

Commonwealth of Virginia
Department of Rail and Public Transportation

State Management Plan

FTA Sections 5310, 5316, and 5317

Revised June 2017

Table of Contents

Introduction..... 2

Purpose of the State Management Plan..... 2

- a. Program Goals and Objectives..... 2
- b. Roles and Responsibilities 3
- c. Coordination 5
- d. Eligible Subrecipients 6
- e. Eligible Projects 7
- f. Local Share and Local Funding Requirements 8
- g. Project Selection Criteria and Method of Distributing Funds..... 8
- h. Annual Program of Projects Development and Approval Process 9
- i. Funds Transfer 11
- j. Private Sector Participation..... 11
- k. Civil Rights 12
- l. Maintenance..... 12
- m. Program Measures 14
- n. State Program Management..... 14
 - 1. Procurement 14
 - 2. Financial Management..... 15
 - 3. Property Management and Disposition..... 15
 - 4. Vehicle Use..... 16
 - 5. Accounting Systems..... 16
 - 7. Grants Management and Financial Review 17
 - 7. Other Provisions..... 17

Introduction

The Federal Transit Administration (FTA) provides financial assistance through grant programs to develop new transit systems and improve, maintain, and operate existing systems. The FTA requires the Virginia Department of Rail and Public Transportation (DRPT) to adopt policies and procedures to be used in administering FTA Title 49 USC Sections 5310, 5316, and 5317 grant programs. This State Management Plan (SMP) describes the policies and procedures for the state managed portion for administering these grant programs.

The Federal Fixing America's Surface Transportation (FAST) legislation went into effect in December 2015. There were no program rule changes in this legislation that affects the Section 5310 program. This SMP incorporates the changes made under the Moving Ahead for Progress in the 21st Century (MAP-21) legislation of 2012, which repealed Sections 5316 (Job Access and Reverse Commute – JARC) and 5317 (New Freedom) programs and established an enhanced Section 5310 that serves as a single formula program to support the mobility of seniors and individuals with disabilities.

DRPT continues to serve as the administrator of the Section 5310 program. Through mutual agreement, this includes the large urbanized areas of Richmond/Petersburg, Roanoke, and Hampton Roads. The Section 5310 program serving the metropolitan Washington, D.C., large urbanized area, including portions of Northern Virginia, are administered by the Metropolitan Washington Council of Governments (COG).

Purpose of the State Management Plan

The Sections 5310, 5316, and 5317 State Management Plan is intended to facilitate both state management and FTA oversight by documenting the state's procedures and policies for administering the programs in a single reference. The State Management Plan is a document, which is useful to the state as well as to subrecipients and FTA. Its primary purposes are to serve as the basis for FTA's review of the state's program, and to provide public information on the state's administration of the Sections 5310, 5316, and 5317 programs.

a. Program Goals and Objectives

Section 5310 Program

The goal of the Section 5310 Program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the transportation mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas. The program requires coordination with other federally assisted programs and services in order to make the most efficient use of federal resources. On July 7, 2014, the FTA published Final FTA Circular C 9070.1G, incorporating project types from the repealed New Freedom (Section 5317) program.

Section 5316 Program

The goal of the Job Access and Reverse Commute (Section 5316) Program is to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities. DRPT administers this program for individuals living in the rural and small urbanized areas of the state and the large urbanized areas of Richmond, Roanoke, and Hampton Roads. This program was repealed by MAP-21. Funds that have already been apportioned will remain

available for obligation until they are expended or expire, and remain subject to FTA program requirements. The Section 5316 program activities are eligible for funding under FTA's Urbanized Area Formula Grants (Section 5307) and Formula Grants for Rural Areas (Section 5311) programs.

Section 5317 Program

The goal of the Section 5317 Program is to provide additional tools to overcome existing barriers facing individuals with disabilities seeking integration into the work force and full participation in society. The New Freedom grant program seeks to reduce barriers to transportation services and expand the transportation mobility options available to individuals with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990. DRPT administers this program for individuals living in the rural and small urbanized areas of the state and the large urbanized areas of Richmond, Roanoke, and Hampton Roads. This program was repealed by MAP-21. Funds that have already been apportioned will remain available for obligation until they are expended or expire, and remain subject to FTA's program requirements. The Section 5317 program activities are eligible for funding under FTA's Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) program.

DRPT Objectives

Through the administration of the Sections 5310, 5316, and 5317 programs, it is the objective of DRPT to:

- 1) Encourage the maintenance and improvement of existing transportation providers serving seniors and individuals with disabilities in the Commonwealth of Virginia through reliable programming of Federal Financial Assistance;
- 2) Help to maximize the efficiency, effectiveness, and safety of existing human service transportation providers and public transportation systems through capital and technical assistance;
- 3) Enhance the access of all citizens in Virginia, especially the transportation disadvantaged, to transportation services for trip purposes such as health care, shopping, education, recreation, and employment, through the introduction of new transportation services and the protection of existing services;
- 4) Encourage efforts to avoid service duplication and improve the reliability of human service transportation providers;
- 5) Maintain administrative and technical assistance capabilities at the state level to assist human service transportation providers and local governments in the management of their systems;
- 6) Ensure that there is a fair and equitable distribution of program funds;
- 7) Ensure a process whereby private transit operators are provided an opportunity to participate to the maximum extent feasible; and
- 8) Provide for maximum feasible coordination of public transportation assisted by FTA with transportation services assisted by other Federal sources.

b. Roles and Responsibilities

In accordance with Section 33.2-285, Code of Virginia, DRPT has the responsibility to:

- 1) Determine present and future needs for, and economic feasibility of providing, public transportation, transportation demand management, and ridesharing facilities and services and the retention, improvement, and addition of passenger and freight rail transportation in the Commonwealth;
- 2) Formulate and implement plans and programs for the establishment, improvement, development and coordination of public transportation, transportation demand management, and ridesharing

facilities and services, and the development, retention, and improvement of passenger and freight rail transportation services and corridors in the Commonwealth, including lines for higher speed passenger rail that will shift traffic from the highways to passenger rail and thereby reduce traffic congestion, and coordinate transportation demand management and innovative technological transportation initiatives with the Department of Transportation;

- 3) Coordinate with the Department of Transportation in the conduct of research, policy analysis, and planning for the rail and public transportation modes as may be appropriate to alleviate traffic congestion on highways by shifting traffic to passenger rail and to ensure the provision of effective, safe, and efficient public transportation and passenger and freight rail services in the Commonwealth;
- 4) Develop uniform financial and operating data on and criteria for evaluating all public transportation activities in the Commonwealth, develop specific methodologies for the collection of such data by public transit operators, regularly and systematically verify such data by means of financial audits and periodic field reviews of operating data collection methodologies, and develop such other information as may be required to evaluate the performance and improve the economy or efficiency of public transit or passenger and freight rail operations, transportation demand management programs, and ridesharing in the Commonwealth;
- 5) Compile and maintain an up-to-date inventory of all abandoned railroad corridors in the Commonwealth abandoned after January 1, 1970;
- 6) Provide training and other technical support services to transportation operators and ridesharing coordinators as may be appropriate to improve public transportation, ridesharing, and passenger and freight rail services;
- 7) Maintain liaison with state, local, district, and federal agencies or other entities, private and public, having responsibilities for passenger and freight rail, transportation demand management, ridesharing, and public transportation programs;
- 8) Receive, administer, and allocate all planning, operating, capital, and any other grant programs from the Federal Transit Administration, the Federal Railroad Administration, the Federal Highway Administration, and other agencies of the United States government for public transportation, passenger and freight rail transportation, transportation demand management, and ridesharing purposes with approval of the Board and to comply with all conditions attendant thereto;
- 9) Administer all state grants for public transportation, rail transportation, ridesharing, and transportation demand management purposes with approval of the Board;
- 10) Promote the use of public transportation, transportation demand management, ridesharing, and passenger and freight rail services to improve the mobility of Virginia's citizens and the transportation of goods;
- 11) Represent the Commonwealth on local, regional, and national agencies, industry associations, committees, task forces, and other entities, public and private, having responsibility for passenger and freight rail, transportation demand management, ridesharing, and public transportation;
- 12) Represent the Commonwealth's interests in passenger and freight rail, transportation demand management, ridesharing, and public transportation and coordinate with the Department of Transportation in the planning, location, design, construction, implementation, monitoring,

evaluation, purchase, and rehabilitation of facilities and services that affect or are used by passenger and freight rail, transportation demand management, ridesharing, or public transportation;

- 13) Coordinate with the State Corporation Commission on all matters dealing with rail safety inspections and rail regulations that fall within its purview;
- 14) Prepare and review state legislation and Commonwealth recommendations on federal legislation and regulations as directed by the Secretary of Transportation;
- 15) Promote public transportation, ridesharing, and passenger and freight rail safety; and
- 16) Ensure the safety of rail fixed guideway transit systems within the Commonwealth and carry out state safety and security oversight responsibilities for rail fixed guideway transit systems as required by the Federal Transit Administration and federal law. For any rail fixed guideway transit system operated within the Commonwealth pursuant to an interstate compact, the Department of Rail and Public Transportation shall perform its oversight responsibilities in accordance with the interstate compact governing the operation of such system and any applicable federal law.

In addition to the responsibilities stated above, DRPT administers the Sections 5310, 5316, and 5317 programs in accordance with the regulations published by the U.S. Department of Transportation.

Application requirements are described in the current edition of DRPT's FTA Grant Program Application Guidance that is developed and updated on an annual basis. This Guidance is transmitted to all current subrecipients on or around December 1st of each year. DRPT posts the Guidance on its website and conducts appropriate public outreach. A public notice is published in all major newspapers in Virginia announcing its availability to the general public and any public or private agency interested in the program. Instructions, forms and a copy of the current DRPT Program Guidance are also located on the OLGA.

c. Coordination

FTA requires that projects selected for funding under the Section 5310 program are included in a locally developed, coordinated plan that was developed and approved through a process that includes participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public. In 2013 - 2014, DRPT collaborated with stakeholders and the public across the state to update the Coordinated Human Service Mobility (CHSM) Plans to fulfill FTA's coordinated transportation planning requirements. The CHSM Plans are organized geographically around twenty-one (21) Planning District Commissions (PDCs) throughout the Commonwealth. The PDC's have been chartered by the local governments of each planning district under the Regional Cooperation Act to conduct planning activities on a regional basis.

The CHSM Plans also serve as the foundation for the Program of Projects and are encouraged to be integrated into the metropolitan transportation planning processes and documents. DRPT took a broad approach with CHSM planning efforts to help ensure the participation of stakeholders at the local level. This included the development of an extensive mailing list, a series of local workshops, and numerous opportunities for input and comments on unmet transportation needs and potential strategies and projects to improve mobility in the region.

Overall, eight (8) broad categories of agencies were included in initial outreach activities:

- 1) **Community Services Boards (CSBs) and Behavioral Health Authorities (BHAs)** These boards provide or arrange for mental health, mental retardation, and substance abuse services

within each locality.

- 2) **Employment Support Organizations (ESOs)** These organizations provide employment services for persons with disabilities within localities around the State.
- 3) **Area Agencies on Aging (AAAs)** These organizations offer a variety of community-based and in-home services to older adults, including senior centers, congregate meals, adult day care services, home health services, and Meals-on-Wheels.
- 4) **Public Transit Providers** These include publicly or privately-owned operators that provide transportation services to the general public on a regular and continuing basis. They have clearly published routes and schedules, and have vehicles marked in a manner that denotes availability for public transportation service.
- 5) **Disability Services Boards** These boards provide information and referrals to local governments regarding the Americans with Disabilities Act (ADA), and develop and make available an assessment of local needs and priorities of individuals with physical and sensory disabilities.
- 6) **Centers for Independent Living (CIL)** These organizations serve as educational/resource centers for persons with disabilities.
- 7) **Brain Injury Programs** These programs serve as clubhouses and day programs for persons with brain injuries.
- 8) **Other appropriate associations and organizations** These include Alzheimer's Chapters, AARP, and the VA Association of Community Services Boards (VACSB).

In 2012, DRPT hosted fourteen local planning sessions with diverse groups of stakeholders in communities across the Commonwealth, with the goal of gathering up-to-date data and information, including perspectives from local seniors, individuals with disabilities, representatives of public, private, and non-profit transportation and human services providers, and other transportation providers and organizations and agencies.

Participants reviewed issues and strategies included in the previous CHSM Plans, and discussed how transportation needs, gaps, and services have changed in their communities over the last five years. Participants identified current services and resources, shared best practices, and prioritized strategies and potential projects going forward.

In 2013, DRPT conducted twelve (12) follow-up meetings to gather additional input and finalize the draft updated plans. A total of twenty-six (26) stakeholder meetings were held, as well as post meeting follow up activities. DRPT emphasized the importance of soliciting and incorporating perspectives from local seniors, individuals with disabilities, representatives of public, private, and non-profit transportation and human services providers, and other transportation providers. All recipients were encouraged to broadly disseminate meeting notices and encourage community participation.

Participant comments and recommendations were extensively discussed during the regional meetings, and consensus was developed regarding specific additions and amendments to each plan. Incorporating such feedback into each plan was a crucial component in updating and improving the plans. Nineteen (19) regional plans were finalized in September 2013 and the remaining two (2) plans were finalized in June 2014.

The CHSM Plans follow an update cycle of every five years, or earlier based on local conditions or legislative changes.

d. Eligible Subrecipients

Traditional (Section 5310) and Non-Traditional (Section 5317) Subrecipients

- (1) Private nonprofit corporations for the specific purpose of providing transportation services meeting

the special needs of elderly persons and persons with disabilities where public transportation services are unavailable, insufficient or inappropriate (Traditional & Non-traditional);

(2) State or local governmental authorities that are approved by the state to coordinate services for the elderly and persons with disabilities (Traditional & Non-traditional), DRPT has documented through two studies the “2005 United We Ride Inventory” and “State Coordination Model for Human Services Transportation” that services provided from the Virginia Behavioral Health and Development Services for the mental health and intellectual disability are provided through Local Community Services Board (CSB). In Virginia CSBs are not private non- profits but owned by local governments. In Virginia CSBs provide transportation services for these two populations. This requires them to apply for the FTA Section 5310 program as public entities. DRPT has documented through these two studies that CSBs are the only local agencies able to provide transportation services. This is documented in the all CHSM Plans funded by DRPT;

(3) Governmental authorities that certify to the Governor that no nonprofit corporations readily available in the area to provide coordinated transportation services for elderly persons and persons with disabilities (Traditional); and

(4) Operators of public transportation that receives Section 5310 funds indirectly through a recipient (Non-traditional). For example, taxi operators that provide shared-ride service may be subrecipients for non-traditional Section 5310 projects, as an operator of public transportation. Taxi companies that wish to participate in the Section 5310 Program that do not provide shared-ride service may do so as contractors to recipients or subrecipients.

Section 5316 Program

- (1) Private non-profit organizations
- (2) State or local governmental bodies
- (3) Operators of public transportation services
- (4) Private operators of public transportation services

Other Eligibility Considerations

All applicants are required to provide an adequate opportunity for public review and comment on a project, and, after providing notice, must provide an opportunity for a public hearing if it is requested. This notice must be advertised in the local newspaper and should appear at least 14 days before the application submittal deadline. In addition, applicants for Sections 5310, 5316, and 5317 funds are expected to reasonably meet technical capacity requirements for grant administration and program management. They are also required to review a brief of their proposals at a local CHSM meeting prior to the application being submitted in OLGA.

e. Eligible Projects

Project eligibility for funding through the Sections 5310, 5316, and 5317 programs is consistent with FTA guidance. To use funds most effectively, new and innovative projects addressing the unmet transportation needs of seniors and individuals with disabilities are encouraged. In addition, projects must respond to one or more of the strategies identified in the regional CHSM Plans.

Examples of eligible projects for specific programs include, but are not limited to the following:

Traditional Section 5310 Projects

Vehicles, Radios and communications equipment, wheelchair lifts and restraints, vehicle rehabilitation, computer hardware and software to be used for transportation program, acquisition of transportation services under a contract lease, and Intelligent Transportation Systems (ITS), and mobility management.

Non-Traditional Section 5310 (Section 5317) Projects

Expansion of paratransit service beyond the minimum requirements of ADA, expansion of current hours for paratransit service, enhancement of services, voucher programs, and volunteer driver programs, travel training and mobility management activities.

Section 5316 Projects

Operating: Late night and weekend service, guaranteed ride home service, shuttle service, expanded fixed-route public transit routes, demand-responsive service, ridesharing and carpooling activities, voucher programs. Capital: Intelligent Transportation Systems (ITS), Promotion of operating activities, vehicles, and mobility management activities.

f. Local Share and Local Funding Requirements

Local share requirements for the Sections 5310, 5316, and 5317 Program funds are consistent with FTA matching requirements. The Federal share of eligible capital expenses (including mobility management) may not exceed 80% of the net project costs, and the Federal share of eligible operating expenses may not exceed 50% of the net operating costs. All of the local share must come from sources other than Federal Department of Transportation (DOT) program funds. Applicants are encouraged to develop partnerships for accessing local match monies from other non-DOT Federal funds. In addition, dedicated tax revenues, private donations, revenue from human service contracts, and net income generated from advertising and concessions are eligible match sources.

g. Project Selection Criteria and Method of Distributing Funds

The DRPT project review and selection process begins annually upon the DRPT receipt of the Sections 5310, 5316 and 5317 OLGA applications in February. All applicants are screened to ensure that agencies have complied with the administrative requirements of the Sections 5310, 5316, and 5317 Programs, as applicable. DRPT staff will review each application to assess eligibility, compliance with application guidance requirements, and funding priorities addressed. Staff may recommend programmatic and budgetary revisions. Application requirements, evaluation criteria and funding priorities will be detailed annually in the application guidance documents.

In the Sections 5310, 5316, and 5317 narrative and associated documents, applicants should exhibit a high probability of success by a sound managerial and operating strategy, and reflect the capability to properly monitor, maintain and repair equipment to ensure safe and reliable transportation. They should also reflect cooperative planning and coordination efforts. Coordination is defined as the joint action of two or more organizations to provide transportation services to seniors and individuals with disabilities. Such joint actions can include the common sharing of transportation facilities and/or equipment or cooperative arrangements, which improve service efficiency levels.

DRPT is required by FTA to assure that grant recipients have provided for maximum coordination of transportation services. Through development of regional CHSM plans, DRPT has assisted regional stakeholders in making coordination of transportation services a high priority of Virginia's Sections 5310, 5316, 5317 Programs.

As part of the annual application guidance development process, DRPT will identify core emphasis areas and selection criteria that will be used to evaluate and prioritize FTA Sections 5310, 5316, and 5317 applications, development of the Annual Program of Projects, and assure equitable distribution of benefits. These emphasis areas and how they will be used to evaluate and prioritize FTA applications are explained in detail within the OLGA application process, so that all applicants are aware of how their applications will be reviewed and prioritized, resulting in the Annual FTA Sections 5310, 5316, and 5317 Program of Projects. The approval of each year's application for FTA Sections 5310, 5316, and 5317 Programs may vary depending on the emphasis areas chosen for that particular year.

In general, each application will be evaluated based on quality and completeness of applicant responses to application items addressing: management of operations, preventative maintenance practices, coordination of transportation services with other transportation providers, etc. All applicants not awarded a grant receive a visit, or at a minimum a phone review, detailing the shortfalls of the application and areas to improve upon for future submittals etc. DRPT staff develops a Draft Annual Program of Projects for the FTA Section 5310. This draft Program of Projects will then be presented to the Director of DRPT in February, to the Secretary of Transportation in April, and presented for final approval by the Commonwealth Transportation Board (CTB), typically in June of each year.

Note: Until prior year allocations under Sections 5316 and 5317 are exhausted, New Freedom and JARC awards will also be detailed in the Program of Projects. MAP-21 consolidated Sections 5310 and 5317 and repealed Section 5316. These grant programs are listed individually above because at the time of publication DRPT continues to have funding under each program from apportionments prior to federal fiscal year 2013 and may continue to accept applications under each grant program until funds are exhausted.

Appeals Process

An applicant whose application was not approved by the CTB may file a protest to DRPT within sixty (60) days following action by the CTB.

An applicant that files a protest must send a letter to the DRPT Public Transportation Administrator explaining the reasons for the protest and must include a copy of the applicant's FTA Section 5310 application. The protest letter should be sent to the following address:

**Chief of Public Transportation
Virginia Department of Rail & Public Transportation
600 East Main Street, Suite 2102
Richmond, VA 23219**

The Chief of Public Transportation will officially respond to the protest within thirty (30) days.

Fund Distribution

Operating and Mobility Management Grants

Grants for operating assistance through Sections 5310, 5316 and 5317 Programs are issued on a reimbursement basis. Costs must be incurred before payment is made. All costs charged to DRPT assisted projects must be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges. Recipients can invoice DRPT monthly.

Capital Grants – Vehicles

Capital assistance grants require monthly reporting via DRPT's OLGA system that includes passenger trips.

h. Annual Program of Projects Development and Approval Process

The solicitation of applications is accomplished through a statewide public notice and a memorandum announcing the availability of FTA Sections 5310, 5316, and 5317 funding. The DRPT Project Managers are available for public meetings to discuss the applications with eligible recipients. The memorandum is electronically sent to Human Service Agencies, Metropolitan Planning Organizations, and Planning District Commissions.

The public notice is printed in all major circulation newspapers throughout the Commonwealth and indicates the same information as described in the statewide memorandum. The statewide memorandum and public notice is issued during the first week of December.

All applications must be submitted through the OLGA system. As applicable, applications include the following:

- Articles of Incorporation
- Copy of letter of exemption IRS Section 501 C
- Copies of public notice of intent to apply
- Letter of notice to human service agencies
- List of agencies sent notice
- Letter of notice to PDC/MPO
- Signed FTA Certifications and Assurances (if available)
- Completed Title VI Civil Rights Forms
- Copy of Vehicle Insurance Package

The review process begins upon DRPT's receipt of the Sections 5310, 5316, and 5317 applications in early February. Each application is reviewed to ensure that the application complies with program requirements. Those projects that are recommended for selection are included in a Draft FTA Program of Projects in mid-February.

The Draft FTA Sections 5310, 5316, and 5317 Program of Projects is then presented to the Chief of Public Transportation for preliminary review. A Final Draft FTA Program of Projects is presented to the DRPT Director by March 1. Upon approval by the Director, the final Program of Projects is presented to the Secretary of Transportation. Upon the review and approval by the Secretary of Transportation the FTA Program of Projects is then presented to the CTB in early April. The CTB approves the Final FTA Sections 5310, 5316, and 5317 Program of Projects in June.

After the Program of Projects is first presented to the CTB, it is also posted on DRPT's website as part of the draft SYIP, and applicants can determine whether or not projects are recommended for funding and, if so, at what funding level. The final Annual Program of Projects is submitted in June to the CTB for approval. Upon CTB authorization, the application is submitted to FTA in June. The Section 5310, 5316, and 5317 Annual Program of Projects is included as part of the Virginia Department of Transportation's Statewide Transportation Improvement Program (STIP). Prior to FTA application submission and as part of the STIP development, the CTB conducts both preliminary and final STIP public hearings. Those applicants selected for funding are notified of their local match requirements after FTA approves the Program of Projects in September of the application year.

STIP/TIP Requirement

Proposed projects must be a product of the metropolitan planning process and/or the statewide planning process specified in 49 CFR Part 613 and 23 CFR Part 450. That is, all transit projects for which Federal funds are expected to be used and that are within metropolitan planning boundaries must be included in a Transportation Improvement Program (TIP) approved by the Metropolitan Planning Organization (MPO) and the Chief Executive Officer of a State and in a STIP that has been approved by FTA and FHWA. Projects not within metropolitan planning boundaries are required only to be in the STIP. The DRPT project application identifies the latest approved STIP (or amendments) containing the project(s), the appropriate page numbers, and a statement identifying the date that FTA and FHWA approved the STIP (or STIP amendment) that contains the proposed project(s). Projects listed in the TIP and STIP must be derived from and consistent with the State's long range plan. If a project is selected and is part of an

MPO, it must be included in the local TIP. However, if a project is outside of an MPO, DRPT ensures that the project is included in the STIP.

State Administration, Planning and Technical Assistance

DRPT will be using in some fiscal years 10% of allowable funds for state administration, planning and technical assistance from Section 5310 and previous Sections 5316 and 5317 awards to support planning and technical assistance to Sections 5310, 5316, and 5317 subrecipients, including periodic updates to regional CHSM plans.

i. Funds Transfer

DRPT has not transferred any funds from the Sections 5310, 5316, or 5317 to any other programs in the past; however, if this need arises, it will be done in accordance with all FTA regulations.

j. Private Sector Participation

Each Sections 5310, 5316, and 5317 applicant is required to publish a public notice of intent to apply for a FTA Sections 5310, 5316, and 5317 grant. This notice must be advertised in the local newspaper and should appear at least fourteen (14) calendar days before the application submittal deadline. Transportation providers in their service areas are also to be advised by letter of their intention to apply for Section 5310 financial assistance. Public notices direct interested parties to submit comments to DRPT.

Public Bodies that apply for the FTA Sections 5310, 5316, and 5317 programs are required, if requested, to hold a public hearing on the application to receive comments from the general public. A copy of a public notice published in a major newspaper, must be attached to the FTA Sections 5310, 5316, and 5317 application. Such notice should be published at least fourteen (14) calendar days in advance of the application due date.

In the event a private sector provider has indicated that they can provide the same service, the applicant must examine the feasibility of purchasing transportation services from the private sector provider. Should private transportation providers raise any objections; the applicant will address them during the application process. DRPT staff will review all objections to the application/program and the applicant's response. If a resolution cannot be found during the application process or the private operator is not satisfied with the response provided by the applicant, then the private operator may request that DRPT staff meet with both parties to review the objection, and if appropriate, to seek to develop a compromise agreement that will resolve the objection.

If a compromise agreement cannot be reached between the private operator and the applicant, DRPT will recommend one of the following three actions: (1) The statement of objection will be declared invalid or unresolved; (2) The statement of objection will be declared valid and resolvable, and the project applicant will be required to modify its project proposal; or (3) The statement of objection will be declared valid, and the applicant will be required to withdraw its project proposal until such time as the issue of coordination with private operators is adequately addressed.

Any of the three actions identified will be subsequent to the approval of DRPT's Director. The Director will hear any appeals by either the private operator or the applicant with regard to any one of the three actions recommended by DRPT. The decision of the Director will be final; however, the applicant and the private operator may have the right to appeal the decision to a court with jurisdiction.

FTA may be requested to review the objection only upon procedural grounds and only after disposition of complaints at the local and state level.

k. Civil Rights

DRPT requires that all applicants certify through the annual application process that they are in compliance with all Civil Rights requirements associated with the program, specifically:

- (1) Title VI Program Requirements: Each applicant submitting an application will be required to sign an Assurance as outlined in FTA Circular 4702.1, as amended.
- (2) Civil Rights Requirements: Each applicant submitting an application will be required to sign an Assurance as outlined in FTA Circular 4702.1, as amended.
- (3) Each applicant is requested to state if their agency is a minority organization as defined in FTA circular 4702.1, as amended.
- (4) Each applicant is requested to show racial breakdown of anticipated ridership.

When DRPT submits a FTA Section 5310 Annual Program of Projects, a record of approved and rejected funding requests from minority organizations is included.

Section 504 and ADA Reporting

Each applicant will sign a certification that it has reviewed the policies, practices and facilities used in the provision of transportation services in order to fulfill the requirements of the Americans with Disabilities Act, 49 U.S.C. 322, and the implementing regulations of FTA, 49CFR Part 37 and 38.

l. Maintenance

The Sections 5310, 5316, and 5317 subrecipient agreement requires the subrecipient to maintain the project equipment at a high level of cleanliness, safety, and mechanical soundness. Maintenance practices must be in accordance with the detailed maintenance and inspection schedules provided by the manufacturer. With their applications, Sections 5310, 5316, and 5317 subrecipients must submit an assurance that they will perform all maintenance on all vehicles and equipment. The maintenance program must be described in detail.

DRPT provides opportunities for subrecipients to attend training classes on maintenance procedures and practices, including lift maintenance, air-conditioning maintenance, preventative maintenance, and diesel mechanics.

Preventive Maintenance

Subrecipients must have a written maintenance plan for vehicles. The purpose of this vehicle maintenance plan is to provide guidelines and procedures for the subrecipient. This maintenance plan will address standards for proper care and longevity for the vehicles. Subrecipients must maintain project equipment and facilities at a high level of cleanliness, safety, and mechanical soundness. Subrecipients must maintain all accessibility features and equipment in good operating condition. Subrecipients must have procedures to track when preventive maintenance inspections are due and to schedule preventive maintenance inspections in a timely manner. Subrecipients must maintain a file on each piece of equipment that contains daily logs, inspection checklists, and repair records. DRPT will review maintenance records and maintenance procedures and practices during on-site compliance and review meetings.

DRPT program managers will ensure implementation of preventive maintenance corrective actions through activities including the following:

- As appropriate, offer technical assistance, recommendations, and model policies to assist project staff in implementing required corrective actions.
- As appropriate, follow up with project staff to ensure that deficiencies are being addressed and corrective actions are being implemented as evidenced by appropriate changes to policies,

procedures, forms, and technology.

- As appropriate, require project staff to submit documentation demonstrating ongoing monitoring of corrective actions and/or improved on-time performance of preventive maintenance activities.
- At a subrecipient's site visit, the DRPT Transit Project Manager will conduct maintenance review by doing the following:

Subrecipients must have a pre-trip inspection program that addresses vehicle condition, appearance and cleanliness, safety, and ADA accessibility equipment. Deficiencies noted in a pre-trip inspection must be repaired in a timely manner and properly reviewed by management. Subrecipients must repair accessibility features promptly and take reasonable steps to continue service to persons with disabilities while repairs are being made.

For each vehicle chosen, the DRPT Project Manager will examine the preventive maintenance history for the preceding 12 months. Most subrecipients schedule preventive maintenance inspections based on relative miles (e.g., 6,000 miles since the last inspection). The DRPT Project Manager will determine if the inspections are conducted when due by documenting the date when each inspection was accomplished and record the vehicle mileage at the time of each inspection. Inspections that are within a 10 percent or 500-mile variance of schedule are considered on time. For example, a scheduled 5,000 mile inspection would be considered "on time" if it was performed any time between 4,500 and 5,500 miles. The subrecipients are deficient if fewer than 80 percent of the inspections occurred on time.

Procedures When Adherence to Preventive Maintenance Plan is Deficient

If adherence to preventive maintenance plans is found to be deficient, then the DRPT Project Manager will provide a report to the subrecipient that includes: (1) the deficiency finding, (2) required corrective actions, and (3) a timeline or due date for completion of corrective actions.

It is the responsibility of DRPT project managers to follow up with project staff and ensure that deficiencies are resolved in a timely manner. When deficiencies are resolved, program managers will update and provide to affected project staff a summary report noting deficiency resolution.

If significant preventive maintenance deficiencies are documented by DRPT staff through other DRPT maintenance record review processes (such as site visits), then DRPT will provide a written preventive maintenance deficiency notice. The notice will describe the basis for the deficiency finding. The notice will also describe the corrective actions required and provide a timeline or due date for completion of corrective actions. It is the responsibility of DRPT project managers to follow up with project staff and ensure that deficiencies are resolved in a timely manner and to appropriately document resolution.

Preventive maintenance corrective actions required may include, but are not limited to:

- Developing or revising preventive maintenance policies, procedures and plans to promote improved on-time performance of preventive maintenance activities.
- Developing or revising preventive maintenance schedules or forms, and record keeping systems or technology, in order to promote improved on-time performance of preventive maintenance activities.
- Submitting preventive maintenance records and/or summary reports documenting preventive maintenance activities and adherence to preventive maintenance service interval standards and/or corrective action requirements.

m. Program Measures

The following indicators are targeted to capture overarching program information as part of the annual report that DRPT submits to FTA. As appropriate, DRPT will submit both quantitative and qualitative information as available on each of the following measures.

Traditional Section 5310 Projects

- 1) Gaps in Service Filled. Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in numbers of seniors and individuals with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.
- 2) Ridership. Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors on Section 5310– supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year.

Non-Traditional (Section 5317 Projects)

- 1) Increases or enhancements 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 Section 5310 projects implemented in the current reporting year.
- 2) Additions or changes to physical 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 Section 5310 projects implemented in the current reporting year.
- 3) Actual or estimated number of rides (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

Section 5316 Program Measures

- 1) Actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of Section 5316 projects implemented in the current reporting year.
- 2) Actual or estimated number of rides (as measured by one-way trips) provided as a result of the Section 5316 projects implemented in the current reporting year.

DRPT will ensure that the above information is reported for all DRPT subrecipients of Section 5310, 5316, and 5317 funding awarded by DRPT. The Metro Washington COG, as the Metro DC designated recipient, will report on behalf of itself and any subrecipients.

n. State Program Management

General Procedures

DRPT has the responsibility for the Commonwealth's FTA Sections 5310, 5316, and 5317 programs. The Public Transportation Section of DRPT has been assigned this responsibility and the Human Service Transportation Program Manager is assigned the responsibility of the Sections 5310, 5316, and 5317 Programs.

The Commonwealth's Sections 5310, 5316, and 5317 programs are managed in accordance with applicable FTA Circulars. The following paragraphs also describe how DRPT administers the major management responsibilities:

1. Procurement

All procurements made within the Sections 5310, 5316, and 5317 programs will be in accordance with applicable state law. Additionally, all procurements will include all federally required clauses in procurement documents as outlined in Section 36 of the FTA Master Agreement. DRPT requires

Sections 5310, 5316, and 5317 subrecipients to purchase vehicles from Virginia's procurement contracts.

Through annual discussions with vendors and subrecipients, DRPT develops bid specifications for the state procurement contracts. DRPT prepares the bid package including the bid specifications, state's standard terms and a list of federally required clauses. DRPT's Fiscal Division will solicit the bid package. DRPT's Human Service Transportation Program Manager works in conjunction with DRPT's Fiscal Division to determine if bids received from vendors meet the specifications. Once the contract is awarded, DRPT deals directly with the vendor. DRPT issues all purchase orders and receives all vendor invoices. Subrecipients submit the 20% local share to DRPT in advance of the official purchase order.

2. Financial Management

DRPT is responsible for keeping detailed records on individual projects within the Program of Projects of each FTA Sections 5310, 5316, 5317 grant. This includes all supporting documentation such as budget revisions, contract amendment justifications, and related contract correspondence. Sections 5310, 5316, and 5317 recipients are instructed in the proper maintenance and retention of contract and program documentation. All records pertinent to each FTA grant and the subrecipients' program of projects are retained and are available to authorized representatives of the U.S. DOT and Comptroller General of the United States for three years following the date of forwarding of the final financial status report (SF-269) and request for the project closeout. The financial records present adequate documentation of the computation of the Federal share and the provision of the local share.

DRPT submits to FTA an annual program status report for the Program of Projects for each active grant. These reports cover the 12-month period ending September 30th and will be submitted via TrAMS within 30 days after the end of the reporting period. Reports include, as necessary: An updated Program of Projects and revised budget for each active project reflecting revised project descriptions, changes in projects from one category to another and adjustments within budget categories; performance measures data, and updated milestones.

3. Property Management and Disposition

All subrecipients receiving FTA Section 5310, 5316 and 5317 capital assistance will receive periodic on-site inspections of equipment. DRPT will seek to schedule such inspections during the useful life of the equipment, based on staff workload and availability of resources.

The useful life of vehicles is listed on the [Asset Useful Life Chart](#) located in DRPT's OLGA website. DRPT is the first lien holder on all FTA Sections 5310, 5316, and 5317 equipment. After the equipment has reached its useful life standard, the subrecipient can apply for a replacement vehicle in the next grant cycle. The equipment will still remain in DRPT control and will remain on the DRPT vehicle inventory. In accordance with DRPT policy, subrecipients are required to report to DRPT when vehicles are in accidents, stolen or sustain other property damage.

Based on data contained within DRPT's TransAM (Transportation Asset Management) system, DRPT will generate title/lien release documents and return titles for those FTA funded vehicles for which 1) DRPT holds title, 2) reported mileage exceeds specified useful life, and 3) vehicle age exceeds specified useful life. Vehicle age will be calculated from the date of acquisition/delivery.

Procedure

In July of each year, subrecipients should update their asset inventories in DRPT's TransAM Asset Management System. In August of each year, DRPT will query TransAM and identify vehicles meeting vehicle age and/or mileage requirements. Identified vehicle titles (if in DRPT possession) will be released

and returned to subrecipients with letters explaining that DRPT releases its liens. For vehicles meeting useful life criteria, for which DRPT does not have titles, subrecipients will only receive lien release letters. For each vehicle, DRPT will enter a title release date. Each vehicle will remain in the current inventory, until the subrecipient updates the record to reflect vehicle disposition, sales price, and sale date.

In accordance with the Section 5310 FTA Circular, subrecipients are not required to return to DRPT/FTA proceeds from the sale of equipment exceeding useful life standards, regardless of the fair market value at the time the equipment is sold, but are advised to follow their own procedures regarding the use of proceeds, so long as the proceeds remain in use for public transportation purposes.

A subrecipient may request the title for a vehicle that is not past its useful life because the subrecipient no longer needs the vehicle for the purpose for which it was acquired. However, in this case, DRPT will seek to have the vehicle transferred to another eligible subrecipient. The original subrecipient will be reimbursed for 20% of the fair market value of the vehicle by the new subrecipient.

If DRPT cannot find an eligible subrecipient for the vehicle and DRPT approves of the original subrecipient to sell the vehicle, 80% of the proceeds of vehicle will be returned to DRPT.

All Sections 5310, 5316, and 5317 subrecipients are required to maintain adequate insurance coverage in an amount and form satisfactory to DRPT and in accordance with the laws of the Commonwealth of Virginia and applicable FTA Circulars. DRPT receives a copy of the insurance policy with each Sections 5310, 5316, and 5317 application and reviews the policies during on-site visits.

4. Vehicle Use

DRPT will ensure through on-site inspections and compliance reviews that all equipment purchased through the FTA Sections 5310, 5316, and 5317 programs are being used for the provision of transportation for seniors and individuals with disabilities. The Section 5310, 5316, and 5317 subrecipient agreement sets forth requirements for use of project equipment. The agreement requires subrecipients to inform DRPT if any project equipment is not used in the manner described in the project description or is withdrawn from transportation service.

5. Accounting Systems

DRPT must expend and account for Federal funds in accordance with state laws and procedures for expending and accounting for state funds. DRPT Fiscal Section request's the drawdowns of Federal funds. The drawdowns are made on a reimbursement basis. Vendors submit invoices directly to DRPT's Fiscal Section and they are then reviewed and approved by the Fiscal and Public Transportation staff.

Audit

The Commonwealth of Virginia has annual audits conducted in accordance with OMB Circular A-133. DRPT subrecipients must have annual independent audits conducted.

7. Grants Management and Financial Review

FTA grant files and information will be maintained through FTA's TrAMS and DRPT's OLGA and Document Management System. FTA Sections 5310, 5316 and 5317 files include the following:

FTA Grant File

- TrAMS Application
- Any Amendments
- FTA Correspondence

File for Each Bid

- Bid Documents
- Any Correspondence

Vendor File

- Purchase Order
- Factory Inspection Checklist
- Invoices
- Any Correspondence

Individual Subrecipient Files

- OLGA Application
- Grant Agreement
- Invoices
- Any Correspondence

Vehicle Titles (maintained in DRPT's safe)

DRPT developed a Specialized Transportation Program Compliance Review Workbook and is conducting triennial reviews of Section 5310 subrecipients. These reviews address compliance, technical capacity, and management proficiency issues and are conducted on-site, following a desk review. The Master Monitoring File will include the monitoring schedule, the monitoring checklist, and associated documents. Individual Subrecipient Monitoring Files will include: monitoring notification letters, completed monitoring checklists, and any related correspondence.

7. Other Provisions

Charter Rule

DRPT will monitor each subrecipient to ensure compliance with the charter service regulations. All subrecipients who are considering charter service are responsible for complying with the notification process specified in the charter rules. When complaints from private charter operators alleging unfair competition arise, DRPT will investigate and take appropriate action to ensure that the subrecipient is in full compliance with the charter rules

Certifications and Assurances

To ensure compliance with other federal requirements, subrecipients of Sections 5310, 5316, and 5317 funds are required to sign Federal Certifications and Assurances for Federal Transit Administration Assistance Programs.

A grant applicant applying for assistance under any FTA grant program must annually submit Certifications and Assurances that are applicable to the applicant's grant request during the fiscal year.

Twenty-three (23) Categories of certifications and assurances are listed. Category I applies to all applicants. Category II applies to all applications exceeding \$100,000. Categories III through XXIII will apply to and be required for some, but not all, Applicants and projects. FTA and the applicant understand and agree that not every provision of these certifications and assurances will apply to every applicant or every project for which FTA provides Federal financial assistance through a grant agreement or Cooperative Agreement. The type of project and the Section of the statute authorizing Federal financial assistance for the project will determine which provisions apply.

(Source: <https://www.transit.dot.gov/funding/grantee-resources/certifications-and-assurances/certifications-assurances>.)