

**WEST VIRGINIA
SECTION 5310 SENIORS AND
INDIVIDUALS WITH DISABILITIES PROGRAM**

**STATE
MANAGEMENT
PLAN**

**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF PUBLIC TRANSIT**

**Building 5, Room 663
1900 Kanawha Boulevard, East
Charleston, WV 25305-0432
Phone: 304-558-0428
FAX: 304-558-0174
TDD: 1-800-742-6991**

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A. PROGRAM GOALS AND OBJECTIVES

The goal of the West Virginia Department of Transportation, Division of Public Transit's Section 5310 Program is to purchase equipment for agencies serving seniors and individuals with disabilities in the most cost-effective manner, given the available resources. This equipment is to meet the special transportation needs and enhance mobility for seniors and individuals with disabilities throughout the state including small urban and rural areas except Cabell and Wayne Counties. This program requires coordination with other federally assisted programs and services to make the most efficient use of Federal resources.

Tri-State Transit Authority in Huntington, WV, is the designated Recipient for Section 5310 funding for the Transportation Management Area of Cabell and Wayne Counties in West Virginia; Lawrence County, Ohio; and Greenup and Boyd Counties in Kentucky. Agencies interested in 5310 funding in these areas should contact the KYOVA Interstate Planning Commission at 400 Third Avenue, Huntington, WV 25712 or by email tsicking@kyovaipc.org directly to request an application.

The WV Section 5310 Program provides funding of contracted services projects to purchase transportation services from agencies to enhance/expand transportation services for seniors and individuals with disabilities. As funding allows, mobility management projects can be funded when during the locally developed public transit-human services coordination plans or updates a need is determined.

The objectives of the State of West Virginia's Section 5310 Program are to:

- make sure that equipment purchased with Section 5310 funds meets the needs of the passengers and complies with all federal regulations;
- make driver training and safety an intricate part of the Section 5310 Program;
- give priority to the purchase of vehicles and communication equipment;
- provide funding for contracted services to purchase transportation services;
- and as funds allow, fund mobility management projects.

The Division of Public Transit participates in the West Virginia Department of Transportation's Public Involvement Process. All the Division's projects are listed in the STIP and put out for public comment and input. Projects in the metropolitan areas are included in the local metropolitan planning organization's TIP. All approved applicants must have participated in the development and updates of locally developed public transit-human services coordination plans.

All Section 5310 applicants are required, as part of the application process, to receive a Positive Intergovernmental Review from their local planning and development council or metropolitan planning organization. During this process, the planning agencies notify all local elected officials of the proposed projects and request their sign-off. No applicant is funded without a positive local intergovernmental review.

B. ROLES AND RESPONSIBILITIES

The Division of Public Transit was created under Chapter 17, Article 16C of the West Virginia State Code. This section designates the Division as the state agency responsible for administering all federal and state programs relating to public transit. The Division is under the supervision of the Secretary of Transportation.

Therefore, the Division of Public Transit is responsible for implementing the Federal Transit Administration's Section 5310 program State's rural and small urban allocations. The Division's responsibilities include the following:

- a. Document the states procedures in a state management plan (SMP);
- b. Plan for future transportation needs, and ensure integration and coordination among diverse transportation modes and providers;
- c. Develop project selection criteria consistent with the coordinated planning process;
- d. Notify eligible local entities of funding availability;
- e. Solicit applications from potential subrecipients;
- f. Determine applicant and project eligibility;
- g. Certify that allocations of funds to subrecipients are made on a fair and equitable basis;
- h. Submit an annual program of projects (POP) and grant application to FTA;
- i. Ensure subrecipients comply with federal requirements;
- j. Certify that all projects are included in a locally developed, coordinated public transit-human service transportation plan developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public;
- k. Certify that to the maximum extent feasible, services funded under Section 5310 are coordinated with transportation services assisted by other federal departments and agencies;
- l. Ensure that at least 55 percent of the area's apportionment is used for traditional Section 5310 projects carried out by the eligible subrecipients;
- m. Responsible for purchasing all equipment and purchase of transportation services for approved subrecipients.

- n. Oversee project audit and closeout.

Tri-State Transit Authority in Huntington, WV, is the designated Recipient for Section 5310 funding for the Transportation Management Area of Cabell and Wayne Counties in West Virginia; Lawrence County, Ohio; and Greenup and Boyd Counties in Kentucky. Agencies interested in 5310 funding in these areas should contact the KYOVA Interstate Planning Commission at 400 Third Avenue, Huntington, WV 25712 or by email tsicking@kyovaipc.org directly to request an application.

The Executive Director of the Division of Public Transit attends all state level legislative budget hearings regarding the Department of Transportation and provides information regarding the Division of Public Transit's accomplishments and budget requests. A budget hearing is held for both the House of Delegates and the Senate.

The Division of Public Transit participates in the West Virginia Department of Transportation's Public Involvement Process. All Division projects are listed in the STIP and put out for public comment and input. Projects in the metropolitan areas are included in the local metropolitan planning organization's TIP.

Applying subrecipients for Section 5310 funding are required to:

- a. Participate in the development and updates of their locally developed public transit-human services coordination plan.
- b. Demonstrate their financial and technical capacity to carry out the program including the safety and security aspects of the project.
- c. Provide administrative and management support of the project implementation including administrative oversight to ensure that vehicles are being properly maintained and operated in a safe manner.
- d. Ensure that personnel are adequately trained in the safe operation of the equipment and all drivers are PASS Certified.
- e. Demonstrate and retain satisfactory continuing control over the use of project property.
- f. Prepare and submit required monthly statistical reports via the internet in a timely manner insuring accuracy of the information.
- g. Ensure compliance with all FTA, federal requirements, or Division of Public Transit requirements that are applicable to the project.
- h. Ensure local match funds are available and that they have operating funds available for the life of the project.
- i. Update and retain required reports and records for availability during audits or oversight reviews.

- j. Document that equipment is in good working order and is being maintained in accordance with the manufacturer's recommendations.
- k. Ensure periodic reviews by project supervisor or agency management that maintenance procedures are being followed.
- l. Ensure that ADA equipment is in good working order and documentation is maintained verifying that the lifts/ramps and tie downs are in good working order.

The Division of Public Transit procures all vehicles and purchases all transportation services. Therefore, there are no direct allocations to approved subrecipients that would require the documentation of receiving or expending 5310 Program funds.

C. COORDINATION

All applying agencies are required to participate in the development and updates of the locally developed public transit-human services coordination plans. Date and locations of an agency's participation is required in the application packet and is verified by the Division of Public Transit.

The Division funds only one agency, per county, that provides transportation services for a particular client group. These local agencies meet and come to an agreement on which one will apply for a Section 5310 vehicle. The agreed upon agency becomes the permanent Section 5310 applicant for that client group. The Division will not consider any application from an area that has not met this requirement.

Section 5310 applicants for expansion vehicles are also required to contact all other transit providers in their proposed service area, regardless of funding source, through the sign-off process. The Division verifies that all known transit providers were contacted when reviewing the application.

Section 5310 applicants for the purchase of transportation services or mobility management are required to obtain letters of support from public transit providers, other transportation providers, members of the community, doctor's offices, government agencies, etc., in their proposed service area, when submitting their application.

To assist agencies in locating transportation providers, the Division provides two resources on the website. A Transportation Providers Directory and copies of all eleven (11) Planning Region's Updated Coordinated Public Transit-Human Services Transportation Plans. These documents provide listings of the states known transit providers. The listing, however, does not relieve the applying agencies from locating other providers on their own.

The Executive Director of the Division of Public Transit serves as Chair of the West Virginia Transportation Coordinating Council. The council has members from the Bureau of Medical Services; DHHR; Workforce WV; two transit authority managers (one rural and one small urban); a taxi operator; a general public representative; two senior citizen representatives; Bureau for Public Health; State ADA Coordinator; DHHR/ Division of Family Assistance; WV Mental Health Consumer's Association; public transportation consumers with disabilities advocate; WV Dept of Education; and Bureau of Senior Services. The council's mission is to coordinate transportation services, eliminate waste and overlap caused by duplicated agency efforts, and eliminate service gaps to enhance citizen's access to all available transportation resources.

The Division of Public Transit contracts to facilitate the updates of locally developed public transit-human services coordination plans across the state.

D. ELIGIBLE SUBRECIPIENTS

Any private, nonprofit organization or for-profit operator that desires to provide transportation services for seniors and individuals with disabilities are eligible to apply for funds. Private, nonprofit and private, for-profit organizations are defined in the following manner:

PRIVATE - non-public, to wit: bodies, which are not municipalities or other political subdivisions of states; are not public agencies or instrumentalities of one or more states; are not Indian tribes (except private nonprofits that are formed by Indian tribes); are not public corporations, boards or commissions established under the laws of any state; or are not subject to control by public authority, state or municipal.

NONPROFIT ORGANIZATION - a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. Section 501(c), which is exempt from taxation under 26 U.S.C. Section 501 (a) or one which has been determined under state law to be nonprofit and for which the designated state agency has received documentation certifying the status of the nonprofit organization.

If funds are limited, any previous applicant that has been funded by the last two grants, must set out at least one funding cycle. Should additional funding become available, this policy may be changed at the discretion of the Executive Director of the Division of Public Transit.

Given the various funding sources available to private nonprofit hospitals and nursing homes, the state has determined that these agencies will not be considered for funding under the Section 5310 Program.

In order for a vehicle to be considered for replacement, the vehicle must have at least 90,000 miles on it at time of application. Agencies that have vehicles with low mileage that are aged (For Example: 48,000 miles on a ten (10) year old van) are notified that it is unlikely they will receive additional funding from the Section 5310 Program due to lack of usage.

Section 5310 funds may also go to **PUBLIC BODIES** that certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service; and public bodies approved by the state to coordinate services for seniors and individuals with disabilities. Local public bodies eligible to apply for Section 5310 funds as coordinators of services for seniors and individuals with disabilities are those designated by the state to coordinate human service activities in a particular area.

Examples of such eligible public bodies are a county agency on aging or a public transit provider which the state has identified as the lead agency to coordinate transportation service funded by multiple Federal or state human service programs.

All public body applicants must afford an adequate opportunity for a public hearing regarding their proposed service plan. Such hearings must be held if someone with a significant economic, social, or environmental interest in the matter requests a hearing.

Public bodies certifying that there are no nonprofit organizations readily available in an area to provide Section 5310 service must demonstrate through a survey and a written plan that all avenues have been exhausted in trying to locate a readily available nonprofit organization. Approval to apply for a Section 5310 vehicle would have to be given prior to the grant application cycle.

Public bodies requesting designation from the state as the coordinator of services for seniors and individuals with disabilities must agree to:

- a. Sign the state's non-negotiable standard Section 5310 project grant agreement.
- b. Abide by the reporting requirements and be subject to the Section 5310 late or incomplete/incorrect reporting penalty system.
- c. Dispose of the vehicle in accordance with the Division's procedures.
- d. Obtain the vehicle through the Division.
- e. Be responsible for the successful completion of the project; and
- f. Submit an operation plan addressing the following:
 1. The designation of a facilitator or coordinator of the plan at the local level.
An MPO or a local planning and development council could serve in this capacity or the public body can suggest a facilitator that all parties have agreed to.
 2. Address the affects the proposed plan will have on ADA requirements of the public body.
 3. Indicate the level of coordination - Does the plan include central dispatching, pooled maintenance, etc.?
 4. Indicate the agencies responsible for the operation of the vehicle.
 5. Will all vehicles carry the same system name or will individual identities be maintained?
 6. List of providers included and not included in the plan with an explanation as to why an agency has chosen not to be part of the plan.
 7. Is the coordination effort only for FTA funded projects?
 8. How will other transportation funding sources be considered in the plan?
 9. The written agreement reached by all parties.

10. Ongoing coordination process to assess the level of service and how to meet any unmet needs of seniors and individuals with disabilities.
11. Involvement of private providers.
12. Early planning notification to all transit providers; and
13. Will the vehicle be limited to a particular client group and/or a geographic area?

Approval to apply for a Section 5310 vehicle will have to be given prior to the grant application cycle. Additionally, an application submitted by a coordinating public body will not be given a higher funding priority.

PRIVATE, FOR-PROFIT OPERATORS: Private operators of public transportation are eligible subrecipients. The FTA's 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." The West Virginia Division of Multimodal Transportation Facilities – Division of Public Transit (WVDPT) has determined that taxi companies, under the specific criteria set forth by Federal Transit Administration rules and regulations listed below, can participate in its Section 5310 grant program, recognizing that taxi companies provide transportation to Section 5310 program participants during hours not readily served by nearly all other eligible recipients. Taxi companies that provide only exclusive-ride service are not eligible subrecipients. However, exclusive-ride taxi companies may enter into a lease agreement with an eligible subrecipient such as a local government or non-profit organization as long as the agreement between the subrecipient and the taxi company is sufficient to establish satisfactory continuing control. Acceptable means of establishing satisfactory continuing control is defined as contract provisions that require the accessible taxi to be used to provide transportation for seniors and individuals with disabilities, and that the vehicle may not be removed from service or disposed of prior to the end of its useful life without the express written consent of the WVDPT to the subrecipient leasing the vehicle. Any private operator of public transportation must also have been a participant in the WVDPT's most recent Coordinated Public Transit-Human Services Plan Update to be eligible.

LEASING VEHICLES ACQUIRED WITH SECTION 5310 FUNDS: The WVDPT established a Memorandum of Understanding (MOU) detailing the lease agreement that the Section 5310 subrecipient and lessee must abide by. The MOU (available upon request) between a Section 5310 subrecipient and the lessee contains the terms and conditions that must be met in providing transportation service to seniors and individuals with disabilities. Because the purpose of the Section 5310 grant is to provide transportation service to seniors and individuals with disabilities, other uses of the vehicle are permitted only as long as such uses do not interfere with service to seniors and individuals with disabilities. The State, being responsible for ensuring that the terms and conditions of the original grant with FTA are met, must agree in writing, to each lease between the subrecipient and the lessee. Such an agreement should specify that the leased vehicle shall be used to provide transportation service to seniors and individuals with disabilities, that the vehicle may be used for incidental purposes only after the needs of these individuals have been met, and that the State must retain title to the vehicle. Subrecipients may lease any of their assets to others on an incidental basis so long as the lease agreement holds the lessee responsible for compliance with all of the requirements the recipient itself is responsible for. Thus, the lessee must adhere to applicable and relevant terms and conditions of FTA's master agreement in the maintenance and use of the asset.

Lessees are required to have the State's official Section 5310 program logo on the vehicle(s) they operate through this agreement. A subrecipient may not lease its revenue vehicles to a private company to conduct charter operations except to the extent the recipient itself would be able to conduct charter operations. A subrecipient may lease its assets to a private entity to operate in public transit service so long as the entity has been selected through a competitive process and so long as the lease agreement obliges the lessee to adhere to all of the applicable and relevant requirements of the FTA master agreement. The WVDPT must first approve the subrecipient's competitive bid document before the subrecipient can begin the solicitation process. A finite lease term should be established as well as a clear price and scope of work.

E. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

The Division of Public Transit utilizes Section 5310 funds to procure vehicles, communication equipment, transportation services and mobility management.

The federal share of these eligible activities is 80% with the 20% local share to be provided by an approved subrecipient. Examples of sources for the local share are: state and local appropriations; dedicated tax revenues; and private donations.

Local share can also be derived from federal programs that are eligible to be expended for transportation, other than DOT programs. Examples of types of programs that are potential sources include: employment, training, aging, medical, community services and rehabilitation services. Specific program information for other types of federal funding is available at www.unitedweride.gov.

The State of West Virginia provides no matching funds for the Section 5310 Program. All matching funds are provided by the local recipients from allowable sources.

F. PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS

The Division is required to certify that applicants requesting Section 5310 funds are included in a locally developed, coordinated public transit-human service transportation plan and that the plan was developed and approved through a process that included participation by seniors; individuals with disabilities; low income; representatives of public, private, nonprofit transportation and human service providers; and other members of the public.

The Division contracts for the update of all regional coordination plans across the state. This includes insuring that notices are sent to seniors; individuals with disabilities; low income; representatives of public, private, nonprofit transportation and human service providers; planning agencies and other members of the general public.

The notice advises that to be eligible for Section 5310 funds, applying agencies are required to participate in the development and updates of the locally developed public transit-human services coordination plans. Follow up is provided by Division personnel ensuring that agencies are aware of the meetings.

Two meetings are held for each region. Copies of sign in sheets are included in the plans from both meetings.

All regional coordination plans contain: demographic analysis; descriptions of available services; an assessment of unmet needs and gaps in services; and, goals and strategies to meet the needs and gaps in service.

All 5310 Application Packets include a request for the date and location of an agency's participation in a plan update meeting. The actual regional plan is reviewed to verify that the agency participated and is described in the plan. If the agency participated in the plan update, they are eligible for 5310 funds.

Annually all former and present Section 5310 recipients, known paratransit agencies, agencies that have previously requested notification of the next funding cycle, regional planning and development councils, as well as, metropolitan planning commissions are contacted notifying them of the Section 5310 Vehicle and Communication Equipment Application availability. The application packet is also available on the Division's website

www.transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx.

The vehicle and equipment applications are released annually. This allows the Division to have accurate pricing for the equipment offered.

The Division of Public Transit scores vehicle and communication equipment applications on the basis of need, vehicle utilization, coordination efforts, fiscal and managerial capabilities and operating plan. Past recipients reporting performance is taken into consideration in any funding request. Points are deducted from applicants for late or incomplete/incorrect monthly reports. This system is explained in the application and the Project Guide. See Appendix B.

Every three (3) years, all former and present Section 5310 recipients, known paratransit agencies, agencies that have previously requested notification of the next funding cycle, regional planning and development councils, as well as, metropolitan planning commissions are contacted notifying them of the Section 5310 Purchase of Transportation Services (contracted services) Application availability. The application packet is also available on the Division's website:

[www.https://transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx](http://www.transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx).

Purchase of Transportation Services applications are released every three years. Applications every three years allows continuity for the transportation services provided.

The Purchase of Transportation Services (contracted services) 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), reasonable funding to implement the project, security of the matching funds, and coordination efforts with potential customers, funding sources and other transportation providers in the service area. Vehicle availability/utilization, fiscal and managerial capabilities, driver training and operating plan are also considered.

Both Vehicle/Equipment and Purchase of Transportation Services applications, from applicants who participated in the coordination plans, scores are then ranked from highest to lowest. Agencies receiving the highest scores are included in the state's consolidated application submitted to the Federal Transit Administration. Agencies are approved, based on high scores, until the state's Section 5310 allocations are utilized.

Purchase of vehicles, communication equipment and transportation services are considered as priorities for West Virginia's Section 5310 Program. As funding allows, the Section 5310 Program will provide funding of mobility management projects where during the locally developed public transit-human services coordination plans or updates a need is determined.

Agencies interested in applying for Mobility Management funds should contact the Division to see if funds are available for mobility management. The application packet is on the Division's website:

[www.https://transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx](http://www.transportation.wv.gov/publictransit/Pages/Section5310Grant.aspx).

To make the various types of funding available through the Section 5310 Program known throughout the state, the Division makes presentations on the program to the state's aging directors, community mental health agencies, the Governor's Task Force on the Homeless, regional planning and development councils, metropolitan planning organizations, rehabilitation agencies and independent living centers.

The Executive Director of the Division of Public Transit serves as Chair of the West Virginia Transportation Coordinating Council. The council's mission is to coordinate transportation services, eliminate waste and overlap caused by duplicated agency efforts, and eliminate service gaps to enhance citizen's access to all available transportation resources.

Some minority populations are located in areas with little or no transportation services. These areas are strongly encouraged to apply for funding. The Division works with these agencies to ensure that they meet all program requirements.

These outreach efforts assist the Division in ensuring that there is equity in the distribution of benefits among groups within the state as required by Title VI. The annual program of projects includes a variety of agencies from a wide geographic area.

**G. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT
AND APPROVAL PROCESS**

Annually all former and present Section 5310 recipients, known paratransit agencies, agencies that have previously requested notification of the next funding cycle, regional planning and development councils, as well as, metropolitan planning commissions are contacted notifying them of the Section 5310 Vehicle and Communication Equipment Application availability. A workshop is held where the Vehicle and Communication Equipment application packet is reviewed and the application process is explained to all workshop participants. Agencies unable to attend the workshop are mailed a copy of the application packet on the release date.

The application packet is released in March. Agencies have from March until June to complete the process. The application packet contains all the information needed to complete the application. A timetable is shown under Section D of the application packet for the agency to follow. To view a copy of the application packet see Appendix A.

The application packet was developed to be a basic fill in the blank application making it easier for agencies to apply for funding. The application packet is available in both hardcopy and electronic format. The uniformity of the applications aids in their scoring. Instructions for agencies to follow regarding all aspects of the application are included in the packet. All agencies are encouraged to call if they have questions.

Agencies are advised to do the following steps:

- ◆ 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.
- ◆ Contact their local planning and development council or metropolitan planning commission, as well as, 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.
- ◆ Assure that all transportation providers, regardless of funding source, in their area have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed expansion of transportation services.
- ◆ 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; and

- ◆ Submit their completed application to the Division of Public Transit by the deadline.

Once an agency has submitted their application to the Division of Public Transit, it is reviewed for completeness and scored. If any documentation is missing, agencies will be given an opportunity to submit the omitted documents. Two points are deducted for each piece of missing information.

Applications received after the deadline, are considered for funding only after all other on-time requests have been met. The Division is not responsible for any late, lost or misdirected mail. Missing documentation does not include sign-offs from other transit providers or a positive Local Intergovernmental Review from the agency's local planning and development council or metropolitan planning commission which must be submitted with the application.

Applications received from applying agencies are reviewed by the Division of Public Transit to verify that the agency did participate in the development or update of the locally developed public transit-human services coordination plan.

Vehicle and Communication Equipment Applications are scored on the basis of need, vehicle utilization, coordination efforts, fiscal and managerial capabilities, and operating plan. Past recipients reporting performance is considered. Penalties for late or incomplete/incorrect reporting are shown in the application packet, as well as, in the Section 5310 Project Guide. To view a copy of the Project Guide see Appendix B.

Application scores are then ranked from highest to lowest. Agencies receiving the highest scores are included in the state's consolidated application submitted to the Federal Transit Administration. Agencies are approved, based on high scores, until both the state's Section 5310 allocations are utilized.

Every three (3) years, all former and present Section 5310 recipients, known paratransit agencies, agencies that have previously requested notification of the next funding cycle, regional planning and development councils, as well as, metropolitan planning commissions are contacted notifying them of the Section 5310 Purchase of Transportation Services (contracted services) Application availability.

In September, a workshop is held for the Purchase of Transportation Services (contracted services) Application where the application packet is reviewed and the application process is explained to all workshop participants. Agencies unable to attend the workshop are mailed a copy of the application packet on the release date.

The application packet is released in September. Agencies have from September until January to complete the process. The application packet contains all the information needed to complete the application. A timetable is shown under Section D of the application packet for the agency to follow. To view a copy of the application packet see Appendix A.

The application packet was developed to be a basic fill in the blank application making it easier for agencies to apply for funding. The application packet is available in both hardcopy and electronic format. The uniformity of the applications aids in their scoring. Instructions for agencies to follow regarding all aspects of the application are included in the packet. All agencies are encouraged to call if they have questions.

Agencies are advised to do the following steps:

- ◆ Review the application packet to determine if the Section 5310 Program can assist in meeting their transportation needs.
- ◆ Contact their local planning and development council or metropolitan planning commission, as well as, 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.
- ◆ Obtain letters of support from public transit providers, other transportation providers, members of the community, doctor's offices, government agencies, etc., in there proposed service area for inclusion in application.

To assist agencies in locating transportation providers, the Division provides two resources on the website. A Transportation Providers Directory and copies of all eleven (11) Planning Region's Updated Coordinated Public Transit-Human Services Transportation Plans. These documents provide listings of the states known transit providers. The listing, however, does not relieve the applying agencies from locating other providers on their own. See Appendix C.

- ◆ Have the completed application reviewed by their local planning and development council or metropolitan planning commission regarding proposed service funding, suitability, and need; and
- ◆ Submit their completed application to the Division of Public Transit by the deadline.

Once an agency has submitted their application to the Division of Public Transit, it is reviewed for completeness and scored. If any documentation is missing, agencies will be given an opportunity to submit the omitted documents. Two points are deducted for each piece of missing information.

Applications received after the deadline, are considered for funding only after all other on-time requests have been met. The Division is not responsible for any late, lost or misdirected mail. Missing documentation does not include a positive Local Intergovernmental Review from the agency's local planning and development council or metropolitan planning commission which must be submitted with the application.

Applications received from applying agencies are reviewed by the Division of Public Transit to verify that the agency did participate in the development or update of the locally developed public transit-human services coordination plan.

The applications are scored on the basis of need for the services in the service area identified, how well the proposed services will meet the need, commitment to access for individuals with disabilities (regardless of age), reasonable funding to implement the project, security of the matching funds, and coordination efforts with potential customers, funding sources and other transportation providers in the service area. Vehicle availability/utilization, fiscal and managerial capabilities, driver training and operating plan are also considered.

Past recipients reporting performance is taken into consideration in any funding request. Points are deducted from applicants for late or incomplete/incorrect monthly reports. This system is explained in the application and the Project Guide. See Appendix B.

Applications received from applying agencies are reviewed by the Division of Public Transit to verify that the agency did participate in the development or update of the locally developed public transit-human services coordination plan.

Approved Purchase of Transportation Services (contracted services) contracts are executed for a one (1) year period, based on the State's Fiscal Year of July 1 through June 30.

As funding allows, the Section 5310 Program will provide funding of mobility management projects where during the locally developed public transit-human services coordination plans or updates a need is determined. The Division of Public Transit does have a Mobility Management Application for completion by interested applicants. See Appendix A.

H. STATE ADMINISTRATION, PLANNING AND TECHNICAL ASSISTANCE

The Division expends and accounts for grant funds in accordance with West Virginia State Law which requires detailed records sufficient to permit tracing of funds to a level adequate to establishing propriety of expenditures and to permit preparation of reports.

Both allocations small urban and rural, are tracked separately to ensure that funds are spent in appropriate areas and 10 percent administration is not overspent. Required reports from subrecipients ensures that 5310 funds are used for projects that were planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities.

The Division of Public Transit utilizes state administrative funds to provide general administrative and overhead costs, staff salaries, office supplies, development of specifications for vehicles and equipment, on line inspections of vehicles as they are being built, and cost of storage required while vehicle is being finalized for pick up by approved applicant.

The Division also provides funding for the training of all drivers of Section 5310 vehicles in Passenger Service and Safety (PASS). ADA requires that all drivers be trained in the safe and proper ways to transport disabled persons. This nationally recognized program teaches the safe and proper ways of transporting people. For information see Appendix C.

The Division provides all Section 5310 agencies with a copy of the Operation Lifesaver Highway-Rail Grade Crossing Awareness/Training kit. This is a railroad safety training program. From time to time, the Division offers additional training courses such as dispatching, emergency evacuation, wheelchair securement, customer services, and other areas aimed at improving the services provided by the agencies.

Safety Planning Information Directed to Effective Response (SPIDER) was developed by the Division. The manual was developed specifically for West Virginia's transit providers to assist them with ensuring the safety and security of their operations, with an emphasis on emergency preparedness. A copy of the plan, as well as training, is provided to all interested Section 5310 recipients. SPIDER provides the agency with everything needed to develop an on-going, comprehensive safety and security program. To see a copy of SPIDER see Appendix C.

Annually, a maintenance workshop is held in locations across the state. Section 5310 recipients are invited to attend. Training is provided by vehicle manufacturers and add on equipment suppliers on the correct way to operate and maintain the equipment. This includes training by Ford, Detroit Diesel, Champion, lift manufacturers, A/C manufacturers, tie-down manufacturer's etc.

The Division of Public Transit contracts to facilitate the development and updating of locally developed public transit-human services coordination plans across the state.

I. TRANSFER OF FUNDS

The West Virginia Department of Transportation, Division of Public Transit receives allocations for the state for both small urban and rural areas except for Cabell and Wayne Counties. The Division will follow the procedures described in the Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions Circular FTA C 9070.1G to transfer funds from one allocation to another.

The state has established a statewide program for meeting the objectives of the Section 5310 Program. When each Application Packet is available, all former and present Section 5310 recipients, known paratransit agencies, agencies that have previously requested notification of the next funding cycle, regional planning and development councils, as well as, metropolitan planning commissions are notified of application availability. The planning agencies notify all local elected officials of the proposed projects and request their sign-offs for every application submitted requesting Section 5310 funds.

Applications are received, approved and included in a consolidated program of projects utilizing available funds under both allocations – rural and small urban. All projects included in program of projects are included in the locally developed Coordinated Public Transit-Human Services Transportation Plans. Should funding be left under either rural or small urban allocations and the funding is needed in the other allocation then the Division will prepare documentation to back up the outreach efforts made and verify that all objectives of the Section 5310 Program are being met.

This documentation will be sent to the Governor's Office to request that he submit a letter to FTA stating he certifies that all objectives of the Section 5310 Program are being met in the specified area (small urban or rural). As an example, if all objectives of the Section 5310 Program are being met in small urban areas, funds designated for small urban areas may be transferred to rural areas. Funds apportioned to small urbanized and rural areas may also be transferred for use anywhere in the state.

The Governor would send the letter to:

Theresa Garcia Crews, Regional Administrator
Federal Transit Administration
Region III
1760 Market Street
Suite 500
Philadelphia, PA 19103-4124

Upon FTA approval of the transfer, the Division of Public Transit would prepare a program of projects and submit an application to obligate the funds.

Transferred funds must be used for eligible Section 5310 projects. The Division can make a transfer to Section 5307 only after coordinating with private nonprofit providers of services under Section 5310.

J. PRIVATE SECTOR PARTICIPATION

Each January, on behalf of all its subrecipients, the Division posts a notification on its website. The notice provides private transportation operators or potential new businesses an opportunity to provide input concerning the development of local transportation plans and/or programs. Comments are accepted for at least fifteen days from the date of posting.

Public and private providers of transit and paratransit services; regional, county and local governments; citizen and consumer groups or individuals, including minorities, the economically disadvantaged, persons with disabilities; and labor organizations are given a fair and timely opportunity to participate in the development of all proposed expanded transportation service.

Public, private, and paratransit operators are offered a chance to participate to the maximum extent feasible in the development of the transportation program, in the provision of any expanded special transportation services for seniors and individuals with disabilities and are afforded an opportunity to provide the same type of service that is proposed in an agency's Section 5310 application. This is accomplished through the sign-off process for expansion vehicles.

When requesting expansion vehicles, all public, private and paratransit operators in an agency's proposed service area must be sent a sign-off form by registered mail. The registered mail receipts must be included in an agency's application packet. Each provider has 30 days to respond to the request. Failure of an agency to reply to the request is considered to be a "no" objection to the proposed transportation service.

Each sign-off form requests that any organization making an objection, requesting any restriction or having an interest in providing or participating in the coordination of the proposed service, send a copy of their sign-off to the Division of Public Transit.

Once the Division receives a sign-off form, the applying agency is contacted. Their responsibilities are detailed and they are referred to the "How To Resolve Objections" Section of the application packet. The "How to Resolve Objections" material is made available to private providers at their request.

Section 5310 applications are not accepted unless all objections to the application have been resolved by the application deadline or an agency has requested that the "Special Transit Advisory Committee (STAC)" be convened.

The Division forms the STAC when a dispute or objection to a proposed project cannot be resolved at the local level. STAC is composed of members who will be representatives of the following groups: public transit, private transit, paratransit, a governmental agency representative and a consumer.

Section 5310 applicants for the purchase of transportation services or mobility management are required to obtain letters of support from public transit providers, other transportation providers, members of the community, doctor's offices, government agencies, etc., in their proposed service area, when submitting their application.

To assist agencies in locating transportation providers, the Division provides two resources on the website. A Transportation Providers Directory and copies of all eleven (11) Planning Region's Updated Coordinated Public Transit-Human Services Transportation Plans. These documents provide listings of the states known transit providers. The listing, however, does not relieve the applying agencies from locating other providers on their own.

See Appendix C.

K. CIVIL RIGHTS

Agencies are made aware of their responsibilities under Title VI, EEO, DBE and Limited English Proficiency requirements through the certifications required as part of the application process. These requirements are also brought to the attention of all potential applicants at Section 5310 Workshops.

All Section 5310 Applications contain an Appendix with the Title VI Nondiscrimination and Limited English Proficiency Plan Template. The template is required to be completed and submitted with the application. All applicants are required to have an approved Title VI/Limited English Plan to be eligible for 5310 funding. The plans are good for three (3) years. Additionally, the Section 5310 project grant agreement, signed when equipment is received by approved applicants, contains clauses regarding these requirements.

Any complaints received by the Division concerning discrimination are promptly investigated. The Division works with the individual parties involved in the dispute to find a solution. The Division maintains on file a record of all complaints alleging discrimination. The file includes a statement as to the outcome/resolution of each complaint.

During onsite visits with agencies, funded by Section 5310 funds, display of Title VI notices is checked, discussions are held with agency personnel to ensure their continued compliance with applicable requirements. The major federal funding agency for any recipient has the primary responsibility of oversight for these requirements.

The Division maintains and submits, as needed, the required one-time submission regarding all of the requirements.

Some minority populations are located in areas with little or no transportation services. These areas are strongly encouraged to apply for funding. The Division works with these agencies to ensure that they meet all the program requirements.

These outreach efforts assist the Division in ensuring that there is equity in the distribution of benefits among groups within the state, as required by Title VI. The annual program of projects includes a variety of agencies from a wide geographic area.

L. SECTION 504 AND ADA REPORTING

Agencies are made aware of their responsibilities under ADA and Section 504 requirements through the certifications required as part of the application process. A certification is completed stating the applicant is providing service provisions required by ADA. These requirements are also brought to the attention of all potential applicants at Section 5310 Workshops.

Each applicant is required to describe how individuals with disabilities (persons who use wheelchairs, have visual impairments, hearing impairments, communication disabilities, etc.) are able to access transportation services. They are also asked if they have ever received a request from an individual with disabilities and how it was handled.

It is stressed in the application packet, at the Section 5310 Workshops, in the Section 5310 project grant agreement, contracts and in the Project Guide that recipients must fully comply with 504 and ADA. All Section 5310 recipients operate demand-responsive routes.

As stated in ADA, the Division views the agency in its entirety and determines the number of ADA vehicles needed for an agency. Taken into consideration are how an agency's vehicles are deployed and other ADA accessible vehicles in the service area.

All applicants are required to have in their policies and procedures an ADA Reasonable Modification Policy and a complaint process for employees and passengers to address ADA complaints. Any complaints received by the Division concerning ADA and 504 service are promptly investigated. The Division works with the individual parties involved in the dispute to find a solution. Often, a Section 5310 agency is the only transit provider in the county.

The Division maintains on file a record of all complaints received concerning ADA and 504 service. The file includes a statement as to the outcome/resolution of each complaint.

The Division maintains and submits, as needed, the required one-time submission regarding all the requirements. The Division assists with ADA compliance by purchasing ADA accessible vehicles for all approved agencies and funding a driver training program that meets ADA requirements.

Recipients are required to cycle their wheelchair lifts/ramps daily to ensure that they are kept in good working order. The recipient is required to certify monthly that the lift/ramp has been cycled daily.

During onsite inspections performed by Division personnel, all lifts/ramps and tie downs are inspected to insure they are in working order. Maintenance records are inspected for documentation that the accessibility equipment is being maintained properly.

Also, ADA Reasonable Modification Policies, complaint processes for employees and passengers to address ADA complaints and the ADA service provisions checklist is reviewed.

The Division requires that all drivers of Section 5310 vehicles be trained in Passenger Service and Safety (PASS). This is a driver training course designed to teach safety and sensitivity techniques to drivers transporting seniors and individuals with disabilities. Presently, the Division fully funds the PASS Program.

Currently, Section 5310 recipients provide no fixed route services so ADA plans or reports are not required.

M. PROGRAM MEASURES

The Division of Public Transit collects the required data for program measurement from the Section 5310 Application Packets, Section 5310 Monthly Reporting Forms (Vehicles), Monthly Section 5310 Expenditure Report Forms (Purchase of Transportation Services) and during onsite visits.

All of the Division's projects are **Traditional Section 5310 Projects**. To track the **Gaps in Service Filled** - provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in numbers of seniors and people with disabilities afforded mobility they would not have without program support and;

Ridership - Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors on Section 5310-supported vehicles and services, as a result of, traditional Section 5310 projects implemented in the current reporting year the Division collects the following data:

For active vehicles, utilizing Section 5310 Monthly Reporting Form (measured by one-way trips), includes Passenger Type (elderly, disabled (non-wheelchair), wheelchair and other); Primary Trip Purpose (adult day care, education, employment, home, medical, mental health, nutrition, shopping/personal; social/recreation and other); Total Miles Driven; Operating Expenses (driver salary, fuel/oil, preventative maintenance, repairs, other) explanation of PM and major repairs or why a vehicle was not operated or if it was involved in an accident.

The Division also collects data regarding increases or enhancements related to geographic coverage, service quality, and/or service times that impact availability of transportation and actual or estimated number of rides (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

Data is collected from the Monthly Section 5310 Expenditure Report Forms (Purchase of Transportation Services) (measured by one-way trips), includes Passenger Type (elderly, disabled (non-wheelchair), wheelchair and other); Primary Trip Purpose (adult day care, education, employment, home, medical, mental health, nutrition, shopping/personal; social/recreation and other); Total Miles Driven; Total Service Hours; and Coordination Efforts.

Data from both reports is combined and included in the Division's Annual Program Measures Report to FTA. The report includes Subrecipient Names and Addresses; Names of Counties Served; Estimated One Way Trips; and Number of Individuals Eligible to be Served. The document is attached to the latest grant in TRAMS.

N. STATE PROGRAM MANAGEMENT

All of the Division's projects are Traditional Section 5310 Projects. Therefore, the Division has no problem ensuring that no less than 55 percent of Section 5310 program funds are used for capital expenditures.

Procurement: The Division procures all equipment purchased under the Section 5310 Program through the State of West Virginia's Purchasing Division. Specifications are reviewed yearly to ensure that they include the latest technological developments and are in compliance with federal regulations. The Division ensures that all relevant federal clauses are included in the bid proposals.

Financial Management: The Division expends and accounts for grant funds in accordance with West Virginia State Law which requires detailed records sufficient to permit tracing of funds to a level adequate to establishing propriety of expenditures and to permit preparation of reports.

Both allocations small urban and rural, are tracked separately to ensure that funds are spent in appropriate areas and 10 percent administration is not overspent. Required reports from subrecipients ensures that 5310 funds are used for projects that were planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities.

All payments from FTA are requested utilizing the Electronic Clearing House Operation (ECHO) System. The Division follows the requirements established in FTA's ECHO System Operations Manual. Also, financial records with supporting documentation and any other records are retained by the Division for a period of at least three (3) years from the date of submission of the final financial status report.

Property Management: The Automated Vehicle Inventory System (AVIS) establishes a permanent property record for each piece of equipment purchased under a FTA grant. This system assists the Division in complying with FTA property management standards and provided equipment data for the WV Statewide Transit Asset Management (TAM) Plan.

Property records include information such as a description of the property, an equipment identification number, acquisition date, acquisition cost, FTA grant number and federal share of acquisition costs. Many other data fields are also included in the program to aid in the day-to-day management of property.

The system also provides the Division with a management tool to assist in the identification of equipment by either a specific federal grant or by an individual local agency. A series of reports can be generated based on grant requirements or other program management needs.

At the present time, an agency can replace a vehicle only when it has at least 90,000 miles on it. Agencies with low mileage and aged vehicles (For Example: 48,000 miles on a ten (10) year old van.) are notified that it is unlikely that they will receive additional funding from the program due to lack of usage.

The Division reserves the right to remove a vehicle from any agency that puts less than 10,000 miles a year on their vehicle.

If a subrecipient is unable to meet the 10,000 miles per year usage requirement or a subrecipient decides to cease operations, the Division will transfer their vehicle. Every attempt is made to keep the vehicle in the same service area but if not feasible, then vehicle is transferred to another approved subrecipient.

New subrecipient provides previous subrecipient with 20% of the fair market value based on straight line depreciation, signs Project Grant Agreement with the Division, operates the vehicle, reports monthly and follows all other 5310 requirements until the vehicle's useful life is met.

Notation of transfer of vehicle is made on annual report submitted to FTA.

Vehicle Use: Agencies receiving funding from Section 5310 may coordinate and assist in providing meal delivery service for homebound persons on a regular basis. This service can not conflict with the provision of transit services or result in a reduction of service to passengers.

The Division strongly discourages the use of Section 5310 vehicles for the provision of in home services.

After the needs of seniors and individuals with disabilities are met, the vehicle may be used for transporting the general public on a space available basis. In many counties, the Section 5310 agency is the only transportation provider and the Division strongly encourages general public use in these areas.

Maintenance and Disposition: Documentation of extraordinary repairs (i.e.: engine or transmission replacement; water, oil or fuel pump replacements, etc.) are used as justification for seeking a replacement vehicle prior to 100,000 miles. Documentation must be submitted with the Section 5310 Application.

The Division requires each approved agency to establish a written preventative maintenance program that at least meets the manufacturer's requirements. Guidance on establishing a preventative maintenance program may be found in the Section 5310 Project Guide. Agencies are required to maintain comprehensive maintenance records for review during onsite visits by the Division.

When the useful life of a vehicle is met (100,000 miles or four years), the Division notifies agencies that the vehicle is theirs and that reports are no longer required.

All agencies are required to carry insurance in an amount sufficient to adequately cover the actual value of the equipment. The Division is listed as co-insured on all policies to protect the federal interest. Should an agency wreck a vehicle, the insurance proceeds are used to

either fix the vehicle or if the vehicle is totaled the proceeds are used toward the purchase of another vehicle, with FTA approval, when funds permit.

Accounting Systems: The Division is required to follow the accounting system as prescribed by the State of West Virginia. A computerized accounting system is utilized which categorizes expenditures and revenues by grant, object code and activity. This detail of transactions permits the Division to accurately account for and traces grant revenues and expenditures to the required level and assists in the preparation of reports.

Audit: The Division is audited annually via a statewide audit performed by an independent CPA firm. The audit is performed pursuant to the requirements of 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards. The Division resolves audit findings as they occur and notifies FTA of any problems.

Subrecipient Audits and Project Monitoring: Contracted services (purchase of transportation services) contracts are executed for a one (1) year period, based on the state's fiscal year of July 1 through June 30, except in the case of repeat recipients who receive an "adverse opinion" on the annual audit for the previous year. When an "adverse opinion" is received by an organization, the Division executes a six month contracted services (purchase of transportation services) 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 contracted services (purchase of transportation services) assistance.

For contracted services (purchase of transportation services) recipient organizations receive funding on a monthly reimbursement basis. Reimbursements are made using the per service hour rate, per passenger trip rate or per service mile rate as stated in their 5310 Purchase of Transportation Services (Contracted Services) Application and annual contract between the subrecipient and the Division.

Each recipient under the contracted services program submits their Section 5310 Expenditure Report Form monthly to request reimbursement based on their contracted rate which can be based on the number of service miles, number of service hours or number of passenger trips. Where the matching revenues were from are also provided.

In addition to requesting their contracted services reimbursement, recipients are required to report monthly operating statistics, which include: total passenger trips; trip purposes; total service miles; and coordination efforts.

To aid recipients, the Division has developed a Section 5310 Financial Package, which consists of a series of computer worksheets for completing the Section 5310 Expenditure Report Form or the Monthly Project Expenditure Report and produces 3, 6, 9 and 12-month cumulative reports. Upon entering the yearly budget totals, the program compares budget to actual.

A state requirement of the Section 5310 program is an annual audit. Recipients are required to have an annual audit which shall be competitively procured and conducted in accordance with, at a minimum, generally accepted accounting principles (GAAP) and Governmental Accounting Standards Board (GASB) #34. If the sub-recipient expends more than \$750,000 in federal funds during the contract period, then it shall arrange for a single audit to be performed in accordance with 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards. Costs of audits made in accordance with 2 CFR Part 200 are allowable charges to the contract either as a direct cost or an allocated indirect cost. The WV Division of Public Transit does not permit recipients of Section 5310 funding to deviate from their established Indirect Cost Rate Private (ICR) when utilizing the IRC reporting mechanism for cost reimbursements. Nonprofits receiving funding under the Section 5310 program are responsible for procuring their own audit through competitive bid.

All recipients are bound by contract and are accountable to the Division of Public Transit for all financial aspects of the project. Should the annual 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 annual audit, the Division's Comptroller reviews it, and any internal control or compliance findings are resolved. The federal share of any questioned costs would be recovered and credited back to FTA.

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, final milestone report and a revised program of projects are submitted to FTA.

Project Guide: To provide continuity in the program and as a ready reference, the Division has developed a Section 5310 Project Guide. Included in the document is general information and policies of the Section 5310 Program, an agency's responsibilities under the Section 5310 Program, maintenance requirements, disposition of vehicles and reporting forms or requirements.

Project Monitoring: Each month agencies are required to enter the Section 5310 Monthly Reporting Form on line. The report details how many passengers are carried, how many miles are traveled, maintenance costs, etc. Agencies must detail any reason why a vehicle is not operated during the month. This report has become the Division's major monitoring tool.

Agencies are required to explain low mileage and or low passenger counts. Miles reported on the forms are used to calculate the official mileage. This is the mileage figure used to determine if the useful life of 100,000 miles has been met. Information from this report is also used to monitor maintenance expenditures.

The Division reserves the right to remove a vehicle from any agency that puts less than 10,000 miles a year on their vehicle.

The Division conducts onsite reviews of approximately 20% of the Section 5310 recipients per state fiscal year. During onsite reviews, the Division documents the usage and condition of all Section 5310 vehicles and checks their maintenance records. A copy of the Division's Onsite Review Form is in Appendix D.

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.

O. OTHER PROVISIONS

Section 5310 is exempt from Section 5333(b) of the Federal Transit Act. In 1974, the Secretary of Transportation determined that it was not "necessary or appropriate" to apply the conditions of Section 5333(b) to organization recipients under the Section 5310 Program.

Vehicles, communication systems, contracted services, mobility management and other related equipment items routinely purchased under the Section 5310 Program are considered categorical exclusions from FTA's requirements to prepare environmental documentation.

The Division follows procedures regarding Buy America Provisions, pre-award and post-delivery audits by:

After selection of a vendor, but prior to signing a contract, the vendor furnishes to the Division documentation proving that at least the required %, at the time of purchase, 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.

The Division may contract and provide a resident inspector at the manufacturing site during production. The inspector monitors production of equipment and ensures compliance with the specifications issuing reports on the production.

During manufacture and after delivery but before acceptance the vendor furnishes to the Division documentation proving that at least the required %, at the time of purchase, of the completed equipment components were domestic, that the equipment's final assembly was in the United States and that the vehicle did meet the Federal Motor Vehicle Safety Standards.

The Division audits this documentation to ensure compliance and receives and reviews the resident inspector's reports. 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.

All documentation, written reports and certifications are signed, dated and filed to be available for review by FTA.

Prior to award, the Division verifies that the manufacturer is an approved Transit Vehicle Manufacturer eligible to build FTA funded transit vehicles. The Division reports transit vehicle procurement awards within 30 days of making an award using the online Transit Vehicle Award Reporting Form.

The Division only purchases vehicles with passenger counts of 15 or less including the driver. Therefore, the Commercial Driver's License is not applicable.

As required, when contracts are bid, the Restrictions on Lobbying and the Debarment, Suspension and Other Responsibility Matters Certifications are required in the bids. All responsive bidders are checked on the <https://www.sam.gov> to verify they are not on the debarred list.

Section 5310 recipients may only provide charter services for “program purposes” which is defined in 49 CFR Part 604 as “transportation that serves the needs of either human service agencies or targeted populations (seniors and/or individuals with disabilities). Otherwise their services only qualify for the exemption contained in 49 CFR 604.2(e) if the service is designed to serve the targeted populations.

Charter service provided to a group, however, that includes individuals who are only incidentally members of the targeted populations, is not “for program purposes” and must meet the requirements of the Federal Transit Administration’s Charter Rule. As examples, the following are considered charters and fall under the FTA Charter Rule: (1) an individual chartering a vehicle to take his relatives including elderly aunts and a cousin who is a disabled veteran to a family reunion; or (2) a charter for the Boy Scouts or a school group that includes grandparents.

Agencies are made aware of their responsibilities of the Prohibition on Exclusive School Transportation utilizing a certification required as part of the application process. The requirements are also brought to the attention of potential applicants at the yearly Section 5310 Workshop. Additionally, the Section 5310 project grant agreement, signed when equipment is received by approved applicants, contains clauses concerning the requirements.

Drug & Alcohol Testing is not applicable to the drivers of 15 passenger vehicles unless they have Commercial Driver's License (CDL). With CDL’s, the drivers are covered under FHWA regulations.

Transit Asset Management (TAM) Plan: Section 5310 Application Packets contain a description of the TAM Plan requirements. Definitions are provided as to whether an agency is an open or closed transportation provider. The Division’s Transit Asset Management Plan Certification is completed by the applicant. Using the definitions, the applicant selects the appropriate definition of the transportation services their agency provides and signs the certification. As required, all open-door transportation providers are included in the state’s TAM Plan.

During onsite visits with agencies that have equipment funded by Section 5310 funds, discussions are held with agency personnel to insure their continued compliance with applicable requirements. The major federal funding agency for any recipient has the primary responsibility of oversight for these requirements.

Appendix A

Application Packets

<http://www.transportation.wv.gov/publictransit>

5310 Grant Program

**FY 2021 Section 5310
Vehicle and Communication Equipment
Application Packet**

Or

**FY 2021 Section 5310
Purchase of Transportation Services
Application Packet**

Or

**FY 2021 Section 5310
Mobility Management
Grant Application Packet**

Appendix B

Project Guide

<http://www.transportation.wv.gov/publictransit>

5310 Grant Program

Section 5310 Program Project Guide

Or

Section 5310

WV Title VI Program Template

Appendix C

<http://www.transportation.wv.gov/publictransit>

Public Transit Resources

**Passenger Service and Safety
(PASS)**

Or

**Public Transit-Human Services
Transportation Plans**

Or

Training Opportunities

Or

Transportation Providers Directory

Or

**Transportation Safety
(SPIDER)**

Appendix D

Section 5310 Onsite Review Form

WEST VIRGINIA DIVISION OF PUBLIC TRANSIT



SECTION 5310 COMPLIANCE REVIEW WORKBOOK

Subrecipient

Site Visit Date

Fiscal Year 2023

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OVERVIEW

The West Virginia Division of Public Transit (DPT) is required by the Federal Transit Administration (FTA) to ensure that subrecipients of Section 5310 and other FTA assistance comply with federal requirements. To meet this federal mandate, DPT conducts periodic site visits to subrecipients. Additional objectives of the site visits are to ensure compliance with State requirements, encourage progress toward achieving the established performance measures, and identify training and technical assistance needs.

DPT uses a workbook which contains a series of questions to be answered and lists materials to be reviewed. Most of the questions address FTA and State requirements. Some questions address good practices.

Thank you for taking the time to participate in this site visit. We look forward to continuing our successful and productive relationship.

William C. Robinson
Executive Director

SITE VISIT DOCUMENTS

Please have the following documents, if applicable, available for the site visit.

Documents	Comment
Program Management/Service Provision	
Organization chart	
Transportation policies	
Driver and dispatcher training records	Reviewed on site
Transportation service contract/lease agreement	
Lobbying disclosure form (SF-LLL)	
Litigation/false claim/fraudulent activity notification	
Satisfactory Continuing Control	
Current vehicle roster with make, model, year, and vehicle identification number (VIN)	
Lease agreement (if you lease Section 5310 vehicles) and DPT approval letter	
Documentation of competitive solicitation process for any Section 5310 vehicles leased to private-for-profit operators	Reviewed on site
Maintenance	
Vehicle maintenance plan	
Maintenance records (vehicle and equipment)	Reviewed on site
Vehicle inspection checklist (if not included in the written vehicle maintenance plan)	
ADA	
ADA complaint form and resolution procedures	
ADA complaints	Reviewed on site
Charter Bus	
Charter files, if any charter service has been provided	Reviewed on site
Charter complaints	Reviewed on site

Documents	Comment
Safety	
Driver files	Reviewed on site
Cell phone policy	
Accident forms/procedures	
Accident files	Reviewed on site
Nondiscrimination in the Delivery of Service (Title VI)	
Title VI notice to the public	
Title VI complaint form and procedures	
Title VI complaints	Reviewed on site
EEO	
EEO policy statement	
Employment application	
Sample job posting and advertisement	

BACKGROUND

REVIEW INFORMATION

Provider contact: Address: Office Phone: Mobile: Fax: Email: Website:
Site visit date:

SERVICE DESCRIPTION

Areas/communities served:
Days and hours of operation:
Number of transportation employees (full-time/part-time):
Ridership for most recent fiscal year:
Coordinates transportation service with:

PROJECT ACTIVITY

Please provide a brief description of noteworthy transportation projects that were recently completed and are on-going or planned.
--

QUESTIONS

PROGRAM MANAGEMENT/SERVICE PROVISION

Subrecipients should have effective procedures for ensuring that quality service is delivered. Transportation policies should be documented and provided to employees. A comprehensive training program is a key component of a quality assurance program.

Question	Subrecipient Response
1. Please describe the riders served. Is the transportation service open to the general public or restricted to other program participants? If open to the general public, how does the public know?	
2. Does the agency have a formal structure that defines the responsibilities of transportation management? <i>*Please provide an organization chart.</i>	
3. Have reports been submitted to DPT on time?	
4. Any comments or issues regarding the reports?	
5. How does the agency formally document its transportation policies? <i>*Please provide the transportation policies.</i> <i>DPT recommends written transportation policies.</i>	
6. Have transportation policies been distributed to all transportation service-related employees and signatures obtained for receipt of the policies? How often are the policies reviewed with employees?	
7. What, if any, permanent service changes have been made as a result of the COVID-19 public health emergency?	
8. Are program staff or full-time and part-time dedicated drivers used to drive the vehicles?	
9. What qualifications are required of drivers?	
10. What kind of training is provided to drivers/ staff who drive? <i>(The reviewer will examine training files.)</i>	

Question	Subrecipient Response
11. Does the agency have dispatchers? If yes, what training is provided? <i>(The reviewer will examine training files.)</i>	
12. Are drivers trained in the use of accessibility equipment? How soon after being hired does the training occur? <u>49 CFR 37.173</u> <i>requires drivers to be trained to proficiency, as appropriate for their duties, so that they operate vehicles and equipment safely, and properly assist and treat individuals with disabilities who use the service with respect, courtesy, and sensitivity.</i>	
13. Are records maintained of who attended the training including names, sign-in sheet, and the content of the training (e.g., a list of any videos shown)? Are records maintained in individual personnel files? <i>(The reviewer will examine training files.)</i>	
14. Are all drivers provided a “hands-on” orientation of every agency vehicle type they may be asked to operate and is this orientation formally documented?	
15. Does the agency contract with or lease a vehicle to a third party to provide transportation service? If yes: <i>*Please provide a copy of the transportation service contract/ lease agreement.</i> <i>Per FTA Circular 5010.1E, Chapter II, Section 3, subrecipients must ensure that contractors/ lessees follow the terms and conditions of the contract/ lease agreement and follow FTA and DPT requirements.</i> <u>FTA Circular 9070.1G</u>, Ch. VI. 6 <i>requires that the state or designated recipient, being responsible for ensuring that the terms and conditions of the original grant with FTA are met, must agree, in writing, to each lease between the subrecipient and the lessee. Such an agreement should specify that the leased vehicle shall be used to provide transportation service to seniors and people with disabilities, that the vehicle may be used for incidental purposes only after the needs of these individuals have been met, and that the subrecipient, state, or designated recipient must retain title to the vehicle.</i>	
a. What are the procedures for managing contracted transportation services/ lessees?	

Question	Subrecipient Response
b. What position is responsible for oversight of contract or lease?	
c. What key service, insurance, reporting, and other requirements are included in the contract?	
d. What data are obtained from contractors/ lessees and how is the information used?	
e. How does the subrecipient ensure that the vehicles are maintained?	
f. How does the subrecipient ensure that ridership numbers are accurate?	
16. Are FTA funds used for lobbying purposes? <i>The use of federal funds for lobbying is prohibited (49 CFR 20.100).</i>	
17. Are non-federal funds used for lobbying? If yes, has the entity filed the OMB Standard Form LLL, "Disclosure Form to Report Lobbying" and any necessary updates with DPT? <i>*Please provide a copy of the lobbying disclosure form.</i> <i>If lobbying services are procured with non-federal funds, the subrecipient is required to submit the disclosure form, OMB Standard Form LLL (Rev.7-97) to DPT for filing with FTA (49 CFR 20.110 and 2 CFR 200.331).</i>	
18. Is there any pending litigation (disputes, breaches, defaults or other litigation) where the State or Federal government is named or FTA-funded assets could be affected? If yes, has DPT been notified? <i>*Please provide a copy of the notification.</i>	

Question	Subrecipient Response
19. Have there been any instances of a member of the governing board, employee, agent or third-party contractor submitted a false claim or engaged in fraudulent activity? If yes, were DPT, FTA, and the USDOT Office of the Inspector General notified? <i>*Please provide a copy of the notification.</i> <i>If the subrecipient has credible evidence that a principal, official, employee, agent, or third party participant of the subrecipient, or other person has submitted a false claim under the False Claims Act, 31 U.S.C. §3729 et seq., or has committed a criminal or civil violation of law pertaining to such matters as fraud, conflict of interest, bribery, gratuity, or similar misconduct involving federal assistance, the Subrecipient must promptly notify the U.S. DOT Inspector General, in addition to the FTA Chief Counsel or Regional Counsel for the region in which the subrecipient is located.</i>	

SATISFACTORY CONTINUING CONTROL

Subrecipients must use FTA-funded equipment to provide transportation to seniors and individuals with disabilities. Subrecipients must carry enough insurance to replace any FTA-funded vehicles and submit proof of insurance annually. The number of spare vehicles must not exceed DPT requirements. Subrecipients must have procedures to prevent loss, damage, or theft of FTA-funded property and inventory.

Question	Subrecipient Response
1. Are vehicles purchased with FTA funds used for transportation services for seniors or individuals with disabilities as stated in the grant application? <i>Per FTA Circular 9070.1G, Chapter IV, Section 5, FTA encourages maximum use of vehicles funded under the Section 5310 program. Vehicles are to be used first for program-related needs for which a Section 5310 award is made and then to meet other federal programs or project needs, providing these uses do not interfere with the project activities originally funded.</i>	
a. Please list all incidental (non-passenger) uses of FTA-funded vehicles.	
b. At what times of the day are the incidental services provided?	
c. Does the incidental use detract from or interfere with transportation services for seniors or individuals with disabilities?	
d. Have passenger trips been denied because of the incidental use? If yes, how often?	
e. How many meals does the agency deliver or what other incidental services does it provide with the vehicles? <i>Service providers receiving assistance under Section 5310 may coordinate and assist in providing meal delivery service for homebound persons on a regular basis if this service does not conflict with the provision of mass transit service or result in a reduction of service to transit passengers.</i>	
2. What systems are in place to ensure against loss, damage or theft? Has the subrecipient experienced any issues with vandalism or theft of vehicle parts, such as catalytic converters?	

Question	Subrecipient Response
3. Regarding your passenger service fleet: a. What is the number of passenger vehicles?	
b. What is the number of passenger vehicles required for maximum service?	
c. What is the number of spare passenger vehicles (a minus b)?	
d. What is the spare ratio (c divided by b)?	
4. How often is the maximum number of passenger vehicles required?	
5. How many passenger vehicles were in use at the time of the visit? <i>(Reviewer will answer.)</i>	
6. Do ridership projections indicate a need for additional passenger vehicles?	
7. Does the spare ratio exceed DPT requirements? If yes: Why? Does the spare ratio appear reasonable given the size and age of the fleet, the frequency of peak service demand, and the projected ridership growth? <i>DPT allows one spare vehicle for agencies that have a fleet size of 1-5 and two spare vehicles for agencies that have a fleet size of 6-12.</i>	
8. Are the passenger vehicles used appropriate for the type of service, ridership volumes, and scheduling patterns?	
9. Have you sent in proof of sale for vehicles that have been replaced? <i>DPT requires the submission of proof of sale for retired vehicles.</i>	

MAINTENANCE

Subrecipients must maintain FTA-funded equipment; maintain project equipment 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.

Subrecipients must have an inspection program that addresses vehicle condition, appearance, cleanliness, safety, and ADA accessibility equipment. Defects noted in a pre-trip inspection must be repaired timely and properly reviewed by management.

1. Who (job title) is responsible for vehicle maintenance?	
2. Is the vehicle maintenance plan written? Please provide a copy. <i>*Please provide a copy of the vehicle maintenance plan.</i> <i>A vehicle maintenance plan is required by DPT.</i>	
3. Have you adopted DPT's maintenance plan and recording-keeping system? <i>(DPT has a maintenance plan and forms that subrecipients can opt to use.)</i>	
4. What are the preventive maintenance schedules for each type of vehicle in the fleet? What are the manufacturer's minimum requirements for each type of vehicle in the fleet? Do preventive maintenance schedules for each type of vehicle in the fleet meet the manufacturer's minimum requirements? <i>DPT requires subrecipients to, at a minimum, follow manufacturers' minimum requirements for preventive maintenance.</i>	
5. Where are the owner's manuals and manufacturer specifications filed?	

6. Is a preventive maintenance program in place for lifts and other accessibility features such as ramps, public announcement systems, etc.? Please describe. <i>The wheelchair lift manufacturer has a recommended preventive maintenance program.</i> <u>49 CFR 37.161</u> requires accessibility features and equipment be maintained in operating condition.	
7. Is an inspection program in place for on-board systems, such as cameras? Please describe.	
8. What procedures are used to track when preventive maintenance inspections are due and to schedule preventive maintenance inspections? <i>Subrecipients must have procedures to track when preventive maintenance inspections are due and to schedule preventive maintenance timely.</i> <i>DPT has an Excel spreadsheet that can be used to track when preventive maintenance is due.</i>	
9. Does the review of vehicle maintenance records indicate that preventive maintenance is performed in accordance with the vehicle manufacturer's recommendation(s)? <i>(Reviewer will answer after examining maintenance records.)</i> <i>At least 80 percent of preventive maintenance inspections must be performed on time. DPT allows a +10 percent or +500-mile variance, whichever is greater, when determining whether an inspection was performed on time.)</i>	
10. Does the review of the maintenance records indicate that the files are complete and document the maintenance conducted? <i>(Reviewer will sample maintenance records.)</i>	
11. Are pre-trip inspections conducted prior to placing a vehicle in service? If, no, when are vehicles inspected? Is a checklist used for the inspection? Is the DPT checklist used? <i>*Please provide a copy of the vehicle inspection checklist.</i> <i>DPT provides a model pre-trip inspection checklist.</i>	

12. If the DPT pre-trip inspection checklist is not used, does the inspection program: Address safety; vehicle operation, appearance, and cleanliness; and passenger comfort?	
Ensure that safety items, such as seat belt cutters, boxes with bi-directional reflective triangles and fire extinguishers are on the vehicle?	
Ensure that tires are road worthy?	
Address lifts and other accessibility features, such as ramps and public announcement systems? If not addressed during the inspection, what is done to ensure that accessibility features are in operative condition? <u>49 CFR 37.161</u> requires accessibility features and equipment be maintained in operating condition.	
Verify that wheelchair tie-downs and straps are on board? Where are tie-downs and straps stored on the vehicles?	
13. Are defects noted in inspections repaired timely and properly reviewed by management? Who reviews the inspections? How often? <i>Deficiencies noted in pre-trip inspections must be repaired timely and properly reviewed by management.</i>	
14. How is maintenance activity performed to correct the reported defect documented? <i>Safety & Security Planning Information Directed to Effective Response (<u>SPIDER</u>) has a sample defect correction form that can be used to document the maintenance activity performed to correct the reported defect.</i>	
15. Is there a formal process for determining if a vehicle should be pulled out of service when a driver reports a safety-related defect? If yes, who makes the determination?	
16. Are emergency window exits and pop-up roof hatches tested periodically to ensure that they are in working order? If yes, how often and how is it documented?	

17. Who (job title) is responsible for washing and cleaning the vehicles? How often are buses washed? What quality assurance or inspection procedures are in place to ensure vehicles are kept clean?	
18. Do the vehicles meet an acceptable level of cleanliness (exterior and interior)? <i>(Reviewer will answer.)</i>	
19. Are any vehicles under warranty? Please list.	
20. What is the system for tracking warranty issues and recovering warranty claims? <i>DPT requires subrecipients to have a system for tracking warranty issues and recovering warranty claims. Subrecipients are responsible for:</i> <i>1) Establishing and maintaining a system for recording warranty claims. This system should provide information needed by the subrecipient on the extent and provisions of coverage and on claims processing procedures; and</i> <i>2) Identifying and diligently enforcing the system for recording warranty claims.</i>	
21. Are warranty claims pursued effectively and promptly to conclusion?	
22. If recall notices were received within the past three years, please describe. <i>*Please provide documentation of resolution.</i>	

AMERICANS WITH DISABILITIES ACT

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for addressing complaints and providing service.

Question	Subrecipient Response
1. Please explain the process for filing and resolving ADA-related complaints related to transportation services. <i>*Please provide a copy of your ADA complaint form and resolution procedures.</i> <i>49 CFR 27.13 and 37.17 require procedures for addressing ADA complaints that incorporate appropriate due process standards and provide for prompt and equitable resolution. Subrecipients must sufficiently advertise the process for filing an ADA-related complaint and communicate a response promptly to any individual filing a complaint. The subrecipient is not required to respond to all complaints in writing, but rather must ensure the response can be documented internally. Subrecipients must retain copies of ADA-related complaints for at least one year and a summary of all ADA-related complaints for at least five years.</i>	
a. Who is responsible for the complaint process?	
b. Does the process provide for a prompt response to the complainant?	
c. Is the complaint process intended for more than ADA-related complaints? If yes, for what other reasons?	
d. How are clients, riders, and/or the public informed on how to file an ADA-related complaint? Is the contact information of the designated responsible employee for ADA complaint coordination made available to the public?	
e. Have any complaints of discrimination due to disability been received from riders? If yes, please describe the complaints. <i>*Please have a copy of the ADA complaints available for the site visit.</i>	

Question	Subrecipient Response
f. Are ADA complaints reported to DPT? <i>DPT requires that it be notified of complaints.</i>	
g. How long are ADA complaints maintained on file?	
2. If there are non-accessible FTA-funded vehicles in your service fleet: a. How is equivalent service provided? b. Has service been denied to anyone due to the unavailability of accessible vehicles? <i>49 CFR 37.105 requires that service to individuals with disabilities be equivalent to the service provided other individuals with respect to response time, fares, geographic service area, hours and days of service, and capacity.</i>	
3. Are wheelchairs required to be secured to be transported? <i>49 CFR 37.165(c)(3) allows providers to require all wheelchairs to be secured.</i>	
4. What is the policy for providing service if a wheelchair cannot be secured? <i>49 CFR 37.165(d) requires that service must be provided even when a wheelchair cannot be secured.</i>	
5. Are size or weight limitations placed on wheelchairs? If so, where is the weight limit identified? <i>49 CFR 37.165(b)(1) prohibits public entities from setting weight or size limitations on wheelchairs it will transport that understate the weight capacity that the vehicle fleet can accommodate.</i>	

CHARTER BUS

Under [49 CFR Part 604](#), subrecipients are prohibited from using FTA-funded equipment and facilities to provide charter service except in accordance with allowable exemptions or exceptions.

Charter service is defined by the FTA as:

- Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price; or
- Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and:
 - A premium fare is charged that is greater than the usual or customary fixed route fare; or
 - The service is paid for in whole or in part by a third party.

The charter regulations do not apply to equipment that is fully funded with local funds, is stored in a locally funded facility, and is maintained only with local funds. A complete segregation is necessary to avoid the application of these requirements to charter services operated with locally owned vehicles.

Question	Subrecipient Response
1. Does the agency provide transportation for other agencies for “program purposes,” that is, service that serves the needs of human service agencies or seniors persons with disabilities, or low-income persons? If yes, please describe. <i>For Section 5310 subrecipients, transportation for “program purposes,” that is, that serves the needs of either human service agencies or elderly persons, persons with disabilities, or low-income persons, is exempted from the charter regulation.</i>	
2. Does the subrecipient provide any service that is not open to the general public and that is paid for by a third party? If yes, please describe the service provided and answer the remaining questions in this section. If no, move to the School Bus section.	

Question	Subrecipient Response
3. Under what exception is the charter service operated? (Please refer to the Charter Bus Exceptions and Procedures chart.) Was DPT approval obtained? Were the procedures required by the exception followed? <i>*Please have the files for any charter service provided with Section 5310-funded vehicles available for the site visit.</i> <i>DPT requires prior approval for charter service provided using Section 5310-funded vehicles.</i>	
4. Has the subrecipient reported all charters to DPT for reporting to FTA? <i>Required by FTA for service provided under the GO, QH, LE and WN exceptions. Please refer to the Charter Bus Exceptions and Requirements table.</i>	
5. Does the subrecipient maintain charter records for at least three years? Are these procedures documented? <i>Charter records must be maintained for at least three years.</i>	
6. Have any complaints been filed alleging that the charters are in violation of the FTA regulations? <i>*Please have a copy of any charter service complaints available for the site visit.</i>	

CHARTER BUS SERVICE OVERVIEW

Exemptions, which are not considered charter service, require no notification to registered charter providers, record-keeping, quarterly reporting, or other requirements. The charter service regulation exempts the following services:

CHARTER SERVICE EXEMPTIONS	
1.	Transportation of Employees, Contractors, and Government Officials: Recipients are allowed to transport their employees, other transit systems' employees, transit management officials, transit contractors and bidders, government officials and their contractors, and official guests to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review.
2.	Private Charter Operators: The prohibitions do not apply to private charter operators that receive, directly or indirectly, Federal financial assistance under the over-the-road bus accessibility program or to non-FTA-funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance.
3.	Emergency Preparedness Planning and Operation: Recipients are allowed to transport their employees, other transit systems' employees, transit management officials, transit contractors and bidders, government officials and their contractors, and official guests for emergency preparedness planning and operations.
4.	Section 5310, 5311, 5316 and 5317 Recipients: The prohibitions do not apply to recipients that use Federal financial assistance from FTA for program purposes, that is, transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities) under Section 5310, 5311, 5316, or 5317. "Program purposes" does not include exclusive service for other groups formed for purposes unrelated to the special needs of the identified targeted populations.
5.	Emergency Response: Recipients are allowed to provide service for up to 45 days for actions directly responding to an emergency declared by the president, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration.
6.	Recipients in Non-Urbanized Areas: Recipients in non-urbanized areas may transport employees, other transit systems' employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

Exceptions are considered charter service and have administrative, record-keeping, and reporting requirements. The charter regulation treats as exceptions the following community-based charter services included in the below table. The recipient must retain records of each charter service provided for at least three years. Charter service hours include time spent transporting passengers, time spent waiting for passengers, and “deadhead” hours (time spent getting from the garage to the origin of the trip and then the time spent from trip’s ending destination back to the garage).

CHARTER SERVICE EXCEPTIONS				
Exception	Notification to Registered Charter Providers	Trip Record Keeping	Quarterly Reporting	Other Requirements
1. Government officials on official government business	Yes (if the recipient petitions the Administrator for additional charter service hours)	Yes	Yes	If additional charter service hours are needed (beyond the 80 annual service hours allowed), the recipient must petition the Administrator. The petition must include: Date and description of the official government event and the number of charter service hours requested Explanation of why registered charter providers in the geographic service area cannot perform the service (e.g., equipment, time constraints, or other extenuating circumstances) Evidence that the recipient has sent the request for additional hours to registered charter providers in its geographic service area
2. Qualified Human Service Organization (QHSO)	No	Yes	Yes	Evidence that QHSO receives funding, directly or indirectly, from the programs listed in Appendix A of the charter regulation or was registered at least 60 days before the date of the first request
3. Leasing FTA funded equipment and drivers	No	Yes	Yes	Evidence that registered charter providers have exhausted all of the available vehicles of all registered charter providers in the recipient’s geographic service area
4. When no registered charter provider responds to notice from a recipient	Yes	Yes	Yes	None

CHARTER SERVICE EXCEPTIONS				
Exception	Notification to Registered Charter Providers	Trip Record Keeping	Quarterly Reporting	Other Requirements
5. Agreement with registered charter providers	Yes (if a newly registered charter provider joined the UZA after the initial agreement)	No	No	Properly executed agreements with all registered charter providers in recipient's geographic service area
6. Petitions to the Administrator	Yes	No	No	Recipient must demonstrate how it contacted registered charter providers and how the recipient will use the registered charter providers in providing service to the event. Recipient must also certify that it has exhausted available registered charter providers' vehicles in the area

CHARTER BUS EXCEPTIONS AND REQUIREMENTS

Exception	Procedure
Exception 604.6 – Government officials on official government business (GO) (1) Is restricted to its geographic service area (2) Must not generate revenue, except as required by law (3) Is limited to 80 hours annually. May petition for additional charter hours	Record the following information: 1. Government organization's name, address, phone number, and email address 2. Date and time of service 3. Number of government officials and other passengers 4. Origin, destination, and trip length (miles and hours) 5. The fee collected, if any 6. Vehicle number (example, bus 102) Retain the record for three years.
Exception 604.7 – Qualified human service organizations (QH) Service to persons: (1) With mobility limitations related to advanced age, (2) With disabilities, or (3) With low income. Organization must register if it does not receive funds from programs listed in Appendix A of the charter regulation.	Ensure that the human service agency is qualified, that is, it receives funds from programs listed in Appendix A of the charter regulation or has registered on the FTA charter website at least 60 days before the charter request. Record the following information: 1. QHSO's name, address, phone number, and email address 2. Date and time of service 3. Number of passengers 4. Origin, destination, and trip length (miles and hours) 5. The fee collected, if any 6. Vehicle number (example, bus 102) Retain the record for three years.
Exception 604.8 – Leasing FTA funded equipment and drivers to a charter service operator (LE) only if the following conditions exist: 1. The operator is registered on the FTA charter registration web site 2. The operator owns and operates buses or vans in a charter service business 3. The operator received a request for charter service that exceeds its capacity either of the number of vehicles operated or the number of accessible vehicles 4. The operator has exhausted all of the available vehicles for all registered charter providers in your geographic service area	Record the following information: 1. Registered charter provider's name, address, telephone number, and email address 2. Number of vehicles leased, types of vehicles leased, and vehicle identification numbers 3. Documentation presented by the registered charter provider that the four conditions are satisfied. Retain the record for three years.

Exception	Procedure
Exception 604.9 – When no registered charter provider responds to a notice posted on the FTA charter website (WN): 1. Within 72 hours for charter service requested to be provided in less than 30 days, or 2. Within 14 calendar days for charter service requested to be provided in 30 days or more.	Include the in the e-mail notice sent to the list of registered charter providers: 1. Customer name, address, phone number, and e-mail address (if available); 2. Requested date of service; 3. Approximate number of passengers 4. Type of equipment requested, bus(es) or van(s); 5. Trip itinerary and approximate duration; and 6. The intended fare to be charged for the service. If an “undeliverable” notice is received in response to its e-mail notice, fax the notice. If service is provided, record the following information: 1. The group’s name, address, phone number, and email address 2. Date and time of service 3. Number of passengers 4. Origin, destination, and trip length (miles and hours) 5. Fee collected, if any 6. Vehicle number (example, bus 102) Retain all records (email sent, undeliverable notice, facsimile, record of charter) for three years.
Exception 604.10 – Agreement with registered charter providers If a new charter provider registers in the geographic service area, may continue to provider charter service for 90 days without an agreement with the newly registered charter provider. Any parties to an agreement may cancel at any time after providing a 90-day notice.	Record the following information: 1. The group’s name, address, phone number, and email address 2. Date and time of service 3. Number of passengers 4. Origin, destination, and trip length (miles and hours) 5. Fee collected, if any 6. Vehicle number (example, bus 102) Retain the record for three years.

Exception	Procedure
Exception 604.11 – Petitions to the Administrator for: 1. Events of regional or national significance 2. Hardship (<200,000 population only) 3. Unique and time sensitive events that are in the public interest	For an event of regional or national significance, the petition shall describe how registered charter providers were consulted and will be utilized, include a certification that the recipient has exhausted all the registered charter providers in its service area, and submit the petition at least 90 days before the first day of the event. For a hardship request, the exception must be for deadhead time that exceeds total trip time from initial pick-up to final drop-off, including wait time and shall describe how the minimum duration would create a hardship on the group requesting the charter. For a unique and time sensitive event, the petition shall describe why the event is unique and time sensitive and would be in the public's interest. Record the following information: 1. The group's name, address, phone number, and email address 2. Date and time of service 3. Number of passengers 4. Origin, destination, and trip length (miles and hours) 5. Fee collected, if any 6. Vehicle number (example, bus 102) Retain the record for three years.
Note: Charter service hours include: time spent transporting passengers, time spent waiting for passengers and "deadhead" hours.	

SCHOOL BUS

Under [49 CFR Part 605](#), subrecipients are prohibited from providing exclusive school bus service unless the service qualifies under an allowable exemption and is approved by the FTA Administrator. In no case can FTA-funded equipment or facilities be used to provide exclusive school bus service.

Question	Subrecipient Response
1. Is exclusive school bus service operated? <i>Subrecipients are prohibited from providing exclusive school bus service. In no case can federally funded equipment or facilities be used to provide exclusive school bus service.</i>	
2. Does the subrecipient provide school “tripper” service? <i>A tripper is an extra bus that is added to provide capacity or service that cannot be accommodated by the vehicles already in service.</i> If yes, does the tripper service meet the following criteria to be considered public transit service?	
a. Service is regularly scheduled?	
b. Buses have no special designations (e.g., school bus, school special)?	
c. Buses use regular bus stops?	
d. Service is noted on published schedules?	

SAFETY

DPT encourages subrecipients to adopt policies that promote safe provision of transportation service.

Question	Subrecipient Response
1. Who is responsible for safety?	
2. Is the following documentation maintained for all drivers to include volunteers, of Section 5310-funded vehicles? <i>(The reviewer will examine driver files.)</i>	
a. A valid, appropriate vehicle operator's license	
b. A safe driving record acceptable for insurance coverage	
c. Driver record check What is the date of the last check?	
3. What safety equipment do you have on-board buses? <i>Transit vans and minivans purchased off the DPT contract are equipped with safety vest, first aid kit, triangle reflectors (3), tire chains, fire extinguisher, blood fluid clean-up kit, web cutter, jumper cables, wheel jack and lug wrench, two mylar blankets, and two wool blankets.</i> <i>(Reviewers will inspect vehicles.)</i>	
4. Who spot checks buses to ensure that safety equipment is on the vehicles? How often? How is the check documented?	
5. Are all required safety devices or systems installed and functioning properly on vehicles? Are fire extinguishers secure, accessible, of the correct type, and in date? <i>All safety devices must be maintained in operative condition. Fire extinguishers must be secure, accessible, and in date.</i> <i>(Reviewers will inspect vehicles.)</i>	

6. Are all carry-on items properly stowed before moving the vehicle? <i>DPT recommends that all carry-on items be properly stowed before moving a vehicle.</i>	
7. Are passengers required to wear a seat belt? If yes, how are passengers notified of the policy? <i>All passengers should be encouraged to wear seat belts. Agencies are encouraged to require that seat belts be worn at all times.</i> <i>West Virginia Code §17C-15-49 passengers in front seats and passengers under 18 years of age in back seats to wear seat belts.</i>	
8. Are drivers allowed to use a cell phone while the bus is in motion? Does the subrecipient prohibit texting while the bus is in motion? <i>*Please provide the cell phone policy.</i> <i>West Virginia Code §17C-14-15 prohibits talking on a cell phone unless accomplished using hands-free equipment and texting while driving a motor vehicle.</i>	
9. Are drivers allowed to bring food or drinks onboard vehicles? If yes, are drivers allowed to eat or drink while the bus is in motion? <i>DPT discourages the operation of a vehicle while eating or drinking.</i>	
10. Does the agency have specific procedures and guidelines for drivers to follow when operating in inclement weather conditions in the service area, and have these procedures been formally communicated to drivers?	
11. Who is responsible for investigating accidents?	
12. What are the procedures for investigating accidents? Are they kept on board the vehicles? <i>Safety & Security Planning Information Directed to Effective Response (SPIDER) has sample forms for documenting and investigating accidents.</i>	
13. Are written reports made? To whom do the reports go?	
14. What follow-up action is taken and by whom?	

15. Have accidents been reported to DPT? <i>Subrecipients must notify DPT when an accident occurs with a 5310-funded vehicle.</i>	
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COORDINATION

[FTA Circular 9070.1G](#), Chapter III, Section 3.f, requires subrecipients to coordinate to the maximum extent feasible with transportation assisted from other federal sources.

The Section 5310 program requires a comprehensive planning and coordinated process that includes transportation planning agencies, public and private transportation providers, non-profit transportation providers, human services providers, other government agencies that administer programs such as Temporary Assistance for Needy Families, Workforce Investment Act, and Agency on Aging programs, and participation by the public. The planning process should also include other stakeholders.

Locally Developed Coordinated Public Transit-Human Services Transportation Plan components:

1. An assessment of transportation needs for individuals with disabilities, older adults, and persons with limited incomes.
2. An inventory of available services that identifies areas of redundant services and gaps in services.
3. Strategies to address the identified gaps in services.
4. Identification of coordination actions to eliminate or reduce duplication of services and strategies for more efficient utilization of resources.
5. Prioritization of implementation strategies.

Question	Subrecipient Response
1. Has the subrecipient participated in the local public transit-human services transportation coordinated planning effort? What initiatives have resulted from the effort?	
2. Please describe how you are coordinating with other transportation providers in the area.	
Providers	Coordination Efforts/Reasons for Not Coordinating

Question	Subrecipient Response
3. Are there more opportunities for coordination?	

NONDISCRIMINATION IN THE DELIVERY OF SERVICE (TITLE VI)

Subrecipients must not discriminate on the grounds of race, color, or national origin in the delivery of transportation services.

Question	Subrecipient Response
1. How does the subrecipient notify the public of its rights under Title VI (website, reception area, meeting rooms, schedules, signs or brochures on vehicles)? <i>*Please provide a copy of the Title VI notice.</i> Does the subrecipient notify beneficiaries of:	
a. Protection under Title VI?	
b. How to obtain additional information on nondiscrimination obligations?	
c. How to file a complaint? <i>*Please have transportation-related Title VI complaints available for the site visit.</i> <i>DPT requires that it be notified of complaints.</i>	
d. That information on Title VI obligations and complaint procedures will be translated, as needed? <u>49 CFR 21.9 (d)</u>: <i>Subrecipients must notify the public of its protections under Title VI, how to obtain additional information on nondiscrimination obligations, and how to file a complaint. Subrecipients should offer to translate the nondiscrimination obligations and complaint procedures as needed. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in the public areas of the agency's office(s), including the reception desk, meeting rooms, etc. If you provide clients with a declaration of rights, DPT recommends including the Title VI notice in that document.</i>	
2. Are the Title VI complaint form and instructions available on the agency website? <i>Subrecipients must post the Title VI complaint form and instructions to the website.</i>	

Question	Subrecipient Response
3. Have any complaints concerning discrimination in the delivery of service been received since the last site visit or grant application? If yes: <i>*Please have the Title VI complaints available for the site visit.</i>	
a. How were the complaints identified and resolved?	
b. Does the subrecipient maintain a record of the complaints that includes: ▪ the date the complaint was filed? ▪ a summary of the allegations? ▪ the status of the investigation? ▪ the actions taken in response to the complaint?	
c. Was DPT notified of the complaint? <i>DPT requires that it be notified of Title VI complaints.</i>	
4. Since submitting the most recent Title VI plan, have additional language assistance needs been identified? If yes, please describe.	

EQUAL EMPLOYMENT OPPORTUNITY

Subrecipients may not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, or physical or mental disability. Subrecipients must post in conspicuous and accessible places and make available to employees and applicants for employment notices setting forth an equal employment opportunity (EEO) policy.

Question	Subrecipient Response
1. Who (job title) is responsible for ensuring that EEO obligations are fulfilled? To whom (job title) does this individual report for EEO matters?	
2. Has the subrecipient posted an EEO statement in a conspicuous and accessible place? <i>Posters are available from the State Department of Labor.</i>	
3. Is an EEO policy included in the subrecipient's personnel policies and/or employee handbook? <i>*Please provide a copy of the agency EEO policy statement.</i> <i>An EEO policy should be included in personnel policies and/or employee handbook.</i>	
4. Do all employees have a policies and procedures handbook?	
5. Are EEO statements included on job applications and employment notices/job postings? <i>*Please provide a copy of the job application and a sample employment notice.</i> <i>Job applications and employment notices should include an EEO statement.</i>	
6. Were any EEO complaints or lawsuits received since the last site visit? If yes: Describe the complaint and how it was resolved. What is the process for handling and resolving such complaints? Did the subrecipient notify DPT of the complaint? <i>DPT that it be notified of complaints.</i>	

TECHNICAL ASSISTANCE

DPT administers a program of technical assistance for its subrecipients. See below for helpful resources to support subrecipients in the implementation of the transit program.

Question	Subrecipient Response
1. Describe any training and/or technical assistance requests, needs or recommendations? (Please describe.)	
2. Please provide suggestions on how funds should be used?	

ATTENDANCE SHEET

Name	Title	Phone	Email