



Fresno Council  
of Governments

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## **Program Management Plan**

### **FTA Section 5310 Program**

Enhanced Mobility of Seniors and Individuals with  
Disabilities

February 2015

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# 1. Introduction

## Program Goals

Improve access to mobility, remove barriers to transportation services and expand the transportation mobility options available for elderly individuals and individuals with disabilities throughout the Fresno Urbanized Area. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of elderly individuals and individuals with disabilities. The program requires coordination with other federally-assisted programs and services in order to make the most efficient use of federal resources.

## Program Objectives

Ensure that federal resources provided through the Section 5310 Program are used to fund the most effective projects throughout the Fresno Urbanized Area to increase the transportation options for the elderly and individuals with disabilities.

## Mobility Programs for Seniors and People with Disabilities under SAFETEA-LU

Under the previous federal transportation authorization legislation – the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) – there were two programs that were designed to enhance mobility for seniors and people with disabilities.

These programs were:

Transportation for Elderly Persons and Persons with Disabilities (Section 5310), which provided federal funds to help private nonprofit agencies and certain governmental authorities fund capital items that supported the special transportation needs of seniors and people with disabilities. In the Fresno Urbanized Area, past funding was used to purchase vehicles for transportation of seniors and people with disabilities.

New Freedom Program (Section 5317), which provided federal funds to expand transportation mobility options for people with disabilities. MPOs in large urbanized areas exceeding 200,000 in population, such as Fresno, received a direct allocation of

funding under the program. These funds could be used by private non-profit agencies, state and local governments, and public and private transportation operators for capital purchases and operating expenses associated with services that went beyond the requirements of the Americans with Disabilities Act (ADA).

## **Changes under MAP-21**

In July of 2012, a new federal transportation authorization bill was signed into law. The new law – Moving Ahead for Progress in the 21st Century (MAP-21) – consolidated the two programs (Transportation for Elderly Persons and Persons with Disabilities-Section 5310 and New Freedom Program-Section 5317) to create the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310 program). This new program continues to enhance mobility for seniors and people with disabilities, and the activities that were eligible for funds under the former New Freedom Program are now eligible for Section 5310 funding.

Under SAFETEA-LU and previous legislation, Section 5310 program funds were apportioned to states for distribution to subrecipients, whereas under MAP-21 funds are apportioned specifically to Urbanized Areas with population over 200,000. Another change instituted by MAP-21 is that Section 5310 program funds apportioned to large urban areas are now allocated using American Community Survey (ACS) 5-year data based on each area's share of seniors (i.e., persons 65 and older) and people with disabilities.

Although MAP-21 consolidated the former Section 5310 and 5317 programs, it specifies that at least 55% of program funds be used for traditional Section 5310 capital projects for seniors and people with disabilities. The remaining funds (up to 45%) may be used for former Section 5317-type projects that seek to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990.

## **Purpose of this Document**

Each direct recipient is required to have an approved Program Management Plan (PMP) on file with the appropriate FTA regional office and to update it regularly to

incorporate any changes in program management or new requirements. The PMP provides essential information for the understanding and implementation of the Federal Transit Administration (FTA) Section 5310 grant program managed and administered by the Fresno Council of Governments (Fresno COG).

FTA Circular 9070.1G – Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions provides guidance for Section 5310 projects. It covers project requirements, administration procedures, and other relevant components of the federal Section 5310 program. This PMP serves as a local companion to Circular FTA C 9070.1G, describing the roles and mechanisms for carrying out policies and procedures in the Fresno Urbanized Area, satisfying the FTA requirement for a Program Management Plan.

## **2. Summary of the Section 5310 Program**

### **Designated Recipient**

MAP-21 presented an option for MPOs of Large Urbanized Areas (UZAs) to assume regional administration of the FTA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program. Fresno COG formally announced their intentions to become the designated recipient for the Fresno Urbanized Area with a letter to the California Department of Transportation and FTA Region 9 on December 3, 2013. The governor of the State of California delegated authority of “Designated Recipient” for Fresno Urbanized Area to Fresno COG on April 23, 2014. In urbanized areas with populations less than 200,000 and in rural areas, the state is the designated recipient.

### **Eligible Subrecipients**

#### **Eligible Subrecipients for Traditional Section 5310 Projects**

Eligible subrecipients under Section 5310 may be either Private Non-Profit Organizations or Government Authorities. These two types of subrecipients are outlined below.

##### **1. Private Non-Profit Organization**

This includes a corporation or association determined by the United States Secretary of the Treasury to be an organization described by 26 U.S.C 501(c), or one which has been determined under State law to be non-profit and for which the designated State agency has received documentation certifying the status of the non-profit organization.

Applicants qualifying as private non-profit organizations must provide current verification of the applicant’s incorporation number and current legal standing as a private non-profit from the California Secretary of State or show proof that they are a corporation or association determined by the U.S. Treasury to be tax-exempt under 26 U.S.C. 501(c).

##### **2. Governmental Authority**

A Governmental Authority subrecipient may be of two types:

- a. is approved by the state to coordinate services for elderly individuals and individuals with disabilities; or
- b. certifies that no nonprofit corporations or associations are readily available in an area to provide the service.

Public Agencies must receive approval by the State to coordinate services for elderly individuals and/or individuals with disabilities. When applying as a coordinator of services, a public agency must be designated by the State to coordinate human service activities in a local area. An example is a county area agency on aging. See Page III-5 of FTA Circular 9070.1G.

### **Eligible Subrecipients for Other Section 5310 Projects**

Eligible subrecipients for other Section 5310 activities include a local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a Section 5310 grant indirectly through a recipient.

### **Private Taxi Operators as Subrecipients**

Private operators of public transportation are eligible subrecipients. The definition of “public transportation” includes “... shared-ride surface transportation services ...” Private taxi companies that provide shared-ride taxi service to the general public on a regular basis are operators of public transportation, and therefore eligible subrecipients. “Shared-ride” means two or more passengers in the same vehicle who are otherwise not traveling together. Similar to general public and ADA demand response service, every trip does not have to be shared-ride in order for a taxi company to be considered a shared-ride operator, but the general nature of the service must include shared rides.

Local (municipal/state) statutes or regulations, or company policy, will generally determine whether a taxi company provides shared-ride or exclusive-ride service.

Taxi companies that provide only exclusive-ride service are not eligible subrecipients; however, they may participate in the Section 5310 program as contractors.

## Eligible Projects

Section 5310 funds are available for expenses to support the provision of transportation services to meet the specific needs of seniors and individuals with disabilities.

Section 5310(b) provides that of the amounts apportioned to states and designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects—those public transportation capital projects planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Notably, this 55 percent is a floor, not a ceiling—recipients may use more than 55 percent of their apportionment for this type of project.

This means that at least 55 percent of the area’s annual apportionment must be utilized for public transportation capital projects that are planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities. It is not sufficient that seniors and individuals with disabilities are merely included (or assumed to be included) among the people who will benefit from the project.

Please review the current Fresno Council of Governments FTA Section 5310 project application for any limitations on eligible projects.

### **TRADITIONAL CAPITAL EXPENSES**

**Eligible Capital Expenses that meet the 55 percent requirement** may include but are not limited to:

#### **Traditional Capital Expenses** (former Section 5310-type projects):

- The purchase buses/vans for transportation of seniors and people with disabilities
- Other equipment limited to equipment for new vehicles obtained in current funding cycle.
  - Radios and communication equipment;
  - Computer hardware and software;
  - Vehicle wheelchair lifts, ramps, and securement devices

### **OTHER ELIGIBLE CAPITAL AND OPERATING EXPENSES**

Up to 45 percent of a large urbanized area’s annual apportionment may be utilized for:

- Public transportation projects (capital only) planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
- Public transportation projects (capital and operating) that exceed the requirements of ADA;
- Public transportation projects (capital and operating) that improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service; or
- Alternatives to public transportation (capital and operating) that assist seniors and individuals with disabilities with transportation.

Public Transportation Projects that Exceed the Requirements of the ADA. The following activities are examples of eligible projects meeting the definition of public transportation service that is beyond the ADA or former Section 5317 projects.

- Enhancing paratransit beyond minimum requirements of the ADA. ADA-complementary paratransit services can be eligible under the Section 5310 program in several ways:
  - Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA;
  - Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services;
  - The incremental cost of providing same-day service;
  - The incremental cost (if any) of making door-to-door service available to all eligible ADA paratransit riders, but not on a case-by-case basis for individual riders in an otherwise curb-to-curb system;
  - Enhancement of the level of service by providing escorts or assisting riders through the door of their destination;
  - Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for wheelchairs under the ADA regulations, 49 CFR part 38 (i.e., larger than 30" × 48" and/or weighing more than 600 pounds), and labor costs of aides to help drivers assist passengers with oversized wheelchairs. This would permit the acquisition of lifts with a larger capacity, as well as modifications to lifts with a 600-pound design load, and the acquisition of heavier duty vehicles for

- paratransit and/or demand-response service in order to accommodate lifts with a heavier design load; and
- Installation of additional securement locations in public buses beyond what is required by the ADA.
- Feeder services. Accessible “feeder” service (transit service that provides access) to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA.

Public Transportation Projects that Improve Accessibility. The following activities are examples of eligible projects that improve accessibility to the fixed-route system.

- Making accessibility improvements to transit and intermodal stations not designated as key stations. Improvements for accessibility at existing transportation facilities that are not designated as key stations established under 49 CFR 37.47, 37.51, or 37.53, and that are not required under 49 CFR 37.43 as part of an alteration or renovation to an existing station, so long as the projects are clearly intended to remove barriers that would otherwise have remained. Section 5310 funds are eligible to be used for accessibility enhancements that remove barriers to individuals with disabilities so they may access greater portions of public transportation systems, such as fixed-route bus service, commuter rail, light rail, and rapid rail. This may include:
  - Building an accessible path to a bus stop that is currently inaccessible, including curbcuts, sidewalks, accessible pedestrian signals, or other accessible features;
  - Adding an elevator or ramps, detectable warnings, or other accessibility improvements to a non-key station that are not otherwise required under the ADA;
  - Improving signage or wayfinding technology; or
  - Implementation of other technology improvements that enhance accessibility for people with disabilities including ITS.
- Travel training. Training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities. This includes travel instruction and travel training services.

Public Transportation Alternatives that Assist Seniors and Individuals with Disabilities with Transportation. The following activities are examples of projects that are eligible public transportation alternatives.

- Purchasing vehicles to support accessible taxi, ride-sharing, and/or vanpooling programs. Section 5310 funds can be used to purchase and operate accessible vehicles for use in taxi, ride-sharing, and/or vanpool programs provided that the vehicle meets the same requirements for lifts, ramps, and securement systems specified in 49 CFR part 38, subpart B, at a minimum, and permits a passenger whose wheelchair can be accommodated pursuant to part 38 to remain in his/her personal mobility device inside the vehicle.
- Supporting the administration and expenses related to voucher programs for transportation services offered by human service providers. This activity is intended to support and supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Vouchers can be used as an administrative mechanism for payment of alternative transportation services to supplement available public transportation. The Section 5310 program can provide vouchers to seniors and individuals with disabilities to purchase rides, including: (a) mileage reimbursement as part of a volunteer driver program; (b) a taxi trip; or (c) trips provided by a human service agency. Providers of transportation can then submit the voucher for reimbursement to the recipient for payment based on predetermined rates or contractual arrangements. Transit passes or vouchers for use on existing fixed-route or ADA complementary paratransit service are not eligible. Vouchers are an operational expense which requires a 50/50 (federal/local) match.
- Supporting volunteer driver and aide programs. Volunteer driver programs are eligible and include support for costs associated with the administration, management of driver recruitment, safety, background checks, scheduling, coordination with passengers, other related support functions, mileage reimbursement, and insurance associated with volunteer driver programs. The costs of enhancements to increase capacity of volunteer driver programs are also eligible. FTA encourages communities to offer consideration for utilizing all available funding resources as an integrated part of the design and delivery of any volunteer driver/aide program.

Limits on operating assistance. Given the 55 percent requirement for traditional Section 5310 capital projects, a recipient may allocate up to 45 percent of its apportionment for operating assistance. However, this funding is limited to eligible projects as described in 49 U.S.C. 5310(b)(1)(B-D) and described in this section (b, c, and d), above. Operating assistance for required ADA complementary paratransit service is not an eligible expense.

Projects selected for funding must be included in a locally developed, coordinated public transit-human services transportation plan; and the competitive selection process, which was required under the former New Freedom program, is now optional. MAP-21 expands eligibility of the funds to be used for operating, in addition to capital, for transportation services that address the needs of seniors and individuals with disabilities. **Not less than 55 percent of the funds available for this program must be used for 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, typically carried out by non-profit agencies.** Recipients may use more or all of their Section 5310 funds for these types of projects. Remaining funds 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.

### **Funding for Projects and Program Administration**

The matching requirements for this program are as follows:

- Capital assistance is provided up to an 80 percent Federal share (in some limited cases up to 90%)
- Operating assistance up to 50% federal share

### 3. Roles and Responsibilities

#### Designated Recipient Roles and Responsibilities

Fresno COG will be responsible for:

- Documenting the designated recipient's procedures in a program management plan (PMP);
- Planning for future transportation needs, and ensuring integration and coordination among diverse transportation modes and providers;
- Developing a project selection criteria consistent with the coordinated planning process;
- Notifying eligible recipients of program funding availability;
- Soliciting applications from potential subrecipients;
- Determining applicant and project eligibility;
- Certifying that allocations of funds to subrecipients are made on a fair and equitable basis;
- Submitting an annual program of projects (POP) and grant application to FTA;
- Mobilizing the Fresno COG Social Services Transportation Advisory Council (SSTAC) to review applications and select projects through a competitive selection 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;
- Certifying that each project is derived from the Fresno County *Coordinated Public Transit-Human Services Transportation Plan*;
- Certifying that to the maximum extent feasible, services funded under Section 5310 are coordinated with transportation services assisted by other federal departments and agencies;
- Ensuring that at least 55 percent of the area's apportionment is used for traditional Section 5310 projects carried out by the eligible subrecipients as described in FTA Circular 9070.1G;
- Incorporating the selected projects into the Transportation Improvement Program (TIP) and State Transportation Improvement Program (STIP);
- Publishing a list of projects/sponsors selected for funding;
- Applying for and receiving the FTA grants for these programs on behalf of subrecipient(s) and performing ongoing project management;
- Project monitoring and site visits;

- Managing all aspects of grant distribution and oversight for subrecipients receiving funds under this program;
- Receiving financial and progress reports from all subrecipients;
- Submitting reports as required by FTA; and
- Other such grant administrative actions as necessary to ensure project completion in accordance with the appropriate Federal rules, regulations and circulars.

Reports are used to evaluate the performance of individual agencies' deliverables and are compared with original service projections. Any concerns resulting from the inspection or analysis of data, such as underutilized equipment, safety issues or potential misuse of equipment, are analyzed for follow-up, and Fresno COG will take appropriate action and resolution to ensure federal program compliance as follows:

- Disallow or temporarily withhold cash payments pending correction of the deficiency by the subrecipient.
- Wholly or partially suspend the current award for the subrecipient's projects.
- Terminate the current award for the subrecipient's project and/or remove the project equipment from the subrecipient (Removing equipment from a subrecipient is used as a last resort, and only after coordination efforts or remedial actions are unsuccessful).

### **Subrecipients Roles and Responsibilities**

- Inform MPO staff of intention to apply for Section 5310 program funds, complete and submit application(s) and/or provide project description(s) and funding information, provide follow-up information, and participate in interviews and/or on-site visits if conducted
- Procure capital items following FTA Circular 4220.1
- Develop and maintain a Maintenance Plan for vehicles purchased with Section 5310 funds that will be held on file with Fresno COG
- Inspect, insure, and maintain all vehicles funded through the program
- Complete and submit acceptance certifications to Fresno COG upon vehicle delivery
- Deliver the project as described in the grant project application and further in the grant agreement
- Provide financial management of the project, including provision of non-Section 5310 funds and assurance that Section 5310 funds are used for the project identified in the project application

- Submit financial reports, operating statistics, and vehicle data to Fresno COG as described later in this PMP
- Maintain a Title VI plan and comply with federal Title VI requirements
- Submit to on-site inspections as requested by Fresno COG and the California Highway Patrol
- Maintain a Data Universal Numbering System (DUNS) profile and provide the DUNS number to Fresno COG. DUNS numbers can be requested at no charge at [www.dnb.com](http://www.dnb.com).
- Comply with all additional applicable state and federal requirements

## **Social Service Transportation Advisory Council Roles and Responsibilities**

California law requires transportation planning agencies to establish a Social Services Transportation Advisory Council (SSTAC) for each county or counties operating under a joint powers agreement. Membership on this committee includes representatives of potential transit users, including the elderly and disabled, representatives of social services agencies serving the elderly, the disabled or low-income individuals, and representatives from the local CTSA. The purpose of this group is to identify transit needs in the jurisdiction that may be reasonable to meet and to serve as advisors to the transportation planning agency on transit issues, including the coordination and consolidation of specialized transportation services. A committee of volunteers from the SSTAC will be formed to score the Section 5310 applications received by Fresno COG.

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

Fresno COG staff completed a Coordinated Public Transit-Human Services Transportation Plan (Coordinated Plan) that meets all FTA requirements. The following elements are included in the plan:

- An assessment of available services that identifies current transportation providers (public, private, and nonprofit);
- An assessment of transportation needs for individuals with disabilities and seniors;
- Strategies, activities, and/or projects to address the identified gaps between current services and needs, as well as opportunities to achieve efficiencies in service delivery; and

- Priorities for implementation based on resources (from multiple program sources), time, and feasibility for implementing specific strategies and/or activities identified.

The Coordinated Plan was locally developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers and other members of the public. Furthermore, a special effort was made to survey the transportation disadvantaged populations within Fresno County. In addition, in-depth stakeholder interviews were conducted with individuals representing many organizations. These interviews were conducted by senior consulting team members with elected officials, city managers, social service managers and transportation managers. The focus of the interviews was on understanding awareness and perception of transportation services among these individuals, and exploring their views on transportation needs and gaps among their constituents.

The Coordinated Plan identifies the transportation needs of individuals with disabilities, seniors, and people with low incomes; provides strategies for meeting those local needs; and prioritizes transportation services and projects for funding and implementation.

## 4. Project Application Process and Criteria Selection Process

### Application Cycle

Fresno COG will conduct a competitive selection process for projects seeking FTA Section 5310 funds apportioned to the Fresno Urbanized Area. Fresno COG, as the Designated Recipient, will issue the first Call for Projects in early 2015 utilizing FY2013 and FY2014 appropriations. In subsequent years, the competition will occur bi-annually (every other year), with initiation of the application process approximately one-two (1 to 2) months after the publication of the Fresno Urbanized Area allocation in the *Federal Register*.

### General Application Instructions

One electronic and one paper copy of the application and contract must be submitted to Fresno COG before the application due date. Original signatures are required on the certifications and assurances and contract pages. The applicant should allow adequate time to both obtain the necessary signatures and approvals from appropriate parties and to mail or hand deliver copy(s) of the application and contract documents to the Fresno COG office by the stated deadline given in the Call for Projects.

### Limitations on Funding

The total funds requested by an applicant for vehicles and other equipment cannot exceed the amount set by the SSTAC advisory committee based on available grant funding.

Following direction from Fresno COG's Social Services Transportation Advisory Council (SSTAC), eligible projects will include:

#### **Traditional Capital Expenses** (former Section 5310-type projects):

- The purchase of buses/vans for transportation of seniors and people with disabilities
- Other equipment limited to equipment for new vehicles obtained in current funding cycle.
  - Radios and communication equipment;
  - Computer hardware and software;

- Vehicle wheelchair lifts, ramps, and securement devices

**Other Capital and Operating** (former Section 5317-type projects):

- Public transportation projects (capital only) planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
- Public transportation projects (capital and operating) that exceed the requirements of ADA;
- Public transportation projects (capital and operating) that improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service; or
- Alternatives to public transportation (capital and operating) that assist seniors and individuals with disabilities with transportation.

**Fund Allocation**

- At least 90% to **Traditional Capital** projects
- Up to 10% to **Other Capital and Operating** projects (if no suitable applications, funds would be available to **Traditional Capital** projects)

**Application Process**

At the time a Call for Projects is issued, the information will be widely disseminated through Fresno COG's Committee meetings, the Fresno COG website and an email blast to Social Service agencies in the Fresno/Clovis metropolitan area. Fresno COG will also post a copy of the application on Fresno COG's website: [www.fresnocog.org](http://www.fresnocog.org). If project sponsors are unable to access the Internet, upon request Fresno COG will mail a paper copy of the application to the potential applicant. Additionally the project selection schedule, estimated available funds and this Program Management Plan will be posted on Fresno COG's website or forwarded to project sponsors, if requested.

Fresno COG staff will conduct Application Workshops, as necessary, to explain program requirements, application process, and project selection process, as well as to provide an opportunity for project sponsors to ask questions about the application process. Fresno COG staff will offer technical assistance, if requested, in person, via e-mail or by phone.

## **Project Selection Process**

Although the competitive process is no longer mandatory because of the MAP-21 guidelines, Fresno COG will assure the funds are allocated to subrecipients on a fair and equitable basis through the use of a competitive process. The competitive selection process was developed by Fresno COG in cooperation with Fresno COG's Social Services Transportation Advisory Council (SSTAC). The Fresno COG Policy Board established its SSTAC in 1988 to aid in its review of transit issues with emphasis on the annual identification of transit needs within Fresno County. Transit needs include the needs of transit dependent and transit disadvantaged persons, including the elderly, disabled and persons of limited means. The Fresno COG's establishment of this Advisory Council is consistent with State law SB 498, Chapter 673, 1987) which mandates both the purpose and minimum membership of this body. All SSTAC meetings are open to the public.

After applications have been received and the submission deadline passed, a selection committee of volunteers from the Fresno COG SSTAC will be formed. Each member of the selection committee will receive a hard copy of each application, the selection criteria, and the project evaluation form. The selection committee will have a specific amount of time to review and evaluate the applications. The committee will then submit their final scores to Fresno COG staff. The highest scoring application(s) will be recommended to the Fresno COG Policy Board for approval. Staff will then notify the applicants of the results.

## Project Selection Criteria

Projects will be scored on the following criteria:

### **A. Project Readiness and Implementation? (Maximum 30 points)**

- Applicant demonstrates the ability (staff and resources) to complete the project on time and within budget *(15 points maximum)*
- Applicant provides a reasonable work plan *(15 points maximum)*

### **B. Does the project meet the Section 5310 Program Goals and Objectives? (Maximum 20 points)**

- An applicant's proposed project must be consistent with the overall Section 5310 program goals and objectives, as listed in the FTA Circular 9070.1G. *(20 points maximum)*

### **C. Describe the Program Effectiveness and Performance Indicators (Maximum 20 points)**

- Applicant identifies clear measurable outcome-based performance measures and indicators to track the effectiveness of the project. Applicant describes a process that details the ongoing monitoring and evaluation of the project or service, including desired outcomes. *(10 points maximum)*
- Applicant must describe the outcome (impact) that the project will have on elderly or individuals with disabilities. *(10 points maximum)*

### **D. Project Budget (Maximum 10 points)**

- A complete listing of project budgetary information will be necessary to receive the full 10-point value. Applicants must submit a clearly defined project budget, indicating anticipated project expenditures and revenues, including documentation of matching funds, if applicable. *(10 points maximum)*

### **E. Project Coordination (Maximum 10 points)**

- Applicant demonstrates how project activities directly address transportation needs, strategies and priorities identified through the locally developed Coordinated Public Transit-Human Services Transportation Plan.

(Applicant indicates the needs, strategies and priorities AND identifies the specific section and page from the Coordinated Plan). *(10 points maximum)*

**F. Coordination (Maximum 10 points)**

- Applicants will be evaluated based on their ability to coordinate with other community transportation and/or social service resources. Applicant demonstrates a willingness to coordinate services with other agencies.

**Annual Program of Projects Development and Amendment Process**

Fresno COG is responsible for developing and amending the Program of Projects (POP) since it has the responsibility for selecting the projects and prepares the five-year Transportation Improvement Program (TIP). The POP must be consistent with the TIP and the federal share cannot exceed the annual allocation of Section 5310 program funds. The requirements for the POP include:

- The total number of subrecipients
- Identification of each subrecipient, including identification of governmental authorities, private non-profit agencies
- A description of each project
- The total project cost and the federal share
- Whether each project is a capital or an operating expense and whether or not it meets the requirements for a traditional Section 5310 capital project

Once the MPO Policy Board approves funding recommendations, the POP is developed and forwarded to the FTA. Amendments to the POP are conducted as needed using the same process.

## **5. Private Sector Participation**

Federal law requires the public to be involved in the transportation planning process, and specifically requires that private providers be provided an opportunity to be consulted in developing transportation plans and programs in both urbanized and rural areas. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

Therefore, each applicant for funds from the Fresno Urbanized Area's Section 5310 program must describe their plans to comply with this policy and provide documentation of these planned efforts in their application.

## 6. Civil Rights

Recipients of Section 5310 program funds are required to meet civil rights requirements under Title VI, as well as Equal Employment Opportunity (EEO) and Disadvantaged Business Enterprise (DBE) regulations.

### Title VI

The elements of a Title VI Program are determined by FTA Circular 4702.1B (Appendix A) and include, but are not limited to:

- Title VI notice to the public, including a list of locations where the notice is posted
- Title VI complaint procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint) and Title VI complaint form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public participation plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program.

Fresno COG prepares and adopts a Title VI Program Update for submission to the FTA every three years. Fresno COG's Title VI Program is available at [www.fresnocog.org](http://www.fresnocog.org).

Section 5310 Program subrecipients must submit their Title VI Programs to Fresno COG. Fresno COG will develop a schedule that outlines the frequency with which subrecipients must submit their Title VI programs. A subrecipient's Title VI program must be approved by the subrecipient's appropriate governing entity or official(s) responsible for policy decisions (e.g., board of directors, mayor, tribal executive, city administrator, etc.). Subrecipients must submit a copy of the board resolution, meeting minutes, or similar documentation as evidence of approval.

Contractors and subcontractors are not required to submit a Title VI report. However, they are responsible for complying with the Title VI Program of the recipient with whom they are contracting. Recipients and subrecipients are responsible for ensuring that their contractors are complying with their Title VI Program and Title VI regulations.

### **Disadvantaged Business Enterprise (DBE)**

The objectives of the US Department of Transportation's (DOT's) DBE regulations, as specified in 49 CFR Part 26, are to:

- Ensure nondiscrimination in the award and administration of DOT-assisted contracts
- Create opportunities so DBEs can compete fairly for DOT-assisted contracts
- Ensure that the DBE Program is narrowly tailored in accordance with applicable law
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs
- Help remove barriers to the participation of DBEs in DOT assisted contracts
- Assist the development of firms that can compete successfully in the market place outside the DBE Program

Fresno COG developed and administers its DBE Program Plan. The plan outlines policies and procedures established to satisfy the Federal DBE requirements. Any plan updates with significant changes are submitted to FTA. All DBE submissions to the FTA, including the DBE Program Plan and all required reporting, are completed by Fresno COG.

Fresno COG works closely with subrecipients to address DBE requirements. In goal setting, three-year goals are established based on anticipated FTA-funded contracting opportunities by both subrecipients and Fresno COG.

### **Equal Employment Opportunity (EEO)**

Fresno COG and Section 5310 Program subrecipients must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to, discrimination in employment under any project, program, or activity receiving federal financial assistance under the federal transit laws.

Each Section 5310 Program contract between Fresno COG and a subrecipient for the provision of FTA funding shall contain language that requires the subrecipient to comply with FTA regulations related to EEO. In addition, private providers under contract with subrecipients are required to comply with these regulations.

### **Discrimination**

Over time, the Federal government has enacted several pieces of legislation that prohibit discrimination against people. Section 504 (<http://www.fhwa.dot.gov/civilrights/programs/ada.cfm>) is a civil rights law that prohibits discrimination against individuals with disabilities. The Americans with Disabilities Act of July 1990, has five subsections to provide accommodations to protect the rights of individuals with disabilities.

Subrecipients will be required to provide assurances to Fresno COG that certifies compliance with Section 504 and ADA regulations. Fresno COG will also have the right of subrecipient review for compliance with all Federal requirements associated with the JARC and New Freedom grants.

### **Assurances**

Fresno COG annually signs the FTA Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements, which binds Fresno COG to all civil rights requirements.

Through annual grant agreements, subrecipients agree to comply with all applicable civil rights statutes and regulations. These include Title VI of the Civil Rights Act, Equal Employment Opportunity, and Americans with Disabilities Act. As subrecipients to Fresno COG, Section 5310 Program subrecipients must comply with the FTA's Annual List of Certifications and Assurances as stated in their grant agreements with Fresno COG.

## 7. Section 5310 Program Management

### Maintenance

Consistent with federal requirements, each subrecipient must maintain its facilities (and substantial facility components), vehicles, and other substantial assets.

Subrecipients are required to develop maintenance plans covering their federally-funded vehicles and facilities and to provide Fresno COG with a copy of their plan(s). Subrecipients must maintain all federally-funded property in good operating order and maintain ADA accessibility features.

Subrecipients are expected to develop their own maintenance plans and are monitored for adherence to their plans by Fresno COG staff for compliance during on-site visits, if necessary

Fresno COG requires subrecipients to design and operate maintenance programs that include:

- Preventative maintenance practices and schedules for vehicles
- Preventative maintenance practices for accessibility equipment
- Preventative maintenance practices for facilities
- A system for recording maintenance and repair activities
- A process for authorizing and controlling maintenance activities and costs
- Quality control for outsourced maintenance
- A procedure for pursuing warranty recoveries

Fresno COG must have an up-to-date maintenance plan on file from Section 5310 program subrecipients prior to applying for grants from the FTA. Subrecipients will not be required to resubmit maintenance plans with each application cycle, but are required to submit updated plans when necessary, e.g., when they have acquired new vehicles or other substantial assets not addressed in previously submitted plans or when the plan on file is out-of-date.

All transit vehicles are required to meet safety standards and undergo inspections based on program and/or vehicle capacity. Fresno COG requires that all vehicles purchased with Section 5310 program funds be registered as human service vehicles (HSVs) or municipal vehicles, and be plated accordingly. All vehicles are considered

HSVs and are subject to annual HSV inspections conducted by the California Highway Patrol (CHP). Upon request, CHP also will conduct initial inspections right after vehicle delivery. These inspections cover the integrity of vehicle safety and mechanical features.

## **Vehicle Procurement**

When procuring property, supplies, equipment, or services with funds from an FTA grant, designated recipients that are not states and their subrecipients must comply with FTA procurement requirements at 49 CFR part 18 and guidance contained in the current FTA Circular 4220.1.

## **Pre-award and Post-delivery Reviews**

Procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with 49 CFR part 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases." Additional guidance is available in the manual, "Conducting Pre-Award and Post-Delivery Reviews for Bus Procurement" on FTA's website: [www.fta.dot.gov/legislation\\_law/12921\\_5424.html](http://www.fta.dot.gov/legislation_law/12921_5424.html). The regulation requires any recipient or subrecipient that purchases rolling stock for use in revenue service with funds obligated after October 24, 1991, to conduct a pre-award and post-delivery review to ensure compliance with its bid specifications, Buy America requirements, and federal motor vehicle safety requirements, and to complete specific certifications. Purchase of more than twenty vehicles for use in areas under 200,000 in population (more than ten, for large urbanized areas), other than unmodified vans or sedans, requires in-plant inspection. In the case of consolidated state procurements on behalf of multiple subrecipients, the in-plant inspection requirement is triggered only if a single subrecipient will receive more than ten or more than twenty vehicles, depending on area size.

## **Buy America**

Title 49 U.S.C. 5323(j) provides that with limited exceptions, FTA may not obligate funds for a public transportation project unless the steel, iron, and manufactured goods used in the project are produced in the United States. Section 5310 recipients and subrecipients must comply with FTA regulations, 49 CFR part 661. FTA's Buy America requirements at 49 CFR part 661 differ from Federal Buy American regulations at 48 CFR part 25. The former applies to all purchases, including materials or supplies funded as operating costs when funded by FTA, if the purchase

exceeds the threshold for small purchases (currently \$100,000), whereas the latter applies to direct federal procurements. FTA strongly advises recipients to review 49 CFR part 661 as well as the current FTA Circular 4220.1, "Third Party Contracting Guidance," before undertaking any procurement. In addition, 49 U.S.C. 5323(j)(9) allows a party adversely affected by an FTA action the right to seek review. FTA has created a Buy America website to provide an overview of these requirements as well as policies, procedures, and letters of interpretation: <http://www.fta.dot.gov/buyamerica>.

## **Financial Management**

Fresno COG is responsible for managing grants, contracts, and interagency agreements to ensure that expenditures comply with federal rules and regulations for all FTA grant programs. Financial management responsibilities include:

- Investigating and resolving accounting problems to ensure compliance with state and federal rules.
- Managing the documentation associated with individual grants, contracts, and interagency agreements.
- Submitting federal financial reports.
- Rectifying and closing out FTA grants when projects are completed.

Fresno COG uses the Electronic Clearing House Operation System (ECHO Web) process to request FTA grant awards so that transactions are processed in a timely manner and accounts are balanced and documented.

Fresno COG will maintain records for vehicles, facilities, and other substantial assets purchased with Section 5310 Program funds. Fresno COG will ensure that all equipment used by subrecipients that is purchased with federal funds through the Section 5310 Program is used for the program or project for which it was acquired. Record will be updated and appropriate equipment use will be assured through reporting by subrecipients and on-site reviews. See Section 8 of this PMP, Project Monitoring and Reporting.

## **Disposition of Assets**

In the event that a subrecipient no longer needs equipment purchased with federal funds through the Section 5310 Program and useful life remains, the equipment is transferred in accordance with Fresno COG and FTA requirements and guidelines.

In the event a vehicle or other substantial asset has reached the end of its useful life, the subrecipient must receive approval from Fresno COG to dispose of the asset.

### **Accounting Systems**

Subrecipients establish a set of accounts in which all transit-related costs, revenues, and operating sources are recorded and clearly identified, easily traced, and substantially documented. Accounting practices and records must be in accordance with Generally Accepted Accounting Principles.

Fresno COG uses the same accounting system for the Section 5310 Enhanced Mobility Program that it uses for its other state and federal grant programs.

Fresno COG uses the information contained in the quarterly reports to monitor subrecipients' fiscal and operational activities. Requests for reimbursement are approved by Fresno COG before being processed for payment.

## 8. Project Monitoring and Reporting

The goal for monitoring and reporting for Section 5310 program funds is to ensure effective use of program funds, provide useful information for the planning and prioritization of future projects, and fulfill federal requirements without placing an excessive burden on the designated recipient or subrecipients.

### Reporting Requirements for Fresno COG

Fresno COG will submit required Section 5310 reports to the FTA by October 31 of each year, covering a 12-month period ending on September 30, as well as quarterly reports, as required by the FTA. Subrecipients are required to submit required information to Fresno COG so that Fresno COG can consolidate the information to include in the report to the FTA. Fresno COG will act as a liaison between the FTA and subrecipients during audits. Annual reports filed by Fresno COG will include:

- An updated POP (prepared by the MPO)
- Civil rights compliance issues (such as Title VI, EEO, or DBE complaints)
- A milestone activity report
- A Federal Financial Report
- Program measures, including:
  - Gaps in service filled by Section 5310 projects
  - Ridership
  - Physical improvements (such as sidewalks, transportation facilities, or technology)

In addition, Fresno COG will fulfill National Transit Database (NTD) reporting requirements.

### Annual Reports

Fresno COG will submit required annual Section 5310 reports to the FTA by October 31 of each year, covering a 12-month period ending on September 30. Fresno COG will be responsible for consolidating this data from semiannual reports and may request additional information from subrecipients.

## **Reporting Requirements for Subrecipients**

### **Semiannual Reports**

The sub-recipient shall submit a Semiannual Report of its 5310-funded project progress within twenty (20) calendar days after the close of each reporting period.

The reporting periods are:

- 1) October 1 – March 31
- 2) April 1 – September 30

Semiannual Reports are due no later than April 20 and October 20 of each calendar year.

The following data must be submitted to Fresno COG on a semiannual basis for each vehicle, transportation program, or other service funded through the Fresno Urbanized Area's Section 5310 program:

#### Traditional Capital Projects

- The actual or estimated number of one-way unlinked passenger trips
- The number of individual clients served

#### Other Capital and Operating Projects

- Physical improvements completed (such as sidewalks, transportation facilities, or technology)
- A narrative describing accomplishments and/or problems and changes to milestones and budgets
- Fleet summary including year, mileage, make/model, and relevant features
- The actual or estimated number of one-way unlinked passenger trips (if applicable), and the categorical purpose of each trip (if known, optional)
- The number of individual clients served (if applicable)

### **National Transit Database (NTD) Reporting**

Subrecipients must provide Fresno COG with information necessary for Fresno COG to file annual NTD reports. The necessary information, which commonly includes vehicle miles and hours, passenger trips, and financial information, will vary depending on the project and subrecipients must coordinate with Fresno COG to determine what is necessary. NTD information is due to Fresno COG by March 15

annually. Fresno COG will use these reports to monitor subrecipient fiscal and operational management and to satisfy federal reporting requirements.

Fresno COG may schedule on-site visits with subrecipients to review operations and maintenance records. In addition, to improve subrecipient monitoring procedures, Fresno COG staff may request and review supporting documentation, including local match documentation, for one subrecipient's reimbursement request per quarter. Selection of the reimbursement request will be based on either a risk assessment or random selection.

### **Section 504 and ADA Reporting**

The annual Federal Certifications and Assurances for FTA Assistance, which is signed by all subrecipients, contains the ADA certification. Fresno COG staff verifies compliance with Section 504 and ADA requirements while reviewing grant applications and during on-site visits.

## 9. Other Provisions

### Drug & Alcohol Prevention Program

In compliance with certain DOT regulations, Fresno COG has a Zero Tolerance for drug and alcohol use; subrecipients must also comply with the relevant DOT regulations. In addition, grant recipients must certify compliance with Government Code Section 8355 in matters relating to providing a drug-free workplace.

### Environmental Protection

Most projects and activities funded through the Section 5310 Enhanced Mobility Program do not involve significant environmental impacts. Typically, projects are considered categorical exclusions because they are types of projects that have been “categorically” (i.e., previously) excluded in regulations from the requirements to conduct environmental reviews and prepare environmental documentation.

FTA classifies categorical exclusions (CE) into two groups:

- CE under 23 CFR 771.118(c) – activities and projects which have very limited or no environmental effects at all (e.g., planning studies, preliminary design work, program administration, operating assistance and the purchase of transit vehicles).
- CE under 23 CFR 771.118(d) – activities and projects involving construction and/or have a greater potential for off-site environmental impacts (e.g., construction of transit facilities, parking, etc.). These projects may be designated CE after review of documentation. In order to receive a documented CE, a subrecipient must complete a CE checklist, including an Environmental Justice (EJ) analysis.

Even if a project is determined to be a CE, there may be other relevant state and federal environmental protection requirements that must be satisfied (depending on the project’s type and location). For projects with environmental impacts that are determined not to be a CE, FTA requires the preparation of an environmental assessment (EA) for public comment and FTA review. In the unlikely event that significant environmental impacts are identified with a project, an environmental impact statement (EIS) is required.

## **School Transportation**

Consistent with federal laws, Section 5310 program funds may not be used for exclusive school bus service. The Federal Certifications and Assurances for FTA grants require the subrecipient to certify compliance with each annual sub-grant agreement. Fresno COG oversees compliance with the prohibition by monitoring route schedules submitted with application materials, on websites, and/or in promotional materials with route schedules.

## **ACCESSIBLE FORMATS**

This document is available in accessible formats upon request. Paper copies of this document as well as information regarding accessible formats may be obtained by viewing our website: [www.fresnocog.org](http://www.fresnocog.org) or contacting Fresno Council of Governments at:

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