

STATE MANAGEMENT PLAN



FINAL

**WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
DIVISION OF MULTIMODAL TRANSPORTATION
FACILITIES - TRANSIT**

September 2026

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INTRODUCTION

Federal support for transit is codified at 49 U.S.C Chapter 53. Authorizing legislation enacted by Congress establishes or continues the legal operation the support.

The Governor designated the West Virginia Department of Transportation (WVDOT) as the recipient responsible for administering Federal Transit Administration (FTA) program in West Virginia. Within WVDOT, the Division of Multimodal Transportation Facilities – Transit, herein referred to as the Division, is responsible for receiving and suballocating FTA funds to eligible projects and applying for funds on behalf of eligible subrecipients.

This State Management Plan addresses the following transit programs:

- Section 5305: Metropolitan Planning and State Planning and Research Program Grants
- Section 5307: Urbanized Areas Formula Grants Program
- Section 5310: Enhanced Mobility of Seniors and Individuals with Disabilities Program
- Section 5311: Rural Areas Formula Grants Program
- Section 5311(c)(3): Appalachian Development Public Transportation Assistance Program
- Section 5311(f): Intercity Bus Program
- Section 5311(b)(3): Rural Transportation Assistance Program
- Section 5339: Grants for Buses and Bus Facilities Program
- State General Revenue Funds

FTA program circulars governing the administration of these programs include:

- FTA Circular 8100.D “Program Guidance for Metropolitan Planning and State Planning and Research Grants”
- FTA Circular 9040.1H “Rural Areas Formula Grant Programs Guidance”
- FTA Circular 9050.1A “Urbanized Areas Formula Grant Programs Guidance”
- FTA Circular 9070.1H “Enhanced Mobility of Seniors and Individuals with Disabilities Program

PURPOSE OF THE STATE MANAGEMENT PLAN

This State Management Plan is intended to facilitate both state management and FTA oversight by documenting the state’s policies for administering FTA programs in a single reference. Its

primary purposes are to provide guidance and institutional continuity to program management, 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 programs.

PLAN REVISIONS

This plan incorporates the following major revisions:

- Consolidated separate plans for the Sections 5310, 5311, and 5339 programs into one plan
- Added discussion of the Section 5305 program, Section 5307 Program, Appalachian Development Public Transportation Assistance Program, and West Virginia Public Transit Assistance Fund Program
- Changed all references from the Division of Public Transit to the Division of Multimodal Transportation Facilities and referenced the authorizing statute establishing the new division
- Aligned the transit program goals and objectives to current Division's goals and objectives
- Added the option to fund accessible revenue vehicles using an 85 percent federal share
- For Section 5310, added purchase of service as an eligible assistance category
- For Section 5311, added preventive maintenance and planning as eligible assistance categories and the option to fund project administration at 100 percent and established a minimum cumulative local contribution of \$25,000 per county.
- Modified the useful life standard for light-duty transit buses from 4 years or 100,000 miles to 8 years or 100,000 miles
- Modified the useful life standard for shop or support vehicles from 4 years or 100,000 miles to 8 years or 100,000 miles
- Added a requirement for prior approval for vehicle dispositions as the Division wants the opportunity to transfer vehicles to other subrecipients
- Incorporated the Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act (IIJA), for the return of equipment disposition proceeds
- Updated references to Division written procedures

ROLES AND RESPONSIBILITIES

Chapter 17, Article 16F of the West Virginia State Code created and designated the Division of Multimodal Transportation Facilities as the state agency responsible for administering all federal and state programs relating to public transit. Within the Division, Transit administers the programs. is under the supervision of the Secretary of Transportation and is a member organization of WVDOT.

§17-16F-4 Powers and duties of division gives the Division the power to:

- (1) To promote, supervise, and support safe, adequate, and efficient transportation throughout the state;
- (2) To help facilitate economic development in this state utilizing transportation facilities;
- (3) To meet and cooperate with similar divisions, authorities, or bodies of any of the several states contiguous with this state, whose purpose in their respective states is to establish an interstate or intermodal transportation network;
- (4) To employ managers, superintendents, and other sufficiently trained and qualified personnel and retain or contract with consulting engineers, financial consultants, accountants, attorneys, and other consultants and independent contractors when necessary to carry out the provisions of this article and fix their compensation or fees. All expenses are payable from the proceeds of revenue bonds or notes issued by the division, from revenues and funds appropriated for this purpose by the Legislature, or from grants from the federal government which may be used for such purpose;
- (5) To make and enter into all contracts and agreements with any federal, state, county, municipal agency, or private entity and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers including, but not limited to, the power to make contracts and agreements in accordance with the provisions set forth in this article;
- (6) To acquire, purchase, lease, construct, own, hold, operate, maintain, equip, use, and control, by eminent domain or other means, any land, property, rights, franchises, easements, ports, and such terminals, buildings, roadways, rights-of-way, rails and such structures, equipment, facilities, any and every kind or character of motive powers and conveyances or appliances necessary or proper to carry goods, wares, and merchandise over, along, upon, or through the railway, waterway or airway, or other conveyance of such transportation system, excluding pipelines or improvements, as are necessary or incident to carry out the provisions of this article, upon such terms and at such price as may be considered by it to be reasonable and to take title in the name of the state;
- (7) To lease, sell, or otherwise dispose of real and personal property in the exercise of its powers and the performance of its duties as set forth in this article;

- (8) To act on behalf of the state and to represent the state in the planning, financing, development, construction, and operation of any port, transit facility, railroad, or aeronautics project or any facility related to any such project, with the concurrence of the affected public agency. Other state agencies and local governmental entities in this state shall cooperate to the fullest extent the division deems appropriate to effectuate the duties of the division;
- (9) To act as agent for the United States of America, or any of its agencies, departments, corporations, or instrumentalities, in any manner coming within the purposes or powers of the division;
- (10) To expend funds available for the purpose of studying any proposed railroad project, which may include consulting with engineers. All expenses incurred in conducting the study and necessary engineering shall be paid from the funds established in §17-16F-17 of this code;
- (11) To report annually to the Legislature by December 31 of each year the status of projects, operations, financial condition, and other necessary information relating to the statewide multimodal transportation system and activities in accordance with this article and any report may be made electronically with paper copies provided upon request to any member of the Legislature;
- (12) To meet with political subdivisions of the state to assess both specific and general transportation needs of the state in terms of transportation, as well as consider feasibility studies for the purpose of determining the best site locations for transportation centers, terminals, railroads, airports, ports and harbors, and foreign trade zones;
- (13) To apply for and accept loans, grants or gifts of money, property, or service from the United States, any political subdivision, any public or private sources available, or any public or private lender or donor, to give such evidence of indebtedness as may be required and to permit the state Board of Investments to invest, as provided by this code, any funds received by the division pursuant to the provisions of this code;
- (14) To make loans and grants, out of any appropriation made to the division by the Legislature or out of any funds at its disposal, to governmental agencies and persons for carrying out any multimodal transportation projects by any governmental agency or person in accordance with rules adopted under this article;
- (15) To issue revenue bonds or request other appropriate state agencies to issue and administer revenue bonds to finance port, railroad, transit, or aeronautics projects;
- (16) To collect reasonable fees and charges in connection with making and servicing loans, notes, bonds, obligations, commitments, and other evidence of indebtedness, and in connection with providing technical, consulting, and project assistance services; and

- (17) To act, through the Department of Transportation, the division is hereby designated as the agency of this state responsible for administering all federal and state programs relating to public transportation and public transit facilities.

PROGRAM GOALS AND OBJECTIVES

The goal of the State of West Virginia's Transit Program is to support the continuation and expansion of public transportation services by assisting eligible recipients in funding public transportation programs.

The objectives of the transit program are:

- Plan for public transportation needs, including the identification of unmet needs
- Promote maximum feasible coordination of transportation services
- Expand general public transportation to every county in the State
- Provide for the special transportation needs of seniors and individuals with disabilities
- Promote economic development through access to jobs, education, and tourist destinations
- Provide access to health care, nutritional and social services, and social and recreational opportunities
- Increase ridership through statewide and local marketing campaigns and branding initiatives
- Provide easy access to transit information through the maintenance of a statewide public transportation website, maintenance of general transit feed standard (GTFS) data, use of travel planning tools and apps, and provision of real-time arrival information
- Ensure the accessibility of transportation services and facilities
- Maintain vehicles, equipment, and facilities in a state of good repair
- Fund additional public transportation administration, operations, and maintenance facilities
- Promote and provide convenient transit service connections throughout the State
- Fund intercity bus services
- Provide technical assistance and training to public transportation professionals

TRANSIT PROGRAMS

Section 5305: Metropolitan Planning and State Planning and Research Program Grants

Section 5305 funds two planning programs, Section 5303 Metropolitan Planning Program Grants and Section 5304 State Planning and Research Program Grants.

The Division participates in the consolidated planning grant program for Section 5303 funds. The Division transfers the FTA funds to the Federal Highway Administration (FHWA) for administration. FHWA consolidates the transit and highway planning funds and awards them to WVDOT. The Division of Highways - Planning Division administers the funds.

The Division administers Section 5304 funds which are available for statewide transportation planning and technical assistance activities. The Division either uses the funds for its own projects or awards them to subrecipients on a discretionary basis. The Division uses the funds to update the public transit-human services transportation coordinated plans.

Section 5307: Urbanized Areas Formula Grants Program

The governor designated urban providers as FTA recipients. The Division suballocates the Governor's apportionment (small urbanized area funds) for which the designated recipients apply directly. The State's small urbanized areas are:

- Beckley – New River Transit Authority
- Charleston – Kanawha Valley Regional Transportation Authority
- Cumberland - reallocated to other urban areas
- Hagerstown – Eastern Panhandle Transit Authority
- Morgantown – Monongalia County Urban Mass Transit Authority
- Parkersburg - Mid Ohio Valley Transit Authority
- Weirton – City of Weirton (Weirton Ride)
- Wheeling – Ohio Valley Regional Transportation Authority

Annually, the Division submits a split letter to FTA suballocating the funds. As a rule, the Division adopts the FTA apportionments but at its discretion may reallocate funds from areas in which no public transit is provided or funds are at risk of lapsing. Also at its discretion, the Division may transfer Section 5307 funds to the Section 5311 program after consulting with responsible local officials and publicly owned operators of public transportation services in each area to which the funding was originally apportioned.

Section 5310: Enhanced Mobility of Seniors and Individuals with Disabilities Program

WVDOT is the designated recipient for small urbanized area and rural Section 5310 funds.

Eligible Subrecipients and Projects

Eligible subrecipients are:

- Private, nonprofit organizations
- Public entities that certify that no nonprofit organizations are available to provide the service
- Public entities approved by the Division to coordinate transportation services for seniors and individuals with disabilities

In an effort to promote coordination of services, all public transportation providers in the State are approved to coordinate transportation services for seniors and individuals with disabilities and, therefore, are eligible for Section 5310 funds.

Eligible projects include:

- Revenue service vehicles and communications equipment
- Purchase of transportation services by the Division
- Purchase of transportation services by the subrecipient
- Mobility management

To be eligible, a project must be included in a public transit-humans services transportation coordinated plan. The Division is the lead agency in development of the plans.

Local Share and Funding Requirements

The federal share of state administration is 100 percent. Up to ten percent of the apportionment is eligible for state administration. The Division applies for the full ten percent of state administration.

The federal share of Section 5310 projects is 80 percent. The local share is 20 percent. Local share must come from non-USDOT funding sources. At its discretion, the Division will fund the federal share of accessible revenue vehicles at 85 percent. The Division does not provide State funds for match.

Project Selection and Method of Distributing Funds

The Division selects projects and distributes funds through an annual competitive application process.

Applications are scored on the basis of need for the services in the identified service area, how well the proposed services will meet the need, commitment to access for individuals with disabilities (regardless of age), local funding, coordination efforts other transportation providers in the service area, vehicle utilization, fiscal and managerial capabilities, driver training, operating plan, and maintenance program.

In order for a vehicle to be considered for replacement, the vehicle must near the end of useful life.

Agencies are advised to:

- Review the application packet to determine if the Section 5310 Program can assist in meeting their transportation needs.
- Review their current equipment and determine the appropriate type of equipment to request with their Section 5310 Application.
- Review their needs to and potential vehicle utilization to determine whether purchasing service from another agency in lieu of a vehicle might be more appropriate.

Agencies are required to:

- Contact their local planning and development council or metropolitan planning commission and local and state governmental agencies necessary to fulfill all planning and state application requirements.
- Participate in the development and updates of locally developed public transit-human services coordination plans.
- Have the completed application reviewed by their local planning and development council or metropolitan planning commission on the basis of proposed service funding, suitability, and need.

Once an agency has submitted its application, it is reviewed for completeness and scored.

Transfer of Funds

If funds are not needed in an apportioned area, the Division may transfer funds apportioned to small urbanized areas or rural areas to other areas in the State after the Governor certifies that all the objectives of the Section 5310 program are being met in the specified areas and after consulting with responsible local officials, publicly owned operators of public transportation, and nonprofit providers in the area from which the funds to be transferred were originally apportioned.

Section 5311: Rural Areas Formula Grants Program

WVDOT is the designated recipient for Section 5311 funds.

Eligible Subrecipients

Eligible subrecipients include:

- Local public bodies and other public agencies: counties, municipalities, townships, and other political subdivisions of the State, including public transit authorities
- Nonprofit organizations: private nonprofit organizations incorporated under West Virginia law that provide public transportation services.

No federally recognized tribes reside in West Virginia.

Local Share and Funding Requirements

State Administration. The federal share of state administration is 100 percent. Up to ten percent of the apportionment can be used for state administration. The Division applies for the full ten percent. When not needed for state administration, the Division passes the funds to subrecipient to support project administration at 100 percent.

Capital Projects. The federal/local share ratio for capital assistance is 80 percent federal/ 20 percent local. The federal/local share for accessible revenue service vehicles is 85 percent / 15 percent at the Division's discretion.

Operations. The federal/local share ratio for operating assistance is 50/50. subject to the limitation that the amount of Section 5311 operating assistance may not exceed 50 percent of the net operating costs of the service (after deducting fares and ineligible costs).

Project Administration. The federal/local share ratio for project administrative expenses is 80 percent/20 percent. At its discretion, the Division may opt to pass through state administrative dollars at 100 percent for subrecipients to use as project administration.

Preventive Maintenance. The federal/local share ratio for preventive maintenance is 80 percent/ 20 percent.

Planning. The federal/local share ratio for planning assistance is 80 percent/ 20 percent.

Eligible local match funds. The local share must be provided from sources other than federal funds, unless specifically authorized by federal law. Eligible sources of local match funds include.

- State funds, including Public Transit Assistance Funds and toll credits
- Levies
- Local government funds
- Human service agency contributions
- Contract revenue (operations only)
- Donations and other non-federal sources
- Eligible federal sources (braiding)

Subrecipients must provide \$25,000 in match funds from any sources per county.

Project Selection and Method of Distributing Funds

The Division distributes Section 5311 funds through a discretionary grant selection process. Annually, the Division solicits applications from eligible subrecipients through a published notice and application process. Applications are evaluated based on the criteria established in this section.

The Division evaluates and selects projects based on the following criteria:

- **Need:** Demonstrated transportation need in the service area, including population demographics, service gaps, and unmet demand.
- **Coordination:** Extent to which the project coordinates with other transportation services and human service agencies.
- **Local Financial Commitment:** Level of local financial support, including local match commitment and sustainability of funding.
- **Service Productivity:** Expected ridership, passenger trips per mile, and cost effectiveness.
- **Statewide Coverage:** Geographic distribution of services across the State.
- **Asset Condition:** Condition of existing vehicles and equipment and the need for replacement.
- **Compliance History:** Subrecipient's history of compliance with federal and state requirements.
- **Readiness:** The project's readiness for implementation, including environmental, engineering, and procurement readiness.

The Division establishes the following funding priorities:

- **First Priority:** Continuation of existing public transportation services, including operating assistance and capital replacement of existing vehicles and equipment.
- **Second Priority:** Expansion of existing services to address unmet needs.
- **Third Priority:** New public transportation services in areas not currently served.

Transfer of Funds

At its discretion, the Division may transfer Section 5311 funds to the Section 5307 program for use in small urbanized areas after consulting with responsible local officials and publicly owned operators of public transportation services in each area to which the funding was originally apportioned.

Section 5311(c)(3): Appalachian Development Public Transportation Assistance Program

The Division administers the Appalachian Development Public Transportation Assistance Program using the same policies and procedures it uses for Section 5311 funds. All rural areas in West Virginia are eligible for Appalachian Development Public Transportation Assistance Program funds.

The Division applies for the full ten percent of state administration. When not needed for state administration, the Division passes the funds to subrecipient to support project administration at 100 percent.

The Division does not use Appalachian Development Public Transportation Assistance Program funds to support intercity bus service.

Section 5311(f) Intercity Bus Program

Historically, the Division has used 15 percent of its Section 5311 apportionment to support intercity bus projects. To date, the Division has not sought a Governor's certification to waive the requirement.

Eligible subrecipients include private for-profit intercity bus providers, Section 5307 recipients, and Section 5311 subrecipients.

Eligible activities under the intercity bus program:

- **Operating Assistance:** Support for intercity bus services connecting rural communities to urbanized areas or intermodal terminals.
- **Capital Assistance:** Purchase of vehicles, equipment, and facilities for intercity bus services.
- **Planning and Marketing:** Planning studies, marketing, and passenger information services for intercity bus transportation.
- **Facility Improvements:** Improvements to intermodal terminals, bus stops, and passenger shelters serving intercity bus routes.

Eligible local match for operations includes the in-kind match of the costs of a private operator for the unsubsidized segment of intercity bus service.

The Division selects intercity bus projects through the same discretionary process (annual application process) used for other Section 5311 projects, with additional consideration given to:

- Connectivity with the national intercity bus network
- Connections to other transportation modes, including air, rail, and local transit
- Service to rural communities lacking alternative transportation options
- Financial viability of the intercity bus service

Section 5311(b)(3): Rural Transportation Assistance Program

Eligible RTAP activities include:

- **Training** programs for rural transit managers, vehicle operators, mechanics, and other transit personnel.
- **Technical Assistance** to rural transit providers, including assistance with planning, management, operations, and compliance.
- **Research** projects related to rural public transportation.
- **Scholarships** for transit personnel to attend training conferences and workshops.
- **Peer-to-peer technical assistance** between transit providers to share best practices.
- **Equipment** for Division-designated regional training centers.

Providers in urbanized areas may participate in RTAP-sponsored training on an incidental basis.

The Division awards RTAP funds to subrecipients at 100 percent.

Section 5339: Grants for Buses and Bus Facilities Program

WVDOT is the designated recipient for the National Distribution and small urbanized area funds.

Eligible Subrecipients

Eligible organizations consist of public agencies or private non-profits engaged in public transportation in urbanized and rural areas.

Local Share and Funding Requirements

The local share must come from sources other than Federal DOT funds. Examples of local match sources that may be used for the local share include local appropriations, coal severance taxes, dedicated levy, state general revenue funds, and other non-federal DOT funds.

The federal share of projects is 80 percent. At its discretion, the Division allows the federal share of accessible revenue service vehicles to be 85 percent.

The federal share of equipment required by the Clean Air Act or Americans with Disabilities Act (ADA) may be 90 percent.

Project Selection Criteria and Method of Distributing Funds

The Division distributes the National Distribution funds at its discretion to urbanized and rural areas through an annual application process.

The Division, for the most part, adopts the FTA apportionments to the small UZAs, but reserves the right to suballocate funds as necessary. The State's small urbanized areas are:

Beckley – New River Transit Authority
Charleston – Kanawha Valley Regional Transportation Authority
Cumberland - reallocated to other urban areas
Hagerstown – Eastern Panhandle Transit Authority
Morgantown – Monongalia County Urban Mass Transit Authority
Parkersburg - Mid Ohio Valley Transit Authority
Weirton – City of Weirton (Weirton Ride)
Wheeling – Ohio Valley Regional Transportation Authority

In suballocating the small urbanized area funds, the Division considers the availability of suballocated Section 5307 funds for capital projects. The Division, at its discretion, will not suballocate Section 5339 funds to urbanized area providers whose Section 5307 suballocations are sufficient to cover capital needs or at risk of lapsing.

For National Distribution funds, the Division awards projects based on need, with first priority being replacement equipment. Other eligible projects that meet a particular need may be funded. These projects will be developed based on information contained in the Division's equipment tracking system - Automated Vehicle Inventory System (AVIS) and communication with the transit organizations.

Transfer of Funds

For any funds suballocated or awarded to a small UZA by the state, the Division shall notify FTA via letter and the small UZA shall apply directly to FTA for the funds.

State General Revenue Funds

The Division administers the State general revenue funds with provides local match for Section 5311 capital, project administration, operations, preventive maintenance, and planning projects and for capital projects in urbanized areas. The program is funded with annual appropriations from the State general fund.

ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS

Once projects are selected, the Executive Administrator of the Transit Section, Section 5311 Program Manager, and Section 5310 Program Manager meet to finalize the program of projects for each program. Once finalized, the program managers develop and submit an application.

Before assigning a project to a new grant, the program managers look to available funds in existing grants to fund projects.

COORDINATION

The Division encourages the coordination and distribution of publicly funded transportation services within the State, including, but not limited to, transportation services for the general public, seniors, individuals with disabilities, and private non-profit organizations.

On March 16, 2004, the Governor signed Executive Order No. 5-04, which created the **West Virginia Transportation Coordinating Council**. Its mission is to study and address issues related to the effective and efficient use of transportation resources, including:

- Coordinating transportation services
- Eliminating waste and overlap from duplicated agency efforts
- Closing service gaps to improve citizen access to transportation resources

The membership includes representatives from the Bureau of Senior Services, Department of Education; Department of Health and Human Resources; the Fair Shake Network (a State advocacy program for the disabled); the public transportation community; consumers; WVDOT, the Division; and others. The Council studies issues pertaining to the effective and efficient use of transportation resources. Additionally, the Division participates in local, regional and statewide transportation activities that deal with coordinating transportation services. The Council meets quarterly, typically on the first Thursday of each quarter.

The Division encourages coordination to the maximum extent feasible.

The Division is the lead agency in the development of public transit-human services transportation coordination plans. Plans are developed for the 11 planning regions in the state. The Division requires all public transit providers and current and potential Section 5310 subrecipients to participate in the development of the plans. The plans are posted to the Division website.

CIVIL RIGHTS

Title VI: FTA Circular 4702.1A requires the Division to submit a Title VI Program Plan every three years detailing how the Division complies with Title VI. As stated in the Division's plan, it works with subrecipients to update Title VI plans as needed. The Division ensures compliance with Title VI requirements during biennial site visits. The Division requires subrecipients to notify it of Title VI complaints.

Limited English Proficiency (LEP). Every three years for itself and semiannually for subrecipients, the Division conducts an LEP assessment to determine the need for non-English services. The assessment is based on four factors: the number and proportion of LEP persons served or encountered in the eligible service populations; the frequency with which LEP individuals come into contact with the service; the nature and importance of the service; and the resources available and cost.

Equal Employment Opportunity (EEO): The Division ensures subrecipient compliance with EEO requirements during semiannual site visits. The Division requires subrecipients to have adopted an EEO policy and notify job applicants that they are an EEO employer. The Division requires subrecipients to notify it of EEO complaints.

Disadvantaged Business Enterprise (DBE): The West Virginia Equal Employment Opportunity Office develops and submits the DBE Program on behalf of WV DOT. The Division submits its triennial DBE goals directly to FTA for FTA funds. All subrecipients must submit semiannual DBE reports to the Division for reporting to FTA and must create a level playing field on which DBEs can compete fairly for FTA-assisted contracts. The Division reports DBE participation to FTA on a semi-annual basis. Transit providers in small UZAs, as direct recipients of FTA funds, report directly to FTA.

Section 504 and ADA: Under Section 504 of the Rehabilitation Act of 1973, any program or activity receiving federal financial assistance cannot discriminate on the basis of a disability. 49 CFR Part 27 contains the rules for implementing Section 504. The Division ensures through its application and oversight processes that subrecipients comply with Section 504.

WVDOT has ADA complaint procedures. The public may request reasonable modifications in policies or procedures. WVDOT notifies the public of the right to file a complaint and to request reasonable modifications through its website.

Any complaints received by the Division concerning ADA and Section 504 service violations are promptly investigated. The Division works with the individual parties involved to find a resolution to the dispute. Failure to comply with ADA not only makes the transit system ineligible for federal funds but could also subject the system to private lawsuits.

The Division develops State contracts for or participates in purchases of revenue service vehicles. The Division ensures contracts require compliance with 49 CFR Part 38 Americans with Disabilities Act (ADA) Specifications for Transportation Vehicles. Subrecipients purchasing non-accessible revenue service vehicles must sign a Certification of Equivalent Service and, at the time of application, demonstrate that equivalent service can be provided.

The Division ensures compliance with ADA requirements during site visits. The Division also offers training in ADA requirements either at the annual West Virginia Public Transit Association (WVPTA) conference or the annual managers meeting. The Division makes available a driver trainer for subrecipients.

PROGRAM MANAGEMENT

Staffing and Organization: The Division of Multimodal Transportation Facilities comprises four sections: Aeronautics, Port, Rail, and Transit. A Commissioner that reports to the Secretary heads the Division.

An Executive Administrator who reports to the Commissioner manages the Transit Section. Transit is staffed with the Rural Area Programs Manager, Section 5310 Program Manager, Comptroller, Procurement Officer, Safety and Security Officer.

Procurement: The Division procures vehicles, other capital items, and construction projects on behalf of subrecipients. Vehicles and equipment are purchased through the State of West Virginia's Purchasing Division and in accordance with the Purchasing Division Procedures Handbook and the Division's FTA Supplemental Procurement Policy Manual. Statewide contracts are utilized for vehicles and communication equipment whenever possible. The Division uses US General Services Administration contracts for purchases of technology whenever possible.

The Division ensures that all relevant federal clauses are included in procurement documents. The Division maintains a checklist of FTA required clauses and model clause language. Annually, the Division reviews 2 CFR 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, the FTA Master Agreement, the FTA Third Party Contract Provisions Matrix, and the FTA Contractor Manual to update the list and language of required clauses.

The Division prepares detailed specifications that best reflect the system's procurement needs. The transit manager will be responsible for reviewing the specifications and submitting any comments or revisions to the Division. On all purchases, the Division is responsible for ensuring the federal statutory requirements and that the State Purchasing Regulations are followed.

The Division completes detailed procurement checklists to ensure that all State and federal requirements are met and procurement files are maintained in accordance with State and 2 CFR Part 200 record retention requirements.

Financial Management and Accounting Systems: The Division expends and accounts for grant funds in accordance with West Virginia State Law and 2 CFR Part 200 which require detailed records sufficient to permit tracking of funds to a level adequate to establishing propriety of expenditures and to permit preparation of reports. The Division also maintains and follows internal financial and award policies and procedures that address staffing, accounting systems, awards, expenditure/invoice processing, cash management, reporting, grant closeout, audit and record retention.

The Division utilizes the statewide wvOASIS enterprise software. Grant balances are reconciled internally on a monthly basis and verified against TrAMS balances on at least a quarterly basis, during preparation of required Federal Financial Reports, and again at grant closeout.

All payments from FTA are requested through FTA Electronic Clearing House Operation (ECHO)-Web. The Division follows the requirements established in FTA's ECHO-Web User Manual. Also, financial records with supporting documentation and any other records are retained by the Division in accordance with State and 2 CFR Part 200 record retention requirements.

Reporting: The Division's Financial and Award Management Policies and Procedures address Federal Financial Reports (FFRs), Milestone Progress Reports (MPRs), Annual Program of Projects (POP) Status Reports, and Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) reports.

Transit Asset Management (TAM) Plan: The Division is the group plan sponsor for all urban and rural transit providers in the State.

Property Management: The Automated Vehicle Inventory System (AVIS) establishes a permanent property record for each vehicle and piece of equipment with an acquisition value greater than \$50,0000 purchased under an FTA grant. This system assists the Division in maintaining satisfactory continuing control over project equipment and updating the statewide group transit asset management (TAM) plan.

The system allows the Division to identify of equipment by either a specific federal grant or by an individual local agency and assists in implementing the TAM plan. A series of reports can be generated based on grant requirements or other program management needs.

Title: Vehicles are titled to subrecipients, however, for control the Division holds the physical titles for vehicles purchased with FTA assistance. Subrecipients hold the title to real property and facilities purchases/constructed with FTA assistance.

Real Property: The Division maintains a real property inventory using AVIS that tracks the data elements required by 2 CFR 200.311 Real property and FTA Circular 5010.1

Annual Physical Inventory: The transit operators shall conduct an annual physical inventory of its property and the results shall be verified and reconciled with the Division's property records. Any differences found by the inspection shall be investigated to determine the cause. Also, in connection with the annual inventory, the Division shall determine the current utilization and continued need for the property.

When the direct recipient or subrecipient is required to sell the property, proper sales procedures shall be used that provide for competition to the extent practicable and result in the highest possible return.

Vehicle Use: Project equipment shall be used for the provision of transportation service as specified in the subrecipient's grant application. The direct recipient/subrecipients, in accordance with the established routes and services, shall operate the equipment.

Insurance: All agencies are required to carry insurance in an amount sufficient to adequately cover the replacement value of the equipment. The Division is listed as co-insured on all policies to protect the federal interest.

Vehicle Disposition: Minimum normal service (useful) life for vehicles are:

- Large, heavy duty transit buses (approximately 35' - 40', and articulated buses): 12 years or 500,000 miles
- Medium-size, heavy-duty transit buses (approximately 30'): 10 years or 350,000 miles
- Medium-size, medium duty transit buses (approximately 30'): 7 years or 200,000 miles
- Medium-size, light-duty transit buses (approximately 25 – 35'): 5 years or 150,000 miles

- Other light-duty buses such as small buses and regular and specialized vans: 8 years or 100,000 miles or 4 years if the engine or transmission requires replacement, there are rust issues with the frame, or there are major electrical issues
- Shop or support vehicles: 8 years or 100,000 miles

The Division considers the value of transit vehicles prior to the end of a normal service life to be based on a straight-line depreciation. Also, the vehicle service life standards refer to time in normal service, not time spent stockpiled or unavailable for regular transit duty.

Buses should be at the end of a minimum normal service life when considered for replacement. The age of the vehicle to be replaced is its years of service at the time the new bus is introduced into service. Agencies may apply for replacement buses prior to the end of its useful life provided that the end of the useful life will be reached prior to placing the new vehicle in service.

The Division encourages that vehicles/equipment reaching the end of their normal useful life be retained in transit service if they are still functional.

The system must first obtain permission from the Division before disposing of the equipment. The Division may decide to transfer it to another subrecipient wanting to continue to use it as a revenue or maintenance vehicle. The subrecipient will be reimbursed by the agency receiving the vehicle for the prorated local share.

Competitive sales procedures shall be followed to ensure the highest possible return. All sale proceeds submitted to the Division shall be deposited in a "Capital Replacement Account" to be used for future capital purchases. If the direct recipient/subrecipient provided the matching funds, the local share of proceeds from the sale of the equipment remains with the direct recipient/subrecipient.

For sales proceeds exceeding \$10,000, the Division will return to FTA the federal share of the proceeds over \$5,000.

Should an agency wreck a vehicle, the insurance proceeds are used to fix the vehicle or, if totaled prior to reaching its useful life, to purchase a new vehicle.

Construction and Renovation of Facilities: The Division contracts directly for construction projects for subrecipients. The Division hires an architecture and engineering (A&E) firm to design and manage the project; participates in the design team; reviews project plans; and attends (in-person or by phone) bi-weekly construction meetings.

The Division requires the subrecipient to attend all construction meetings and keep a weather diary and photos of progress of the project. At 50 percent completion, WV DOT Internal Audit Division reviews compliance with Davis-Bacon, material test files, and the Division's project management files. At substantial completion (95 percent), the Division develops a punch list as part of a walk-through at which the Division, subrecipient, A&E firm, general contractor and subs are present. The contractor has up to 60 days for final completion. At final completion, the Division, subrecipient, A&E firm, and general contractor conduct a final walk-through to assess

punch list items. If the project does not meet substantial or final completion deadlines, the Division assesses liquidated damages.

All construction and renovation projects are conducted in accordance with FTA and state purchasing requirements. The Division follows State Code Chapter 5G, Procurement of Architect-Engineer Services by State and Its Subdivisions when procuring A&E services.

The Division follows the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) for purchase of real property.

Vehicle Maintenance: Subrecipients must maintain FTA-funded equipment and facilities at a high level of cleanliness, safety, and mechanical soundness; maintain all accessibility features and equipment in operating condition; repair accessibility features promptly and take reasonable steps to serve persons with disabilities until repairs are made; track when preventive maintenance inspections are due; schedule preventive maintenance inspections timely, and maintain a file on each piece of equipment that documents maintenance history. At a minimum, preventive maintenance procedures must follow the manufacturer's minimum requirements. Subrecipients must have a pre-trip inspection program that addresses vehicle condition, appearance, 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 of FTA-funded facilities must follow the Division's maintenance program and submit annual reports.

Warranty Program: The Division requires that subrecipients have a system for tracking warranty issues and recovering warranty claims. Subrecipients are responsible for establishing and maintaining a system for recovering warranty claims. This system should provide information needed by the subrecipient on the extent and provisions of coverage and on claims processing procedures.

Incidental Use of Real Property: Subrecipients seeking to make incidental use of federally funded real property must first seek and obtain the Division's approval in writing. Incidental uses must be compatible with the approved purposes of the original award and not interfere with either the intended uses of the property or the subrecipient's ability to maintain satisfactory continuing control. Subrecipients must reinvest any income generated from the incidental use back into the transit program.

Audit: The Division is audited as part of the WV DOT's annual single audit, which is performed by an independent public accounting firm. The audit is performed pursuant to the requirements of 2 CFR 200. The Division resolves audit findings as they occur and notifies FTA of any problems.

Closeout: All grants are closed out with FTA immediately after all work activities for the program of projects are completed. A final financial status report, final budget a revised program of projects, and, if necessary, a revised period of performance end date are submitted to FTA. The Division's Financial and Award Management Policies and Procedures address closeout procedures.

Subrecipient Audits and Project Monitoring: The Division requires all subrecipients to have an independent single audit or audit of financial statements performed annually.

Operating contracts are executed for a one-year period, based on the state's fiscal year of July 1 through June 30, except in the case of repeat recipients who receive a "no-opinion" on the annual audit for the previous year. When a "no-opinion" is received by an organization, the Division executes a six-month operating contract and during that period, the agency is once again audited. The results of this audit will determine an organization's eligibility to receive continued and/or further operating assistance.

Subrecipient organizations receive funding on a monthly reimbursement basis. Reimbursements are made for actual eligible expenditures.

All recipients are bound by contract and are accountable to the Division for all financial aspects of the project. Should an audit show that overpayments were made or there were ineligible expenses reported, the recipients, under the terms of the contract, are responsible for refunding to the Division any such costs. Upon receipt of the audit, the Division's Comptroller reviews it, internal control and compliance findings are resolved and the federal share of any questioned costs are recovered and credited back to FTA.

Performance Standards: The Division established useful life standards for all subrecipients. In an effort to promote operational efficiency and effectiveness, the Division emphasizes six performance measures for Section 5311 subrecipients: operating cost per vehicle hour, operating cost per mile, operating cost per passenger trip, farebox recovery ratio, passenger trips per mile and passenger trips per hour. The Division encourages subrecipients to achieve a 12-percent farebox recovery rate.

State Reporting Requirements: State reporting requirements include: Semi-annual DBE Activities Report; audit reports; copies of all vehicle accident/incident reports and all passenger accident/incident reports; drug and alcohol management information system (MIS) Reports; National Transit Database reports, Charter Service Reports (only in quarters in which a system provides charter service); Proof of Insurance; Annual Certification of Use of Project Equipment and/or Facilities Certification; Facility Maintenance Report (from those systems with FTA-funded facilities); and annual indirect cost rate proposal (for this that charge indirect costs to FTA grants).

Project Management: The Division reserves the right to waive or change any requirements or policies that would best serve the interests of the state and/or the program.

OTHER PROVISIONS

Environmental Protection: All potential capital projects will be screened to determine which clearly meet the FHWA/FTA criteria for categorical exclusions or which may require additional documentation. The latter will be coordinated with the FTA Regional Office early in project development so that any necessary environmental analysis and review will not delay implementation. The Division will ensure that all transportation plans, programs, projects and purchases conform to all applicable environmental guidelines.

Buy America: The Division includes a Buy America Certification form in its bid packages for both rolling stock and non-rolling stock for all purchases exceeding \$150,000. When applicable direct recipients/subrecipients must comply with Buy America regulations and state so on their purchase orders.

Build America Buy America: The Build America, Buy America Act (BABA), was enacted as part of the Infrastructure Investment and Jobs Act on November 15, 2021. BABA requires that three separate product categories, Iron or Steel Products, Manufactured Products, and Construction Materials, be produced in the United States when used in FTA funded infrastructure projects. The FTA Supplemental Procurement Policy Manual addresses compliance with BABA.

Pre-award and Post-delivery Audits: After selection of a vendor, but prior to signing a contract, the vendor furnishes to the Division documentation proving that at least 70 percent of the equipment components are domestic and that the equipment's final assembly will be in the United States. The Division audits the documentation verifying that the provisions are met.

The Division also ensures that the proposed equipment meets the specifications and that the manufacturer is responsible with the capability to produce equipment that meets the specifications. A self-certification is received from the manufacturer stating that equipment built by them will meet the Federal Motor Vehicle Safety Standards.

During manufacture and after delivery but before acceptance, the vendor furnishes the Division documentation proving that at least 70 percent of the completed equipment components were domestic, that the equipment's final assembly was in the United States, a description of final assembly activities, and a certification that the vehicle meets the Federal Motor Vehicle Safety Standards. The Division audits this documentation to ensure compliance.

After delivery, the Division performs a visual inspection and a road test verifying that the equipment was constructed and operates in accordance with the specifications.

Bus Testing: To ensure compliance with bus testing requirements, the Division requires bidders to submit copies of bus testing reports with bids.

Lobbying: Recipients of federal grants and contracts exceeding \$100,000 certify that they have not and will not use federal funds to pay for influencing or attempting to influence an officer or employee of any federal department or agency, a member of Congress, in connection with obtaining any federal grant, cooperative agreement or any other federal award.

The Division complies with lobbying restrictions. It does not hire a registered lobbyist to lobby the federal government for financial assistance. If a lobbyist is hired, the Division will use State funds and will submit disclosure forms (SF LLL) to FTA.

Subrecipients using local funds to hire a registered lobbyist to lobby the federal government must submit disclosure forms to the Division for forwarding to FTA. The Division ensures compliance with lobbying requirements through annual applications and site visits.

Charter Bus Restrictions: The Charter Rule prohibits recipients of FTA financial assistance from providing charter service using FTA-funded equipment or facilities if there is at least one private charter operator willing and able to provide the service.

Exceptions to the charter rule include:

- Government Officials on Official Business: Transportation of government officials on official government business.
- No Willing and Able Private Charter Operator: Subrecipients may provide charter service if no private operator is willing and able to provide the service, as determined through the registration and notice procedures in 49 CFR Part 604.
- Qualified Human Service Organizations: Transportation for a qualified human service organization (QHSO) as defined in 49 CFR 604.7, provided the service is incidental to the provision of public transportation service.

When a subrecipient provides charter service, it must:

- Charge a fair and reasonable price for the service
- Maintain records of all charter trips
- Report charter service to the Division in the quarter in which it was provided. The report includes:
 - The number of charter trips provided
 - The types of charter services provided
 - The revenue received from charter services
 - Any complaints received regarding charter service

The Division ensures compliance with school bus restrictions during site visits.

School Bus Restrictions: FTA recipients are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA under an allowable exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus service. School tripper service that operates and looks like all other regular service is allowed. School tripper service is regularly scheduled mass transportation service that is open to the public and is designed or modified to accommodate the needs of school students and personnel. Buses used in tripper service must be clearly marked as open to the public, not carry designations such as “school bus” or “school special,” and stop at regular bus stops. The Division ensures compliance with school bus restrictions during site visits.

Drug and Alcohol Testing: Division subrecipients are required to comply with 49 CFR Part 40- Procedures for Transportation Workplace Drug and Alcohol testing Programs and 49 CFR Part 655-Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations. The

Division contracts with a consultant to periodically review the systems' written drug and alcohol policies and conduct biennial onsite reviews. The Division has sponsored training classes and granted RTAP scholarships for subrecipients to attend drug and alcohol education courses that will assist them in understanding and complying with the regulations.

Drug-Free Workplace Requirements: Pursuant to the Drug-Free Workplace Act of 1988, the Division of Public Transit certifies to FTA annually that a drug-free workplace exists. The Division posts the state's Drug-Free Workplace Act policy in the workplace and informs staff of the dangers of drug abuse and available counseling and other services.

NTD Reporting: All subrecipients receiving Section 5311 funds must report to the National Transit Database (NTD) as required by 49 U.S.C. Section 5311 and FTA's NTD reporting regulations (49 CFR Part 630). Subrecipients must submit annual NTD reports, including:

- Revenue Vehicle Inventory: A report of all revenue vehicles, including make, model, year, fuel type, capacity, and other vehicle characteristics.
- Operating Data: Annual operating data, including vehicle miles, vehicle hours, passenger trips, and operating expenses.
- Financial Data: Annual financial data, including operating expenses, capital expenses, and funding sources.
- Service Data: Data on the types of service provided, including fixed route, demand-response, and other modes.
- Safety and Security Data: Safety and security incident reports as required.

NTD reports must be submitted annually by the deadline established by FTA (typically within 90 days after the end of the State's fiscal year. The Division may provide reminders and technical assistance to ensure timely submission.

Subrecipients that fail to submit required NTD reports may be:

- Withheld from future Section 5311 funding allocations;
- Required to submit corrective action plans;
- Subject to grant suspension or termination.

The Division:

- Identifies all subrecipients required to report to the NTD
- Provides technical assistance with NTD reporting
- Monitors subrecipient compliance with NTD reporting requirements
- Verifies that NTD data is consistent with grant application data