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State Management Plan for Public Transportation Programs

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I. Introduction

1. Document Purpose

The United States Department of Transportation, Federal Transit Administration (FTA) requires that each state adopt policies and procedures to be used in administering the FTA Sections 5307, 5309, 5310, 5311, 5311(f) and 5339 grant programs and publish them in a State Management Plan. This document is the State Management Plan adopted by the Oregon Department of Transportation (ODOT), Rail and Public Transit Division (RPTD).

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

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

RPTD supplements the guidance in this plan with a web-based guidance library and provider handbook to provide more detailed information for subrecipients regarding meeting federal requirements. [RPTD Resources](#)

2. Agency Mission

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

3. State Policy Guidance

The [Oregon Transportation Plan](#) (OTP) adopted September 20, 2006, is the state's long-range multimodal transportation plan and is used as guidance by RPTD. The OTP addresses the future needs of Oregon's airports; bicycle and pedestrian facilities; highways and roadways; pipelines; ports and waterway facilities; public transportation; and railroads through the year 2030. It establishes a vision of a balanced, multimodal transportation system and provides a framework for policy objectives. The OTP emphasizes maintaining assets in place, optimizing the existing system performance through technology and better system integration, creating sustainable funding, and investing in strategic capacity enhancements. The OTP also provides a framework for prioritizing transportation improvements based on varied future revenue conditions, but it does not identify specific projects for development.

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

programs. RPTD's programs are designed to implement the OPTP. The OPTP is in the process of being updated and the tentative schedule for completion is in 2017. It is expected that this update will inform future policy updates for the State Management Plan.

4. Programs and Authority

The Governor of the State of Oregon designated ODOT as the administrative agent for the following FTA programs: Metropolitan & Statewide Planning (§5303 and §5304), Enhanced Mobility of Seniors and Individuals with Disabilities (§5310), Formula Grants for Rural Areas (§5311), Intercity Bus (§5311(f)), and Bus and Bus Facilities Formula Grants (§5339). The Governor also designated responsibility for Urbanized Area Formula Program (§5307) for small urban transit agencies, including Central Oregon Intergovernmental Council, City of Corvallis, Rogue Valley Transportation District, City of Albany, Josephine County Transportation, and City of Milton-Freewater as direct recipients of the Urbanized Area Formula Program (§5307). RPTD has responsibility to authorize a supplemental agreement for the FTA to execute grants in a direct relationship with the small urban providers. RPTD is also the Oregon state agency in charge of the state's Special Transportation Fund, Oregon Streetcar Project Fund, and Transportation Options programs.

5. Roles and Responsibilities

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

Federal Transit Administration

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

Oregon Transportation Commission

The Oregon Transportation Commission (OTC) is responsible for approving the operations and budget of ODOT. The OTC establishes state transportation policy and guides the planning, development, and management of a statewide integrated transportation network including highways, public transportation, rail, transportation safety, motor carrier transportation, and drivers and motor vehicles. The OTC approves certain policies related to RPTD, including those

for grant programs, and approves certain discretionary funding decisions. OTC members are appointed by the Governor. The commission meets monthly.

Rail and Public Transit Division and Other ODOT Agencies

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

Public Transportation Advisory Committee

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

The committee's membership is a diverse representation of public transportation stakeholders, including representatives from: general public providers in urban areas with over 200,000 in population; urban areas with 50,000 - 200,000 in population; small communities with fewer than 50,000 residents; private for-profit intercity bus providers; Indian tribal governments; the Association of Oregon Counties; the League of Oregon Cities; the Statewide Independent Living Council; the Transportation Options Group of Oregon; the Oregon Department of Human Services – Vocational Rehabilitation; the Oregon Disabilities Commission; the Governor's Commission on Senior Services; the Oregon Passenger Rail Advisory Council; and a citizen-at-large. [PTAC Information](#)

Area Commissions on Transportation

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

work with other local organizations dealing with transportation-related issues, including public transit. Public transit agency representatives are appointed members of the ACTs.

Oregon Transit Association

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

Metropolitan Planning Organizations

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

Transportation Options Group of Oregon

The Transportation Options Group of Oregon (ToGo) represents Oregon's primary association of professionals and advocates collaborating to promote a balanced and integrated system of transportation alternatives to the single-occupant vehicle. It strives to communicate its vision for transportation options in Oregon to policy makers. The group is actively involved with public transportation issues and has a seat on the Public Transportation Advisory Committee.

Special Transportation Fund Agencies

The STF Agencies are the 42 counties, transit districts, and Indian tribes designated by Oregon law to receive the state's Special Transportation Fund. These agencies are designated by RPTD as "coordinating entities" for the §5310 program and as "lead agencies" for the purpose of adopting the locally-developed coordinated public transit-human service plans required by FTA. The STF Agencies, in coordination with local transit providers and other stakeholders, identify projects for funding with a variety of local, state, and federal funds. The STF Agencies act to oversee implementation of the local projects.

Public Transportation Providers

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

II. Brief Overview of Programs

RPTD manages several sources of federal and state financial assistance. Complete descriptions for each of the fund sources and the discretionary grant programs are described in Sections VIII through XVI of this document.

1. Formula Grants for Rural Areas Program (§5311)

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

- a. A financial assistance program for Formula Grants for Rural Areas
- b. An intercity bus component of the Transit Network Program
- c. A technical assistance program called the Rural Transit Assistance Program

Financial Assistance for Formula Grants for Rural Areas Program

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

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

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

Rural Transit Assistance Program

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

special needs programs; additional funds from state and other sources are added to support urban and transportation options providers' training.

2. Enhanced Mobility of Seniors and Individuals with Disabilities Program (§5310)

ODOT's Enhanced Mobility of Seniors and Individuals with Disabilities program is composed of the FTA's Enhanced Mobility of Seniors and Individuals with Disabilities (§5310) Program, and funds transferred from the U.S. DOT Surface Transportation Program (STP). The Enhanced Mobility of Seniors and Individuals with Disabilities Program provides funds for projects that are designed to benefit seniors and persons with disabilities. Oregon receives the Enhanced Mobility of Seniors and Individuals with Disabilities Program (§5310) funds through an annual apportionment from Congress. ODOT provides the STP funds to the program through an allowable discretionary transfer.

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

Eligible activities include capital purchases such as vehicles; passenger shelters; purchased services; vehicle and facility preventive maintenance; developing and operating systems for improving coordinated access to transportation (e.g., travel training, marketing programs, or development of centralized call centers); and other equipment that supports transportation to meet the special needs of seniors and persons with disabilities. Oregon encourages the use of §5310 funds for mobility management that increases the network of coordinated transportation options for seniors and individuals with disabilities and also, as space available, low income and other populations that benefit from improved access to affordable travel options. All projects funded with §5310 must be derived from a locally developed coordinated public transit-human service transportation plan, in Oregon known as the "Coordinated Plan".

3. Bus and Bus Facilities Program (§5339)

The Bus and Bus Facilities Program was offered in 2014 as a competitive solicitation for maintaining existing fleet for RPTD current program participants who meet federal requirements. Plans are to develop this program into support for both facilities and fleet; to keep both in a state of good repair; and to strategically improve the state's public transportation network infrastructure for rural and small urban systems. A facilities needs analysis and asset management plan will be incorporated into this program both at state and local level.

4. Special Transportation Fund Program

The Special Transportation Fund (STF) program is a state-funded program, defined by Oregon Revised Statute (ORS) 391.800.830 and Oregon Administrative Rules (OAR) Chapter 732. The program's purpose is to provide an ongoing source of financial support for transportation services benefiting seniors and individuals with disabilities.

The STF is composed of STF Formula and STF Discretionary funds. Program subrecipients, called STF Agencies, are defined by statute: 42 designated counties, transit districts and Indian tribal governments.

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

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

5. Transit Planning Program

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

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

ODOT is the designated recipient of the Metropolitan Transportation Planning Program (§5303). The ODOT Planning Section administers these funds. Funds are distributed by formula to Oregon's MPOs. Funds are dedicated to the fulfillment of each MPO's UPWP which details the

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

Statewide Public Transportation Planning, §5304 is available to support the statewide public transportation planning efforts and assist local improvements in public transportation network development. In addition, a portion of the §5311 administration may be used to finance rural-area planning as well as other federal and state resources.

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

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

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

Examples of planning projects:

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

6. Mass Transit Vehicle Replacement Program

The Mass Transit Vehicle Replacement Program provides U.S. DOT STP funds to large urban transit agencies (populations greater than 200,000) for urgent capital vehicle replacements. This discretionary program has traditionally been offered on a biennial basis. After the projects are

selected for funding, the STP funds are transferred from the highway program into the §5307 program. The urban transit agencies then apply directly to FTA for the vehicle grants.

7. Transportation Options Program

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

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

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

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

[Drive Less Connect](#) is an interactive ride-match service and database that was launched in 2011. It unifies Oregon's previously fragmented ridesharing services into a system that is both statewide and interstate, including Washington and Idaho. RPTD coordinates with King County Metro, which manages the carpool tool, and Washington Department of Transportation, which funded the original implementation of the program.

8. Transit Network Program

The Transit Network Program focuses on the statewide transit network with the aim of improving system function. The Transit Network Program works to improve the statewide transit network made up of local transit, regional transit, intercity transit, for-profit providers,

and public transit services. Intercity Bus §5311(f) program funds and other sources are used to support the Transit Network Program.

9. Special Projects

From time to time, the Oregon State legislature or FTA will request projects or activities that are outside of standard programs.

III. Program, Grant, and Financial Management Procedures

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

This section describes the administrative responsibilities of RPTD and its subrecipients related to the receipt of federal funds. The obligation is to ensure that the requirements of various federal funds are met for programs including, but not limited to, §5307, §5310, §5311, and §5339.

Generally, federal Office of Management and Budget (OMB) regulations govern the management and oversight of federal grant funds and the requirements are defined by the various OMB circulars. The requirements for the U.S. DOT FTA further define the requirements as defined by 49 U.S.C. Chapter 53, and are detailed by the program circulars and the Master Agreement which is the agreement between ODOT and FTA.

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

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

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

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

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

A few of the relevant references are:

- a. 49 U.S.C. Chapter 53: <https://www.transit.dot.gov/FAST>
- b. FTA grant circulars: <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars>
- c. FTA circular 5010.1E (grant management):
<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e>
- d. FTA C 4220.1F (procurement) : <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/third-party-contracting-guidance>

- e. 49 CFR Part 19 (financial management for private nonprofits):replaced by Super Circular (see link in h)
- f. 49 CFR Part 18 (the Common Rule): replaced by Super Circular (see link in h)
- g. FTA regulations: <https://www.transit.dot.gov/regulations-and-guidance/regulations-and-guidance>
- h. OMB circulars: https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

1. RPTD Program Administration

RPTD is responsible for administration of FTA and state programs. Ten percent of the annual appropriation of §5311 (including STP transfers) and 10 percent of the §5307, §5310 appropriations are allowed for state administration and technical assistance. The OMB “Super Circular” codified at 2 CFR Part 200 identifies the allowable state administrative costs for these programs. A portion of the §5311 administrative allocation may be granted to local providers for eligible planning projects. Funding applied to planning projects must be accommodated within the 10 percent limitation for administration. RTAP is not included in the state administrative set-aside; it has its own allocation of funding, determined annually by Congress. Administration of the state-funded programs is determined by the cost of administration; not by a percentage.

The primary administrative duties of RPTD for the FTA’s programs include:

- a. Prepare and maintain the State Management Plan for §5310, §5311, and §5339. Provide an opportunity for public comment when making significant revisions to the plan.
- b. Manage federal grants through FTA’s grant management system, including submittal of the program of projects and reporting as required by FTA.
- c. Announce program availability, grant selection, and eligibility requirements.
- d. Coordinate the transit element of the Statewide Transportation Improvement Program; coordinate MTIPs with the STIP.
- e. Process subrecipient reimbursement requests and make payments in a timely manner.
- f. Monitor subrecipients, including private providers under contract to RPTD, for compliance with federal and state rules; report to FTA and ODOT director as necessary.
- g. Develop and monitor vehicle, facility, and equipment specifications. Monitor subrecipient management of equipment and facilities purchased with grant funds.
- i. Approve indirect costs charged to grants that are not supported by an indirect cost allocation plan approved by a federal cognizant agency.

Administration of Federal Funds

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

As required by the Federal Funding Accountability and Transparency Act of 2006, RPTD reports on federal subawards posted to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) website: <https://www.fsrs.gov/>.

ODOT's financial management system has an internal control structure that permits the tracking of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions applicable to all federal funds, including §5309, §5310, §5311, and §5339.

RPTD submits annual Milestone Progress Reports (MPRs) and Federal Financial Reports (FFRs) on all open §5310 and §5311 grants as required by FTA, and quarterly reports for §5307, §5309, and §5339 grants. These reports are reconciled prior to submission. RPTD's financial management system is used to collect the data for progress reports; the staff reviews data to validate prior to submission. All associated reports including, but not limited to, National Transit Database (NTD), §5310, and §5311 are submitted as required.

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

RPTD reconciles financial statements monthly using ODOT's financial management systems, RPTD's grant management system, and FTA's TeamWeb.

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

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

2. Project Management

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

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

RPTD provides technical assistance to potential applicants and subrecipients receiving §5309, §5310, §5311, and §5339 funds, such as assistance with project planning and preparation of applications; project management and improvement; and compliance with federal requirements. Technical assistance to subrecipients is provided by RPTD staff and consultants.

RPTD provides assistance to enable subrecipients to apply for other federal funds. In cases where RPTD is the recipient of the other federal awards, RPTD will oversee the grant-funded projects in a manner consistent with other federally-funded projects, and in conformance to 5010.1D.

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

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

RPTD conducts proactive activities to maintain good program compliance. For example, RPTD staff provides training prior to grant application opportunities to inform potential applicants of the program requirements. Staff also provide training after grants are awarded to inform subrecipients of their responsibilities. RPTD staff provides one-to-one training as required to keep subrecipient staff informed and on track. RPTD makes additional guidance available on RPTD's website and is continually adding information for best practices.

RPTD may choose to use the results of triennial or other review by FTA in lieu of part or all of a site review performed by or on behalf of RPTD. The agency is asked to submit the FTA review findings and subsequent compliance plans and reports. RPTD evaluates the triennial reviews for any substantive findings that may affect the §5310, §5311, and §5339 programs, and will follow up with the agency as required.

RPTD Responsibilities

RPTD is responsible to:

- a. Identify and provide information to subrecipients about awards.
- b. Inform subrecipients of compliance requirements; for example: financial management standards, reporting and recordkeeping, program income, and local match.
- c. Provide technical assistance and training as necessary and feasible.
- d. Ensure that subrecipient agreements are awarded to eligible entities.
- e. Monitor subrecipient activities.
- f. Ensure that reimbursement requests are accurate and reflect eligible expenses.
- g. Ensure that subrecipients have single audit, as applicable.
- h. Issue management decisions within six months on any subrecipient audit findings and ensure that subrecipient takes corrective action.
- i. Maintain RPTD records and correct records as a result of subrecipient reviews and financial audits.

Subrecipient Responsibilities

Subrecipients receiving funds from RPTD must manage their projects to conform to the most stringent of applicable state or federal laws, rules, and other requirements for all funding sources. Subrecipients are required to conform to Office of Management and Budget regulations: <https://www.whitehouse.gov/omb/circulars/>.

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

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

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

Subrecipient is responsible to:

- a. Administer the grant from award to closeout.
- b. Develop internal policies and systems to ensure effective management of awards and compliance with grant requirements.
- c. Establish strong internal controls for accounting and compliance with grant terms and conditions.
- d. Track receipts, disbursements, assets, liabilities, and balances.
- e. Track and report program income.
- f. To be reimbursed by state and federal grants, costs must meet the following general criteria:
 - i. Be necessary and reasonable for proper and efficient performance and administration of the project,
 - ii. Be an eligible expense,
 - iii. Be treated consistently: a cost may not be assigned to the grant as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a grant as an indirect cost,
 - iv. Be determined in accordance with generally accepted accounting principles,
 - v. Not be included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period,
 - vi. Be the net of all applicable credits, and
 - vii. Be adequately documented
- g. Ensure that organization has a financial management system and any other systems that are appropriate to implement the project, e.g.:
 - i. Procurement
 - ii. Property/capital management
 - iii. Hiring and training employees
 - iv. Contract management/monitoring plan
- h. Establish a budget of the costs required to perform the program/project and a method for monitoring actual costs against the budget. These include:
 - i. A method of tracking and accounting for local match
 - ii. A method to amend the budget as necessary
 - iii. A method of cost allocation when multiple grants may be charged for agency expenses

- i. Keep abreast of changes in policies, procedures, or requirements and advise agency staff of any changes.
- j. Request prior approvals (from RPTD) when necessary.
- k. Subrecipients that provide general public fixed route transit service are responsible for creating and maintaining current GTFS data for their fixed route service(s).
- l. Prepare required quarterly reports and include progress or significant achievements.
- m. Keep RPTD aware and informed about project progress.
- n. Allow inspections of records and facilities.
- o. Subrecipients are obligated to ensure that its subrecipients and vendors comply with federal and state requirements, as appropriate. This is accomplished through inclusion of requirements in sub-agreements and contracts, and a project monitoring process performed by the subrecipient or its delegates.
- p. Subrecipients receiving federal funds in excess of \$750,000 from any source(s) must prepare an audit conducted in accordance with 2 CFR 200.500, Audits of States, Local Governments, and Nonprofit Institutions. The resulting audit and auditor's letter must be submitted to the RPTD on a timely basis.
- q. If a subrecipient has a second-level subrecipient, the second-level subrecipient is responsible for the financial management of federal funds.
 - i. The subrecipient is responsible to ensure that the second-level subrecipient also meets the 2 CFR 200.500 audit requirement
 - ii. The subrecipient will include in its agreement with the second-level subrecipient the requirement that the second-level subrecipient will comply with the requirements of 2 CFR 200.500.
 - iii. The subrecipient shall arrange for RPTD to be sent a copy of the second-level audit
- r. Subrecipients receiving less than \$750,000 in federal funds must submit to the RPTD a copy of any annual audit, if conducted (for example, Municipal Audits) covering the funds expended under current grant agreements with ODOT.
- s. Private for-profit organizations who are subrecipients shall be subject to the audit requirements of the RPTD.

3. Project Monitoring/Project Compliance

RPTD Responsibilities

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

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

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

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

- a. Review the annual audits of subrecipients to ensure that federal and state transit funds are reported in the audits. Maintain copies of the audits for at least three years.
- b. Review the management letter accompanying an audit to determine if there are material findings in these documents that need to be addressed before grant agreements are executed with the subrecipient.
- c. If material findings exist, notify subrecipient of need for corrective action; monitor and provide technical assistance to facilitate closure of these findings.
- d. Issue management decisions within six months on subrecipient audit findings and ensure that subrecipients have taken corrective action to resolve all material findings.
- e. Perform site visits
- f. Perform compliance reviews
- g. Perform ongoing monitoring of site review findings, technical assistance to remedy findings, and reporting of performance.
- h. Review subrecipient reports and other documentation (desk review). These include, but are not limited to, review of:
 - i. Applications
 - ii. Financial and performance reports
 - iii. Certifications and assurances
- i. Pre-approval requirement for certain activities
- j. Third-party compliance evaluation
- k. Provide technical assistance and training
- l. Maintain regular contact with subrecipients via telephone, email, training, other
- m. Follow subrecipient coverage in the news
- n. Assessment of training needs based on analysis and assessment of findings and follow-up

Compliance Review Procedures

The compliance review assesses agency compliance for the transit programs financed by RPTD state and federal funds. Agencies will receive a review at least every five years. Agencies that are determined to be at high risk for managerial or financial weaknesses may be reviewed more frequently. The schedule and level of detail of reviews are based on an assessment of risk, including the following factors:

- a. High awarded dollar amounts
- b. High percentage of award(s) in relation to subrecipient's total budget
- c. Complexity of requirements, meaning the level of knowledge and implementation
- d. Single audit findings and corrective action plans
- e. History of poor performance (e.g., untimely reporting, low quality reports)
- f. Questionable financial stability
- g. Prior negative monitoring findings
- h. Lack of subrecipient experience or lack of sufficient administrative staff
- i. Negative press coverage regarding an operational or fiscal issue
- j. High profile programs (e.g., with significant public interest, or interest of congressional delegation or Oregon legislature)
- k. Date of last compliance review
- l. Complexity of subrecipient operations

Based on the assessment, RPTD will prepare a review schedule. Once the schedule is established, the agencies to be reviewed will be notified. Compliance review materials are sent to the agencies at least 30 days prior to the on-site review date.

Reviewers will use a standard compliance review questionnaire that includes major compliance areas, and areas of interest to RPTD. The [Compliance Field Guide](#) is posted on the RPTD website, and may be updated from time to time. Agencies are encouraged to use the Compliance Field Guide to perform a self-assessment prior to the on-site visit.

Subrecipient Responsibilities

Subrecipients are required to:

- a. For federal funds in excess of \$750,000, submit an audit conducted in accordance with Office of Management and Budget (OMB) Super-Circular, Audits of States, Local Governments, and Nonprofit Institutions. Submit the management letter and any other reports that accompany the annual audit. If a subrecipient has a subcontractor responsible for the financial management of federal funds, and the subrecipient itself is subject to this requirement, the subrecipient shall arrange for RPTD to be sent a copy of the

subcontractor's annual audit.

- b. For federal funds less than \$750,000, an annual audit is not required. However, if an audit is conducted, the subrecipient or subcontractor will submit a copy to RPTD.
- c. Private for-profit organizations who are subrecipients shall be subject to the audit requirements of RPTD.
- d. Subrecipients receiving funds directly from RPTD and who pass-through federal grant funds to a second entity are required to ensure that the funds are subject to an annual audit.
- e. Allow inspections of records and facilities.
- f. Provide all requested records and reports in a timely manner.
- g. Prepare and submit a plan of corrective action to the RPTD if the result of the site review requires such a plan.
- h. Resolve all compliance issues within the timeframe specific in the final report.
- i. Use the site review questionnaire as a self-assessment tool, if necessary.
- j. For subrecipients who pass-through federal grant funds to a second entity, ensure that the funds are subject to an annual audit.
- k. Ensure that sub-subrecipients and vendors comply with federal and state requirements, as appropriate. This is accomplished through a project monitoring process performed by the subrecipient or its delegates.
- l. Attend required trainings.

Agencies Receiving Triennial and Other Reviews from FTA

RPTD may choose not to perform on-site reviews of any §5307, §5311 or other agency that receives a triennial or other review from FTA based on its receipt of FTA funds. The agency will be asked to submit the FTA review findings and subsequent compliance reports. RPTD will evaluate the triennial reviews for any substantive findings that may affect the §5310, §5311, and §5339 programs, and will follow-up with the agency as required.

4. Reporting and Recordkeeping Requirements

Reporting

Subrecipients are required to report on federally-funded activities. There are a number of required reports, including fiscal, performance, vehicle procurement, and vehicle status. The majority of these reports are submitted using the Oregon Public Transit Information System (OPTIS). There are also special purpose reports associated with specific types of funds, such as for the National Transit Database (NTD), Drug and Alcohol Testing, and Charter Bus. Special purpose reports are covered in more depth later in this document.

RPTD requires performance and fiscal reports (and vehicle reports as applicable) from subrecipients for each of its funding programs. Grant payment is based on receipt and approval of these reports along with reimbursement requests. Performance reports document the number of rides, hours, miles, senior rides, and disabled passenger rides. Fiscal reports authenticate quarterly revenues and expenditures, local contributions, sources of contribution, and other data as required by the specific funding source. Capital reimbursements are made based on vendor receipts or maintenance descriptions which are used to verify eligible expenses. Depending upon the type of grant, RPTD may require other types of documentation in order to process reimbursement requests.

Recordkeeping

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

RPTD Responsibilities

- a. Maintain records sufficient to manage the programs and report to FTA, including the annual program of projects status reports and financial status reports.
- b. Report annually as required to NTD, also as required for §5310 and §5339 programs.
- c. Maintain grant reports a minimum of three years after project completion.
- d. Require subrecipients to maintain reports and associated records.
- e. Periodically validate records for accuracy and appropriate documentation during compliance reviews.
- f. Provide appropriate technical assistance when indicated or requested.

Subrecipient Responsibilities

- a. Submit reports as required by executed grant agreement(s) for §5310, §5311, and §5339 programs, including but not limited to NTD, drug and alcohol testing, and program performance measures. Reports will be true, accurate, current, complete, and supported by adequate documentation.
- b. Maintain grant reports and documentation for a minimum of three years after project completion.
- c. Submit periodic performance and vehicle reports as defined in agreement or program guidance documents in the format stipulated by RPTD.

- d. Submit reimbursement requests, with appropriate financial documentation, as determined in agreement or program guidance documents in the invoice format stipulated by RPTD. If the reimbursement request is later found to be incorrect, the subrecipient is obligated to notify RPTD about the change and reimburse overpayment. The subrecipient may submit documentation for additional reimbursement.

5. Procurement and Contracting

RPTD and §5307, §5310, §5311, §5311(f) and §5339 subrecipients must comply with all federal, state and local laws, ordinances, regulations and policies regarding procurement and contracting. Circular 4220.1F documents the FTA's procurement requirements. Subrecipients who are public entities will follow the requirements that apply to state and local governments, called the Common Rule, 49 CFR Part 18; and private nonprofit agencies will comply with 49 CFR Part 19. Both types of agencies will also comply with the following requirements:

- a. Provide for full and open competition.
- b. Exclude the use of in-state or local geographic preference.
- c. Use technical specifications or functional descriptions and performance levels for identifying products or components rather than brand-names.
- d. Allow no contract for rolling stock with a period of performance exceeding five years, unless the funding source is not federal, without FTA approval.
- e. Ensure that purchase orders and contracts executed using federal funds include all clauses required by statutes, executive orders, and implementing regulations.
- f. Use competitive procurement procedures based on the Brooks Act and Davis-Bacon Act prevailing wage rates when contracting for architectural and engineering services and construction projects if the state has not adopted a statute governing procurement of such services. Oregon has adopted statutes that govern procurement of architectural and engineering services.
- g. Follow Circular 4220.1F which applies to all subrecipients who are private nonprofit agencies and that contract with outside sources under FTA assistance programs.

Additional requirements for the state and all subrecipients include:

- a. Maintain a written code of conduct governing the employees who engage in the award and administration of contracts.
- b. Maintain written selection and protest procedures.
- c. Use the appropriate method of procurement.
- d. Ensure the most economic and efficient purchase.

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

Please note that additional guidance for the procurement of capital items is in Sections VI and VII.

RPTD Responsibilities

- a. Comply with state and federal procurement requirements.
- b. Include in grant agreements all federally-required certifications, assurances, and clauses for procurements as appropriate to the type of purchase and price.
- c. Review subrecipient procurement procedures and spot check procurement records, documents, policies, procedures, and processes during site reviews and upon request.
- d. Review subrecipient requests for vehicle leases within 30 days of submittal, and prior to executing a grant agreement. In some instances, FTA approval may be required.
- e. Provide technical assistance in the review of subrecipient requests for proposals, vehicle and construction specifications, bid documents, and subcontracts. Respond within 30 days of request. The FTA Third Party Procurement Manual provides additional technical assistance on procurement.
- f. Comply with ODOT Financial Administration policy 3.1.1, in compliance with 2 CFR 200.500 regarding subrecipient determination.

Subrecipient Responsibilities

- a. Follow the appropriate procurement requirements. For public agencies, comply with the Common Rule (CFR Part 18), plus the federal requirements for procurements defined by FTA Circular 4220.1F ¹. For private nonprofits, comply with the provisions of FTA Circular 4220.1F and 49 CFR Part 19.
- b. Develop written procurement policies and procedures, including a process for handling protests regarding procurements.
- c. Determine whether a contractor is a vendor or a subrecipient, per 2 CFR 200.500. If the second party is defined as a “subrecipient,” the subrecipient must provide to the second party funding information at the time of award, including the Catalog of Federal Domestic Assistance (CFDA) title, number, and federal award dollar amount. It is the obligation of the subrecipient to ensure that the audit, if required of the second party, properly includes the federal award in the Schedule of Expenditures of Federal Award (SEFA). See 2 CFR 200.500 for more information regarding subrecipient and vendor determinations and requirements.
- d. Submit vehicle price comparison and analysis documents with vehicle orders using the state price agreement contracts.
- e. Submit vehicle lease cost comparison to RPTD for review and approval prior to signing a lease agreement.
- f. Follow State of Oregon laws, regulations, and procedures regarding procurement thresholds (dollar amounts) unless federal requirements are more restrictive, then federal requirements apply.
- g. Request technical assistance, as needed, including review of Requests for Proposals (RFP) or Invitations to Bid (ITB), prior to advertising.

6. Public Involvement

ODOT has an adopted a Public Involvement Policy in conformance with federal requirements. RPTD’s [Public Involvement Program](#) is designed to meet ODOT policy and several federal obligations:

- a. Title VI (Civil Rights) defined by FTA Circular 4702.1B, which states that “In order to integrate, into community outreach activities, considerations expressed in the U.S. DOT Order on Environmental Justice, and the U.S. DOT LEP Guidance, recipients and subrecipients should seek out and consider the viewpoints of minority, low-The feincome, and LEP populations in the course of conducting public outreach and

¹ See CFR Part 18: Provide full and open competition; exclude in-state or local preference; include federally required clauses, obtain FTA approval for contracts greater than 5 years; use procedures based on Brooks Act for architectural and engineering procurements unless state statutes have been adopted; use prevailing wage for all construction contracts.

involvement activities. An agency's public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions."

Additionally, RPTD conforms to requirements of the Americans with Disabilities Act.

- b. Statewide Transportation Improvement Plan, defined by:
 - i. ODOT STIP Development Manual
 - ii. Joint FTA/FHWA Planning Regulation: Planning Assistance and Standards, 23 CFR Part 450
 - iii. Land Conservation and Development RPTD Transportation Planning Rule, Statewide Planning Goal # 1, Citizen Involvement
- c. Private sector participation requirements are found in many federal laws, regulations and circulars. Recipients and subrecipients are required to provide private sector providers with a reasonable opportunity to comment on plans and programs and be included in the Public Transit-Human Service Coordinated Plan. The rural and special transportation program circulars with references to private sector participation are:
 - i. 49 U.S.C. 5339 / MAP-21 Section 20029 Bus & Bus Facilities Program & Capital Investment Program Guidance and Application Instructions, Circular C 9300. 1. B, November, 2008
 - ii. Circular 9040.1G Formula Grants for Rural Areas: Program Guidance and Application Instructions, October 24, 2104.
 - iii. Circular 9070.1G Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions, June 6, 2014.

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

RPTD Responsibilities

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

- a. Provide early and continuing public involvement opportunities throughout the planning and programming process, and in the identification of social, economic, and environmental impacts of proposed transportation decisions

- b. Provide timely information about transportation issues and processes to citizens; affected public agencies; representatives of transportation agency employees; private providers of transportation; other interested parties; and segments of the community affected by transportation plans, programs, and projects
- c. Provide reasonable public access to technical and policy information
- d. Provide adequate public notice of public involvement activities and time for public review and comment at key decision points
- e. Establish a process for demonstrating explicit consideration and response to public input during the planning and program development process
- f. Establish a process for seeking out and considering the needs of those who may be underserved by existing transportation systems, including persons with low-income, minority populations and those with limited English proficiency (LEP)
- g. Perform periodic reviews of the effectiveness of the public involvement process to ensure that the process provides full and open access to all and revision of the process as necessary

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

- a. Encourage early and continuous public and stakeholder input through a variety of methods including, but not limited to:
 - i. Public surveys
 - ii. Stakeholder advisory committees, including the PTAC, which is detailed in Section I. The PTAC is RPTD's partner in reviewing policy decisions, fund distribution and awards and other applicable subjects.
 - iii. Technical work groups
 - iv. Website information
 - v. Workshops
 - vi. Annual stakeholder conference
 - vii. Formal solicitation of comments
 - viii. Rulemaking
 - ix. Open public meetings
 - x. ODOT's communications initiative, "ASK ODOT"
 - xi. Outreach programs at the beginning of each planning process
 - xii. Programs, policies, and funding decisions posted on RPTD's website; affected stakeholders notified and invited to comment.

- b. Encourage agencies who are, or who represent, minorities; people with low-income; and people with limited English proficiency to participate in RPTD's programs.
 - i. Seek representation from these groups on all policy advisory committees.
 - ii. Require STF Agencies to have participation from representatives of these groups on their advisory committees.
 - iii. Request people on non-elected boards, commissions, councils, etc., to voluntarily complete a racial/ethnic makeup questionnaire to assist with Title VI compliance.
- c. Provide timely information about transportation issues and processes:
 - i. Post funding opportunities in prominent location on RPTD website and invite participation.
 - ii. Post program policies and funding decisions on the RPTD website; affected stakeholders are notified and invited to comment.
 - iii. Meet regularly with PTAC with time scheduled for public comment. The meetings are open to the public; the meeting schedule and agenda are published on the RPTD website. Meetings are held in accessible locations and with appropriate notice; meeting materials are prepared in alternative formats for individuals with disabilities. Members represent individuals with disabilities, Indian tribes, people with low-income and seniors, as well as the transit community and local government.
 - iv. Meet with state-level stakeholder advisory committees, such as the Oregon Transit Association, DHS Non-Emergency Medical Transportation (NEMT) Brokerage committee, and the Indian Tribal Commission's transportation and human service committees to discuss transportation issues affecting their constituents.
 - v. Consult with stakeholder organizations regarding transportation issues affecting their constituents. Examples include Oregon Transit Association, Association of Area Agencies on Aging, Vocational Rehabilitation, and Association of Oregon Counties.
 - vi. Appoint technical advisory committees and task forces for special purpose projects to leverage technical expertise and obtain a broad spectrum of input.
- d. Offer reasonable access to information:
 - i. Post program materials on RPTD's website.
 - ii. Announce new information to participants and stakeholders at meetings.
 - iii. Make all information available in alternative formats for individuals with disabilities, upon request.

- iv. Provide opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- v. Tailor communications to the particular community or population by using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities.
- e. Provide adequate public notice:
 - i. Ensure that program and planning timelines include a public comment period and are published on RPTD's website and emailed to stakeholders.
 - ii. Post all application materials to RPTD's website.
 - iii. Offer time for adequate review of material at key decision points.
 - iv. Publish grant fund decisions and announce to advisory committees (ACT, MPO, other stakeholders) and include a 45-day comment period. Allow an additional 45 day comment period if substantive changes result.
- f. Demonstrate explicit and considered response to input:
 - i. Maintain documentation of responses.
 - ii. Record advisory meeting minutes and post on RPTD's website.
 - iii. Maintain a dispute resolution process for funding and policy decisions
- g. Seek out and consider needs of traditionally underserved populations. (RPTD grant programs are primarily targeted to rural, low income, seniors, and individuals with disabilities.):
 - i. Require a Coordinated Public Transit-Human Services Transportation Plan to be adopted by every STF Agency.
 - ii. Identify and make available new mapping and planning tools to better identify the needs for other underserved populations.
 - iii. Coordinate with individuals, institutions, or organizations and implement community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities.
 - iv. Hold meetings at locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
 - v. Implement U.S. DOT's policy concerning subrecipients' responsibilities to LEP persons to overcome barriers to public participation.
- h. Provide periodic review of the public involvement process.
- i. Oversee subrecipient implementation of public involvement, specifically:

- i. Define and publish requirements for public involvement generally and more specifically when required for grant application processes.
- ii. Review subrecipient policies and processes during periodic site reviews, and as required for grant programs.
- iii. Provide technical assistance.

Subrecipient Responsibilities

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

- d. Subrecipient is required to provide private sector providers with a reasonable opportunity to comment on plans, programs, and to be included in the Coordinated Plans.
- e. Subrecipient will comply with grant-related public involvement requirements as defined by grant application documents.

7. Planning and Coordination (Including Program of Projects Development)

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

Statewide Transportation Improvement Program (STIP)

The STIP is a four-year document that identifies highway, bridge, transit, and other projects committed for federal funding by ODOT. The STIP identifies projects financed by FTA §5303, §5304, §5309, §5310, §5311, §5339, Surface Transportation Program (STP) funds transferred to §5310, STP transferred to §5307 for mass transit vehicle replacements, and STP funds for innovation and transportation options projects. The state Special Transportation Fund (STF) is also identified in the STIP. RPTD ensures that §5309 projects are identified, as appropriate.

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

MPO-area projects financed with §5310 and STP are listed in the MTIP. RPTD works with MPO staff to ensure that projects identified in the local MTIPs are consistent with the STIP and vice versa.

Annual Program of Projects Development and Approval Process

RPTD prepares and submits Oregon's applications for §5304, §5310, §5311, and §5339 funds to the FTA. The Program of Projects (PoP) is a statement of intent to award project funding to subrecipients through grants and Intergovernmental Agreements. Projects are included in the STIP and TIPs, as required by the FTA.

RPTD manages annual transfers of §5307 to §5311 for the Longview/Kelso/Rainier MPO, which is a bi-state MPO, to be used for rural projects in the same area.

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

RPTD manages the transfer of §5303 to FHWA to be administered by the ODOT Transportation Development Division in conjunction with other MPO funds and plans.

RPTD transfers STP funds and other “flexible funds” to §5310 and §5311 on a project-by-project basis. STP funds are not included in the federal application for appropriated grants each year, but are applied for in a separate application to FTA.

Coordinated Public Transit-Human Services Transportation Plan

The federal MAP-21 transportation authorization passed by Congress in 2012 requires a “locally developed, coordinated public transit-human services transportation plan” (Coordinated Plan) intended to improve transportation services for persons with disabilities, seniors and people with low incomes. The Coordinated Plan is required for the §5310 program.

RPTD must certify to FTA that projects selected for funding in §5310 are identified in Coordinated Plans. RPTD requires that applicants to these programs certify to RPTD that their projects are derived from an adopted plan, and they are required to state the page number in the plan that best reflects the need or priority for the project. §5311 subrecipients are expected to participate in the local planning process but projects are not required to be derived from the plan. Intercity bus providers are also encouraged to participate.

The STF administrative rule requires that STF Agencies (the governing bodies of counties, transportation districts and Indian tribes designated by state law to receive the STF moneys) prepare a plan that will guide the investment of STF moneys to help seniors and individuals with disabilities get needed transportation within that area.

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

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

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

The plan must include the following:

- a. **Stakeholder Involvement:** Stakeholders include: transportation planning agencies, transit providers, private for-profit transportation providers, private nonprofit providers, past subrecipients for §5310 and §5311 funds, social service agencies that fund or provide transportation services, passengers, potential passengers, and various advocacy organizations. Stakeholders also include human service agencies such as area agencies on aging, medical assistance, jobs, temporary assistance for needy families, employment services, vocational rehabilitation, disabilities programs, housing, health care, and mental health. The business community, schools, and faith-based organizations are also included.
- b. **List of Agencies Invited to Participate:** Document the meetings with brief notes and identify stakeholder comments and concerns regarding transportation needs and the plan.
- c. **Data and Analysis:** Collect and analyze data, including demographic, economic, aging, etc., to determine trends and future needs. Analyze existing conditions, including human services, public transportation, and potential riders in the planning area. Use the data to identify unmet and under-met needs.
- d. **Unmet Transportation Needs:** Identify the various types of transportation challenges and gaps in existing transportation services. Compare the origins and destinations of people with special needs with existing transportation services. Identify the unmet needs and possible wasteful duplication of efforts in certain areas. Ask human service organizations and consumers about their perceptions of service gaps and needs.
- e. **Transportation Alternatives:** Prioritize needs, and identify potential solutions in this plan. It is not intended for the plan to design projects and list specific solutions, although specific projects may be identified and prioritized. Transportation solutions will vary in each area depending on the resources available, the size of the market for each alternative, and the extent of existing services.

State and MPO Coordination

Section 5303, Metropolitan Planning Program (MPP) funds are available to carry out the metropolitan transportation planning process and meet the transportation planning requirements of the joint FTA / Federal Highway Administration (FHWA) planning regulations. ODOT Transportation Development Division administers this program in conjunction with State Planning and research funds.

RPTD manages the §5304 Statewide Planning and Research Program for ODOT.

Staff participate in the annual review of the required UPWP that each MPO is required to create, and provide technical assistance regarding transit tasks to be completed.

8. Grant Protest Procedures

RPTD conducts an appeals process to resolve protests of funding, grant awards, or other decisions.

Affected Party Responsibilities

- a. The affected party will address the appeal, in writing, to the RPTD Administrator.
- b. The appeal will be made within the established period allowed or within 30 days of the action appealed.
- c. The appeal will identify the project or proposal affected by a funding decision or the action taken by RPTD that is being appealed.
- d. The appeal will include the subrecipient or proposed subrecipient affected by the decision, any arguments pertaining to the appeal, and the requested remedy.
- e. Within 30 days of receipt of RPTD's written statement of finding the affected agency may file a second appeal, in writing.

RPTD Responsibilities

- a. RPTD will investigate any written appeal and will make a written statement of finding to the protesting agency within 30 days.
- b. If a second letter of appeal is submitted that provides substantive additional information, the Administrator will convene with the Deputy Director and respond within 15 working days with a final action regarding the appeal.
- c. RPTD will review subrecipient protest procedures during the compliance review.

Subrecipient Responsibilities

- a. Subrecipient must maintain written grievance procedures for resolving local disputes, including for contracts, funding decisions, and service delivery.
- b. Subrecipient should notify RPTD of any protests which involve FTA compliance issues.

9. Charter Bus Protections

FTA's Charter Bus Service Rule, which implements 49 U.S.C. 5323(d), protects private charter operators from unauthorized competition from FTA grant recipients/subrecipients. Charter service is typically provided to a group for hire to a specific event—contracted for hire at an agreed upon price—that is not available to the general public. Any organization receiving federal funds for any projects should review [49 CFR 604](#) before agreeing to proceed with any charter operations.

Charter Service Definition:

“Charter service” means:

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

Applicability

The charter rule is not applicable to:

- a. Recipients/subrecipients moving transit employees for transit purposes
- b. Private charter operators that receive Federal assistance (but does apply if the private charter operator is “standing in the shoes” of a public transit agency)
- c. Recipients/subrecipients performing emergency preparedness planning and operations
- d. Recipients/subrecipients responding to immediate emergencies
- e. Recipients/subrecipients in non-urbanized areas transporting its employees for training purposes
- f. Recipients/subrecipients of §5310 or §5311 funds performing charter service that supports “program purposes only” (see 49 CFR 604.3(o) for definition)
- g. Demand response service

Charter Service Standard Exceptions

As noted, organizations receiving FTA funds for equipment and facilities purchased with federal funds are not permitted to provide services that may be considered charter service. However, there are six standard exceptions, which are detailed in the regulation:

- a. Government Officials
- b. Qualified Human Service Organizations (QHSEO)
- c. Leasing FTA-Funded Equipment and Drivers
- d. No Registered Charter Provider Responds to a Notice
- e. Agreement with Registered Charter Providers
- f. Petitions to Administrator

Recordkeeping and Reporting Requirements

- a. If a subrecipient is offering service under one of the exemptions, there is no reporting requirement. A best practice is for the provider to keep records in case there is a complaint later. This can help the provider prove service was exempt.
- b. If a subrecipient is offering a service under one of the exceptions, there are administrative, recordkeeping, and reporting requirements. Review the regulations for recordkeeping detail. RPTD reports to the FTA for all subrecipients covered by the rule. Subrecipients offering service under the exceptions are required to report quarterly to RPTD. The form of the report will be defined by RPTD. Reports are due 15 days after the end of each quarter.

RPTD Responsibilities

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

Subrecipient Responsibilities

- a. Sign annual certification of compliance pertaining to Charter Services.
- b. Read and understand and follow the requirements of the [49 CFR Part 604](#) if an agency is,

or may be, engaging in charter service.

- c. Keep required charter service records as required by the Charter Service regulations.
- d. Report quarterly to RPTD, as requested (see [Charter Service Report Form](#)).
- e. Contact RPTD staff for technical assistance.

10. School Bus Regulations

§5310 and §5311 subrecipients are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally-funded equipment or facilities may not be used to provide exclusive school bus service. Head Start transportation is considered human service transportation and not school bus service. Regulations are found in 49 CFR Part 605; 49 U.S.C. 5323 (f).

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

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

RPTD Responsibilities

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

Subrecipient Responsibilities

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

11. Safety Authority

RPTD expects all vehicles and equipment to be adequately maintained and operated in a safe manner.

FTA and RPTD have the authority to withhold financial assistance from a subrecipient that fails to correct a condition which FTA or RPTD believes creates a serious hazard of death or injury.

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

RPTD Responsibilities

- a. Perform document reviews as part of preventive maintenance invoice review and approval.
- b. Conduct visual inspections of randomly selected vehicles and check the preventive maintenance records and annual safety inspection reports during compliance reviews. Inspections may occur at other times, if they are determined to be necessary.
- c. Review safety practices and programs during site reviews.
- d. Follow up with subrecipients on all reported accidents to ensure appropriate documentation was obtained and drug and alcohol testing (if appropriate) was performed; Determine appropriate action if FTA requirements were not followed.
- e. Follow up with a plan of action and a notice to the subrecipient if inspection and review of records indicate there are issues that require action by the subrecipient.

Subrecipient Responsibilities

- a. Determine and conform to safety regulations, establish agency safety programs, and provide regular employee safety training.
- b. Ensure that preventive maintenance schedules are followed and annual vehicle safety inspections are performed by a certified mechanic.
- c. Report accidents to RPTD as described below. Failure of an agency to comply could result in RPTD suspending funding. Provide follow-up documentation of any fatal accident, including Driver and Motor Vehicle (DMV) accident report.
- d. Report via the quarterly reports the following types of accidents: there is a fatality or injuries requiring immediate medical attention away from the scene of the accident; a vehicle is totaled or must be towed from the scene; the accident meets U.S.DOT requirements for drug and alcohol testing of the driver; or the operator must file a report with DMV. Include a copy of the DMV accident report.
- e. Notify the Regional Transit Coordinator of an accident resulting in a fatality as soon as possible. Incidents, including minor damage to vehicles, that do not meet the above reporting requirements may be reported, but are optional. For additional assistance, contact the Regional Transit Coordinator.

12. Drug-Free Workplace and FTA Drug and Alcohol Testing Regulations

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

Drug-Free Workplace Act

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

RPTD Responsibilities

Conform to the ODOT-wide Drug-Free Workplace Policy. Post the policy in a public and conspicuous place so that RPTD employees can view the policy. The policy is also available on the ODOT Intranet.

FTA Drug and Alcohol Testing

"Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655, implements the omnibus U.S. DOT drug and alcohol testing act. This part and 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" describe policy development and testing procedures required of any agency in receipt of FTA §5311, §5307 or §5309 funds, as well as contractors who stand in the shoes of subrecipients.

RPTD Responsibilities

- a. Obtain annual certifications of compliance for "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655 from subrecipients of FTA §5311 and §5339 funds.
- b. Conduct reviews of subrecipients' program policies and procedures periodically, including during site reviews.
- c. Provide regular drug and alcohol program training for subrecipients of FTA §5311 and §5339 funds and others who have a role in implementing the program.
- d. Provide MIS reporting information to subrecipients of FTA funds as necessary; ensure subrecipients submit annual MIS reporting data as required.

Subrecipient Responsibilities

- a. Develop an anti-drug use and alcohol abuse policy statement (must include an effective date and formal adoption by the appropriate authority of governing body of the agency) and program in accordance with FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655, and require contractors and/or sub-subrecipients to develop a program.

- b. Ensure that subcontracts include the requirement as appropriate to the purpose of the work and have a procedure to monitor compliance.
- c. Sign a certification of compliance to drug and alcohol programs, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655, and testing for year of funding.
- d. Send policy to RPTD upon request.
- e. Submit MIS data for the previous year (January 1 to December 31) by deadline specified by RPTD each year. This is typically at the end of February. Keep a copy of the completed MIS form in agency files and make the report available upon request.

FMCSA Drug and Alcohol Testing

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

RPTD Responsibilities

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

Subrecipient Responsibilities

- a. Ensure that operators of vehicles with capacity of 16 or more persons (including the driver) have the required CDL. (The requirement for CDL is not limited to the operator -- any individual who drives the vehicle for any reason must hold a CDL.)
- b. Adopt and implement a compliant drug and alcohol testing program.
- c. Ensure that individuals with CDLs are subject to Drug and Alcohol testing under FMCSA regulations, if not tested under FTA regulations.

13. Labor Protection

For the §5311 Program

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

The terms of the Special Warranty are incorporated by reference in the FTA Master Agreement that is signed by ODOT, and in the grant agreements between ODOT and §5311 subrecipients.

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

RPTD Responsibilities

- a. Incorporate the requirement to abide by the terms of §5333 (b) Special Warranty from FTA Master Agreement into grant agreements with all §5311 subrecipients.
- b. Obtain and maintain an accurate, up-to-date list of all §5311 subrecipients, including the service area of each project, other transportation providers in the area, and the labor organizations representing the employees of such providers. Provide this information to FTA annually for conveyance to DOL.
- c. Conduct periodic on-site visits to ensure Special Warranty information is posted in a prominent place visible to all employees.

Subrecipient Responsibilities

- a. Read and understand the §5333 (b) Special Warranty.
- b. Post the applicable portion of the Special Warranty in a location where employees can readily access it.
- c. Provide annually-updated information to RPTD, in a format provided by RPTD, regarding other transportation providers, and their unions, operating in the same geographic area.
- d. Comply with the requirements of 49 U.S.C. 5333(b) of the Federal Transit Act.

14. Environmental Protection

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

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

- a. The first are activities and projects which have very limited or no environmental effects, such as planning; design; administration and operation of transit programs; and vehicle purchases. For these activities, no environmental documentation is required.
- b. The second group includes construction projects with the potential for environmental impacts such as construction of passenger shelters, bus barns, transit service facilities, offices and parking facilities. For these types of projects, subrecipients must complete a *Documented Categorical Exclusion* (DCE) worksheet and obtain FTA concurrence.

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

Projects that are not categorical exclusions must go through a more extensive environmental assessment process.

RPTD Responsibilities

- a. Review projects to determine those that must have DCE approval, ensure the required documents are provided, and submit the DCE packet to FTA on behalf of the subrecipient.
- b. Provide technical assistance as needed to help subrecipients prepare the required DCE information for FTA.
- c. Ensure DCE approval has been obtained from FTA before work begins and any reimbursements are made.

Subrecipient Responsibilities

When a subrecipient’s project requires FTA approval:

- a. Review the FTA’s environmental website: [National Environmental Policy Act](#) for background information.
- b. Complete a *Documented Categorical Exclusion* worksheet, located on RPTD’s website Asset Management page: <https://www.oregon.gov/ODOT/RPTD/Pages/Procurement.aspx>. Submit the worksheet with appropriate attachments to RPTD for processing.
- c. Do not start work on a construction project until approval of the DCE has been obtained from FTA. Ensure a copy is forwarded to RPTD, and that the grant agreement with ODOT has been executed.

15. Lobbying

Recipients and subrecipients of federal grants from any source exceeding \$100,000 annually must certify that they have not and will not use federally-appropriated funds for lobbying. State

agencies administering federal programs certify to FTA; subrecipients certify to the state. State agencies and subrecipients must impose lobbying restrictions on their third-party contractors and must obtain certifications. The regulations are found in 31 U.S.C. 1352 and 49 CFR Part 20.

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

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

RPTD Responsibilities

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

Subrecipient Responsibilities

- a. Sign annual certification of compliance pertaining to lobbying activities.
- b. Obtain a signed certification of compliance from contractors where third party contractors are involved.
- c. Complete Standard Form-LLL for each calendar quarter that non-federal funds have been used to support lobbying activities in connection with a grant from RPTD, and the subrecipient receives federal grants exceeding \$100,000, and submit the form within 30 days of the end of the quarter to RPTD.

- d. Obtain completed Standard form-LLL from the contractor and submit it to RPTD within 30 days of the quarter in which the lobbying activity was conducted if contractor received more than \$100,000 in federal funds and used non-federal funds to support lobbying.

16. Debarment and Suspension

To prevent fraud, waste, and abuse in federal transactions, persons or entities that, by defined events or behavior, potentially threaten the integrity of federally-administered programs are excluded from participation in FTA-assisted programs. ODOT will not enter into any third-party contract or grant agreement with any party included in the "Governmentwide System for Award Management, Excluded Parties Listing System." This pertains to all FTA-funded programs. Reference: 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension"; 2 CFR Part 1200, Nonprocurement Debarment And Suspension; and 49 U.S.C. § 5325(j), FTA Annual Certifications and Assurances

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

RPTD Responsibilities

- a. Ensure that no subrecipients are excluded from participation in FTA-assisted programs.
- b. Ensure that subrecipients verify that their third-party contracts are not disqualified.
- c. Obtain certifications of compliance from subrecipients prior to execution of grant agreements.
- d. Require the contractor to submit a completed integrity certification prior to awarding the final contract for a third-party contract exceeding \$25,000 that uses any amount of FTA funding. In the case of vendor identification through the DAS purchase program, a signed integrity certification will be obtained prior to final vendor selection, although an actual purchase has not taken place.

Subrecipient Responsibilities

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

IV. Civil Rights

ODOT complies with [Title VI of the Civil Rights Act of 1964](#) and subsequent federal non-discrimination statutes. These laws prohibit discrimination based on race, color, national origin, economic status, disability, age, and sex (gender) in the provision of benefits and services in programs and activities receiving federal funds. Civil Rights assurances extend to the subrecipient's entire facility and services. ODOT policies are found at: <https://www.oregon.gov/ODOT/Business/OCR/Pages/index.aspx>.

In 2014, ODOT created and staffed a position in the ODOT Office of Civil Rights (OCR) to administer overarching civil rights programs for FTA and Federal Railroad Administration (FRA)-funded activities. This position partners with ODOT RPTD to monitor and support subrecipients' civil rights programs.

OCR Responsibilities

- a. Review and advise, as requested or required, subrecipients' civil rights policies.
- b. Resolve civil rights-related findings from RPTD subrecipient site reviews.
- c. Provide technical assistance and training for RPTD staff and subrecipients, as requested or required.

RPTD Responsibilities

- a. Conduct on-site program reviews for compliance with Civil Rights laws and executive orders, i.e., Title VI, Environmental Justice (EJ), Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO), Limited English Proficiency (LEP), and the Americans with Disabilities Act (ADA). Civil rights-related observations are referred to OCR for resolution.
- b. Include non-discrimination clauses in all state-local grant agreements.
- c. Refer information on active lawsuits or complaints to ODOT's Office of Civil Rights.
- d. Post a process and form for civil rights-related complaints on the RPTD website. Collect and review complaints and route to OCR for resolution, if required. Report any formal (written) complaints to OCR.

Subrecipient Responsibilities

- a. Create and adopt required civil rights policies.
- b. Include non-discrimination clauses in all local grant agreements.

- c. Keep a record of all complaints of discrimination in the provision of transportation-related services or benefits.
- d. Report any formal (written) complaint to RPTD and OCR.

1. Title VI

Under Title VI any entity that receives federal transit dollars directly from the FTA or through the ODOT RPTD cannot discriminate based on a variety of factors which include, but are not limited to race, ethnicity, age, disability status, gender, etc. RPTD is a designated recipient of FTA funds for the State of Oregon and as such, receives, administers, and allocates funds to subrecipients. The federal circular for Title VI is 4702.1B, 10-1-2012.

See the [Title VI Handbook](#) for more information.

OCR Responsibilities

- a. Document that subrecipients are complying with the general requirements of Title VI and with any other specific requirements that apply to that subrecipient.
- b. Document, review, and store subrecipients' Title VI program documents on a schedule set by the designated recipient (RPTD).
- c. Submit complaints and other Title VI information to the FTA as requested.
- d. Review lists of all federally-funded applications and determine that those projects serving minority populations have equal opportunity for funding.
- e. Review all informal complaints received by RPTD that may be civil rights issues and provide technical assistance to agencies or individuals. If requested, inform the public how to find more information and file a discrimination complaint.
- f. Prepare and submit ODOT Title VI plan to FTA every three years.
- g. Provide technical assistance and training for RPTD staff and subrecipients, as requested.
- h. Work with subrecipients to resolve all Title VI-related findings resulting from RPTD compliance site reviews.

RPTD Responsibilities

- a. Conduct on-site program reviews for compliance. Civil rights-related observations are referred to OCR for resolution.
- b. Refer information on active lawsuits or complaints to ODOT's Office of Civil Rights.

Subrecipient Responsibilities

- a. Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner.

- b. Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin.
- c. Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.
- d. Prepare and submit a complete Title VI program to OCR every three years.
- e. Submit certain portions of the Title VI program document OCR in an annual report:
 - i. Transit-related Title VI complaints, investigations, and lawsuit list
 - ii. Public Participation Plan
 - iii. For recipients constructing a facility, Title VI (facility location) Equity Analysis
 - iv. For all fixed route transit providers, fixed route service standards

See the [Title VI Handbook](#) for more information and examples of Title VI program documents.

2. Environmental Justice

Agencies receiving federal grant funds are required to ensure nondiscrimination under Title VI of the Civil Rights Act and other related laws. With enactment of MAP-21, an Environmental Justice (EJ) circular was created: Environmental Justice 4703.1, August 15, 2012. EJ specifically addresses minority and low income populations: A 1994 Presidential Executive Order directed every federal agency to make EJ part of its mission by identifying and addressing the effects of all programs, policies, and activities on minority populations and low-income populations.

OCR Responsibilities

- a. Resolve EJ-related findings from RPTD compliance site reviews.
- b. Provide technical assistance and training for RPTD staff and subrecipients.

RPTD Responsibilities

- a. In collaboration with ODOT Office of Civil Rights, provide technical assistance to help subrecipients with outreach to minority and low income populations.
- b. Conduct on-site program reviews for compliance. Civil rights-related observations are referred to OCR for resolution.

Subrecipient Responsibilities

- a. Consider transportation needs of minority and low-income populations, as well as others, in all planning processes, including mobility issues; access to jobs and services; level of service; and service equity.

- b. Make public involvement an integral part of decision-making so that all populations within a community have an opportunity to be heard and policy makers understand community needs, perceptions, and goals. Ensure that public involvement activities identify and involve minority and low-income populations when making transportation decisions.
- c. Avoid, minimize, or mitigate disproportionately high and adverse effects on minority and low-income populations.
- d. Demonstrate it has provided an opportunity for public involvement in the identification of potential projects when applying for discretionary grants. Subrecipient is required by law to comply with the state's Open Meetings Law when holding meetings.
- e. Conduct an EJ study as part of any Environmental Impact Statement when triggered by action (e.g., construction, fare, route, service change, etc.).

3. Disadvantaged Business Enterprise Program

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

OCR Responsibilities

- a. Initiate and maintain efforts to increase DBE Program participation by disadvantaged businesses.
- b. Collect assurances that all FTA subrecipients receiving planning, capital, or operating assistance who will award prime contracts (excluding transit vehicle purchases) with a cumulative value exceeding \$250,000 in FTA funds in a federal fiscal year have adopted ODOT's DBE Program or developed their own, and continue to carry out the adopted program until the funds are expended. Collect and review DBE programs from all subrecipients over the DBE threshold.
- c. Develop ODOT DBE goals, submit goals to FTA, and track results.
- d. Require subrecipients, regardless of threshold, to submit semi-annual DBE reports on capital; materials and supplies; and professional services expenses. Collect and maintain reports.
- e. Provide technical assistance and training for RPTD staff and subrecipients.
- f. Resolve DBE-related findings resulting from RPTD compliance site reviews.

RPTD Responsibilities

- a. Include DBE requirements in all grant agreements.
- b. Assist subrecipients to obtain information on DBE businesses in their geographic areas.
- c. Conduct on-site program reviews for compliance. Civil rights-related observations are referred to OCR for resolution.

Subrecipient Responsibilities

- a. Subrecipients receiving FTA funds of \$250,000 or more that will award prime contracts for planning, capital (excluding vehicles) or operating assistance per federal fiscal year must adopt ODOT's DBE Program or develop their own, and must continue to carry out the adopted program until the funds are expended.
- b. Subrecipients not meeting the DBE threshold must still comply with the ODOT DBE program.
- c. Subrecipients, regardless of threshold, must submit semi-annual DBE reports on capital (excluding vehicles); materials and supplies; and professional services expenses.

4. Equal Employment Opportunity

RPTD and OCR are responsible both for their own compliance and for ensuring that local subrecipients are in compliance with the Equal Employment Opportunity Act (EEO). The threshold for compliance is if an agency employs 50 or more transit-related employees and receives capital or operating assistance in excess of \$1 million or receives planning assistance in excess of \$250,000 per federal fiscal year.

OCR Responsibilities

- a. Collect and review EEO plans for subrecipients over the EEO threshold every three years.
- b. Check for any documentation that OCR may require from any subrecipient it deems necessary to ensure that there is no discrimination on the basis of race, color, creed, national origin, sex, age, or disability. Reference is found at FTA C 9040.1G; FTA C and FTA C 4704.1.
- c. Resolve any EEO findings resulting from RPTD compliance site reviews.
- d. Provide technical assistance and training for RPTD staff and subrecipients.

RPTD Responsibilities

- a. ODOT has an EEO plan covering state employees. ODOT's policy is found at: <https://www.oregon.gov/ODOT/Business/OCR/Pages/index.aspx>.

- b. Post EEO information in a place readily accessible by employees; including an EEO statement in all job advertisements, and review EEO practices by subrecipients during on-site reviews.

Subrecipient Responsibilities

- a. If above EEO threshold, develop and submit an EEO plan every three years.
- b. Post EEO information in a place readily accessible by employees. Include an EEO statement in all job advertisements.

5. Limited English Proficiency (LEP)

OCR and RPTD are responsible for ensuring that meaningful services to persons with limited English speaking and/or writing ability are provided.

OCR Responsibilities

- a. Provide technical assistance and training for RPTD staff and subrecipients.
- b. Resolve any LEP findings resulting from RPTD compliance site reviews.

RPTD Responsibilities

- a. Ensure reasonable steps are taken to provide LEP individuals with meaningful access to its own programs, activities, and services.
- b. Consider the reasonableness of a program's efforts by evaluating the number or proportion of people who will be excluded from the program or activity without efforts to remove language barriers.
- c. Conduct on-site program reviews for compliance. Refer civil rights-related observations to OCR for resolution.

Subrecipient Responsibilities

- a. Ensure reasonable steps are taken to provide LEP individuals with meaningful access to its programs, activities, and services.
- b. Consider the reasonableness of a program's efforts by evaluating the number or proportion of people who will be excluded from the program or activity without efforts to remove language barriers.
- c. Consider the available resources. A larger agency with extensive resources may have to take greater steps than a smaller agency with limited resources. On-the-premises translators may be appropriate in some circumstances; however, written translation, access to centralized interpreter, language lines, or other means may be appropriate in other situations.

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- d. Factor costs into this balancing test as part of the consideration of resources available. “Reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits in light of the factors outlined in the U.S. Department of Justice (DOJ), LEP Guidance.

V. Americans with Disabilities Act

The regulations implementing the Americans with Disabilities Act are found at 49 CFR parts 27, 37 and 38. The regulations govern the manner in which public and private transportation operators are to provide services that meet the needs of individuals with disabilities.

1. Summary of ADA Requirements

The regulation is divided into compliance areas primarily associated with the following terms: public, private, fixed route and demand response.

- a. *Public* means any state or local government and any department, agency, special purpose district, or other instrumentality of one or more state or local governments.
- b. *Private* means any entity other than a public entity.
- c. *Fixed route* system means a system of transporting individuals on which a vehicle is operated along a prescribed route according to a fixed schedule.
- d. *Demand response* system means a system of transporting individuals that is not a fixed route.

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

ADA compliance is complex and unique to the type and characteristics of the service provided. RPTD is committed to assisting and ensuring that subrecipients comply with the ADA with appropriate actions related to the services provided and needs of individuals with disabilities that are served.

The regulations require that fixed route services operated by public agencies and private agencies receiving §5311 funds are required to provide complementary paratransit in associated with their fixed route services.

Services that are defined as demand response are not subject to the same requirement. According to the FTA, demand response means any system of transporting individuals which

is not a fixed route system. Dial-a-ride type services and route deviation are included in the demand response category of service.

Demand response services must meet a standard of equivalency as defined in 49 CFR 37.77(c):

“...A demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- a. Response time;
- b. Fares;
- c. Geographic area of service;
- d. Hours and days of service;
- e. Restrictions or priorities based on trip purpose;
- f. Availability of information and reservations capability; and
- g. Any constraints on capacity or service availability.”

Equivalency “when viewed in its entirety” applies only to demand response systems (not fixed route systems) and means that when all aspects of a transportation system are analyzed, equal opportunities for each individual with a disability to use the transportation system must exist. The standards are not absolute. They do not say, for example, that a person with a disability must be picked up in a specified number of hours. The requirement is that there must be equivalent service for all passengers, whether or not they have a disability. If the system provides service to persons without disabilities within four hours of a call for service, for example, passengers with disabilities must be afforded the same service.

2. ADA Service Provisions

Public and private subrecipients providing either fixed route or demand response services must comply with the following service provisions. This is a simplified list; review the specifics for each requirement found at [49 CFR Part 37, Subpart G](#).

- a. Maintenance of accessible features
- b. Procedures to ensure lift availability
- c. Lift and securement use
- d. Announcements on vehicles of stops on fixed routes
- e. Vehicle identification systems

- f. Service animals
- g. Use of accessible features
- h. Public information/communications
- i. Lift deployment at any designated stop
- j. Service to persons using respirators or portable oxygen
- k. Adequate time for boarding/deboarding
- l. Training

Vehicle Accessibility Standards

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

Passenger Facilities

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

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

location, having a minimum clear floor area of 30 inches by 48 inches, entirely within the perimeter of the shelter. An accessible route will connect the shelter to the boarding area.

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

Maintenance of Accessible Features

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

Complaints and Grievances

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

3. Training

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

RPTD Responsibilities

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

- a. Include ADA requirements in all grant agreements.
- b. Request documentation of ADA policies on an as-needed basis and for routine compliance reviews.
- c. Review subrecipient ADA policies and procedures and other supporting documentation, and follow up with the agency regarding compliance issues if needed.
- d. Award vehicle purchases for accessible vehicles. Obtain Certificates of Equivalent Service, if applicable.

- e. Review ADA compliance, including service, maintenance, and facilities, during on-site compliance reviews.
- f. Review appropriate plan, policies, and procedures to implement complementary paratransit and other associated ADA service requirements prior to initiation of a fixed route service funded by §5311.
- g. Review, document, and act upon ADA complaints and forward information to ODOT Intermodal Office of Civil Rights or FTA if warranted.
- h. Provide technical assistance and guidance on ADA requirements.
- i. Conduct on-site program compliance reviews at minimum every five years for compliance and resolve findings related to ADA requirements.
- j. Obtain a signed certification of ADA paratransit compliance from all subrecipients operating fixed route service each year.
- k. Conduct an annual certification of the complementary paratransit plan and compliance with the service provisions for all fixed route providers prior to initiation of fixed route service operated by a federal grant award.
- l. Conduct desk reviews of annual ADA complementary paratransit plan updates provided by fixed route subrecipients.
- m. Review additional documentation from subrecipients in order to complete desk reviews.
- n. Schedule on-site reviews for subrecipients with deficiencies noted during desk reviews. Complete ADA checklist when conducting site reviews.
- o. Review annual plan submissions.
- p. Track subrecipient corrective action plans to conduct follow up activities and actions.
- q. Periodically review findings of desk and site reviews to identify annual training needs.

Subrecipient Responsibilities

- a. Sign certifications of compliance pertaining to ADA requirements.
- b. Establish service policies and procedures in accordance with the ADA, and submit the policies upon request to RPTD.
- c. Comply with ADA service provisions for fixed route and demand response as appropriate to the service.
- d. Submit information about formal ADA complaints to RPTD and report regularly until the complaint is resolved. RPTD will submit the information to the Intermodal OCR and the FTA region office.
- e. Prepare appropriate plan, policies, and procedures to implement complementary paratransit and other associated ADA service requirements prior to initiation of a fixed

route service funded by §5311. Provide annual report of compliance, changes, and updates and submit the documentation to RPTD for review and approval.

- f. Purchase vehicles in compliance with ADA requirements or sign and submit a Certification of Equivalent Service to RPTD prior to purchase of the vehicle. Update the certification annually (keep in own files).
- g. Include appropriate ADA information in all public information brochures and route schedules.
- h. Ensure that new and remodeled facilities are ADA accessible. If the facility is built or remodeled with a grant award, subrecipient will submit documentation to ensure that the required ADA accessible features are included.
- i. Include ADA requirements in all service agreements.
- j. Inform RPTD of any ADA complaints.

VI. Capital Procurement and Management of Capital Assets

1. Procurement and Management of Equipment

Please refer to Section III.5. for procurement requirements.

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

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

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

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

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

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

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

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

- c. Surveillance equipment such as cameras for vehicles or facilities - Useful Life: 5 years
- d. Mechanical shop equipment such as vehicle lifts, bus washers, and tire changers - Useful Life: 15 years
- e. Fare boxes - Useful Life: 10 years

2. Vehicle Procurement and Leasing

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

Transit agencies are able to purchase every vehicle category from the DAS State Purchasing price agreements. The online Oregon Procurement Information Network (ORPIN) system operated by DAS contains a list of qualified vendors for each vehicle type. RPTD has created a crosswalk document that lists each vehicle within the state useful life categories. This document, posted on RPTD's website, will assist agencies in selecting vehicles and documenting a process that meets all federal requirements for funding. The state price agreements were developed by DAS, ODOT procurement, and RPTD staff with input from transit agencies.

Vehicles larger than 44-passenger, or specialty vehicles not available on the state contracts, are procured by transit agencies using an open competitive bid process that follows both federal and state procurement laws and rules. Any RFP must be reviewed by RPTD prior to signing with a vendor. Other purchasing arrangements for larger vehicles are available through the "piggybacking" process where agencies allow other transit agencies to access bid contracts. Piggybacking requires FTA approval.

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

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

RPTD Responsibilities

- a. Review all subrecipient procurement documents and vehicle orders prior to contract execution or purchase.

- b. Include vehicle purchasing and insurance requirements in grant agreements.
- c. Verify with subrecipient that vehicle registration and licensing is correct.
- d. Hold vehicle titles in secured location as first security interest holder in vehicles.
- e. Review and approve requests to transfer vehicles to another party.
- f. Release vehicle titles to subrecipient once requirements are met.
- g. Review vehicle lease agreements prior to execution to help ensure all state and federal requirements are met.
- h. Provide technical assistance and review documentation for meeting requirements of the procurement laws and regulations.

Subrecipient Responsibilities

- a. Submit all procurement selection documentation to RPTD prior to ordering vehicle.
- b. Show the transportation provider as owner and RPTD as the primary security interest holder on all vehicles purchased with RPTD grant funds. If the subrecipient is not the owner/operator, the subrecipient must be included as the second security interest holder on the title.
- c. If STF formula monies are used as local match for a purchase, the STF Agency must be the vehicle owner on the title or be listed on the title as secondary interest holder.
- d. Request vehicle transfer approval from RPTD before initiating transfer to another party.
- e. Submit any lease agreements for vehicles to RPTD for approval. Subrecipients must receive approval in writing from RPTD before entering into the agreement.
- f. Receive all federally-required certifications from manufacturers on Federal Motor Vehicle Safety Standards and Buy America for each vehicle type purchased unless changed by federal reauthorization. Subrecipient must also receive a copy of Altoona bus test report on each vehicle type as part of the post-delivery acceptance of the vehicle and keep this report with procurement files. These requirements are also required when piggybacking on any bids or using the state price agreement.
- g. Pay any title and registration fees, as well as DEQ certification fees, if required. The subrecipient is required to license the equipment per Oregon Driver and Motor Vehicle Services regulations.
- h. Do not operate vehicles with license plates identifying the vehicle as government owned, commonly referred to as "E-plates", if a private agency. Grant subrecipients with any questions regarding whether or not a vehicle qualifies for an E-plate, should contact DMV.
- i. Obtain insurance coverage to protect the operators, assistants, occupants, and the equipment during the life of the project. These requirements are outlined in the grant agreement.

- j. Do not sell any vehicle until the seller has the title in possession. This includes disposal to a junk yard.

3. Vehicle Insurance

Subrecipients purchasing vehicles must obtain insurance to protect the subrecipient, vehicle drivers and assistants, vehicle occupants, and equipment through the period of use. The insurance must meet state minimums as required by ORS Chapter 806. The subrecipient is responsible for all costs, deductibles, or self-insured retainer. The subrecipient must include the "Oregon Department of Transportation, Rail and Public Transit Division" as "Additional Insured".

RPTD Responsibilities

- a. Include insurance requirements in all subrecipient grant agreements.
- b. Contact the agency involved when RPTD received notice of insurance cancellations. Require proof of reinstatement or new insurance coverage.
- c. Withdraw or transfer the vehicle to another agency if insurance is not obtained within a 90-day period.

Subrecipient Responsibilities

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

4. Vehicle Maintenance

RPTD and subrecipients are responsible for vehicles and other equipment financed by state or federal grants. Vehicles must be maintained in acceptable condition maximizing safety and useful life and must be used for the purposes described in the grant agreement. More detailed information is available on the RPTD website home page, <https://www.oregon.gov/odot/rptd/pages/index.aspx>. Click on the link for Transit Provider Handbook.

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

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

RPTD Responsibilities

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

Subrecipient Responsibilities

- a. Develop written vehicle maintenance policies and plans that maintain the asset in an acceptable condition maximizing safety and useful life.
- b. Maintain complete service records for each vehicle, including warranty repair information. This includes all vehicles, whether operated directly by the subrecipient(s) or contractor(s).
- c. Maintenance plans must include manufacturer recommended routine and other maintenance as necessary to keep vehicles in acceptable condition maximizing safety and useful life. This includes all vehicles, whether operated directly by the subrecipient(s) or contractor(s).
- d. Ensure maintenance plans include regular pre-trip and post-trip inspections of equipment, including cycling the lift as required by ADA.
- e. Ensure all drivers operating grant-funded vehicles receive a standard defensive driving course.
- f. Perform annual vehicle safety inspections for each vehicle, which must be completed by a certified mechanic. Cost is approximately \$150; reimbursable through preventive maintenance grant agreements or operations grants if no preventive maintenance grant is in place. "Certified" means that mechanic has documentation to meet or exceed industry standard by certificate or proof of training proficiency for that component as specified by warranty requirement.

- g. Obey all applicable state and federal laws pertaining to the operation of passenger-carrying vehicles.²
- h. Notify RPTD if a vehicle is out of service for more than 90 days.

5. Warranty

RPTD and subrecipients are responsible for maintaining vehicles and other equipment in acceptable condition maximizing safety and useful life. This includes accessing warranties when applicable. If a subrecipient has equipment under warranty it is required to have a system for identifying warranty claims, recording claims, and enforcing claims against the manufacturer.

RPTD Responsibilities

- a. Provide technical assistance on all aspects of vehicle policies.
- b. Review vehicle information provided on quarterly reports and in site reviews (compliance reviews).

Subrecipient Responsibilities

- a. Maintain a policy for all warranty issues. Policies must include clear procedures to identify warranty repairs, record the warranty claim, submit the claim to the manufacturer, and follow up on unpaid claims. It is suggested, but not required, to require looking more closely at major components during the last few weeks or miles before the warranty is ready to expire. By doing so the agency sometimes identifies a bearing noise, oil leaks, etc., that may not otherwise be caught until after the warranty has expired.
- b. Maintain documentation of warranty information in each vehicle or asset file, including receipts and proof of warranty service.

6. Vehicle Useful Life and Disposition

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

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

Subrecipients are expected to use equipment for its useful life or for the duration of the transportation project. Subrecipients are required to notify RPTD if the equipment has not been

² Such regulations include U.S. DOT Federal Motor Vehicle Safety Regulations, Oregon Motor Vehicle Safety Regulations, Oregon Motor Vehicle Code, and applicable Internal Revenue Service rules and regulations (including fuel excise tax), among others. Subrecipients may be referred to these other regulatory agencies by RPTD when violations may have occurred.

used for a period longer than 90 days. If the project is at an end and useful life remains, RPTD will transfer the vehicle to another eligible agency.

Subrecipients are required to contact RPTD when vehicles have reached the end of their useful life and the subrecipient can no longer use them, the original purpose for the vehicle changes, the service is terminated, or the project ends. Titles are released to the owner when requested once useful life standards have been met for disposal, or when the vehicle is being transferred to another agency for similar service.

- a. When disposing of a vehicle that has met useful life standards, the agency may sell the vehicle and keep the sales proceeds, but must reinvest the funds for the next vehicle purchase in the transit program for which the disposed vehicle was purchased.
- b. When transferring a vehicle to another provider for use in public transit, the transferring agency will email RPTD to request approval and the title released for changes. The receiving agency will title the vehicle in their name with RPTD as the first security interest holder. The receiving agency will continue quarterly reports on the vehicle, for as long as the vehicle is used in public transit.

Local public agencies may adopt their own rules and procedures for disposing of federally-funded surplus property as long as the disposal or sale is conducted in an open, public process. Local agencies' rules may be more restrictive than federal and state rules, but not more permissive. The revenues from the sale of property must be reinvested in the transit program for the same purpose (for instance, proceeds from a vehicle sold are used for purchasing a replacement vehicle; proceeds from office equipment are used for the purchase of new equipment).

RPTD Responsibilities

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

Subrecipient Responsibilities

- a. Contact RPTD for technical assistance regarding all aspects of vehicle disposition.
- b. Notify RPTD if equipment has not been used for 90 days. This should be reported on the quarterly report. RPTD has the option to transfer the vehicle to another agency that can use the vehicle.
- c. Invest any proceeds from the sale of vehicle at the end of its useful life into the next vehicle purchase in the transit program that funded the vehicle being sold.

Oregon Vehicle Description and Useful Life Benchmarks

Oregon Rail & Public Transit Division Category	Approx. GVWR (pounds)	No. Seats	Approx Length*	Useful Life Minimum	Price Range	Expected Delivery time (months)
A: Large, Heavy-Duty Transit Bus 	33,000 – 40,000	35-40+	35 ft. - or greater	12 years or 500,000 miles	\$241,000 – \$800,000	24+
B: Medium-Size, Heavy-Duty Transit Bus 	26,000 – 33,000	25-35	30 ft. – 35 ft.	10 years or 350,000 miles	\$79,700 – \$335,000	12-24
C: Medium-Size, Medium-Duty Transit Bus & Truck Chassis Cutaway 	15,000 – 26,000	16-30	25 ft. – 30 ft.	7 years or 200,000 miles	\$ 65,302 – \$120,000	6-18
D: Medium-Size, Light-Duty Bus & Van Chassis Cutaway Bus 	10,000 – 16,000	12-16	20 ft. – 25 ft.	5 years or 150,000 miles	\$47,000 – \$115,000	6-9
E 1: Small, Light-Duty Bus; E 2: Modified Vans; E 3: Modified Minivans 	6,000 – 14,000	3-14	E 1: 20-22 ft. E 2/E 3: < 20 ft.	4 years or 100,000 miles	\$35,000 – \$65,000	3-6
<p>Small Standard Vehicles – Are not allowed to be purchased with FTA funds and are not included on the ODOT Rail & Public Transit Division Price Agreement contracts. However, when not using FTA funds these vehicle types may be on the Department of Administrative Services statewide contracts. Check ORPIN online at: https://orpin.oregon.gov/open.dll/welcome</p>						
E 4: Vans E 5: Minivans E 6: Station wagons E 7: Sedans	6,000 – 14,000	3-14	< 20 ft.	4 years or 100,000 miles	\$20,000 – \$40,000	1-3

* Vehicles 22 ft. or longer require at least 2 ADA stations; 1 ADA station required if less than 22 ft.

Note: Photos are for reference only-provided as examples; from ODOT RPTD files.

ODOT Rail & Public Transit

Updated March 2017

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

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

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

Requirements in effect as of October 24, 1991

Ensure that all vehicles meet the Buy America requirements, Federal Motor Vehicle Safety Standards (FMVSS), and the subrecipient's specifications.

Pre-award and Post-delivery Certifications

Procurements for vehicles must be in accordance with “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases” (49 CFR Part 663). Any subrecipient who purchases rolling stock must certify to the FTA that it has conducted a pre-award and post-delivery audit to ensure compliance with its bid specifications; Buy America requirements; and Federal Motor Vehicle Safety Standards. Visual inspection and road testing are required when purchasing unmodified vans, cars, or 20 or fewer buses. Resident inspection is required when purchasing more than 20 buses or modified vans from a single manufacturer.³

New Model Bus Testing

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

Subrecipients purchasing equipment with federal funds are currently required to receive the Altoona bus test report for each vehicle model purchased and include it in procurement files when

³ More information is available in the publication Pre-award and Post-Delivery Audits for Bus Procurements published by FTA, document #DOT-T-94-06. It is available through RPTD website in the [Provider Handbook](#).

the test is required. The report should be provided by the vendor prior to subrecipient signing off on post-delivery certification forms and acceptance of the vehicle(s) from the vendor.

RPTD Responsibilities

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

Subrecipient Responsibilities

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

8. Force Account

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

Force account includes wage, salary, and benefit costs of the subrecipient's own labor force but does not include materials or supplies. The requirement is to calculate the "cost of force account work to be performed under the grant" (FTA C 5010.1D page IV-34).

The calculation is for the purpose of determining if the grant project will be over \$100,000, in which case the subrecipient will prepare a force account plan for RPTD approval prior to

incurring eligible expenses; or over \$10,000,000 in which case the force account plan must be pre-approved by the FTA.

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

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

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

Force Account Plan

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

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

RPTD Responsibilities

- a. Identify projects needing a force account plan.
- b. Establish and administer program procedures for projects using a force account.

- c. Approve force account requests.
- d. Include the approved use of force account in the agreement statement of work.
- e. Report to FTA for program compliance.
- f. Provide guidance and technical support to subrecipients.
- g. Review requests for reimbursement to ensure accuracy.
- h. Conduct on-site reviews to ensure compliance.

Subrecipient Responsibilities

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

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

9. Subrecipient Closure

In the event a provider is unable to continue meeting federal and state requirements, RPTD will work with the provider to cease operating, providing written notice of intent for the grant-funded assets and remaining balances of any grants. RPTD will:

- a. Remove the vehicles from the provider's property, storing in a secure location.

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- b. Have the vehicles inspected for maintenance requirements, prior to placing them into transit service, including vehicles' preventive maintenance records.
- c. Work with the other providers in the region for a continuation of service until a permanent provider can be selected.
- d. Request all vehicle records be transferred to the new provider.
- e. Transfer the remaining balance of the preventive maintenance grants to the new provider.

VII. Land, Buildings, and Facilities

1. Maintenance Requirements

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

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

2. Restrictive Covenants and Other Property Agreements

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

In certain cases, such as when another government entity owns the property, a restrictive covenant may not be required; a subrecipient should work with its Regional Transit Coordinator to determine these exceptions. In some instances other property agreements, such as a joint ownership deed, local land use agreement, easement, or right-of-way may be in place and a copy must be submitted prior to breaking ground. (This can apply to passenger shelters.)

3. Disposition of Property

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

When property funded with federal or state funds is no longer needed for the originally authorized purpose, the subrecipient is required to contact RPTD for disposition instructions. ODOT uses federal guidelines for disposition of properties funded with state funds. The options are as follows:

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

RPTD to continue in its originally funded purpose for provision of public transportation services.

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

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

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

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

4. Facility Useful Life Standards

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

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

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

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

- a. Passenger Shelters such as pre-fabricated metal, glass, Plexiglas, and stick-frame structures – Useful Life: 10 years
- b. Bus barns such as site-built "pole barns" or other stick-frame barns – Useful Life: 40 years
- c. Administration buildings and maintenance buildings (includes additions) – Useful Life: 40 years
- d. Concrete pavement infrastructure – Useful Life: 20 years

- e. Fencing – Useful Life: 15 years
- f. Office furniture – Useful Life: 10 years
- g. Land - Useful life does not expire on land purchases

RPTD Responsibilities

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

Subrecipient Responsibilities

- a. Contact RPTD for technical assistance regarding any applications for discretionary grant funding for land acquisition or development of structures.
- b. Obtain Restrictive Covenant or other property agreement on land or permanent buildings prior to project conclusion and submit a copy to RPTD.
- c. Keep an inventory of land, buildings, and facilities purchased with federal funds.
- d. Submit maintenance plans for land, buildings, and facilities to RPTD when requesting reimbursement for the project. The required maintenance plan contents are located on the RPTD website. Maintenance plan updates are required when facilities are updated or additional capital assets are added to the facility. RPTD can provide maintenance plan examples when requested.
- e. Report on condition of asset, or any damages to assets in the yearly asset inventory report.
- f. Name RPTD as additional insured for premise insurance.
- g. Contact RPTD for assistance regarding disposal of land, buildings, or facilities acquired with federal or state funds.
- h. Obtain a commercial appraisal or other fair market valuation, and submit the documentation to RPTD for approval when disposing of property.
- i. Compensate RPTD if disposing of property.

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- j. Reinvest any proceeds from the sale of property into the transit program for the same purpose or reimburse FTA for the remaining federal interest in property.

The following sections of the State Management Plan pertain to individual FTA Programs and the policies adopted by the RPTD for each program.

VIII. Formula Grants for Rural Areas Program (§5311)

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

For more information visit: <https://www.transit.dot.gov/rural-formula-grants-5311>.

The §5311 program currently supports 35 transit services including three Indian tribes.

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

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

1. Program Goals

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

2. Eligible Subrecipients

§5311 funds are available to: public agencies, Indian tribes, or private nonprofit agencies operating general public services in rural areas that are not part of a designated urban area. The

designated urban areas in Oregon are: Albany, Bend, Corvallis/Philomath, Eugene/Springfield, Medford/Rogue Valley, Portland region, and Salem/Keizer, Josephine County, and Milton-Freewater who:

- a. Provide transportation services that are open to the general public and do not have policies that restrict access in any manner to the general public
- b. Demonstrate compliance with state and federal rules and regulations
- c. Have local match available

RPTD prefers to contract with public agencies and will contract with private nonprofit agencies only when a willing and able public agency is not available.

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

3. Eligible Services and Service Areas

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

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

Service designs may include, but are not limited to:

- a. Fixed route and demand response services provided in nonurban areas that are not part of a designated urban area
- b. Service that transports people from nonurban areas to and from an urbanized area(s)
- c. Regional providers with a geographic service area that includes both urban and rural areas. In such cases, the share of the service that is “rural” would be eligible for §5311. (The subrecipient, in concurrence with RPTD staff, determines a reasonable method of cost allocation between urbanized and rural programs.)
- d. Commuter services that transports people to and from a nonurban area, and from a nonurban area to and from an urbanized area
- e. Regional services that may cross state lines, so long as the agency has the approval of state and federal motor carrier agencies, as appropriate, and the services are compatible with the policies of the agency

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

- a. Services must be marketed as “public transit service”, including to low English proficiency, low income, and minority communities.
- b. Vehicles must be marked with a symbol or a name that identifies the service as public transit and for general public use.

If the name of an agency is so prominent on a vehicle that a reasonable person would conclude that the service is for the agency’s clients and not the general public, or if the advertising on the bus obscures the general public information, the service may be disqualified from the program.

- c. Policies must not limit services to a particular type of passenger.
- d. The entire capacity of the system must be available to the general public. Assessment of service capacity and ridership is done during the application and monitoring processes.

If users of the system appear to be predominantly senior and individuals with disabilities, the §5311 program manager will perform further evaluation to determine if the service is appropriate for §5311 funding. The percentage of general public versus elderly and disabled ridership is not the sole determination of a general public service. For example, the population of a local area or county may be predominantly seniors, or the agency may have a service design that maximizes use by the transportation disadvantaged, as allowed by FTA and ODOT. RPTD looks at the system in its entirety including extenuating factors to determine if it is a general public transportation system.

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

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

Charter services and exclusive school bus services are ineligible for §5311 funding assistance. Services provided to Head Start students, even when using yellow school buses, are eligible.

Limited use of equipment supported by §5311 may be used to support meal delivery services and package delivery as long as these uses are incidental to the primary purpose of the service. Incidental is defined as a service that does not result in decreased service quality, a significant decrease of useful life of the capital equipment, or a decrease in the availability of public transportation services. For instance if package delivery is performed in conjunction with

passenger transportation rather than making separate trips to deliver items, or meals are delivered during times the vehicle is not being used.

Expenses associated with meal delivery are not eligible for funding assistance; costs must be borne by the program which provides the meals. Agencies offering package delivery services must do so in compliance with Oregon Motor Carrier regulations.

4. Eligible Assistance Categories

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

Reimbursable administration expenses include salaries and fringe benefits; office expenses associated with administration; contract services (accounting, bookkeeping, attorney fees); and educational expenses associated with administrative staff training. Examples of ineligible expenses include gifts, lobbying, unrecoverable receivables, and budget deficits associated with the agency. Refer to federal Office of Management and Budget (OMB) [“Super Circular”](#) codified at 2 CFR Part 200 for more information about eligible and ineligible expenses.

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

Capital expenses (costing \$5,000 or more and with a life expectancy of at least one year) include purchase of vehicles; computer hardware and software; radios and communication equipment; intelligent transportation systems; passenger shelters; and other facilities. In certain situations, vehicle maintenance may be awarded as a capital project.

Mobility management expenditures include short-range planning, management activities, and projects for improving coordination among public transportation and other transportation providers (excludes operating expenses).

5. Local Match and Local Funding Requirements

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

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

Program income, defined as income earned from the operation of the grant-funded activity, including contract revenue, may be used as match, with the exception of farebox revenue. Program income includes advertising. Transit-pass programs, such as an arrangement with a local community college where the college pays a unit price for a period of time and any student or employee is allowed to travel using their ID card, is considered a type of allowable contract revenue. However, if the original source of the funds used to pay the contract is from an FTA source, such as §5310, then the contract revenue is not allowed as match.

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

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

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

6. Project Selection Criteria and Funds Distribution Method

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

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

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

The formula used for allocating §5311 funds is reviewed periodically to ensure a fair and equitable fund distribution. A public involvement process is conducted during this process. The

formula was last reviewed in 2012 and was modified. It now uses a three-part formula that includes a base amount, annual passenger trips, and annual service miles. Allocations may be reduced for subrecipients who have used less than 90% of allocations based on a three-year average. Those reductions are subject to appeal. The formula also places limits on subrecipients' increases and decreases from the previous year's allocations. Further review of the formula is expected in the future and additional changes may be made at that time.

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

7. Start-up Program

RPTD manages a Start-up Program for agencies to provide service to currently unserved geographic areas. The purpose of the Start-up Program is to develop transportation services in rural areas with minimal or no service. Projects that would expand service availability for current projects, for example adding evening or weekend hours are not eligible. Start-up is entirely at the discretion of RPTD and subject to considerations of statewide program goals, sustainability of resources, equity, and balance of program as well as provider eligibility.

RPTD currently allocates unused balances from closed grants to fund the Start-up Program. RPTD anticipates developing a mechanism for reserving funds for start-up projects in the future.

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

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

8. Basic Grant Management Policies

Operating Funds

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

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

Capital and Planning Projects

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

9. Training Requirements

RPTD may periodically provide workshops on such topics as drug and alcohol testing program implementation, ADA requirements, coordination, grant responsibilities, quarterly reporting, or other topics related to management of projects. Agencies that receive §5311 funds may be required by RPTD to attend training.

10. Rural National Transit Database

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

IX. Transit Network Program

1. Program Overview

Oregon has a diverse transit network with hundreds of transit providers, each with its own priorities, missions and goals. ODOT has an active interest in the form and function of Oregon's overall transit network. While ODOT does not have the ability to control the state transit network, it does have the ability to influence it through investments, policies, and communication. The Transit Network Program attempts to strengthen the transit network through investments in information, coordination, communication, passenger amenities, and transit service.

Program investments are guided by Transit Network Program policies, FTA, the Oregon Transportation Plan, Oregon Public Transit Mode Plan, the ODOT Passenger Rail Policy, state and local needs, and community interest.

2. Program Goal

Improve the operation and efficiency of the overall fixed route transit network through policies, programs, coordination, and investments to:

- a. Improve passenger experience through improved traveler information; better passenger amenities; better access to key stops that support easy transitions between travel modes; passenger connections that do not require walking unreasonable distances; reasonable connection times; and streamlined ticketing and payment methods.
- b. Improve the availability of information and tools to support understanding and improvement of the statewide transit network through standardized data, network mapping, network analysis tools, modeling, and quick prototyping tools.
- c. Make cost effective investments in network improvements to improve safety, support critical services, and improve system efficiency and utility.

3. Key Program Focus Areas

a. Information Systems

- i. Support the creation, maintenance, availability, and use of standardized transit service data (e.g., General Transit Feed Specification (GTFS), GTFS Real Time (GTFS-RT), GTFS Demand Response (GTFS-DR) aka Flexible GTFS, etc.). These data have multiple uses, including making it more convenient to use transit and facilitating analysis of existing transit service.
- ii. Promote, support, and create publications and tools that provide passenger information (e.g., trip planning, maps, timetables, real time information, etc.).

- iii. Promote, support, and create publications and tools that assist network planning and design for transit and transit networks.
- b. Contract Transit Service
 - i. Support direct contracting for transit service such as the Public Oregon Intercity Transit (POINT) bus service.
 - ii. Coordinate with ODOT-contracted Amtrak Cascades passenger rail service.
- c. Intercity Bus Discretionary Grants: administer a grant program(s) in support of network connectivity (e.g., §5311(f) Intercity Bus Grants).
- d. Multi-Modal Transit Hubs
 - i. Identify and prioritize transit hubs/stops
 - ii. Support investment in most important regional transit hubs and stops, passenger amenities, multi-modal access to hubs, etc.
- e. Transportation Options (TO) Program Coordination: support coordination of transportation options programs and transit services. Both entities have an interest in promoting transit use and efficient multi-modal access to and from transit.

4. Program Resources

- a. §5311(f) (Intercity Bus) funds are a primary source of funding for the Transit Network Program. The allowed use of §5311(f) funding is narrower than the scope of the Transit Network program, so this fund source is not always appropriate.
- b. STF funds can be used to support the Transit Network Program
- c. ODOT Enhance program competitive funding opportunity (STP transfer) can be used to support the Transit Network program
- d. Policies impacting §5311 and §5310 funds can support the Transit Network Program
- e. §5304 planning funds can be used to support Transit Network Program-related planning
- f. Competitive research opportunities
- g. Virtual match (in-kind match)

5. Intercity Bus Discretionary Grants (§5311(f))

- a. Eligible Subrecipients

Intercity bus grants are available to private for-profit providers, and any other public entities that operate, support, and/or develop intercity service. FTA and ODOT encourage the participation of private for-profit transportation providers in competing for service contract and capital grant opportunities. Private for-profit entities are eligible for capital grants but not operating grants.

b. Eligible Services and Service Areas

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

c. Eligible Assistance Categories

Discretionary grants provide financing for a variety of projects including:

- i. Planning such as needs assessments, feasibility studies, service coordination and marketing plans, and service development strategies
- ii. Capital needed to maintain, expand, and offer new service; such as vehicle purchases, facilities, passenger shelters, information systems, computers, and capitalized maintenance
- iii. Operating assistance to preserve or expand current operations to fill gaps in intercity connections
- iv. Marketing
- v. Mobility management

d. Local Match and Local Funding Requirements

Intercity bus discretionary capital grants require 20 percent local match. Intercity bus discretionary operating grants require 50 percent local match.

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

e. Project Selection Criteria and Funds Distribution Method

Grant funding is offered on a biennial basis through a discretionary grant process. RPTD staff reviews all funding applications for threshold criteria.

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

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

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

- f. Basic Grant Management Policies for Operating Projects
 - i. Operating funds in most cases are awarded in an intercity bus discretionary grant application process, and normally awarded for two years. Funds are sometimes awarded outside the normal grant cycle when opportunities or needs arise.
 - ii. Any unused grant funds at the end of the agreement or contract period will be de-obligated from the project and reserved for other intercity bus projects.
 - iii. All agencies must submit a quarterly report in order to receive reimbursement. Private for-profit operators may submit reports monthly. The actual amount of reimbursement is limited to the designated amount in the grant agreement (or contract), provided agencies demonstrate their local match.
 - iv. All agencies must submit quarterly financial and performance reports even if they are not requesting reimbursements.
- g. Basic Grant Management Policies for Capital and Planning Projects
 - i. Capital and planning funds are awarded in an intercity bus discretionary grant application process. Funds are sometimes awarded outside the normal grant cycle when opportunities or needs arise.
 - ii. Capital and planning grant agreements generally will be awarded for a two-year period. Exceptions to this policy will be made for projects that may take several years to complete, such as larger facilities involving several stages of development and construction. RPTD may choose to phase the project into more than one biennial grant.
 - iii. If a project is not, or cannot be, completed within the two or three-year time frame, the RPTD may re-negotiate a completion date with the subrecipient. Decisions to cancel a project for non-performance by a subrecipient will be made on a case-by-case basis.
 - iv. For facilities projects, progress reports may be required. RPTD staff will visit the completed facility, require the subrecipient to submit pictures of the facility, or both, prior to final reimbursement on the grant. The agency may be asked to submit final inspection reports and other documentation to verify completion of the project. This is to ensure that the facility was completed as described in the grant agreement, and that basic Americans with Disabilities Act (ADA) requirements (parking, signing, curb cuts, etc.) have been met.

- v. RPTD will not approve an application for grant funds for a planning or capital project that has already been initiated.
 - vi. RPTD will reimburse expenditures for a planning or capital project beginning with the start date cited in the grant agreement. Any expenditure by the agency prior to the start date is the responsibility of the agency, and will not be reimbursed by RPTD.
 - vii. All agencies with intercity bus capital or planning grants are required to submit project status reports with their quarterly reports.
- h. Rural National Transit Database
- Sub-recipients who receive §5311(f) financial assistance are required to submit annual data to the Rural NTD as a condition of grant award. Specific reporting requirements are included in the Rural NTD reporting instructions manual issued each year. RPTD is responsible for collecting and compiling data and reporting them to the Rural NTD. RPTD will establish timelines for submission of data in order to meet its reporting requirements, including any follow-up work that is required by the Rural NTD.
- i. Passenger Information
- Ensuring that accurate, statewide transit service information exists for passengers is a high priority for RPTD. RPTD facilitates the creation and promotion of GTFS data, encourages creation and use of GTFS-RT and GTFS-DR data. RPTD maintains the TripCheck Transportation Options website, produces various Geographic Information Systems/mapping products representing the statewide transit network, and creates transit timetables and informational directories for the statewide transit network. RPTD expects §5311(f) subrecipients to host a website with up-to-date information about their intercity bus service, to have and maintain GTFS data for their intercity bus service(s), and to inform RPTD of any relevant changes to their agency or services that might affect the accuracy of TripCheck or other publicly available transit resources provided by RPTD and/or ODOT at large.

X. Transit Assistance Program (TAP)

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

1. Purpose

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

2. Scholarships

Scholarships are offered to agencies for their employees and volunteers to attend pertinent transit-related trainings or conferences. RPTD reimburses qualified expenses to the agency (not the individual). Scholarships generally support 50 to 80 percent of the registration and travel expenses. The number of scholarships awarded for specific events and to agencies may be limited. Scholarship applications are posted on RPTD’s [website](#).

Criteria for awarding scholarships are at the discretion of RPTD. RPTD develops criteria by assessing training needs on a periodic basis to determine topics that assist subrecipients in the development and progress of RPTD’s guiding principles: access, availability, connectivity, and economic development. Access to training and scholarship criteria are available on RPTD’s [website](#).

3. Training

Training is provided by RPTD and by subject experts, sometimes in conjunction with FTA regarding specific FTA grant requirements. RPTD provides workshops to address grant application requirements, quarterly reporting, and other grant-related topics. RPTD currently uses input from the Oregon Transit Association (OTA), the PTAC and subrecipients to identify training topics. A training newsheet is posted on the RPTD website listing all training opportunities.

Typical Training Areas

- a. Annual public transportation conference, which offers in-depth and concurrent sessions to meet a variety of informational and training needs
- b. Grant-related training to provide information about grant programs prior to application
- c. Post-award training to inform subrecipients of grant requirements and to offer technical assistance and best practices

- d. Transit manager topics
- e. Grant management topics taught by topic experts
- f. Compliance topics including drug and alcohol testing program management, financial management, the Americans with Disabilities Act, and procurement practices
- g. Training provided by other state agencies or other sources that are applicable to transit; RPTD circulates the information via email and website to encourage participation

Other Uses of TAP Funds

Funds may be used to support research activities. RPTD distributes training and technical assistance resources, such as the National RTAP training packages, and provides on-site technical assistance as requested.

4. TAP Management

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

Small urban and large urban agencies are encouraged to participate in training programs sponsored by RPTD. However, the use of RTAP funds is limited to participants who have a relationship to a rural, small urban, or special needs program and whose participation will benefit the program. If a provider cannot demonstrate a direct relationship, state funds may be used to support participation.

XI. Bus and Bus Facilities Program (§5339)

The §5339 Bus and Bus Facilities Program replaces the §5309 discretionary grant program, which was repealed under MAP-21. The §5339 program is a formula program where funding is allocated to states and designated recipients in urbanized areas. Note: This information is applicable to any remaining §5309 funds.

1. Program Goals

The purpose of the new §5339 program is to assist eligible recipients with replacing, rehabilitating, and purchasing buses and related equipment; and to construct bus-related facilities, thus allowing grantees to address replacement and capital expansion needs.

2. Funding

RPTD allocates the small urban (population between 50,000 and 200,000) and rural communities' (population fewer than 50,000) apportionment among subrecipients.

3. Eligible Subrecipients

Eligible subrecipients are public agencies or private nonprofit organizations engaged in public transportation, including those providing services open to a segment of the general public, as defined by age, disability, or low income. Subrecipients must demonstrate compliance with state and federal rules and regulations and have local match available.

RPTD prefers to contract with public agencies, and will contract with private nonprofit agencies only through exception when a willing public agency is not available.

4. Eligible Services

Eligible capital projects include replacing, rebuilding, or purchasing buses and related equipment; and construction of bus-related facilities. These include but are not limited to:

- a. Acquisition of buses for fleet and service expansion
- b. Bus maintenance and administrative facilities
- c. Transfer facilities
- d. Bus malls
- e. Transportation centers
- f. Intermodal terminals
- g. Park-and-ride stations
- h. Acquisition of replacement vehicles

- i. Bus rebuilds
- j. Passenger amenities such as passenger shelters and bus stop signs
- k. Accessory and miscellaneous equipment such as: mobile radio units, supervisory vehicles, fare boxes, computers, and shop and garage equipment
- l. Clean fuels projects: passenger vehicles used to provide public transportation and powered by compressed natural gas (CNG), liquefied natural gas (LNG), biodiesel fuels, batteries, alcohol-based fuels, hybrid electric, fuel cell, clean diesel (ultra low sulfur content), or other low or zero emissions technology. Eligible activities also include constructing or leasing clean fuel buses, constructing electrical recharging facilities for such buses, and constructing new or improving existing public transportation facilities to accommodate clean fuel buses.
- m. Introduction of new technology: transit-related technology, such as innovative and improved products that provide benefits to transit, including Intelligent Transportation Systems (ITS). Examples of transit-related ITS projects include real-time bus arrival information available to passengers through electronic displays at bus stops; automatic vehicle locators; automated passenger counters; vehicle component monitoring (diagnostics); advanced fare payment methods; computer-aided dispatching and real-time ridesharing; and automated information for travelers using more than one mode of transportation.
- n. Bicycle facilities: bicycle facilities as described in 49 U.S.C. 5319 when integral to a capital investment project. Bicycle infrastructure is eligible; however, bicycles are not eligible.

5. Local Match and Local Funding Requirements

ODOT uses the federal requirement for matching participation. Local participants must contribute local match. Match is determined by the type of project and for most projects is as stated in federal guidance.

- a. Vehicles: The federal share is 85 percent and the local match is 15 percent for the acquisition of vehicles for purposes of complying with or maintaining compliance with the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 *et seq*; or the Clean Air Act (CAA), 42 U.S.C. 7401 *et seq*.
- b. Vehicle-related equipment and facilities: The federal share is 90 percent and the local match is 10 percent for project costs for acquiring vehicle-related equipment or facilities (including clean-fuel or alternative-fuel vehicle-related equipment or facilities) for purposes of complying or maintaining compliance with the CAA, or for meeting the requirements of the ADA.

FTA considers vehicle-related equipment to be equipment on and attached to the vehicle.

- c. Bicycle facilities: As provided by 49 U.S.C. 5319, the federal share is 90 percent and the local match is 10 percent for those bicycle access projects or portions of bicycle access projects designed to:
 - i. Provide access for bicycles to public transportation facilities
 - ii. Provide shelters and parking facilities for bicycles in or around public transportation facilities
 - iii. Install equipment for transporting bicycles on public transportation vehicles

Local match may include:

- a. Cash from non-governmental sources other than revenues from providing public transportation services. State STF formula funds granted to agencies through the designated STF Agency are considered local funds
- b. Non-farebox revenues from the operation of public transportation service, such as the sale of advertising and concession revenues; or a voluntary or mandatory fee that a college, university, or similar institution imposes on all its students for free or discounted transit service
- c. Amounts received under a service agreement with a state or local social service agency or private social service organization
- d. Undistributed cash surpluses, replacement or depreciation cash funds, reserves available in cash, or new capital

6. Project Selection Criteria and Fund Distribution Method

RPTD uses an annual application process to select projects. All agencies complete a grant application and must demonstrate that they are eligible to receive funding. Criteria for selection include a defined need for capital projects; high state and local priority; and availability of match. Criteria for bus or facility expansion are established in consultation with stakeholder advisory committees to meet statewide and local goals. Criteria weights and values are determined with the help of the PTAC and local advisory committees, depending upon the process for the solicitations.

Vehicles proposed for replacement are evaluated based on the total vehicle condition using three criteria. Criteria assessed for total vehicle condition are age, mileage, and the physical condition of the vehicle. RPTD assesses all three factors to evaluate the application. A point scale of value is established with input from our stakeholders. RPTD reviews the point scale periodically.

Facility projects are evaluated for project feasibility including timeline, funding, area needs, improvement to Oregon's transportation system efficiency, and safety. An expert committee reviews the facility recommendations and allows public comment.

Projects within metropolitan boundaries must be included in the MPO TIP. Projects not within metropolitan planning boundaries are required only to be in the STIP. Each project in the TIP/STIP must include sufficient descriptive material to identify the project or phase of the project.

7. Basic Grant Management Policies

Capital projects are managed in accordance with procedures established for the §5307, §5310, §5311 and §5339 programs, as appropriate to the agency. For agencies in receipt of more than one kind of grant, the procedures for the most restrictive type of project must be followed.

8. Reporting Requirements

Subrecipients who receive financial assistance through §5339 are required to submit annual data to the NTD as a condition of grant award. Specific reporting requirements are included in the NTD reporting instructions manual issued each year. RPTD is responsible for collecting and compiling data and reporting them to the NTD. RPTD will establish timelines for submission of data in order to meet its reporting requirements, including any follow-up work that is required by the NTD.

XII. Enhanced Mobility of Seniors and Individuals with Disabilities Program (§5310)

The FTA's Enhanced Mobility of Seniors and Individuals with Disabilities Program (§5310) supports services for seniors and individuals with disabilities. The State of Oregon receives an annual apportionment by formula from Congress. In addition, ODOT allocates a portion of the U.S. DOT Surface Transportation Program (STP) funds to the §5310 program in a discretionary grant process. These funds derive from STP funds from the highway program that are either dedicated to the transportation program by the Oregon legislature to benefit seniors and individuals with disabilities, or have been designated by the Oregon Transportation Commission to supplement the same service. Additionally, ODOT regions designate funds for public transit projects and at times other projects might come forward from ODOT's use of other non-highway, multimodal projects that compete for funds.

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

For more information visit: <https://www.transit.dot.gov/funding/grants/enhanced-mobility-seniors-individuals-disabilities-section-5310>.

MAP-21 consolidates current §5310 and former New Freedom program funds into a single formula program. The New Freedom program provided grants for services for individuals with disabilities that went above and beyond the requirements of the Americans with Disabilities Act (ADA). Activities formerly eligible under New Freedom are now eligible under the §5310 program.

The MAP-21 changes require at least 55 percent of program funds be spent on the types of capital projects previously eligible under the §5310 program. These include public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable. The remaining 45 percent of the formula to Oregon may be used for public transportation projects that exceed the requirements of the ADA; public transportation projects that improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit; or alternatives to public transportation that assist seniors and individuals with disabilities.

1. Program Goals

RPTD's goal for the §5310 program is to improve mobility for seniors and individuals with disabilities living and traveling throughout Oregon. MAP-21 appropriates funds to three areas based on population size (rural, small urban, and large urban areas). Because Oregon has a state-funded program for seniors and individuals with disabilities (the STF Program), RPTD manages the §5310 program to be complementary with the STF Program. For example, the STF formula funds are usually used for operating services, while the §5310 grants are often used for purchasing vehicles and other capital assets to support the services.

Sometimes the §5310 purchased service option (which is uniquely eligible for the more generous capital match rate in the §5310 program) may be used to provide financial support for transit services purchased from a third party.

2. Eligible Subrecipients

Both FTA and RPTD value transportation coordination. With passage in 2012 of the federal MAP- 21 authorization legislation, and subsequent publication of new circulars in 2014, coordination is a requirement for all §5310-funded projects. STF Agencies and RPTD staff must confirm that §5310 projects are derived from a locally developed coordinated public transit-human service transportation plan.

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

- a. Private nonprofit agencies if the services they provide are coordinated with other public transportation services and human service agencies.
 - i. In addition, agencies must not duplicate transportation services already available and the agency must demonstrate that the investment of grant funds benefits the community's overall transportation program, including meeting needs otherwise not met.
 - ii. In several Oregon communities, the lead agency for transportation coordination and for the delivery of public transit services is a nonprofit entity. These lead agencies receive multiple local, state, and federal funds for public and human service transportation, often on behalf of other agencies in the area, and in partnership with an STF Agency.
 - iii. RPTD requires potential applicants to submit documentation of nonprofit status when submitting an application for funding. The Oregon Secretary of State maintains a website listing all nonprofit agencies with current business registrations. RPTD checks the status of nonprofit applicants prior to completing agreements and amendments.
 - iv. Agencies providing transportation services to clients only (service is not open to the public or non-client seniors or individuals with disabilities) must allow federally-funded vehicles to be used by other public transportation providers when the vehicles are not scheduled for client services, or provide rides to non-clients itself in a coordinated system when vehicles are not scheduled for client services.
- b. Public agencies that certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service. There are no public agencies that have submitted such certification at this time. The state STF program is designated by state law to coordinate transportation service for seniors and individuals with disabilities through specific public agencies.
- c. Public agencies approved by the state to coordinate services for seniors and individuals with disabilities.

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

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

3. Eligible Assistance Categories

RPTD offers §5310 grants in a variety of categories. Any project proposed for §5310 funding must demonstrate how it benefits seniors and individuals with disabilities. RPTD may identify different priorities in a particular grant cycle, but generally the categories are:

- a. Vehicle preservation: replacements and preventive maintenance
- b. Purchase of vehicles to expand service or to increase capacity
- c. Purchase of service
- d. Other capital projects such as, but not limited to, facilities; computers; radios and communication equipment; transit-related intelligent transportation systems (ITS); and signage.
- e. Mobility management projects such as coordination, development, and the administrative costs associated with the development and operation of improved coordinated access to transportation services
- f. Direct operations when offered in the biennial solicitation or as approved by RPTD.

All vehicle requests must meet the requirements of the ADA. Agencies wishing to purchase non-accessible vehicles must sign a Certification of Equivalency annually assuring RPTD they have the ability to meet ADA requirements.

4. Project Selection Criteria and Fund Distribution Method

STF Agencies, including the nine federally-recognized Indian tribes, are provided a target allocation of funds in the §5310 and STF discretionary fund programs. These agencies are responsible for conducting a local public process to solicit, review, and prioritize projects for

funding. The STF Agency review includes evaluation of applicant eligibility; project type and justification; merit; coordination efforts; public involvement; and environmental justice. STF Agencies may establish other review criteria as well, such as local priorities, project planning, efficiency, and effectiveness. The STF Agency review assures that projects are derived from the coordinated plan.

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

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

5. Local Match and Local Funding Requirements

For capital, purchased service, and mobility management projects, the federal share is 89.73 percent (including for STP transfer funds) and local match is 10.27 percent. For operations projects, the federal share is 56.08 percent and local match is 43.92 percent. For the §5310 FTA formula distribution to the state, the federal share for capital is 80 percent and local match is 20 percent; operating projects have a federal share of 50 percent and local match of 50 percent when they are offered.

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

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

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

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

6. Training Requirements

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

7. Basic Grant Management Policies

Capital Projects

- a. Applications for capital projects are accepted during the RPTD's biennial discretionary grant application process and are awarded biennially.
- b. Capital grants are awarded for a two-year period. Projects may be eligible for time extensions, if approved by RPTD. Any unspent funds will be deobligated from the project. RPTD may choose to phase the project into more than one biennial grant.
- c. Decisions to cancel a project for non-performance by a subrecipient are made on a case-by-case basis. Once a grant has expired, it cannot be extended for time.
- d. For facilities projects, RPTD staff will periodically do an on-site visit to observe the project and review the completed facility, or require the subrecipient to submit pictures of the facility, or both, prior to final reimbursement on the grant. This is to ensure that the facility was completed as described in the grant agreement and that basic ADA requirements (parking, signing, curb cuts, etc.) have been met.
- e. RPTD will reimburse expenditures for a capital project beginning with the execution date defined by the grant agreement. Any expenditure by the agency prior to the start date is the responsibility of the agency, and will not be reimbursed by RPTD. This includes ordering equipment or vehicles.
- f. All agencies with §5310 capital grants are required to submit a project status narrative report with their quarterly reports.

Operating Projects

- a. If operation funds are an eligible category for the biennial discretionary grant solicitation then operating funds are awarded for two years. No extensions for time are allowed in this category.
- b. Agencies must meet the criteria identified under this section, numbers 2 – 5.
- c. Any unused grant funds at the end of the agreement or contract period will be deobligated from the project and will be used by RPTD for other eligible projects.

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

Mobility Management Projects

- a. Funds for mobility management projects are awarded in a biennial grant application process and are awarded for two years.
- b. Agencies must meet the criteria identified under this section, numbers 2 – 5.
- c. Any unused grant funds at the end of the agreement or contract period will be deobligated from the project and will be used by RPTD for other eligible projects.
- d. All agencies must submit a quarterly report in order to receive reimbursement. The actual amount of reimbursement is limited to the amount in the grant agreement, provided agencies demonstrate their local match.

8. Reporting Requirements

In addition to the quarterly reporting requirements, all §5310 projects require additional program measures:

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

In addition to a) and b) above, non-traditional §5310 projects require the following additional reporting requirements:

- c. Service Improvements: improvements related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of other §5310 projects implemented in the current reporting year
- d. Physical Improvements: any additions or changes to environmental infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of other §5310 projects implemented in the current reporting year
- e. Ridership: actual or estimated number of rides (as measured by one-way trips) provided annually for seniors or individuals with disabilities on §5310-supported vehicles and services as a result of other §5310 projects implemented in the current reporting year

XIII. Urbanized Area Formula Program (§5307)

The FTA's Urbanized Area Formula Program (§5307) supports states in providing capital and planning projects, job access and reverse commute projects, associated transit improvement projects, and certain operating costs.

1. Program Goals

- a. Assist in the planning, engineering, design, construction, evaluation, and maintenance of public transportation projects, equipment, and facilities.
- b. Facilitate cooperation between public transportation agencies and private for-profit companies engaged in public transportation to encourage the planning and establishment of area-wide public transportation systems needed for economical and desirable urban development.
- c. Encourage mobility management, employment-related transportation alternatives, joint development practices, and transit-oriented development.
- d. Help carry out national goals related to mobility for all, including seniors, individuals with disabilities, and economically disadvantaged individuals.
- e. Invest in bus and bus-related activities such as replacement, overhaul, and rebuilding of buses.
- f. Invest in crime prevention, public transportation safety, and security equipment.

2. Eligible Recipients and Subrecipients

- a. Eligible recipients of §5307 funding are governmental agencies with the legal authority to receive and dispense federal funds in urbanized areas with a population of at least 50,000 at the time of the last decennial census. This may be either the state or designated recipients within the urbanized area(s).
- b. A state or designated recipient may choose to pass its grant funds through to another entity (subrecipient) to carry out an eligible project. Subrecipients must be public agencies otherwise eligible to become direct recipients under §5307 or private nonprofit operators for purposes of carrying out eligible job access and reverse commute projects.

3. Eligible Assistance Categories

- a. Planning projects
- b. Capital projects
- c. Employee training projects

- d. Operating assistance
- e. Job Access and Reverse Commute projects
- f. Interest and debt financing

4. Fund Distribution

Each fiscal year, FTA apportions urbanized area funds to states and designated recipients according to a statutory formula using the latest available U.S. decennial census data and other information reported by the Bureau of the Census and the National Transit Database. FTA publishes §5307 apportionments in the Federal Register.

5. Federal and Local Match Funding Requirements

RPTD uses the federal requirement for matching participation. Local participants must contribute project match which is determined by project type as stated in federal guidance.

- a. The federal share for planning and capital projects is 80 percent; the local match is 20 percent.
- b. The federal share may exceed 80 percent for certain projects related to the ADA, the Clean Air Act (CAA), and certain bicycle projects as follows:
 - i. Acquisition of vehicles for purposes of complying with the ADA or the CAA may be funded at 85 percent federal share and 15 percent local match.
 - ii. Acquisition of vehicle-related equipment and facilities for purposes of complying with the CAA, or required by the ADA, may be funded at 90 percent federal share and 10 percent local match.
 - iii. Bicycle projects which provide access for bicycles to public transit facilities, provide amenities for bicycles in or around transit facilities, or for installation of bicycle transportation on transit vehicles may be funded at 90 percent federal share and 10 percent local match.
- c. The federal share for operating projects is 50 percent of the net operating costs after fares are deducted and local match is 50 percent.
- d. For funds that are transferred from FHWA programs to the FTA §5307 program for a capital project, the match ratio may be 89.73 percent federal share with 10.27 percent local match.

6. Basic Grant Management Policies

Recipients must demonstrate legal, financial, and technical capacity to carry out the program and follow all program-specific, FTA-specific and other applicable federal requirements, including civil rights statutes.

Service standards and policies shall be set for fixed route modes of service provided. These standards and policies must address how service is distributed in a non-discriminatory manner across the transit system.

7. Reporting Requirements

Recipients of §5307 funding must submit reports to the National Transit Database, the Federal Funding Accountability and Transparency Act database, and to FTA's Transit Award Management System grant reporting database.

8. Title VI Program

Recipients of §5307 funding who are providers of fixed route public transportation services must comply with U.S. Department of Transportation Title VI regulations. Compliance is documented by submittal of an approved Title VI Program to their FTA regional civil rights officer once every three years.

9. Direct Recipient Coordination

Oregon coordinates with FTA to avoid duplication of administrative oversight of urban systems. For direct funding relationships between FTA and §5307 recipients, ODOT depends on the FTA triennial review for in-depth compliance review. When ODOT provides funds from one of the state's FTA funded programs (§5310, §5311, §5311) to a §5307 recipient, ODOT provides procurement process oversight. ODOT defers to FTA to oversee civil rights and asset management in concert with local management practices agreed upon by FTA and the §5307 provider and reported to NTD.

XIV. Special Transportation Fund Program

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

<https://www.oregon.gov/ODOT/RPTD/RPTD%20Document%20Library/stf-guidebook.pdf>

1. Program Goals

The Special Transportation Fund (STF) is a state-funded program through dedicated tax and other resources and provides a flexible, coordinated, reliable, and continuing source of revenue in support of transportation services for seniors and individuals 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 individuals with disabilities may live as independently and productively as possible. The funds may be used for any purpose directly related to transportation services, including transit operations, capital equipment, planning, travel training, and other transit-related purposes.

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

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

2. Eligible Subrecipients

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

3. Eligible Assistance Categories

STF Formula and STF Discretionary funds may be used for projects benefiting seniors and individuals with disabilities, including operations, capital, and planning. Use of STO funds is limited to operations.

4. Project Selection Criteria and Fund Distribution Method

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

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

5. Local Match and Local Funding Requirements

There are no matching requirements for STF formula funds. Match may be required for discretionary projects depending on the activity.

6. Training Requirements

There are no specific training requirements. STF Agencies are encouraged to participate in training offered by RPTD.

7. Basic Grant Management Policies

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

8. Reporting Requirements

STF Agencies are required to report quarterly, as defined by Oregon law and RPTD procedures.

XV. Transportation Options Program

The Transportation Options (TO) program promotes efficient use of existing transportation infrastructure by encouraging mode choices like bicycling, walking, public transit, ride-sharing (carpooling and vanpooling), and teleworking. The TO program helps ODOT achieve national and state goals for land use, air quality, congestion management, physical activity, and energy conservation.

Program investments are guided by FHWA policies, FTA policies, the Oregon Transportation Plan, the Oregon Transportation Options Plan (OTOP), state and local needs, and community interest.

The TO program encourages:

- a. Thoughtful transportation investments that support and encourage efficient mode choices
- b. Transportation Options program coordination with relevant transit agencies

1. Program Goals

The TO program is guided by the OTOP which identifies ten goals:

- a. Safety
- b. Funding
- c. Accessibility
- d. Mobility and system efficiency
- e. Economy
- f. Health and environment
- g. Land use and transportation
- h. Coordination
- i. Equity
- j. Knowledge and information

2. Eligible Subrecipients

Government agencies, transit agencies, tribes, private for-profit transportation providers, and private nonprofit agencies are eligible to receive funding. RPTD selects subrecipients to provide TO coverage of the entire state via formula, competitive contracting, and other grant programs.

3. Program Resources

- a. RPTD, ODOT regions, ODOT Safety Division, and ODOT Active Transportation all help fund TO activities in Oregon. In some cases, RPTD manages TO grants for ODOT regions.
- b. FHWA STP transfer and Congestion Mitigation and Air Quality (CMAQ) funds are used to support TO programs.
- c. FTA funds may be used to support TO programs.
- d. ODOT Enhance competitive funding opportunity (STP transfer) can be used to support TO.

4. Eligible Assistance Categories

Eligible categories include all aspects of TO: marketing, outreach, education, planning, capital, etc.

5. Local Funding Requirements and Local Match

Transportation Options activities require a 10.27 percent local match. One exception is FHWA-funded program activities that promote/support ridesharing. These activities do not require local match.

6. Reporting Requirements

Subrecipients must submit a quarterly TO program activities report.

XVI. Discretionary Grants Program

1. Overview

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

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

Discretionary Grants Program

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

Sources of Funding

- a. STF discretionary funds
- b. State Transit Planning Assistance (§5304)
- c. Enhanced Mobility of Seniors and Individuals with Disabilities (§5310), including Surface Transportation Program (STP) Funds allocated by U.S. DOT to be transferred by ODOT to FTA §5310
- d. Intercity Bus (§5311(f))
- e. Mass Transit Vehicle Replacement Program: STP Funds allocated by U.S. DOT to be transferred by ODOT to urban systems in MPO areas accessing the §5307 program
- f. Bus and Bus Facilities (§5339) funds
- g. Rural Area Formula Program (§5311) as funds are made available
- h. Other state or federal sources as may be made available for these purposes

The discretionary grants program is usually conducted every two years; however, the frequency of availability may be more or less frequent as funds are made available.

2. Project Selection Criteria and Method of Distributing Funds

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

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

2015 State Management Plan Abbreviations and Acronyms

§5303	Metropolitan Transportation Planning
§5304	Statewide Transportation Planning
§5307	Urbanized Area Formula Program
§5309	Bus and Bus Facilities Program (repealed)
§5310	Enhanced Mobility of Seniors and Individuals with Disabilities
§5311	Formula Grants for Rural Areas
§5311(f)	Intercity Bus (under Formula Grants for Rural Areas)
§5339	Bus and Bus Facilities Formula Program
ACT	Area Commissions on Transportation
ADA	Americans with Disabilities Act
CAA	Clean Air Act
CDL	Commercial Driver's License
CNG	Compressed Natural Gas
DAS	(Oregon) Department of Administrative Services
DBE	Disadvantaged Business Enterprise
DCE	Documented Categorical Exclusion
DEQ	(Oregon) Department of Environmental Quality
DHS	Department of Human Services
DLSM	Drive Less Save More
DMV	Driver and Motor Vehicle Services
DOJ	Department of Justice
DOL	(U.S.) Department of Labor
ECHO	Electronic Clearinghouse Operation System
EEO	Equal Employment Opportunity
EJ	Environmental Justice
FFATA	Federal Funding Accountability and Transparency Act
FFR	Federal Financial Reports
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FMVSS	Federal Motor Vehicle Safety Standards
FRA	Federal Railroad Administration
FSB	(ODOT) Financial Services Branch
FTA	Federal Transit Administration
GTFS	General Transit Feed Specifications
GTFS-RT	General Transit Feed Specifications – Real Time
GTFW-DR	General Transit Feed Specifications – Demand Response
HPO	Highway Program Office

STATE MANAGEMENT PLAN FOR PUBLIC
TRANSPORTATION PROGRAMS

IGA	Intergovernmental Agreement
ITB	Invitation to Bid
ITS	Intelligent Transportation Systems
LAP	Language Assistance Plan
LEP	Limited English Proficiency
LNG	Liquefied Natural Gas
MAP-21	Moving Ahead for Progress in the 21st Century
MIS	Management Information System
MPO	Metropolitan Planning Organization
MPP	Metropolitan Planning Program
MPR	Milestone Progress Report
NEMT	Non-emergency Medical Transportation
NEPA	National Environmental Protection Act
NTD	National Transit Database
OAR	Oregon Administrative Rules
OCR	(ODOT) Office of Civil Rights
ODOT	Oregon Department of Transportation
OMB	Office of Management and Budget
OPTIS	Oregon Public Transit Information System
ORPIN	Oregon Procurement Information Network
ORS	Oregon Revised Statutes
OTA	Oregon Transit Association
OTC	Oregon Transportation Commission
OTOP	Oregon Transportation Options Plan
OTP	Oregon Transportation Plan
OTPT	Oregon Public Transportation Plan
POINT	Public Oregon Intercity Travel
POP	Program of Projects
PTAC	Public Transportation Advisory Committee
RFP	Request for Proposals
RPTD	(ODOT) Rail and Public Transit Division
RTAP	Rural Transportation Assistance Program
RTC	Regional Transit Coordinator
RTO	Regional Travel Options
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SGR	State of Good Repair
STF	Special Transportation Fund
STO	Special Transportation Operations
STP	Surface Transportation Program
TAP	Technical Assistance Program

STATE MANAGEMENT PLAN FOR PUBLIC
TRANSPORTATION PROGRAMS

TDM	Transportation Demand Management (aka TO)
TIP	Transportation Improvement Plan
TMA	Transportation Management Association
TO	Transportation Options (aka TDM)
TPP	Transit Planning Program
UPWP	Unified Planning Work Program
U.S. DOT	United States Department of Transportation