities for Public Transportation Services for profit or on a nonprofit or voluntary basis.

(21) "Public Transportation Services" means any form of passenger transportation by car, bus, rail or other conveyance, either publicly or privately owned, which provides service to the general public (not including charter or sightseeing or exclusive school bus) on a regular and continuing basis. Such transportation may include services designed to meet the needs of a specific user group, including for the Elderly and People with Disabilities, and for purposes such as health care, shopping, education, employment, public services, personal business or recreation.

(22) “Recipient ” means a city, county, transportation district, mass transit district, county service district, Indian Tribe, public or private non-profit corporation, or other person or agency, that is in receipt of STF moneys to finance in whole or part a Project for the elderly and people with disabilities.

(23) "Representative of Disabled Persons" means an individual who is familiar with the needs of People with Disabilities and is knowledgeable or aware of the transportation needs of People with Disabilities.

(24) "Representative of Elderly Persons" means an individual who is familiar with the needs of the Elderly and is knowledgeable or aware of the transportation needs of the Elderly.

(25) "Special Transportation Fund for Elderly and Disabled” also “STF" means moneys generated by a tax on cigarettes, or from other sources, appropriated to the Division for distribution to STF Agencies for the purpose of financing and improving transportation programs and services for the Elderly and People with Disabilities.

(26) “STF Agency” means the mass transit district, transportation district, county in which no part of a mass transit or transportation district is located or Indian Tribe that is eligible to receive STF moneys directly from the Division.

(27) “STF Plan” means a plan developed by the STF Agency to guide the investment of STF moneys over at least a three year period.

(28) “STF Program” means a set of policies and procedures that guide the expenditure of STF moneys to benefit transportation services for the Elderly and People with Disabilities.

(29) "User of Transportation Services" means a person who is Elderly or a Person with Disabilities and who makes use of transportation programs and services for the Elderly and People with Disabilities financed in whole or part with STF moneys.

732-005-0016
Purpose and Use of the STF Moneys

(1) The STF Program is intended to provide a flexible, coordinated, reliable and continuing source of revenue in support of transportation services for the Elderly and People with Disabilities.

(2) STF moneys will be used for the purpose of financing and improving transportation programs and services for the Elderly and People with Disabilities and may be used for the following purposes:

(a) Maintenance of existing transportation programs and services for the Elderly and People with Disabilities.

(b) Expansion of such programs and services.

(c) Creation of new programs and services.

(d) Planning for, and development of, access to transportation for the Elderly and People with Disabilities who are not currently served by transportation programs and services.

(3) The STF moneys may be used as matching funds for state and federal programs also providing transportation programs and services to the Elderly and People with Disabilities.

(4) When funded by STF moneys:

(a) Projects will comply with the requirements of USDOT Federal Transit Administration regulations, 49 CFR PART 37 TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES (Americans with Disabilities Act) section 37.3, as applicable to the specific Project and Provider.

(b) Projects financed in whole or part with STF moneys will be coordinated with other transportation programs and services to the maximum extent feasible.

(5) Exception in the case of a uniform budget reduction, STF moneys will not be used to supplant moneys currently appropriated by STF agencies for transportation projects benefiting the Elderly and People with Disabilities.

732-005-0021
Administration of Funds by the Public Transit Division

(1) The Division will conduct the necessary activities to manage the STF and implement a program.

(2) Activities conducted by the Division include, and are not limited to, distribution of funds, application and review processes, agreement procedures, program oversight, protests, statewide planning and research, training and technical assistance.

(3) After payment of the state administrative costs of the program, the Division will make available moneys from the STF:

(a) Three-fourths of STF moneys will be made available annually to STF Agencies on the basis of population distribution. This will be known as

the Formula Allocation; and

(b) Of the remaining one-fourth of STF moneys:

(A) An Administrative Allotment of $2,000 will be made available annually to each STF Agency:

(i) The annual Administrative Allotment of $2000 is intended to defray the STF Agency's cost of Administration of their STF Program: receiving, disbursing and accounting for their STF moneys.

(ii) The STF Agency will not use moneys from the STF Formula Allocation to defray administrative costs.

(iii) Additional costs of developing and managing the STF Program including, and not limited to, planning, advisory committee management, contract management, and technical assistance, are not defined as Administration, and may be supported by moneys from the Formula Allocation.

(iv) The STF Agency may finance the cost of administration of STF discretionary grants awarded in accordance with OAR 732-020-0030 with funds from the grant award.

(B) A Minimum Allocation will be made available annually as a supplement to the moneys made available based on population.

(i) Each STF Agency will have no less than the minimum allocation made available, irrespective of population, under the STF Formula Program. This Minimum Allocation, when combined with formula moneys, will be defined by the Oregon Transportation Commission;

(ii) The Minimum Allocation will equal at least $15,000; and

(iii) The Minimum Allocation will be based on factors defined by the Division related to the cost of providing transportation services and programs by the STF Agencies with the least population.

(C) Any remaining moneys will be set aside to a Discretionary Account. The Discretionary Account is intended to provide a flexible resource for addressing the transportation needs of the Elderly and People with Disabilities in accordance with OAR 732-005-0016. Discretionary Account moneys may be used for:

(i) A Discretionary Program to award Discretionary Grants in accordance with OAR 732-020-0005 through 732-020-0045; or

(ii) Projects of statewide importance identified and implemented by the Division.

(iii) Discretionary Grants and Projects of statewide importance will be approved by the Oregon Transportation Commission.

732-005-0027

STF Agencies Eligible for STF Moneys

(1) After payment of the state's administrative costs of the program, the

Division will make available moneys from the STF. STF moneys may be distributed to the following:

(a) To Districts where they exist;

(b) To counties where no Districts exist; and

(c) To federally recognized Indian Tribes in Oregon.

(d) If two or more Districts are located in one county, the moneys will be distributed to the Mass Transit District. If there is no Mass Transit District located in the county, then the moneys will be distributed to the Transportation District with highest population.

(2) Districts, Indian Tribes and counties receiving STF moneys are known as STF Agencies.

(3) Withdrawal from Eligibility: STF Agencies eligible to receive STF moneys may voluntarily withdraw from eligibility to receive STF moneys:

(a) A STF Agency intending to withdraw its eligibility will notify the Division of the decision to withdraw and the reason for withdrawal;

(b) A STF Agency may rescind its withdrawal at any time; and

(c) After a three-year period, the STF Agency that has withdrawn from eligibility will not be included in the population-based distribution of STF moneys in accordance with OAR 732-010-0010:

(A) The population of the Indian Tribe that has withdrawn from eligibility will be included in the resident population of Districts and counties; and

(B) The population of a District or county that has withdrawn from eligibility will be included in the population of another STF Agency identified by the Division.

(4) Failure to apply for Formula Program moneys for three or more consecutive years will be considered withdrawal from eligibility to receive STF Funds.

(5) Accumulation of Formula Program moneys allocated to a STF Agency that has withdrawn will:

(a) Not exceed the total of three consecutive years dating from the year of withdrawal, or from the first year of failure to apply for Formula Program moneys;

(b) The Administrative Allotment will not accumulate;

(c) The STF Agency that rescinds its withdrawal may receive up to three years of accumulated Formula Program moneys; and

(d) The STF Agency that rescinds its withdrawal is eligible to receive one year of Administrative Allotment for the year of application.

732-005-0031
Advisory Committee Requirements

(1) The STF Agency will appoint an Advisory Committee.

(2) The purpose of the Advisory Committee is to advise and assist the

STF Agency in carrying out the purposes of the STF.

(3) The Advisory Committee will:

(a) Advise the STF Agency regarding the opportunities to coordinate STF moneys and STF-funded Projects with other transportation programs and services to avoid duplication and gaps in service;

(b) Review the proposed distribution of Formula Program moneys and make recommendations to the STF Agency;

(c) Review Discretionary Grant proposals and make recommendations to the STF Agency;

(d) Adhere to Oregon Public Meetings laws, as applicable;

(e) Meet a minimum of two times per year, or a sufficient number of times so as to advise the STF Agency in carrying out the purposes of the STF;

(f) Participate in developing in the STF Plan that will be used to perform the activities described in this section; and

(g) Be guided by written bylaws that may include, but are not limited to, committee membership criteria, terms of office for the committee members, procedures of the committee, meeting schedule and other operating and decision-making procedures.

(4) To perform the activities described in subsections (3)(a) through (c) of this rule, the Advisory Committee will review the Projects proposed for funding by Formula Program and Discretionary Program moneys, including the proposed Recipient, Project purpose, intended User of Transportation Services, and the proposed funding level.

(5) The Advisory Committee may recommend to the STF Agency any changes to the proposed distribution of Formula Program moneys or Discretionary Grant applications it considers necessary.

(6) The terms of office for the Advisory Committee members are at the discretion of the STF Agency.

(7) The Division will be notified by the STF Agency of changes in the Advisory Committee membership.

(8) Copies of Advisory Committee bylaws, minutes and meeting notices will be made available to the Division, upon reasonable notice.

(9) Indian Tribes:

(a) The Advisory Committee of a STF Agency that is an Indian Tribe will be composed of at least three members; and

(b) To be qualified to serve on an Advisory Committee of an Indian Tribe, an individual must be able to represent the transportation needs of the Elderly and People with Disabilities served by the Indian Tribe.

(10) Districts and Counties: The Advisory Committee of a District or county will be composed of at least five members, of which a majority will meet the qualifications of paragraphs (11)(c)(A) through (D) of this rule.

(11) To be qualified to serve on the Advisory Committee for a STF Agency that is a District or county, an individual will:

(a) Reside in the District or county;

(b) Be knowledgeable about the transportation needs of the Elderly and People with Disabilities; and

(c) Be a person who:

(A) Is Elderly or a person with a disability and is a User of Transportation Services in the District or county;

(B) Is Elderly or is a person with a disability and who lives in an area of the District or county where there are no Public Transportation Services;

(C) Is Representative of Elderly persons residing in the District or county;

(D) Is Representative of People with Disabilities residing in the District or county; or

(E) Represents a Provider of services to the Elderly or People with Disabilities residing in the District or county.

(d) The STF Agency will consider geographic diversity and balance of the membership qualifications identified in paragraphs (11)(c)(A) through (E) of this rule when appointing STF Advisory Committee members.

732-005-0036
Accounting Requirements

(1) The STF Agency will receive and disburse STF moneys from a separate governmental fund. Any money realized as a result of interest accrued to the fund will be added to the STF moneys and will be reported to the Division.

(2) Record Retention:

(a) The STF Agency will maintain all financial records for at least three years after the Division's final disbursement for the fiscal year; and

(b) The STF Agency will maintain all records relating to Capital Items for three years after disposition.

732-005-0041
Capital Item Requirements

(1) Capital Items may be purchased with STF moneys:

(a) Incidental Use of a Capital Item for other Public Transportation Services is authorized if associated with Coordination to benefit the Elderly and People with Disabilities; and

(b) The Incidental Use will not substantially reduce the effective use of the Capital Item for the Elderly and People with Disabilities.

(2) The STF Agency will inventory the Capital Items purchased in whole or part with STF moneys. The inventory will include date of purchase,

purchase price, percentage of STF moneys contributed to the purchase, the source of other funds, the authorized use and the Recipient using the Capital Item.

(3) The STF Agency will maintain continuing control of a Capital Item purchased in whole or part with Formula Program during the period of useful life established in accordance with subsection (4)(a) of this rule. The STF Agency may exert continuing control beyond the period of useful life, under its own authority. Continuing control is defined as use, management and disposal of a Capital Item.

(4) STF Agencies will use their own procedures for continuing control, excepting where specified by this section. At a minimum, STF Agencies will:

(a) Establish minimum useful life standards for Capital Items:

(A) Useful life may be based on standards for depreciation established by the Internal Revenue Service or other standard in reference to the specific type of capital; and

(B) For vehicles, the definition of useful life will be consistent with the policy established by the Division for vehicles financed with federal grant funds;

(b) Use the STF Agency's own procedures for disposal of a Capital Item;

(c) Return the net proceeds from a sale of a Capital Item to the local STF. If other funds were used in the purchase, then only the proportion representing STF participation will be returned to the STF;

(d) Establish procedures to ensure that a Capital Item is maintained in safe operating condition, as appropriate;

(e) Establish procedures for transfer of a Capital Item to an eligible Recipient;

(f) Establish procedures for lease of a Capital Item to a Recipient;

(g) Establish insurance requirements adequate to protect the interests of the Transportation Users, the Recipient and the STF Agency, as appropriate;

(h) Ensure that facilities and real property will be used for the originally authorized purpose by use of a restrictive deed covenant, as feasible and appropriate; and

(i) Ensure that vehicles purchased in whole or in part with STF moneys are registered with the Oregon Department of Transportation Driver and Motor Vehicle Services Division in the name of the STF Agency or in the name of the Recipient receiving the equipment:

(A) If the vehicle is registered in the name of the Recipient receiving the equipment, and that Recipient is not the STF Agency, the STF Agency will be listed on the vehicle title as security interest holder;

(B) For leased vehicles, the lease will be recorded on the vehicle title, in accordance with Oregon Department of Transportation Driver and Motor Vehicle Services Division procedures;

(C) Vehicles purchased with other local, state or federal funds in addition to STF moneys will be titled in accordance to the requirements of the specific source. The STF Agency will be listed on the title as a security interest holder; and

(D) The STF Agency may release their security interest in the vehicle after the defined period of useful life is past.

(5) The STF Agency will notify the Division of the sale or transfer of the Capital Item purchased with STF moneys and will report the use of proceeds from the sale.

(6) The Division may establish requirements for Capital items purchased with Discretionary Program moneys, including and not limited to:

(a) A minimum threshold of insurance coverage,

(b) Annual inspections of vehicles used for Public Transportation Programs; and

(c) A requirement that the use of facilities and real property will be secured by a restrictive deed covenant, as feasible and appropriate.

732-005-0046
Audit Requirements

(1) STF moneys will be specifically addressed in the STF Agency's annual audit. If requested by the Division, the STF Agency will provide the Division with a copy of the audit report.

(2) The Division may request additional information including, but not limited to, audits of specific Projects.

732-005-0051
Reporting Requirements

(1) The purpose of reporting is to:

(a) Ensure that STF moneys are being used for the purpose of financing and improving transportation programs for the Elderly and People with Disabilities;

(b) Measure the effects of the program; and

(c) Provide information to the Oregon State Legislature.

(2) The STF Agency will prepare, or require its Recipients to prepare, a quarterly report to the Division. The STF Agency will approve and sign reports prepared by Recipients prior to submission to the Division:

(a) For Projects funded by the Formula Program, a report form, provided by the Division, will be completed for each Recipient on the List of

Projects;

(b) A STF Agency may require additional reporting information from its Recipients;

(c) Reports will be due within 45 days following the end of a quarter. The fourth quarter report may be a preliminary report, subject to adjustment after completion of the STF Agency's audit.

(3) Failure to submit the required reports may result in withholding of Formula Funds:

(a) The Division may withhold Formula Funds if reports have not been submitted for a period of three consecutive quarters; and

(b) A STF Agency may negotiate an alternate reporting schedule with the Division.

(4) For Projects funded by the Discretionary Program, a report form will be provided by the Division:

(a) The report is required for payment of Discretionary Grant moneys;

(b) The Division may identify alternate dates for reporting; and

(c) Recipients of Capital Items will report regularly during the period of useful life of the Capital Item.

732-005-0056
Withholding of Funds from a STF Agency

(1) The Division may withhold payment of STF moneys if:

(a) The funds are not being used in accordance with these rules;

(b) All required reporting has not been submitted; or

(c) There are any unresolved audit findings relating to the STF.

(2) If an audit or a review of the agreement finds that STF moneys were used improperly, the STF Agency will repay the STF that portion used improperly.

732-005-0061
Management of Agreements

(1) The Division will enter into an agreement with a STF Agency after approval of the STF Agency's application for STF moneys.

(a) The agreement will include:

(A) A description of the use of the funds;

(B) A beginning and end date;

(C) Termination and suspension clauses;

(D) Other applicable requirements of these rules; and

(E) Sanctions for failure to comply with the requirements of the agreement, including and not limited to, withholding and repayment of funds for cause.

(b) Inspection of records and Projects:

(A) An STF Agency, and any organization acting on the STF Agency's behalf, will permit the Division, the Secretary of State of the State of Oregon, or their authorized representatives, upon reasonable notice, access to all data and records relating to the STF moneys.

(B) The Division, the Secretary of State of the State of Oregon, or their authorized representatives, upon reasonable notice, may inspect the Projects financed with STF moneys including, but not limited to, the financial records, physical premises and Capital Items used to deliver Public Transportation Services.

(2) The STF Agency will enter into written agreements with Recipients for Projects financed with Formula Program and Discretionary Program moneys.

(a) The form of the agreement will include:

(A) A statement of work to be performed in consideration of the STF moneys;

(B) A beginning and end date;

(C) Termination and suspension clauses;

(D) Other applicable requirements of OAR 732-005-0000 through 732-020-0045; and

(E) Sanctions associated with failure to perform, including but not limited to, withholding and repayment of funds for cause.

(F) The STF Agency may impose additional requirements under its own authority.

(b) The STF Agency will submit copies of Recipient agreements to the Division.

(c) The STF Agency will monitor the performance of the agreement on a regular basis, and will take action when the terms and conditions of the agreement are not being met.

(d) Recipients, and any organization acting on the Recipient's behalf, will permit the STF Agency, the Division, the Secretary of State of the State of Oregon, or their authorized representatives, upon reasonable notice, access to all data and records relating to the transportation system supported in whole or part by the STF, and will allow inspection of the Projects supported in whole or part by the STF including, but not limited to, the physical premises and Capital Items used to deliver transportation services.

(e) The Division may terminate or suspend an agreement between itself and a STF Agency, and may require repayment of funds, if the STF Agency fails to take action against a Recipient failing to comply with OAR 732-005-0000 through 732-020-0045.

732-005-0066
STF Agency Joint Management of the STF Program

(1) Two or more STF agencies may jointly manage their STF Program

s. Joint Management means two or more STF Agencies joining together to manage their STF Programs by consultation and acting independently, or by jointly managing the functions of the STF Program.

(a) Joint management through consultation does not require an agreement between the parties.

(b) Joint management of the functions including, and not limited to, pooling STF moneys and jointly allocating funds to Projects, requires an agreement between the STF Agencies.

(2) When two or more STF Agencies jointly manage the functions of the STF Program, they will:

(a) Designate a lead STF Agency who will perform all of the functions of the program as defined in this rule;

(b) Ensure that the Advisory Committee appointed by the lead STF Agency is representative of each of the participating STF Agencies; and

(c) Meet together for consultation and review of the jointly managed STF Program at least once per year.

732-005-0071
Protest Procedure

The Division will conduct a process to resolve protests of funding decisions made by the Oregon Department of Transportation.

(1) Within 30 days of notification of a funding decision, the STF Agency may file a protest of the decision.

(a) The STF Agency will address the protest to the Administrator of the Division; and

(b) The protest will identify the project or proposed project affected by the funding decision, the Recipient or proposed Recipient affected by the decision, any arguments pertaining to the protest, and the requested remedy.

(2) The Division will investigate the protest and will make a written statement of finding within 30 days.

(3) Within 10 working days of receipt of the statement of finding, the STF Agency may request a review of the statement of finding. After a review of the statement of finding, the Administrator of the Division will issue a final decision.

732-005-0076
Recipient Qualifications

(1) To be eligible to receive STF moneys for a Project, a Recipient will

meet, or have the capacity to meet, the following qualifications, as applicable to the type of Project being funded. A Recipient will:

(a) Be an entity eligible to enter into agreements;

(b) Have the legal, managerial and operational capacity to perform the Project;

(c) Not be debarred or suspended from federal grants;

(d) Maintain compliance with federal, state and local laws and regulations including, and not limited to, those pertaining to passenger transportation, civil rights, labor, insurance, safety and health, as applicable;

(e) Comply with the laws or rules of this program;

(f) Properly use STF moneys; and

(g) Perform the Project in a safe, prudent and timely manner.

(h) If a Recipient is identified as ineligible to receive other funds offered by the state or federal government resulting from a failure to meet the criteria identified in subsection (a) through (g) of this section, the Recipient may be ineligible to receive STF moneys.

(2) A STF Agency may require additional eligibility qualifications of Recipients as necessary to implement its STF Program.

(3) The Division may require additional eligibility qualifications of Recipients as necessary to implement the Discretionary Program.

(4) The STF Agency will confirm the eligibility of a Recipient prior to awarding STF moneys and entering into an agreement.

(5) The STF Agency will ensure that Recipients maintain eligibility while receiving STF moneys.

(6) A Recipient found by the STF Agency or Division to be ineligible may be required to repay moneys received during the period of ineligibility.

732-005-0081
STF Plan

(1) A STF Agency will develop, adopt, and regularly update a written STF Plan:

(a) The purpose of the STF Plan is to set out the long term vision for public transportation in the STF Agency's service area, and guide investment of STF moneys to maximize benefit to the Elderly and People with Disabilities within that area.

(b) The STF Agency will adopt its first plan no later than June 30, 2007.

(c) The STF Plan will:

(A) Cover at least a three year period;

(B) Counties will consider the transportation needs of the Elderly and

People with Disabilities residing within the county;

(C) Districts will consider the transportation needs of the Elderly and People with Disabilities residing in the in-district and out-of-district areas of the county(ies); and

(D) Indian Tribes will consider the needs of tribal members and other Elderly and People with Disabilities served by the Tribe.

(2) The STF Plan may include, and is not limited to, the following types of information:

(a) Inventory of transportation services and capital resources currently available for the Elderly and People with Disabilities, without regard to how they are funded;

(b) Identify current and forecast county and tribal population and demographics;

(c) Inventory of current and future needs for transportation services and programs. The inventory may include, and is not limited to, changes in employment opportunities, housing, access to medical services, and special issues affecting access to public transportation services for the Elderly and People with Disabilities;

(d) Identify opportunities to coordinate transportation services within the county, District, or tribal area and with other agencies and areas to improve efficiency and effectiveness of service; and

(e) Identify time-based, quantified goals, benchmarks, and performance measures to assess the progress of Recipients in achieving the STF Agency's vision over time.

(3) A STF Agency may adopt as its STF Plan another plan with content meeting the intent of this rule including, and not limited to, a county Transportation System Plan, a transit development plan, the transportation element of an Area Plan for an Area Agency on Aging, or any other plan that comprehensively addresses the transportation needs of the elderly and people with disabilities.

(4) STF Agencies may join together, and with other agencies serving the Elderly and People with Disabilities, for mutual benefit to meet these requirements.

(5) Prior to adopting a STF Plan, the STF Agency will consult with the STF Advisory Committee and the public. The purpose of this consultation is to ensure that the Elderly and People with Disabilities, representatives of the Elderly and People with Disabilities, transportation Providers, and other interested parties have the opportunity to review and comment on the proposed plan.

(6) A STF Agency will review its STF Plan at least biennially, and update it to reflect changes in the service area, demographics, funding levels, service availability or other factors, as needed.

The Special Transportation Fund Formula Program

732-010-0005
Formula Program

(1) Revenues from the STF are made available annually.

(2) STF Agencies may apply at any time.

(3) Money is paid regularly to the STF Agency upon approval of its application, and submission of reports required by OAR 732-005-0051.

(4) In order to be eligible to receive Formula Program moneys, the STF Agency has, or will have, one or more Projects eligible for funding, as specified by OAR 732-005-0016.

732-010-0010
Formula Distribution

For those STF moneys distributed by formula:

(1) The Division will distribute STF moneys regularly, and at least quarterly.

(2) Each January, prior to the state biennium, the Division will estimate the STF moneys to be distributed during the biennium:

(a) The estimate will include the reconciliation of STF receipts from prior years and funds unclaimed by STF Agencies; and

(b) If necessary, the estimate may be adjusted during the biennium, in January, to reflect actual tax receipts and other revenues contributing to the STF moneys.

(3) Formula allocation moneys will be made available to STF Agencies on the basis of population distribution:

(a) Each STF Agency will receive a portion of the moneys based on their share of the state's population;

(b) The county population of STF Agencies that are counties and Districts will be determined by the most recent annual estimate of population of cities and counties by the State Board of Higher Education (ORS 190.510 to ORS 190.610); and

(c) Each Indian Tribe that is a STF Agency will receive STF moneys as share of their tribal population residing in Oregon:

(A) Tribal population is defined as the members of each Tribe residing in Oregon;

(B) Each Indian Tribe will provide to the Division its population residing in Oregon by county of residence; and

(C) The tribal populations will be subtracted from county populations before calculating the population of the Districts and counties.

(4) The Division will supplement the Formula Allocation with

Discretionary Account moneys as necessary to ensure that each STF Agency receives the Minimum Allocation or the Formula Allocation, whichever is greater.

732-010-0015
Application Procedures for Formula Program Moneys

(1) The Division will inform each STF Agency of the amount of Formula Program moneys for which they are eligible.

(2) To apply for Formula Program moneys, the STF Agency will submit a completed application on forms supplied by the Division.

(3) The information required in the application will be sufficient to ensure that the requirements of these rules are met.

(4) An authorized official of the STF Agency will sign the application.

(5) A STF Agency may apply for funds at any time.

(6) If a STF Agency fails to apply for Formula Program moneys, the moneys will remain available to the STF Agency for a period not to exceed three years.

(a) Funds held by the Division due to failure to apply will not accrue interest; and

(b) The Administrative Allotment will be available during the year of application.

732-010-0020
Formula Program Application Review

(1) The Division will review and approve Formula Program applications:

(a) The Division will consider material submitted in the application as the basis for application approval; and

(b) The Division may ask for further information or clarification.

(2) The Division may disapprove the application and, if disapproved, will inform the STF Agency of the reason for disapproval.

(a) Reasons for disapproval may include, and are not limited to, the following:

(A) No Advisory Committee or improper membership;

(B) Advisory Committee failure to meet and confer;

(C) STF Agency failure to confer with the Advisory Committee;

(D) A Recipient that is ineligible;

(E) For Formula Program applications by Districts, disproportionate allocation inside and outside District boundaries;

(F) The use of STF moneys to supplant the STF Agency's local appropriation currently used to provide transportation services benefiting the Elderly and People with Disabilities; and

(G) Proposed Projects are not eligible for funding in accordance with

OAR 732-005-0000 to 732-010-0045.

(b) Disapproved formula program applications may be improved and resubmitted by the STF Agency.

732-010-0025
Submission of Amended Formula Program Applications

(1) The STF Agency may amend their application at any time by filing an amended application with the Division.

(2) The STF Agency will retain authority over costs and allocations within its jurisdiction and may shift funds among Recipients and Projects identified in an application approved by the Division as necessary for the desired services:

(a) The STF Agency will submit an amended application if there are additional Recipients or Projects;

(b) Changes in the distribution of funds among already approved Recipients do not require Division approval. The STF Agency will notify the Division of any changes; and

(c) Changes in the Advisory Committee do not require an amended application.

732-010-0030
Disbursement of Formula Program Moneys

(1) Upon approval of the application for the Formula Program moneys, the Division will enter into an agreement with the STF Agency.

(2) After the agreement is signed by both parties, the Division will disburse the moneys.

732-010-0035
STF Agency's Distribution of Formula Program Moneys

(1) The STF Agency will determine the purposes for which the Formula Program moneys will be used, in accordance with their STF Plan.

(2) The STF Agency may use procedures of its choice to distribute Formula Program moneys.

(3) The STF Agency that is a District is responsible for funding Projects benefiting the Elderly and People with Disabilities both within its boundaries and outside them in the surrounding county(ies):

(a) Projects outside the district will receive a proportionate amount of the Formula Program moneys based on the population outside the District;

(b) The proportion is based on the last decennial federal census; and

(c) The District will report the distribution of Formula Program moneys in its application to the Division.

732-010-0045
Redistribution of Program Funds

For formula moneys, the Division will redistribute funds that have not been requested after three years to participating STF Agencies.

The Special Transportation Fund Discretionary Grant Program

732-020-0005
Discretionary Program

(1) Discretionary Account moneys may be distributed through a Discretionary Program managed by the Division.

(2) The Division will announce the amount of funds available for distribution and will make applications and application procedures publicly available.

(3) The Oregon Transportation Commission may establish requirements for the Discretionary Program, including and not limited to:

(a) Specific goals and objectives;

(b) Priorities;

(c) Project type and purpose; and

(d) A matching contribution.

(4) The Discretionary Program will:

(a) Be available on a cycle to be determined by the Oregon Transportation Commission;

(b) Be a competitive award process; and

(c) Award moneys based on the requirements of the Discretionary Program.

(5) The Division may combine moneys from the Discretionary Account with other state and federal moneys available to the Division into a unified discretionary grant program.

(6) A STF Agency may request Discretionary Program moneys by submitting a complete application. The STF Agency may submit more than one application, and may submit applications prepared by entities other than the STF Agency.

(a) If an application is prepared for submission by an entity other than the STF Agency, the STF Agency will:

(A) Acknowledge the application by providing a signature;

(B) Verify willingness to enter into an agreement with the applicant to receive and disburse the Discretionary Grant moneys for the Project; and

(C) Submit the application to the Division.

(b) Prior to submitting an application to the Division, the STF Agency will:

(A) Consult with its Advisory Committee regarding the proposed project;

and

(B) Ensure that the proposed project is consistent with the STF Agency's STF plan or other plan addressing the transportation needs of the public including the Elderly and People with Disabilities.

(C) The STF Agency is not obligated to submit an application to the Division that does not meet its approval.

(c) The Advisory Committee will meet at least one time to review all of the applications and make recommendation to the STF Agency.

(d) If more than one application is prepared for submission, the STF Agency will rank the projects reviewed in priority order before submitting them to the Division.

732-020-0020
Application Review

(1) The Division will establish a process for reviewing Discretionary Program applications that will include, and is not limited to:

(a) An initial screening of applications for compliance with Discretionary Program requirements. If program requirements are not met:

(A) The Division may ask for further information or clarification; and

(B) May recommend disapproval of the application to the Oregon Transportation Commission and advise the STF Agency of the reasons for recommending disapproval;

(C) Reasons for the Division to disapprove an application may include, and are not limited to, the following:

(i) No advisory committee, or improper membership;

(ii) STF Agency failure to confer with the Advisory Committee;

(iii) Purpose of the project is not in accordance with the requirements of the program; and

(iv) The potential recipient identified in the application is ineligible to receive STF moneys.

(b) A review of the qualified applications will be conducted by the appointed grant review panel;

(c) The Discretionary Program application review may be conducted in conjunction with the review of other state and federal grant applications submitted to the Division; and

(d) After consideration of the grant review panel's recommendation, the Division shall submit a final recommendation for funding to the Oregon Transportation Commission.

(2) Criteria for review and selection of Discretionary Grants will be established by the Oregon Transportation Commission, and may include, and not be limited to:

(a) Public support for the proposed Project;

(b) The need for the proposed Project;
(c) The effectiveness of the proposed Project;
(d) The efficiency of the proposed Project;
(e) The appropriateness in scope or scale of the proposed Project;
(f) A satisfactory history of applicant performance, if appropriate;
(g) Consistency with state and local priorities and needs as identified in planning documents; and
(h) Demonstration of Coordination of transportation resources.

732-020-0025
Discretionary Grant Review Panel

(1) The Division will establish a grant review panel to review Discretionary Program applications and recommend Discretionary Grant awards.

(2) The grant review panel will be composed of members with knowledge of the transportation needs of the Elderly and People with Disabilities:

(a) Members of the panel, and the agencies they represent, may not benefit monetarily from any funding decision; and

(b) The Oregon Transportation Commission will appoint individuals to serve on the grant evaluation panel. The panel members may represent state agencies, local government, organizations representing the Elderly and People with Disabilities, the community, local transportation planners and the transportation service industry.

(3) The grant review panel will:

(a) Use the criteria established in accordance with OAR 732-020-0020(2) when reviewing the applications; and

(b) Adhere to the Oregon Public Meeting Law.

(4) The grant review panel may review and recommend procedures and additional review criteria to the Division as necessary to perform their duties in a timely manner.

732-020-0030
Award of Funds

(1) Upon approval of the Discretionary Program applications by the Oregon Transportation Commission, the Division will:

(a) Notify the applicant of the approval or denial of their application; and

(b) For an approved application, enter into a written agreement with the STF Agency to award funds.

(2) Discretionary Grants that are for planning, needs assessment, research, demonstration and operating projects:

(a) Payments will be made based on reported expenditures; and

(b) Final payment will be made upon receipt of final reports.

(3) Discretionary Grants that are for capital projects, payment may be made upon receipt of vendor invoice or billing.

(4) Other arrangement for payment is at the discretion of the administrator of the Division.

732-020-0035
Use of Funds

The uses of the STF Discretionary Grant moneys will be consistent with purposes defined by OAR 732-005-0016, and will be directly associated with activities conducted to complete the project.

732-020-0040
Discretionary Project Monitoring

(1) The Division will monitor each Discretionary Grant agreement on an ongoing basis by:

(a) Review of project reports;

(b) An on-site visit to the STF Agency, as appropriate; and

(c) Review of other information, as appropriate.

(2) Discretionary grant agreements may be terminated or suspended by the Division before the date indicated in the agreement. Grounds for termination or suspension of an agreement will include, and are not limited to, a finding by the Division that:

(a) A Recipient is in clear violation of state or local laws or regulations governing passenger transportation;

(b) A Recipient is in clear violation of the laws or rules of this program, or is improperly using program funds; and

(c) A project is incapable of being performed, or has not been performed, in a safe, prudent and timely manner.

732-020-0045
Redistribution of Funds

For Discretionary Account moneys, the Division will return funds awarded, but not used, back to the Discretionary Account upon termination of a grant.

Appendix B: Transportation Planning and Coordination

What is Coordination?

Coordination is working cooperatively to more effectively apply the resources of several organizations to common problems.

What is the purpose of transportation coordination?

The need for public transportation outstrips the available resources. For example:

- Human service agencies need transportation for clients.
- Students need transportation to after-school and alternative school placements.
- Individuals with disabilities need access to work.
- Public transit providers find it difficult to meet the diverse needs of the senior and disabled communities, as well as the general public, and need additional community resources.

What is planning?

Planning, in the simplest sense, is the process of assessing needs, gathering and evaluating information, and defining priorities for future actions. The planning process must include the involvement of the public and the stakeholders most affected by public transportation.

What are the benefits of coordinated planning?

Planning to coordinate transportation resources makes sense from both a public policy and a business perspective. Planning may provide:

- A vision and an action plan to develop community transportation
- Leverage in accessing other funds and grants from federal and state sources
- Improved mobility within the community
- Enhanced ability for people to access job training and work sites
- Economic advantages to the community (more people can access goods and services)
- Improved quality of life
- Strengthened working partnerships
- Lower unit costs through more efficient use of resources
- Greater awareness of available services
- Environmental benefits through reduced traffic congestion, reduced stress on the transportation infrastructure, and reduced need to build, or acquire, additional infrastructure

Is Coordinated Transportation Planning Required?

Yes, both state and federal laws require planning. Beginning in July 2007, all projects funded with state and federal funds will need to be included in a plan.

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

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, individuals who are elderly, and individuals with lower incomes. The coordinated public transit-human services transportation plan is required for three of the Federal Transit Administration funding programs: Formula Program for Elderly Persons and Persons with Disabilities (§5310); New Freedom (§5317) and Job Access Reverse Commute (§5316).

Who is responsible to prepare the plans? And, when do the plans have to be complete?

The STF Agencies are responsible to ensure that the plan is completed. In some communities, the STF Agency may delegate the actual planning process to a consultant or lead agency. By July 1, 2007, all STF Agencies will need to have adopted plans.

Who must be involved in preparing the plan?

State and federal law requires that representatives of public, private, and non-profit transportation providers, human services providers, consumers and the public, as well as public officials, regional planning groups and others, be provided with an opportunity to participate in the planning process.

A good planning process will communicate with stakeholders from the beginning in order to understand their issues and needs and to gain concurrence about the plan as it is being developed. Sometimes people and organizations choose not to participate, even with invitation and encouragement. The requirement will be to demonstrate that there was an attempt to be inclusive.

What is ODOT's Role?

PTD will provide technical assistance and support as needed to STF Agencies and local communities to help to ensure that the plans are completed. PTD is required to certify to the Federal Transit Administration that all projects approved for funding are derived from a plan. PTD will not approve the plans, but will review them when selecting projects for funding.

For more information about the federal perspective on coordination and planning, look at the following websites:

- USDOT Federal Transit Administration http://www.fta.dot.gov/documents/FTA_Human_Services_Transportation_Coordination_Fact_Sheet_Oct_05.pdf
- Federal Interagency Coordinating Council on Access and Mobility, http://www.unitedweride.gov/

Coordinated Human Services Public Transportation Plan ("Coordinated Plan") Template with Instructions

Plan Elements

The completed plan will include:

- An evaluation of the community's resources;
- An assessment of the transportation needs for people with low income, seniors and people with disabilities;
- Strategies and/or activities to address the identified gaps, and that also address efficiencies in service delivery through coordination; and
- Relative priorities of the strategies.

1. Stakeholder Involvement

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

Participation

Maintain a list of participation in the planning process. Identify agencies and individuals invited to participate and keep a record of participation. This list will assist to identifying the agencies, organizations, and institutions in the community that you may contact regarding your plan. It is possible that not all of these organizations exist in your community, or that multiple agencies with the same description do. Keep this in mind when you are convening your stakeholder group.

- Area Agency on Aging
- Assisted Living Communities
- City Councils
- Community Action Program
- Community Colleges
- County Commissioners or council
- DHS Offices: Seniors and People with Disabilities; Children and Families; others
- Group Homes
- Hospitals and other health care providers
- Local Medicaid Brokers and/or Providers

- Local School Districts
- Major Employers or Employer Organization
- Non-Profit transportation providers
- Other Non-Profit Organizations
- Nursing Homes
- Private Bus Operators Regional Transportation Planning Organization Public Transit District
- STF Advisory Committee
- Taxicab Operators
- Tribal Governments
- Volunteer driver programs
- Work-First Local Planning Area
- Intercity Bus operators
- Others

Description of Convening of Stakeholders

Please provide a narrative description of how the community stakeholders were engaged in the planning process. Possible things to address: How were people invited to participate? Did you convene meetings in different locations? Were people willing to come to the table? Did social service providers explain what they do and how transportation could help them? Did transportation providers explain their services? How did the stakeholders express their perceived transportation needs? Were there subcommittees or working groups created out of the stakeholders?

2. Evaluation of Existing Transportation Services and Resources

Describe the existing transportation services. Completing this section on existing transportation services enables the planners to identify underserved areas, which served areas may be in danger of being discontinued, and where transportation services are being duplicated.

Information about these services should include the target population, hours of operation, service area boundaries, travel time standards, fares, program costs and other operating characteristics. Identify if these providers are currently working together, or if they are willing to work together. How are these transportation services currently funded? Are any of them funded with grant funds from the Special Transportation Fund, ODOT's Rural General Public Program or Public Transportation Discretionary Grant Program? Identify the

vehicle fleet in the area[9], and include information about age, condition, mileage, accessibility features, and passenger seating of the vehicles. Consider:

- Fixed route,
- Route deviation,
- Intercity bus and rail,
- Shuttles, such as for workplaces or hotels,
- Demand-response programs such as ADA complementary paratransit or rural general public dial a rides,
- Taxi,
- Vanpools and rideshare,
- Volunteer driver programs,
- Medical transportation providers
- And other transportation services.

Also identify other non-traditional providers and transportation support programs.

- Transit support services, such as travel training
- Voucher and other transit pass programs
- Transportation Brokers

Which of the social and human service providers also provide some level of transportation to their clients? Are they open to leveraging resources, including sharing vehicles, and expanding or changing services?

3. Data and Information

In this section, outline information about people with special transportation needs. The stakeholder group should be very helpful determining this information as will analysis of the demographic data. Consider using maps. Producing maps as part of the planning process can assist planners with identifying unmet transportation needs and developing effective transportation alternatives. Additionally, maps can be an effective means of showing decision-makers and members of the public gaps in transportation services.

Demographics

Where do people live; how many of them are there? Is the population growing or shrinking? You should investigate demographic data that

[9] Fleet information financed with ODOT grants is available upon request.

will tell you the numbers: how many people live below the poverty line; what percentage of seniors live in your area; how many people report disabilities; what is the population of non-English speaking people? At a minimum, the following data elements should be included[10]:

- Total population;
- Number and percentage of population aged 65 or older;
- Number and percentage of people with disabilities, aged 5+;
- Mean travel time to work (in minutes);
- Median household income;
- Percentage unemployed;
- Land area;
- Persons per square mile

Surveys

Consider surveying consumers and agencies where people with disabilities receive services, including housing, churches, meal sites, and clinics. The survey could ask questions about the use of transportation and the perception of unmet transportation needs. A survey can be on paper, an interview, a forum or a focus group.

Common Origins

Identify locations in the community where groups of people reside such as group homes, assisted living centers, nursing homes, group homes, areas with affordable housing, and others as suggested by your stakeholder group.

- Where are people with disabilities located in your planning area?
- Where are people of low income located in your planning area?
- Where are young people and the elderly located in your planning area?
- Are there any of these locations which are common to all or some of the subgroups which constitute people with special transportation needs?

Common Destinations

Identify places that may constitute common destinations. Consider entry level employment opportunities, childcare facilities, schools,

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[10] *These data elements are available from the US Census http://www.census.gov/ , Oregon Labor Trends http://www.qualityinfo.org/olmisj/PubReader?itemid=00000051, and Future of Long Term Care website http://www.oregon.gov/DHS/spwpd/ltc/fltc/county_data.shtml .*

medical centers, shopping districts and others as suggested by the stakeholder group.

- Where do people with disabilities in your planning area need to get to?
- Where do people of low income in your planning area need to get to?
- Where do young people and the elderly in your planning area need to get to?
- Are there any of these locations which are common to all or some of the subgroups which constitute people with special transportation needs?

4. Identify Unmet Transportation Needs

Using the data collected, identify and document the various types of transportation challenges and "gaps" in existing transportation services. Compare the origins and destinations of people with special needs with the existing transportation services. Identify the unmet needs and possible wasteful duplication of efforts in certain areas.

By identifying the unmet needs of the area, stakeholders can identify the strategies and/or activities that are most appropriate and useful to gaining access to the community. It is important to also consider coordination opportunities to make services more efficient when identifying these strategies.

5. Develop Transportation Priorities

Identify and document potential transportation strategies and/or activities that will address the identified unmet needs. These strategies and/or activities will vary in each area depending on the resources available, the size of the market for each alternative and the extent of existing services.

Options may include sustaining existing services and adding efficiencies through coordination, marketing or travel training; increasing service levels; extending hours or territory; starting employer vanpool services; developing a voucher program; or developing volunteer driver services. Do not forget to consider technology solutions. It is not necessary to design the solution in specific operational terms.

Coordination

Identify how coordinated transportation will be utilized within your transportation alternatives. Is there a plan to leverage different resources against each other? Are there different subgroups of people with special transportation needs that are going to share rides or at least both use the same vehicle at different times? What about administration? Will there be a sharing of dispatch or a mobility coordinator who can help find individuals transportation solutions or assist in travel training? Coordination should be considered when setting your community priorities.

Community Priorities

Review the strategies and/or activities and review the coordination goals. There might be a long list of potential strategies and/or solutions; the first step in prioritization could be to shorten the list by identifying the preferred strategies. Prioritize the preferred solutions and/or activities to address the current and unmet needs in the community.

Document priorities by describing each solution and/or activity, and the expected outcome, in priority order. Document the process for identifying the solutions and/or activities and priority rankings. Who was included? What role did coordinated transportation play in your prioritization?

Local providers will refer to this plan when they apply for funding through ODOT's Public Transportation Discretionary Grant Program and from the STF Agency's STF Formula Fund program.

6. Plan Review and Adoption

Summarize the public opportunities for plan review and comment. Document the date of the formal adoption of the plan, and the STF Agency members.

Amending the Plan

Plans should not sit on the shelf—they should have a life. The STF committee and STF Agency will use the plan to distribute STF formula funds; the local transportation providers will use the plan to develop new services. But, situations change, and the plan should change, too. Change the plan when an update is needed. The STF law requires that the plan be reviewed every three years, so use the three year review to update the plan to reflect changes in the community.

Appendix C:

Involving People with Disabilities as Members of Advisory Groups[11]

Research and Training Center on Disability in Rural Communities,

The University of Montana Rural Institute[12]

March 2004; Revised July 2004

Service providers, schools, parks departments, public health agencies and other organizations make decisions and policies that profoundly affect the health, employment, income and well-being of people with disabilities. This capacity carries the obligation to involve the people most affected by including individuals with disabilities in the decision-making process. This Guideline offers suggestions on how to involve people with disabilities as active members and advisors of your group. Many of these suggestions may be helpful to all participants, including those without disabilities.

Educating Yourself and Your Group: Many people are unfamiliar with the complex social, economic, political, and cultural ramifications of disability in our society. Your group should educate itself about the basics of disability: 1. It is a normal part of life; 2. As many as 54 million Americans experience disability; 3. Citizens with disabilities share the same rights and responsibilities as other Americans; and 4. It is important that these people be represented in community and government decision-making.

People-first language: With proper accommodations, many people with disability can effectively participate in advisory groups. An important step is becoming aware of how we talk about disability. How society views and treats people with disabilities affects how they feel and how they feel about themselves. If we use "people first" language for example, we acknowledge that a disability is one attribute of the complex package that makes up a human being. It's not a person's primary identity. People first language describes what a person has or does, not what a person is. For

[11] Lisa Brennan, Meg Traci and Diana Spas, RTC: Rural, 2004. Edited by Jean Palmateer, Oregon Department of Transportation Public Transit Division for use in this Guidebook, 2007.

[12] The University of Montana Rural Institute: A Center of Excellence in Disability Education, Research and Services, 52 Corbin Hall, Missoula, MT 59812-7056, (888) 268-2743 toll-free; (406) 243-5467 V; (406) 243-4200 TT; (406) 243-2349 (fax) http://rtc.ruralinstitute.umt.edu | http://mtdh.ruralinstitute.umt.edu

example, instead of saying "a wheelchair-bound woman," say "a woman who uses a wheelchair". Emphasize a person's role in our society: "An employee with a disability" or "A student with a hearing impairment". If you're inviting people with disabilities to join an advisory board, your language should emphasize their primary roles as "members", "participants", and "advisors." To learn more about people first language, visit the Disability is Natural web site at http://www.disabilityisnatural.com .

Recruiting Participants: Recruiting advisory board members can be difficult. Many directors of policy-making groups may not know anyone with a disability, much less anyone willing and able to participate actively in guiding an organization's decisions. The key is knowing whom to ask for recommendations. Here are some suggestions:

1. Call the director of your local Center for Independent Living (CIL). CILs educate people with disabilities on legislative and policy issues, and support and train them in individual and collective advocacy on local, state and national levels.

2. Visit the National Dissemination Center for Children with Disabilities web site at http://www.nichcy.org and select "State Resources". The Center maintains
frequently-updated lists of disability resources for each state. Then, solicit recommendations from your state:

A. Vocational Rehabilitation (VR) Services Division: Staff can refer you to local VR counselors who may be able to recommend individuals with whom they've worked.

B. Developmental Disabilities Division: Staff can refer you to local disability service providers for recommendations. Service providers are likely to know individuals who are effective at expressing their ideas and opinions and directing their own lives.

C. Council on Developmental Disabilities: Councils are excellent resources for recommending individuals with disabilities for boards as Council membership is 60% consumer driven. Councils can also provide valuable information on the training needs and assistance necessary to support individuals with disabilities in their leadership roles.

D. People First; Self-Advocates Becoming Empowered (SABE); and/or ADAPT organization. These organizations train and support

people with disabilities in advocating for their individual and collective rights. Members of these organizations will already be interested and experienced in communicating their opinions, traveling, attending meetings and following meeting procedures.

E. Parent Training and Information Center: These provide information, support, training and assistance to families of children and adults with disabilities. Staff can refer you to parents and/or adults with intellectual/developmental disabilities who have been trained in advocacy.

Accommodations: People with disabilities may need specific accommodations in order to participate fully in meetings, discussions and decision-making. Access is the first thing to consider when you're planning an event involving participants with disabilities. Physical access involves travel plans, hotel rooms, parking lots, sidewalks, ramps, meeting rooms, meals, and bathrooms. Information access involves presentations, discussions, and materials.

Physical Access: Ask people what they need. Travel can be challenging for participants with disabilities, especially in rural areas where distances may be great, the weather unpredictable, and airline services non-existent, minimal, expensive, and/or requiring the ability to climb stairs . Some travelers may need the reasonable accommodation of a personal assistant, a service dog, or a driver, so be prepared to factor that into travel expenses and hotel accommodations. Some participants may need equipment or supplies (such as oxygen or motorized scooters) available for use during their visits. If people arrive by air, appropriate transportation between airport, hotel, and meeting location must be arranged.

Use a checklist to assess the physical accessibility of the meeting location. The
Americans with Disabilities Act Checklist for Readily Achievable Barrier Removal is available from your regional Disability and Business Technical Assistance Center by calling 1-800-949-4ADA or you can download it free at
http://www.usdoj.gov/crt/ada/checkweb.htm. This checklist leads you through the steps of evaluating the four priorities for removing physical barriers: 1) accessible approach and entrance, 2) access to amenities, 3) access to restrooms, and 4) any "other necessary measures".

"Other necessary measures" meet individual needs, such as a text telephone

(TTY/TTD) for participants with hearing impairments, or a restriction on the use of perfume or other scented products to accommodate participants with asthma and chemical sensitivities. Some people with mobility impairments are sensitive to cold, so check to see if you can control the temperature of meeting rooms.

Snacks and meals can present inadvertent barriers. Participants on special diets or with disabilities associated with increased appetite (such as Prader Willi Syndrome) may be distracted if food is available in the meeting room. In this case, it's best to restrict eating to a separate area. Participants who use wheelchairs, crutches, or walkers may have a difficult time negotiating a buffet line and may need someone to serve and carry their food. Participants with visual impairments also may need someone to describe the menu choices, serve and carry their food, and orient them to the location of each item on their plates. Finally, when planning the menu, consider food allergies and include options for vegetarians and people on special diets.

Information Access and Exchange:

Agenda: The best input comes from prepared participants who have time to think, ask questions, and form opinions prior to the meeting. One week before the meeting, provide the agenda to participants with cognitive disabilities, and offer to discuss it, the meeting's expected outcomes, and any unfamiliar words and concepts. Schedule preparation time close enough to the date of the meeting so that participants remember their careful preparations by the time of the meeting. Participants who use augmentative communication devices might need preparation time to compose responses for later use. Preparation time is also a great opportunity for the meeting leader to note participants' comments to use as discussion prompts during the meeting ("Eric, you were saying something interesting the other day about taking the city bus to work. Would you share that with the group?").

Outcomes and Transitions: Clearly state your anticipated outcomes at the beginning of the meeting and review them at the end of the meeting. Make sure that all participants (and their assistants) agree upon and understand work assignments and the schedule for future meetings. Send copies of the minutes (for alternative formats, see "Print Materials", below) to participants within two weeks and follow-up with a call to clarify work assignments and answer any questions. Transition times are important. As you move to the meeting, from the meeting to a break or lunch and then

back to the meeting, let participants know what to expect and what's expected of them. Tell them how much time they'll have for breaks; where coat racks, bathrooms and dining room are located; and describe the food set-up. Tell them if meal seating is assigned and if they'll be expected to continue working through lunch or listen to a presentation.

Oral information: Participants with hearing impairments may need sign language interpretation, real-time reporting, or preferred seating in order to see the interpreter or the speakers' lips. Videotaped information should be open-captioned, which means that the entire audience sees the captions without the need for special equipment. Sign language interpreters will appreciate receiving an advance print copy of each presentation. Advance copies are also useful for "cognitive interpreters" or personal assistants who can break concepts down into shorter, more-meaningful segments for participants with cognitive disabilities.

Presenters should organize no more than three major points for each 15 minutes of presentation. Speak at a comfortable pace, slowly enough to be clear but not patronizing. Orally describe all graphics (PowerPoint slides, flow charts, photos or other visual aids) for participants with visual impairments. For example: "This table shows the types of transportation used by people in our town for different activities. It has four columns labeled 'Work', 'Shopping', 'Medical', and 'Social'. It has five rows labeled 'Bus/Van', 'Automobile', 'Walk/Wheel', 'Bicycle', and 'Other'. In row 4, 'Medical', the numbers indicate that most people use automobiles for transportation, but many also rely on buses and vans. These are higher numbers than for work, shopping or social activities."

Discussion: Allow time during the meeting for participants to ask questions and make comments. If participants use alternative forms of communication or augmentative communication devices, allow adequate time for them to formulate their responses. Draw passive participants into the discussion by asking questions that require more than "yes", "no", or one-word responses: "Susan, if the bus stopped in your neighborhood, where would you like to go on it?", rather than "Susan, do you wish the bus would stop close to your house?".

Print materials: All materials used at meetings or focus groups should be available in alternative formats for participants with visual disabilities. Save a copy of each document as a text file (without formatting) for easy

conversion to large print and/or for copying and distributing on CD or disk for use with computer screen-reading software. Please note that only the most-current screen-reading software can read PDF (portable document format) files and that figures, tables and graphics still require narrative descriptions. University of Oregon Adaptive Technology, Providing Alternative Format Documents offers guidelines on preparing alternative format documents, including ASCII DOS text and large print. http://darkwing.uoregon.edu/~atl/alt_text_home.html

For Braille documents, there are several companies which provide this service, please use any search engine to locate them.

Identify and anticipate your audience's needs. Print information is accessible to most people, but is a significant barrier for people with visual or cognitive disabilities. Provide information in multiple modes and allow enough time to review print materials prior to the meeting. Write clearly and simply at a 4th to 6th grade reading level. Although materials should be visually appealing, use a plain font and minimize the use of bolding and italics. People with cognitive and specific learning disabilities may find pictures easier to understand than text. Using color is also effective, for example: "On the pink page, there's a map of local bus routes, and page 2 has a bus schedule inside the blue box."

Participants with limited dexterity may find turning pages easier if meeting materials are hole-punched and provided in a binder. If there are a lot of materials, think about giving everyone a complimentary tote bag (with the group's name and logo) for carrying their meeting materials. Supports like this can foster a group identity and provide a means to transport handouts and supplies more easily.

Appendix D: Bylaws

Bylaws are written rules that provide basic guidelines for the purpose and conduct of organizations. Bylaws describing STF Advisory Committees membership, terms of office and functions are required by STF rule. The bylaws should also include procedures of the committee, meeting schedule and other operating and decision-making procedures.

In developing bylaws, the STF Committee is free to adopt any rules it may wish, subject to higher governing authority such as the governing body of the STF Agency or laws.

Sample Bylaws

The following outline is a sample bylaw that may be adapted to meet specific needs. There are brackets in which specific information may be included. Additional samples are available upon request.

ARTICLE I — NAME AND PURPOSE

Section 1 — Name: The name of the organization shall be [x]. It shall be an advisory committee organized under the laws of the State of Oregon, ORS 391.800 Elderly and Disabled Special Transportation Fund, and is the Special Transportation Funds Advisory Committee for the STF Agency, [*x*].

Section 2 — Purpose: The purpose of this advisory committee is to advise and assist the governing body of the STF Agency [*x*] in carrying out the purposes of ORS 391.800 to 391.830.

ARTICLE II — Committee Role

Section 1 — STF advisory committee role: The advisory committee will perform the following:

[(a) Advise the governing body of the STF Agency regarding the opportunities to coordinate STF moneys and STF-funded projects with other transportation programs and services to avoid duplication and gaps in service;

(b) Review the proposed distribution of Formula Program moneys and make recommendations to the STF Agency;

(c) Review Discretionary Grant proposals and make recommendations to the STF Agency;

(d) Participate in developing and updating of the STF Plan.

As necessary to perform these tasks, the advisory committee will develop processes and procedures to identify projects for potential funding. The advisory committee will review the projects proposed for funding, including the proposed recipient, project purpose, intended user of the service, and the proposed funding level.

The advisory committee may recommend to the STF Agency any changes to the proposed distribution of Formula Program moneys or Discretionary Grant applications it considers necessary.

Describe additional tasks, such as review reports, inspect equipment and facilities, etc. as appropriate to the functioning of the committee.]

The advisory committee will not *[lobby, add tasks that the advisory committee will*
not perform].

ARTICLE III — ADVISORY COMMITTEE MEMBERS

Section 1 — Membership Qualifications: Advisory Committee membership shall consist of individuals reside within the boundaries of the area governed by the STF Agency and must be one of the following:
(a) A person who is an elderly or disabled individual and uses transportation services;
(b) A person who is an elderly or disabled individual and lives in an area where there are no public transportation services;
(c) An individual engaged in providing transportation services to the elderly or disabled;
(d) A representative of elderly individuals; or
(e) A representative of disabled individuals.

Section 2 —Committee Composition: [*Identify the specific committee composition requirements and geographic balance goals.]*

Section 3 —Appointment of Members: The governing body of the STF Agency shall appoint members to the STF Advisory Committee.

Section 4 — STF advisory committee size, and compensation: The STF advisory committee shall have up to [x], but not fewer than 5 members. The STF advisory committee receives no compensation other than

reasonable expenses.

Section 5 — Terms of membership: All advisory committee members shall serve [x-year] terms, but are eligible for re-appointment for up to [x] consecutive terms.

Section 6 — Meetings and notice: The advisory committee shall meet at least [x times per year], at [x] time and [x] place.

Section 7 — STF advisory committee elections: An election of the members will determine the officers of the advisory committee. This election shall take place during a regular meeting of the advisory committee, called in accordance with the provisions of these bylaws.

Section 8 — Election procedures: New officers shall be elected by a majority of members present at such a meeting, provided there is a quorum present. Officers so elected shall serve a term beginning on the first day of the next fiscal year.

Section 9 — Officers and Duties: There shall be two officers of the STF advisory committee, consisting of a chair and vice-chair. Their duties are as follows:

The chair shall convene regularly scheduled STF advisory committee meetings. The chair represents the advisory committee at meetings and communications with the governing body of the STF Agency.

The vice-chair shall chair committees on special subjects as designated by the STF advisory committee. The vice-chair shall convene the STF advisory committee meetings in the absence of the chair.

Section 10— Vacancies: When a vacancy on the STF advisory committee exists mid-term, the governing STF advisory committee of the STF Agency shall appoint members to fill vacancies.

Section 11 — Resignation, termination, and absences: Resignation from the STF advisory committee must be in writing and received by the secretary. A committee member shall be terminated from the STF advisory committee due to excess absences, more than two unexcused absences from STF advisory committee meetings in a year. A STF advisory committee member may be removed for other reasons by a three-fourths vote of the remaining directors.

Section 13 — Special meetings: Special meetings of the STF advisory committee shall be called upon the request of the governing board of the STF Agency, the chair, or the STF administrator. Notices of special meetings shall be sent out by the STF administrator to each STF advisory committee member at least two weeks in advance.

ARTICLE IV — COMMITTEES

Section 1 — Committee formation: The STF advisory committee may create committees as needed, such as fundraising, housing, public relations, data collection, etc. The STF advisory committee Chair appoints all committee chairs.

ARTICLE V — STF ADMINISTRATOR DUTIES

Section 1 —STF Administrator: The STF Administrator is designated or assigned by the governing body of the STF Agency. The STF Administrator has day-to-day responsibilities for the STF Program, including carrying out the STF Agency's goals and policies. The STF Administrator shall be responsible for keeping records of STF advisory committee actions, including overseeing the taking of minutes at all STF advisory committee meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each STF advisory committee member, and assuring that records are maintained. The STF Administrator is responsible to ensure that provider reports are completed and submitted as required, and will make records available to the STF advisory committee as necessary for the proper function of the committee. The STF Administrator may perform additional duties at the direction of the governing board of the STF Agency.

The STF Administrator will attend all STF advisory committee meetings, report on the progress of the STF Program, answer questions of the STF advisory committee members and carry out the duties described in the job description. The STF advisory committee may request other duties as necessary.

ARTICLE VI — COMMITTEE OPERATING PROCEDURES

Section 1—Meeting schedule *[Describe number and frequency of meetings]*

Section 2—Decision-making: The committee will use the following process to make decisions: *[Describe how the committee will make decision, e.g. vote, consensus, etc.]*

Section 3 — Quorum: A quorum must be attended by at least forty percent of STF advisory committee members for business transactions to take place and motions to pass.

[Add procedures as necessary.]

ARTICLE VI — AMENDMENTS

Section 1 — Amendments: These bylaws may be amended when necessary by two-thirds majority of the advisory committee members. Proposed amendments must be submitted to the secretary to be sent out with regular STF advisory committee announcements.

CERTIFICATION
These bylaws were approved at a meeting of the STF advisory committee members by a two thirds majority vote on *[x]**.***

Secretary Date