

Guidebook for Start-Up Transit Agencies



Project BD#549-14



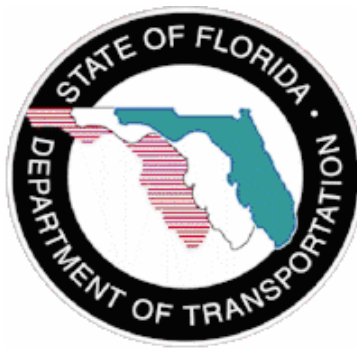
July 2006

Guidebook for Start-up Transit Agencies

Project #BD549-14

FINAL REPORT

Prepared for the
Florida Department of Transportation
Research Center



Prepared by the
National Center for Transit Research (NCTR)
Center for Urban Transportation Research
University of South Florida



July 2006

Disclaimer

The opinions, findings, and conclusions expressed in this publication are those of the authors and not necessarily those of the Florida Department of Transportation.

1. Report No. BD 549-14 / NCTR 576-04		2. Government Accession No.		3. Recipient's Catalog No.	
4. Title and Subtitle Guidebook for Start-up Transit Agencies				5. Report Date July 2006	
				6. Performing Organization Code	
7. Author(s) Ann Joslin Jay A. Goodwill, P.E., CCTM				8. Performing Organization Report No.	
9. Performing Organization Name and Address National Center For Transit Research (NCTR) Center for Urban Transportation Research University of South Florida – CUT 100 4202 East Fowler Avenue, Tampa, FL 33620				10. Work Unit No. (TRIS)	
				11. Contract or Grant No. DTRS98-G-0032	
12. Sponsoring Agency Name and Address Office of Research and Special Programs (RSPA) U.S. Department of Transportation, Washington, D.C. 20590 Florida Department of Transportation 605 Suwannee Street, MS 26, Tallahassee, FL 32399				13. Type of Report and Period Covered	
				14. Sponsoring Agency Code	
15. Supplementary Notes					
16. Abstract <p>The objective of this project was to develop a guidebook for use by agencies in the process of initiating first time transit systems, as well as to provide a comprehensive overview of the planning and programming aspects of the public transportation environment. The guidebook is designed to act as a consolidated source to inform agency personnel of various activities, procedures and programs related to initiating and continuing to operate a public transit agency. By detailing the wide assortment of information related to starting and operating public transportation agencies, this document was also envisioned as a resource document and transit primer for those employees and policy makers new to the public transit industry.</p> <p>The report provides an overview of the institutional environment that public transit systems must understand, including the Florida DOT and the Federal Transit Administration (FTA). Federal and state transit funding sources, regulations and requirements are summarized. The key steps involved in the initiation of new transit systems are detailed and general timelines are provided.</p>					
17. Key Word Public transportation, public transit, transportation planning, transit funding, transit grant programs, new service initiation			18. Distribution Statement Available to the public through the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4650, http://www.ntis.gov/ , and through the NCTR web site at http://www.cutr.usf.edu/		
19. Security Classif. (of this report) Unclassified		20. Security Classif. (of this page) Unclassified		21. No. of Pages 104	
22. Price					

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Chapter One

Project Overview

Project Objective

The objective of this project was to develop a guidebook for use by agencies in the process of initiating first time transit systems and for those transit systems transitioning from non-urbanized to urbanized status and from primarily demand response to fixed route service. The guidebook is intended to provide a comprehensive overview of the planning and programming aspects of the public transportation environment. The guidebook was designed to be a consolidated source that informs agency personnel of various activities, procedures, and programs related to initiating and continuing to operate a public transit agency. By detailing the wide assortment of information related to starting and operating public transportation agencies, this document is envisioned to serve as a resource document and transit primer for those employees and policy makers new to the public transit industry.

Report Organization

Chapter Two focuses on the steps that a community must go through to take the concept of public transit services from initial consideration to implementation and reality. During this phase of the research, a variety of transit planners, FDOT transit staff, public transit agencies, and transit management firms who have experience initiating new public transit services were contacted and interviewed. Based on the findings of the previous tasks, as well as peer-to-peer discussions and input received from CUTR researchers with transit administration and operations background, this research identified eight distinct steps – or stages – that a community needs to travel through from the initial identification of a need for public transportation to making that concept a reality.

Chapter Three presents an overview of the institutional framework that public transportation professionals must understand and interact with at the local, state and federal level. On the local level, the report first provides an overview of the various organizational structures that public transportation agencies take in terms of authority, accountability and their relationship to the external environment. In addition to the transit agencies themselves, the other local and

regional agencies and organizations that will impact public transit agencies are summarized. These include Community Transportation Coordinators, the Florida Commission for the Transportation Disadvantaged, Metropolitan Planning Organizations and their Advisory Councils, and Regional Planning Councils. Finally, the chapter provides overviews of both the Florida Department of Transportation and the U.S. Department of Transportation's Federal Transit Administration.

Chapter Four provides an overview of federal funding sources and regulations that support public transportation programs. The material is divided into three sections: Federal Transit Administration (FTA) grant programs, the FTA Master Agreement, which details the rules and regulations that come with the acceptance of FTA grants; and, the reporting and administrative requirements with which grantees must comply.

The Florida Department of Transportation (FDOT) has several financial assistance programs provided through legislative formula or discretionary authority. Chapter Five, which summarizes those programs, is organized into two sections: an overview of the transit grant programs and a summary of the significant FDOT regulations and administrative requirements.

Chapter Two

The Start-up Process

INTRODUCTION

This chapter focuses on the steps that a community must go through to take the concept of public transit services from initial consideration to implementation and reality.

During this research, a variety of transit planners, FDOT transit staff, public transit agencies, and transit management firms who have experience initiating new public transit services were contacted and interviewed. Based on the findings of the previous tasks, as well as peer-to-peer discussions and input received from CUTR researchers with transit administration and operations background, this research identified eight distinct steps – or stages – that a community needs to travel through from the initial identification of a need for public transportation to making that concept a reality.

Traditional fixed route public transportation systems, including route deviation and point deviation services, can develop and evolve in many ways, including:

- **New Service:** the creation of new transit services where none is currently provided
- **Expansion Service:** expansion of existing transit services into new service areas
- **Transitional Service:** the progression from community paratransit services (i.e., dial-a-ride) to fixed route services

Numerous factors can drive the desire for new or expanded transit services, including:

- **Quality of Life Issues** – A viable public transportation system that offers mobility options is necessary to provide a community with a high quality of life.
- **Economic Development** – The economic health of a community is dependant upon a quality, multi-modal transportation system.
- **Job Access** – Public transportation can often provide the link between a community's residents and employment opportunities.
- **Community Mobility Needs** – Public transportation is often the only mobility option for many of a community's population groups, i.e., the elderly, disabled, youth, and economically disadvantaged.

- Traffic Congestion Alleviation – Public transportation systems can help alleviate traffic congestion through the provision of transportation alternatives.
- Parking Management – Public transportation can be utilized to connect parking resources to local commercial and business needs.

EIGHT STEPS – CONCEPT TO IMPLEMENTATION

During this phase of the research, a variety of transit planners, FDOT transit staff, public transit agencies, and transit management firms who have experience initiating new public transit services were contacted and interviewed. Based on the findings of the previous tasks, as well as peer-to-peer discussions and input received from CUTR faculty with transit administration and operations background, key issues and specific steps were identified that must be addressed for the successful initiation of new service.

This research identified eight distinct steps – or stages – that a community needs to travel through from the initial identification of a need for public transportation to making that concept a reality. Before a community can be in position to start transit service it is essential to: develop community consensus regarding what the service should be, identify and access the necessary funding, and undertake conceptual planning and more detailed operations planning. Planning is required for consensus building, service design, conceptual planning and identification of funding requirements.

Each community's situation will vary and may require some or all of the eight identified steps, depending on what transportation planning and services are already in place. If it is necessary to undertake all eight steps, a community can easily anticipate a time frame of five or more years to go from the first vision to implementation of transit services. Similarly, if some of the steps have already been completed or are undertaken concurrently, the five year time frame can be reduced.

The eight steps for the implementation of public transportation are outlined in Table 2-1, along with a realistic time frame for the completion of each stage of the process.

**Table 2-1
Eight Steps from Concept to Implementation**

Step	Description	Time Frame	Cumulative Time
1	Development of Vision and Identification of a Local Champion	12 months	12 months
2	Feasibility Analysis	12 months	24 months
3	Transit Conceptual Planning	12 months	36 months
4	Operations Plan	6 months	42 months
5	Organization and Management Structure	6 months	48 months
6A	Selection Process for General Manager	6 months	54 months
6B	Request for Proposal (RFP) Process	6 months	54 months
7	Service Implementation Preparation	6 months	60 months
8	Start of Service	--	--

The following sections provide a brief description of each of the eight steps and highlights of items that would typically be included in the process. The bulleted items are meant to be illustrative only, and do not include all of the necessary items and requirements for each stage.

Step #1: Vision Development and Identification of a Local Champion

The creation of new public transit systems require the vision and dedication of a group of individuals who are willing to commit their time and energy to promote the need for the public transportation services and create the synergy to carry the concept through to implementation.

These individuals or organizations need to develop the vision for public transportation services and act as the “local champion” to sell the concept within the community and to gather the necessary local consensus. As detailed in the steps that follow, this requires a long term commitment.

The local champions must gain the political and financial support to begin to explore the feasibility of public transportation for the community.

Step #2: Feasibility Analysis

The feasibility analysis is the preliminary examination of the community’s demographics and socio-economic conditions to determine if public transportation services would be feasible, the analysis will determine and assess local need and support for public transportation services. It involves a planning effort that examines what areas of the community are best candidates for service, general service options, potential funding sources, and estimated associated expenses

The feasibility analysis must tie into the Long Range Transportation Planning (LRTP) process, connecting the transit service to the LRTP goals and objectives.

Step #3: Transit Conceptual Plan

The transit conceptual plan builds upon the feasibility analysis and provides system-level transit service planning and forecasts.

A Transit Development Plan (TDP) is an example of transit conceptual planning. Conceptual plans are used to justify transit funding and grant requests. A TDP is often required to access transit funding. For example, in Florida, transit agencies must have a current and adopted TDP to be eligible for the Florida Transit Block Grant funding.

The TDP provides a 5 to 10 year planning horizon. Transit planning in TDPs is done at a system planning level and does not address specific operational planning issues. For example, the TDP may recommend that a corridor be served by transit with specific service spans and frequencies, but it does not provide specific scheduling or bus stop location details.

A typical TDP will include several key elements:

- Local community description
- Existing transportation resources
- Community needs and perceptions
- Demand estimates
- Description and evaluation of service alternative
- Service recommendations
- Costing of recommendations (operating and capital)
- Identification of revenues
- Ten year capital and operating plans

TDPs are used to provide input for the community's LRTP and the Transportation Improvement Program (TIP).

Finally, TDPs provide local policy makers with more detailed concepts and financial forecasts which can be used to make decisions as to whether or not service implementation should proceed.

Step #4: Operations Plan

The operations plan takes the system level transit conceptual plan to a higher level by providing specific details for the operation and implementation of transit service. An operation plan should include:

- A detailed service plan
 - Type of services to be provided
 - Specific service levels / number of buses
 - Specific routing plans
 - Days and hours of service
- Specific financial details and requirements
 - Potential federal, state, local, and fare revenue financial support and responsibilities
 - Responsibilities for grant applications and management, budgeting, and day-to-day responsibilities
 - Required reporting systems
 - Realistic and locally competitive pay rates
- Required data collection processes
- Details related to vehicle requirements
 - Advantages and disadvantages of various vehicle options
 - Type and size
 - Seating capacities
 - ADA accessibility
 - Life cycles
 - Maintenance costs and policies
 - Procurement Process
 - Costs
 - Bid process
 - Delivery lead time
 - Federal vehicle replacement / life cycle guidelines

At the completion of the operations plan, the community should have a specific blueprint of what the proposed public transit service will look like, who it will serve, routing plans, hours and days of service, the type, size and number of transit vehicles required, operating and capital expense requirements, and identified funding sources.

Step #5: Organization and Management Structure

This step, which could be done concurrently with the operations plan, will address how the transit service should be administered and managed (General Manager (self hired) or Transit Management firm (consultant)) following an inventory of available local resources. The primary decision is to manage with existing or new agency staff or to contract all or part of the new services to a transit management firm. The organizational and management structure definition process should address:

- Management firm versus in-house decision process
- Required and available resources
 - Planning support skills (general, grants, operational, etc.)
 - Administrative support (HR, procurement, legal, etc.)
 - Facilities
 - Operational
 - Maintenance
 - Administrative
 - Computer, telephone, etc.
- Local roles and responsibilities

Step #6A: Selection Process for General Manager

If the decision in Step 5 is to use agency staff, the first and most critical step will be the hiring and selection process for the transit system's General Manager. The hiring process for the General Manager starts with the development of a job description that details the minimum job requirements, preferred knowledge and abilities, desired attributes, and experience, and the salary and benefits offered.

The hiring process will include making decisions related to:

- Local versus national recruitment efforts
- Specific advertising strategies and budgets
- Screening and evaluation process and participants
- Schedule for recruitment process, evaluation, selection and start date.

Step #6B: Request for Proposal Process

If the decision in Step 5 is to take advantage of the expertise of a transit management firm, a Request for Proposals (RFP) for the acquisition of those management services must be developed and processed. It is critical that the RFP is as detailed as possible, incorporates the decisions made in the Steps 4 and 5, and includes effective evaluation criteria. This step also involves contract negotiations with the successful proposer.

At a minimum the RFP must:

- Include all required federal, state and local contract clauses, certifications and requirements
- Define contract parameters, including contract duration
- Detail what required certifications and background documentation is required to be submitted by proposers
- Require that the proposers provide detailed information on the firm's history and track record
- Require that the proposers commit to a specific proposed management team
- Define responsibilities and expectations (management firm vs. local agencies)
 - Service design
 - Vehicle procurement
 - Vehicle maintenance
- Detail projected expenses
 - Procurement of vehicles and other required equipment
 - Local vehicle mileage and hours
 - Pay rates and benefit packages for employees
 - Start up versus ongoing expenses
- Define desired performance measures and expectations
- Define ADA services and roles & responsibilities
 - Complementary paratransit service
 - Route deviation versus ADA paratransit service decision
 - Minimum eligibility requirements
 - Self-provided versus contracted
 - Certification process
 - Responsibility
 - Compliance standards

- Detail financial and accounting systems
 - Separate cost centers
 - NTD reporting support
 - Fare revenue processing and controls
- Detail proposed training programs
- Detail proposed safety programs

The RFP evaluation process must be developed and outlined in the RFP, including details related to the process and criteria that will be used to judge and evaluate the proposals received. The RFP should also include an example of the contract document (if available) that the successful proposer will be expected to enter into with the agency, as well as the proposed contract length and renewal options.

Step #7: Service Implementation Preparation

After hiring the General Manager or issuing a Notice to Proceed to the management firm, a wide variety of actions must be carried out in a relatively short time period. These include:

- Examination of the routes and schedules proposed in the operational planning stage to determine feasibility
- Development of run cuts and driver assignments for the new service
- Establishment of fare policies
- Design of communication systems (bus radios, portable, etc.)
- Determination of information system requirements (computers, telephones, faxes, etc.)
- Adoption of proposed organizational structure
- Recruitment and training of employees
- Development of promotional and marketing programs
- Development of Standard Operating Procedures (SOP's) for all areas of operation
- Development of safety programs and accident reporting system
- Design of maintenance plans and record-keeping systems
 - PM schedules and forms

- CDL pre- and post-trip inspection forms
 - Fuel reports
 - Parts inventory and ordering system
 - Vehicle maintenance history files
- Conduct of Human Resource activities
 - Organize employee files
 - Develop job descriptions
 - Perform background checks
 - Conduct physicals
 - Organize drug and alcohol screening and program
 - Establish payroll system and files
- Obtain and equip transit vehicles
 - Order vehicles if not already done
 - Delivery and inspection of vehicles
 - Install radios, fare boxes, system logos, rider information signs, etc.
 - Train mechanics
 - Train operators

Step #8: Start of Service

Following years of planning and a myriad of last minute activity, the long awaited new transit service is launched – hopefully successfully! After a moments rest, it is critical to continue to plan, evaluate and adjust transit services and procedures; as well, as to comply with local, state, and federal grant requirements and regulations

KEY ISSUES

The information presented in the previous section is meant to be illustrative and does not by any means include the myriad of details and items that must be undertaken in the start up of new transit services. The purpose was to outline the general nature of each step in the process. The following items are presented to amplify several key issues that need to be addressed during the process.

- Have a local transit champion: As detailed, the process of taking the concept for transit service to reality is a long and arduous process. It is critical that a local champion step forward and carry the message, build the consensus, and keep the focus on the ultimate goal. The local champion could be an individual, several individuals, or institutional agencies.
- Plan at several stages: The planning for new transit service must occur at all stages in the process. The quality of each planning phase – feasibility, conceptual, operational and post implementation – will drive the quality of the end product. It is important not to skip planning steps and rush the process.
- Develop realistic expectations: The tendency in the development of new services is to attempt to do too much with limited resources. In an effort to please everyone and to build support for the new service, promises and expectations are presented that are not realistic. Often the result is diluted services, poor quality and less than optimal performance. Remember the old adage – under promise and over perform.
- Obtain local financial support commitments: The inclination of transit service proponents is to proceed with developing new transit services relying primarily on federal and state transit financial support, while downplaying the need to obtain local financial commitments. While this may be expeditious in getting the new service off the ground, without local financial support new transit service will be limited in its future development. Local financial commitment signifies the community's commitment to public transportation service.

- Define local infrastructure and management support: As early as possible in the planning process, but certainly during the operational planning step, it is critical to determine to what level local government infrastructure and management support will be available for the new transit service. Those determinations will drive many of the decisions and associated costs of the final steps in the process. Such decisions would include:
 - administrative and management support
 - vehicle maintenance support
 - planning staff capabilities
 - route and service planning responsibilities
 - facilities, vehicles, and related equipment

While some systems require the contractor to provide all services, facilities, and vehicles to expedite service implementation, in the long run it puts the contractor in the “driver’s seat” in future negotiations. For these reasons, many communities provide some of the administrative and management support, provide the necessary facilities, and own the transit vehicles and associated equipment.

- Consider complementary ADA paratransit: As detailed in Chapter Three, if FTA transit funds are used to support the local transit system, complementary ADA paratransit services must be provided to those individuals unable to access the regular transit services. This requirement poses a significant financial burden that must be included in the planning process and financial need forecasts.

Some communities elect to avoid the complementary ADA paratransit requirements by designing their new services as “route deviated” service where the bus is assigned to a regular fixed route, but upon request can go off route or “deviate” to pick up a passenger. While this type of service does not usually require the ADA paratransit service, it requires that more time be built into the bus schedule. This essentially reduces the amount of transit service area that the bus route can service. Route deviation does not function effectively in many communities due to conflicting goals for providing service to other markets and is often deemed unrealistic. It is often most appropriate in areas of low density or low demand.

If a community elects to provide the complementary ADA paratransit service, it is important from a financial management perspective to place controls on the amount of ADA paratransit service provided. The recommendation of the transit professionals interviewed is to set up strict ADA paratransit certification approvals, limit the ADA paratransit service area to the $\frac{3}{4}$ mile corridor on each side of the established bus routes, and, to implement other cost containment strategies and procedures from the beginning.

- Determine transit vehicle procurement process: One of the most critical decisions for new transit service is determining the type of transit bus to procure for the new service. Among the decisions facing the transit planners are the size of the vehicle required, the budget for the vehicles, and the required delivery date. Transit buses are classified as heavy duty, medium duty, and light duty; and, come in a wide variety of lengths and seating configurations. Table 3-7 outlines the federally established vehicle service life for each classification. All transit buses must be ADA accessible.

Generally, the larger heavy duty buses require a longer lead time for delivery (12 to 18 months) and are more expensive (\$225,000 to \$300,000). Built to a higher construction standard, heavy duty buses provide a more comfortable ride for the passengers, are more reliable, and cost less to maintain. Additionally, they provide more years of service (10 to 12 years) than medium or light duty vehicles before replacement is required.

On the other hand, medium duty buses can be delivered sooner (6 to 9 months) and are more affordable (\$75,000 to \$150,000), but offer less passenger capacity. Built to a lower construction standard, medium duty buses may provide a lower quality ride, and are less reliable with higher maintenance expenses. Medium duty buses have a service life of approximately seven years.

Finally, some transit buses fall into the light duty category. They tend to be less expensive, but offer a lower quality of ride and are less reliable and more expensive to operate. The light duty buses offer limited seating and have projected service lives of just five years.

Smaller buses are often more appropriate for local circulator services that provide service designed to access shopping centers and that need to operate on street networks requiring tighter turns.

Delivery time may be a critical issue in the decision to procure transit buses due to the desire to have the buses delivered as soon as possible to permit new service initiation. In addition to the lead time for delivery of the buses from the bus manufacturers, it is important to factor in the time requirements for the procurement process. This will likely include the development of bus specifications and bidding documents with all the necessary federal clauses and certifications, and the evaluation and award of the contract. This process could add between 6 to 12 months to the process. Quite often through contacting and networking with the state transit associations, state DOT's and other transit agencies, local agencies can obtain excellent, no-cost advice with the vehicle procurement process. Sometimes it is possible to take advantage of other transit agencies' bids or other pooled purchase arrangements to shorten or eliminate the procurement process. In such circumstances, the local agency should make sure that such vehicles are the best fit for their needs.

The recommendation of the transit professionals interviewed was to purchase the best quality bus permitted by schedules and budgets. The long term benefits of procuring heavy duty buses related to service quality and reliability outweigh the short term benefits of quicker deliveries and lower initial costs.

Chapter Three

Institutional Framework

INTRODUCTION

This chapter of the report provides an overview of institutions involved in public transportation at the local, state and federal levels. The material is organized into the following sections:

- Local and Regional Governments, Agencies and Organizations
- Florida Department of Transportation
- Federal Transit Administration

These summaries are introductory in nature only and do not provide detailed information. Rather they are intended to provide a general overview of the subject matter to provide the reader with a basic understanding of the topic.

LOCAL AND REGIONAL GOVERNMENTS, AGENCIES AND ORGANIZATIONS

Transit Agencies

The organizational structure of public transportation agencies takes several forms in terms of authority, accountability and their relationship to the external environment. There are four basic organizational structures characterized by ownership and management type:

- General Government / Public Management
- General Government / Contract Management
- Special Authority / Public Management
- Special Authority / Contract Management

Table 3-1
Public Transportation Governance Board Structures

	General Government	Special Authority
Public Management	<p>Agencies that are directly accountable to a city or county council or commission and receive funding from that local jurisdiction.</p> <p>Management is the responsibility of public sector employees.</p>	<p>Authorities that are special purpose governments created by local or state government to provide public transit services; generally who have the authority for taxing, personnel and policy making.</p> <p>Management is the responsibility of public sector employees.</p>
Contract Management	<p>Agencies that are directly accountable to a city or county council or commission and receive funding from that local jurisdiction.</p> <p>Management is the responsibility of an outside entity under contract to the agency.</p>	<p>This includes authorities that are special purpose governments created by local or state government to provide public transit services.</p> <p>Management is the responsibility of an outside entity under contract to the authority.</p>

When organized as part of a general government, the transit agency usually reports directly to that city or county council or commission, or to a city manager or county administrator appointed by that respective government. The council or commission acts as the policy board.

When organized as a special authority, a transit organization's governance board is usually created as part of the legislation through which it was established. The legislation sets forth the method for selecting members, terms of office, board size and composition, compensation, and general responsibilities; all of which will vary depending on the characteristics of the organization and its operating environment.

The predominant method used for the selection of board members is an appointment by a local or state elected official and sometimes may also require approval from a local legislative body. Typically, boards comprise an average of nine or ten members selected from the business and political community

Community Transportation Coordinators

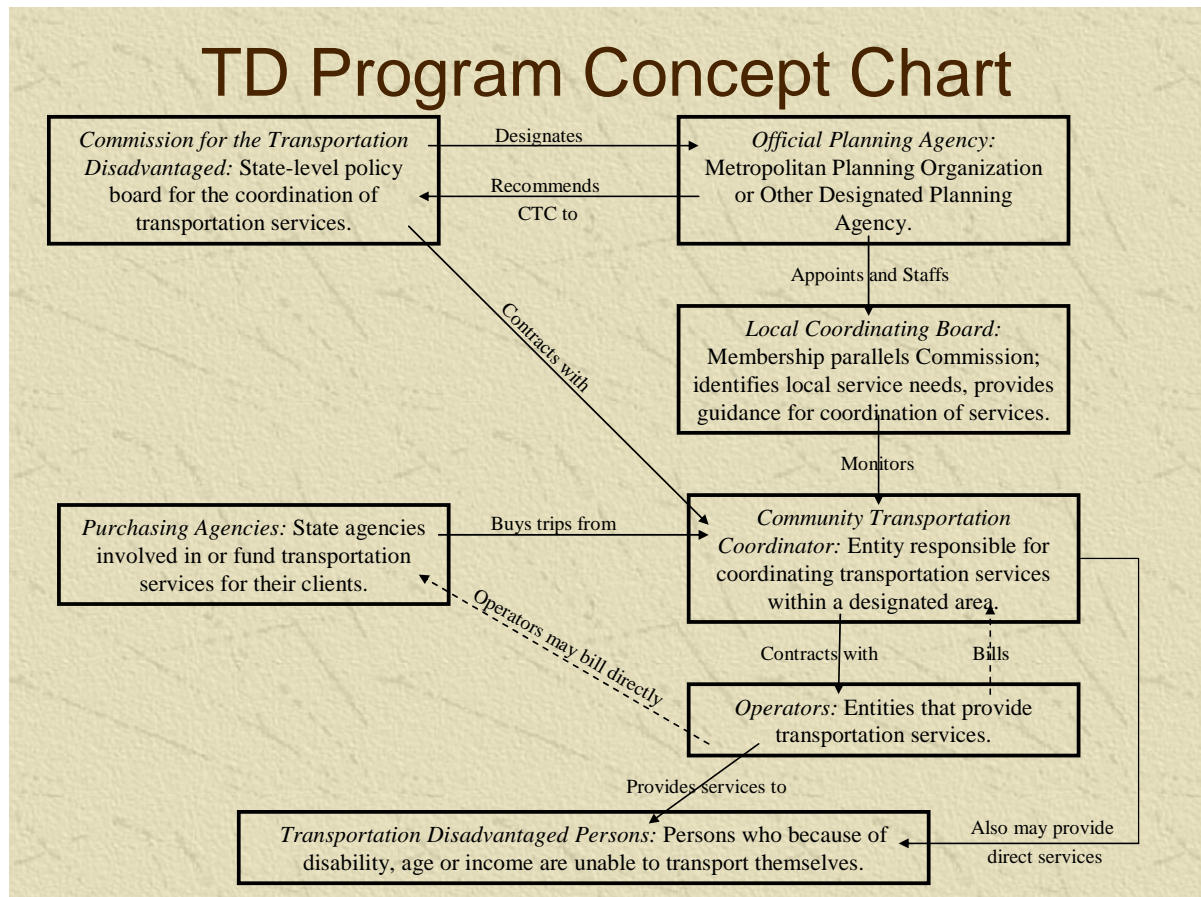
In Florida, each of the 67 counties is served by a Community Transportation Coordinator (CTC) who is responsible for arranging transportation for the elderly, disabled, children at risk, and other transportation disadvantaged persons who cannot purchase or provide their own transportation. The CTC is competitively selected by the Metropolitan Planning Organization (MPO) or the DOPA (Designated Official Planning Agency) and approved by the Florida Commission for the Transportation Disadvantaged. Community Transportation Coordinators operate under the rules of Section 427, Florida Statutes, and Rule 14-90, Florida Administrative Code.

In many Florida communities, the established fixed route transit agency has accepted the designation as their county's designated CTC and may operate service directly, or may partially or fully broker services to private carriers.

Florida Commission for the Transportation Disadvantaged

The Florida Commission for the Transportation Disadvantaged (CTD) is an independent commission housed administratively within FDOT. The mission of the CTD is to ensure the availability of efficient, cost-effective, and quality transportation services for transportation disadvantaged (TD) persons who, because of disability, age, or income, are unable to transport themselves. Figure 2-1 outlines the responsibilities of the CTD and its relationship to other organizations involved in the planning and delivery of TD services.

Figure 3-1
TD Program Concept Chart



Metropolitan Planning Organizations

Federal law created MPOs to provide coordinated planning functions for urbanized areas. Florida's 25 MPOs represent approximately 85 percent of the state's population. Most MPOs are responsible for all of the urbanized portions of a county, although several represent urbanized areas in two or more adjacent counties. MPO members are local elected officials and representatives of transportation providers, such as local transit agencies and airport authorities. MPOs provide a decision-making forum for state, regional, and local government officials. Their primary functions are to address:

- transportation planning and modeling
- transportation and land use coordination
- air quality analysis
- transportation impact analysis

- public involvement

MPOs are required to produce several plans that establish project priorities for highway, traffic management, transit, bikeway and pedestrian expenditures. It is imperative that transit organizations coordinate with the MPO to identify their project plans and needs for inclusion in these plans; a requirement for receipt of state and federal funding. Chapter Three provides a more complete description of the MPO process and the required plans and documents. Following is a brief summary of plans and documents that come from the MPOs:

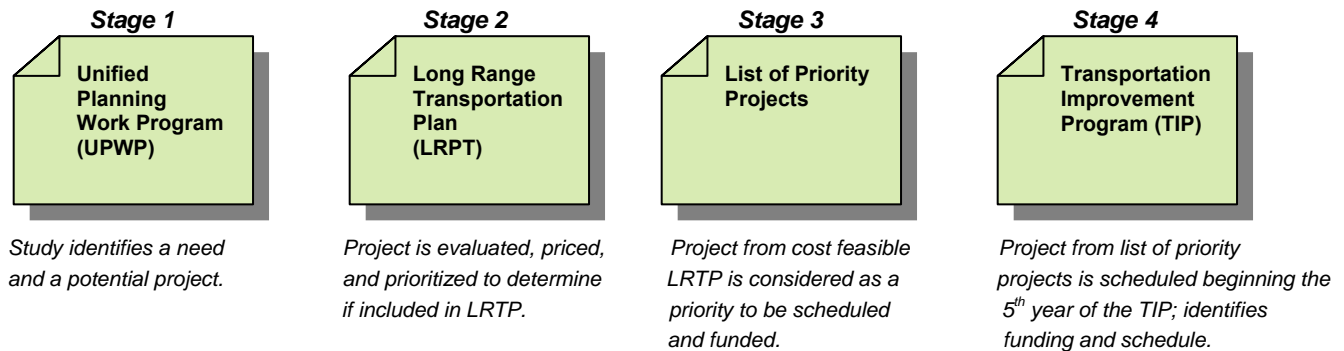
Unified Planning Work Program (UPWP) – The UPWP is prepared annually and defines the studies, planning activities, and budget requirements for the identification and evaluation of transportation needs within the MPO service area. These activities are funded with federal, state, and local funds.

Long Range Transportation Plan (LRTP) – The LRTP is prepared every three years in air quality non-attainment and maintenance areas and at least every five years in attainment areas as an update to the long-range transportation plan for the 20-25 year planning horizon. The plans evaluate growth and travel patterns as they related to the current transportation system. They also incorporate the findings of the most recent census data and the impact of transportation improvements on humans and the natural environment through a community impact assessment, with particular emphasis on public involvement activities.

List of Priority Projects – The List of Priority Projects is prepared annually and identifies potential projects from the LRTP to be included in the new fifth year of the FDOT Work Program. It includes a prioritized listing of state highway, mass transit, and aviation projects.

Transportation Improvement Program (TIP) – The TIP is a staged multi-year program of transportation improvements to be implemented during a five-year period. The plan is updated annually. A transportation project cannot receive funds unless it is included in the TIP and LRTP.

Figure 3-2
Life Cycle of a Transportation Project



The Florida Metropolitan Planning Organization Advisory Council

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) is a non-profit organization that augments the role of the individual MPOs in the cooperative transportation planning process. The MPOAC assists the MPOs in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion. The organization is made up of a 26-member governing board and the staff directors and official representatives from each MPO.

Regional Planning Councils

Regional Planning Councils (RPCs) comprise local elected and appointed officials who consider planning and development issues from a multi-county perspective. Florida's 11 RPCs review and comment on local government comprehensive plans, particularly for regional issues. RPCs administer Development of Regional Impact (DRI) applications and reviews. They are responsible for the development of strategic regional policy plans that contain regional goals and policies for regional transportation, economic development, natural resources, and other issues.

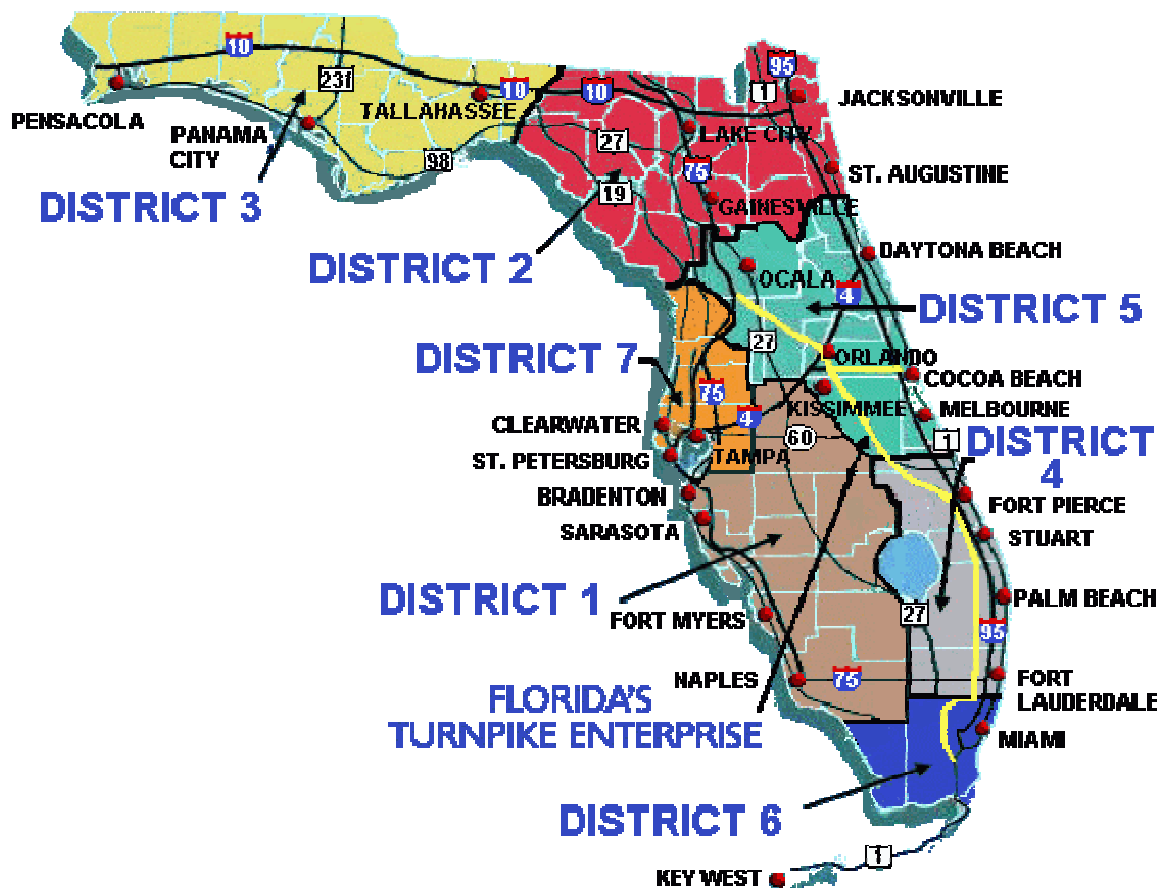
FLORIDA DEPARTMENT OF TRANSPORTATION

FDOT is an executive agency with primary responsibility for the coordination and planning of a safe, viable, and balanced state transportation system serving all regions of the state and for

assuring the compatibility of all components, including multi-modal facilities. The FDOT mission statement reads: “The Department will provide a safe transportation system that ensures the mobility of people and goods, enhances economic propensity, and preserves the quality of our environment and communities”.

The FDOT Secretary is appointed by the Governor, and the agency receives oversight and guidance from the Florida Transportation Commission. FDOT maintains its central office in Tallahassee, with seven District Offices throughout the state that serve each of the state’s counties. Appendix A includes FDOT contact information.

Figure 3-3
FDOT District Offices



FDOT has certain oversight responsibilities for the fuel and miscellaneous federal taxes that are returned to the state from the federal government (approximately 25% of Florida's total transportation revenue) as well as the additional fuel, motor vehicle, rental cars surcharge, and aviation fuel taxes that are collected within the state for financing of transportation projects including aviation, seaports, state highways and public transportation.

FEDERAL TRANSIT ADMINISTRATION

The Federal Transit Administration (FTA) is one of 11 modal administrations within the U.S. Department of Transportation. Its purpose is the provision of financial assistance to develop public transportation systems and to improve, maintain and operate existing systems. Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways and people movers.

FTA is headed by an administrator who is appointed by the President of the United States. The FTA functions through a Washington, DC, headquarters office and 10 regional offices that assist transit agencies in all 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa. See Appendix B for FTA contact information.

Figure 3-4
FTA Regional Offices



The Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was enacted in August 2005. Many of the implementing regulations are still being finalized. SAFETEA-LU authorizes the federal surface transportation programs for highways, highway safety, and transit. Based on this authorizing legislation, Congress provides an annual appropriation to FTA which apportions and allocates these funds to both formula and discretionary grant programs. Financial assistance is available to transit systems to develop, improve, maintain and operate existing systems including buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, and people movers.

FTA funds are provided to designated recipients that must be public bodies (states, cities, towns, regional governments, transit authorities, etc.) with the legal authority to receive and disburse funds. The grantees are responsible for managing their programs in accordance with federal requirements, and FTA is responsible for ensuring that grantees follow federal mandates along with statutory and administrative requirements.

Chapter Four

Federal Funding Sources and Regulations

This chapter provides an overview of federal funding sources and regulations that support public transportation programs. The material is divided into three sections: FTA grant programs; the FTA Master Agreement, which details the rules and regulations that come with the acceptance of FTA grants; and finally the reporting and administrative requirements that grantees must comply.

FEDERAL TRANSIT ADMINISTRATION GRANT PROGRAMS

FTA has several major financial assistance programs provided through legislative formula or discretionary authority. Typically, funds are provided on an 80 percent/20 percent federal/local match basis for eligible programs. The local match for FTA grant programs includes both state and local contributions.

The federal grant funds are commonly referred to by both the program name and section number in SAFETEA-LU. For example, Metropolitan Planning Program funds are also known as Section 5303 funds as defined in Title 49, Chapter 53 of United States Code. This format is used to define each of the federal grant programs presented in this section.

Metropolitan Planning - (49 U.S.C §5303).

Metropolitan Planning Program (MPP) funds are available to carry out the transportation planning process. FTA apportions Section 5303 funds to MPOs to support the costs of preparing Long Range Transportation Plans and financially feasible Transportation Improvement Programs (TIPs), which are required as a condition of obtaining federal capital and Urbanized Area Formula funds. FTA also apportions funds based on a set of formulas: 80 percent of the funds available are apportioned according to an urbanized area population based formula; the remaining 20 percent is provided to the states based on an FTA administrative formula to address planning needs in larger, more complex urbanized areas with one million or more population. Acting as FTA grantees, the states distribute these funds to each urbanized

area, or portion of an urbanized area, within the state according to a formula developed by the state and approved by FTA. States can receive no less than 0.5 percent of the amount apportioned. These funds are then sub-allocated by states to MPOs by a formula that considers each MPO's urbanized area population and their individual planning needs.

Urbanized Area Formula Program - (49 U.S.C. § 5307)

Section 5307 funding is a formula grant program for urbanized areas providing capital, operating, and planning assistance for mass transportation. This program was initiated by the Surface Transportation Act of 1982 and became FTA's major transit assistance program in FY 1984.

Funding is apportioned on the basis of legislative formulas. For areas of 50,000 to 199,999 in population, the formula is based on population and population density. For areas with populations of 200,000 and more, the formula is based on a combination of bus revenue vehicle miles, bus passenger miles, fixed guideway revenue vehicle miles, and fixed guideway route miles as well as population and population density. For urbanized areas over 200,000 in population, funds flow directly to the designated recipient. The Governor or Governor's designee is the designated recipient for urbanized areas with a population between 50,000 and 200,000.

Capital assistance is provided to urbanized areas at an 80 percent federal share. In areas with populations over 200,000, Section 5307 funds cannot be used for operating expenses, with the exception of certain eligible maintenance expenses as defined in the National Transit Database. Additional exceptions in FY 2005 – FY 2007 are described below.

In areas with populations under 200,000, funds can be used for operating at an 80/20 federal/local match. However, the federal share may be 90 percent for the cost of vehicle-related equipment attributable to compliance with ADA and the Clean Air Act. The federal share may also be 90% for projects or portions of projects related to bicycles. The federal share may not exceed 50% of the net project cost of operating assistance.

As a result of the 2000 census, a number of urbanized areas can no longer receive operating assistance because their population now exceeds 200,000. SAFETEA: LU contained exceptions and provides transitional assistance as follows.

In urbanized areas with a population of at least 200,000 but not more than 225,000, operating costs of equipment and facilities are eligible expenses if:

- the urbanized area includes parts of more than one state;
- the portion of the urbanized area includes only one state;
- the population of the portion of the urbanized area is less than 30,000; or
- the grant will not be used to provide public transportation outside of the portion of the urbanized area.

In FY 2005-2007, the operating costs of equipment and facilities in an urbanized area with a population of at least 200,000 are eligible expenses if:

- the urbanized area had a population of less than 200,000 as determined by the 1990 Census;
- a portion of the urbanized area was a separate urbanized area with a population of less than 200,000 as determined by the 1990 Census;
- the area was not designated as an urbanized area as determined by the 1990 Census; or
- a portion of the area was not designated as an urbanized area as determined by the 1990 Census, and received assistance under Section 5311 in FY 2002.

The maximum amount available to urbanized areas for the operating costs of equipment and facilities in FY 2005 shall:

- not be more than the amount apportioned in FY 2002 to an urbanized area with a population of less than 200,000 as determined by the 1990 Census;
- not be more than the amount apportioned to the urbanized area in FY 2003 if the area was not a designated urbanized area as determined by the 1990 Census; or
- not be less than the amount the portion of the area received under Section 5311 in FY 02 for areas not designated as urbanized as determined by the 1990 Census.

The maximum amount available to urbanized areas for the operating costs of equipment and facilities in FY 2006 shall:

- not be more than 50 percent of the amount apportioned to the urbanized area in 2002 if the urbanized area had a population of less than 200,000 or a portion of the urbanized area was separate and had a population of less than 200,000 according to the 1990 Census;
- not be more than 50 percent of the amount apportioned under this section for FY 2003 if the area was not designated as an urbanized area as determined by the 1990 Census; or
- not be less than 50 percent of the amount received under section 5311 in FY 2002 if a portion of the area was not designated as an urbanized area as determined by the 1990 Census and received assistance under section 5311 in FY 2002.

The maximum amount available to urbanized areas for the operating costs of equipment and facilities in FY 2007 shall:

- not be more than 25 percent of the amount apportioned to the urbanized area in 2002 if the urbanized area had a population of less than 200,000 or a portion of the urbanized area was separate and had a population of less than 200,000 according to the 1990 Census;
- not be more than 25 percent of the amount apportioned under this section for FY 2003 if the area was not designated as an urbanized area as determined by the 1990 Census; or
- not be less than 25 percent of the amount received under section 5311 in FY 2002 if a portion of the area was not designated as an urbanized area as determined by the 1990 Census and received assistance under section 5311 in FY 2002.

Clean Fuels Formula Grant Program - (49 U.S.C. §5308)

The Clean Fuels Formula Grant Program is a discretionary grant program designed to accelerate the deployment of advanced bus technologies. The program offers an opportunity to incorporate low-emission vehicles into the mainstream of the nation's transit fleets and supports FTA's efforts to advance emerging clean-fuel technologies. Additionally, this program was developed to assist transit systems in purchasing or leasing low emissions buses and related

equipment, constructing alternative fuel fueling facilities, modifying existing garage facilities to accommodate clean fuel vehicles and assisting in the utilization of bio-diesel fuel.

Eligible recipients are those entities eligible to receive formula funds located in urbanized areas with a population greater than 200,000 or a state with an urbanized area below 200,000 in population that is designated as a clean air non-attainment or maintenance area for ozone or carbon monoxide. Funds are allocated according to a legislative formula based on the number of vehicles in the bus fleet and the number of bus passenger miles as weighted by severity of non-attainment for either ozone or carbon monoxide. Presently, there are no Florida urbanized areas designated as non-attainment areas.

Since the enactment of TEA-21, these funds have only been made available to projects in the Bus and Bus Facilities program (which stipulates a maximum match of 80%) under the Capital Investment Grants program. It should be noted that due to the competitiveness for these funds, an overmatch of the local funding is required to be competitive. Therefore, FTA has not administered the program separately from the Bus and Bus Facilities program.

Transit Capital Investment Program - (49 U.S.C. §5309)

The Transit Capital Investment Program provides capital assistance for three primary activities: bus and bus related projects, fixed guideway modernization, and new fixed guideway systems “New Starts” (projects requiring more than \$75 million in federal assistance).

Eligible recipients for capital investment funds are public bodies and agencies (transit authorities and other state and local public bodies and agencies) including states, municipalities, other political subdivisions of states; public agencies and instrumentalities of one or more states; and certain public corporations, boards, and commissions established under state law. Funds are allocated on a discretionary basis. Beginning in FY 2006, bus and bus related projects receive 22.2 percent of the allocation, fixed guideway modernization 37.4 percent and New Starts 40.4 percent. By FY 2009, 23.5 percent will be allocated to bus and bus facilities, 36 percent to fixed guideway modernization and 40.5 percent to New Starts and Small Starts (a new tier for projects seeking less than \$75 million from section 5309 and a total estimated net capital cost of less than \$250 million).

Bus and Bus-Related Projects

These funds require a 20 percent local match and are available for acquisition of buses for fleet and service expansion, bus maintenance and administrative facilities, transfer facilities, bus malls, transportation centers, intermodal terminals, park-and-ride stations, acquisition of replacement vehicles, bus rebuilds, bus preventive maintenance, passenger amenities such as passenger shelters and bus stop signs, accessory and miscellaneous equipment such as mobile radio units, supervisory vehicles, fareboxes, computers, shop and garage equipment, and costs incurred in arranging innovative financing for eligible projects.

Fixed Guideway Modernization

A “fixed guideway” refers to any transit service that uses exclusive or controlled rights-of-way or rails, entirely or in part. The term includes heavy rail, commuter rail, light rail, monorail, trolleybus, aerial tramway, inclined plane, cable car, automated guideway transit, ferryboats, that portion of motor bus service operated on exclusive or controlled rights-of-way, and high-occupancy-vehicle (HOV) lanes.

Eligible purposes are capital projects to modernize or improve existing fixed guideway systems, including purchase and rehabilitation of rolling stock, track, line equipment, structures, signals and communications, power equipment and substations, passenger stations and terminals, security equipment and systems, maintenance facilities and equipment, operational support equipment including computer hardware and software, system extensions, and preventive maintenance.

These funds, which require a 20 percent local match, are allocated by a statutory formula to urbanized areas with fixed guideway systems that have been in operation for at least seven years. Typically, these funds are provided through a full funding grant agreement that stipulates the multi-year federal commitment to the project.

New Starts

Major new fixed guideway projects, or extension to existing systems financed with New Starts funds, typically receive these funds through a full funding grant agreement that defines the scope of the project and specifies the total multi-year federal commitment to the project.

The New Starts program provides funds for construction of new fixed guideway systems or extensions to existing fixed guideway systems.

Eligible recipients include: public bodies and agencies (transit authorities and other state and local public bodies and agencies thereof) including states, municipalities, other political subdivisions of states, public agencies and instrumentalities of one or more states' and certain public corporations, boards, and commissions established under state law.

The statutory match is a maximum of 80 percent federal and a minimum of 20 percent local. FTA continues to encourage project sponsors to request a federal New Starts funding share that is as low as possible. The Congressional Conference Report that accompanied the FY 2002 Department of Transportation Appropriations Act instructs FTA not to sign any new full funding grant agreements after September 30, 2002 that have a maximum federal share higher than 60%. However, recent legislative changes allow for a higher than requested federal share for projects that keep cost and ridership estimates within 10 percent of the forecasts (as determined by a performance assessment report). Grantees will also be allowed to keep a portion of the cost savings when projects are completed under budget.

The "Small Starts" category was recently added to this program. It funds projects with a total project cost of less than \$250 million and a federal share of less than \$75 million.

Elderly and Persons with Disabilities - (49 U.S.C. §5310)

Through this program, FTA provides formula funding directly to state and local governmental authorities for distribution to private non-profit groups for the provision of transportation services specifically designed to meet the needs of elderly individuals and persons with disabilities. Funds are allocated by a formula that considers the number of elderly individuals and

individuals with disabilities in each state and based on the annual program of projects included in a statewide grant application.

SAFETEA-LU requires that by FY 2007, projects selected under Section 5310, must be derived from a locally developed coordinated public transit/human service transportation plan.

In some instances, the State will distribute directly to private non-profit corporations and associations who coordinate or provide transportation services for the elderly and disabled in areas where transportation service is unavailable, insufficient or inappropriate. The state agency ensures that local applicants and project activities are eligible and in compliance with federal requirements, that private not-for-profit transportation providers have an opportunity to participate as feasible, and that the program provides for coordination with other federally assisted transportation services.

Eligible expenses include capital expenses related to vehicle purchase and costs and acquisition of transportation services under contract, lease, or other arrangements. No more than 10 percent of the amounts apportioned can be used to administer, plan and provide technical assistance. The federal share for projects is 80 percent of the project's net capital cost.

Nonurbanized Area Formula - (49 U.S.C. § 5311)

Section 5311 funds are available to non-urbanized areas with a population of less than 50,000 (based on the latest U.S. Census figures) for capital, operating and administrative purposes. The goals of the non-urbanized formula program are:

- 1) to enhance the access of people in non-urbanized areas to health care, shopping, education, employment, public services, and recreation;
- 2) to assist in the maintenance, development, improvement, and use of public transportation systems in rural and small urban areas;
- 3) to encourage and facilitate the most efficient use of all federal funds used to provide passenger transportation in non-urbanized areas through the coordination of programs and services;
- 4) to assist in the development and support of intercity bus transportation; and

- 5) to provide for the participation of private transportation providers in non-urbanized transportation to the maximum extent feasible.

The Section 5311 allocations are available to state and local governments, non-profit organizations (including Indian tribes and groups), and public transit operators for operating and administrative purposes. Recent legislation significantly increases this formula program by adding another tier that distributes 20 percent to low density states (in addition to those funds apportioned from the Growing States program). States may use up to 15 percent of their annual apportionment for administration, planning and technical assistance and must spend 15 percent of the apportionment to support rural intercity bus service unless the Governor certifies that the state's intercity bus needs are adequately met.

The maximum federal share for capital and project administration is 80 percent (except for projects designed to meet the requirement of the ADA, the Clean Air Act, or bicycle access projects, which may be funded at 90%). The maximum federal share for operating assistance is 50% of the net operating costs including all expenses necessary to operate, maintain and manage the transit system less all farebox revenue.

Rural Transit Assistance Program - (49 U.S.C. § 5311(b)(2))

The Rural Transit Assistance Program (RTAP) provides a source of funding to assist in the design and implementation of training and technical assistance projects and other support services tailored to meet the needs of transit operators in non-urbanized areas. RTAP has both state and national program components. The state program provides an annual allocation to each state to develop and implement training and technical assistance programs in conjunction with the state's administration of the Section 5311 formula assistance program. The national program provides for the development of information and materials for use by local operators and state administering agencies, and supports research and technical assistance projects of national interest.

FTA allocates RTAP funds to the states based on an administrative formula. The RTAP formula first allocates \$65,000 to each of the states and Puerto Rico and \$10,000 to Guam, American Samoa, Northern Marianas, and the Virgin Islands and then distributes the balance according to

the non-urbanized population of the states. The national component of the program is funded under a competitive cooperative agreement. There is no federal requirement for a local match and the funds are available for a period of three years

Job Access/Reverse Commute - (23 U.S.C. §5316)

The purpose of this grant program is to develop transportation services designed to transport welfare recipients and low income individuals to and from jobs, training and child care, and to develop reverse commute transportation services for residents of urban centers and rural and suburban areas to suburban employment opportunities. Emphasis is placed on projects that use mass transportation services.

SAFETEA-LU requires that by FY 2007, projects selected under Job Access/Reverse Commute (JARC – Section 5316) must be derived from a locally developed coordinated public transit/human service transportation plan.

Eligible activities for Job Access grants include the capital and operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs. Also included are the costs of promoting the use of transit by workers with nontraditional work schedules, promoting the use of transit vouchers, and promoting the use of employer-provided transportation including transit benefits. For Reverse Commute grants, operating costs, capital costs and other costs associated with reverse commute by bus, train, carpool, vans or other transit service are eligible.

Funding is available to local governmental authorities and agencies and non-profit entities for up to three years. Funds are allocated on a formula basis with 60 percent to areas over 200,000 in population and 20 percent allocated by a competitive grant solicitation process to eligible recipients in urbanized areas between 50,000 – 200,000 in population and 20 percent to rural areas. Not more than \$10 million per year may be made available for Reverse Commute projects. The federal contribution to eligible projects is 50 percent. The remaining 50 percent may be derived from other federal programs where eligible, state and/or local sources, but excluding revenue derived from providing mass transportation services unless the funds are received through a service agreement.

New Freedom Program - (49 USC §5317)

This new program provides formula funding for transportation services beyond those required by the Americans with Disabilities Act (ADA) to assist persons with disabilities to get to and from jobs and employment support services. Sixty percent of the funds are apportioned directly to large urbanized areas (over 200,000 population), based on a ratio of the number of individuals with disabilities in the urbanized area to the number of individuals with disabilities in all urbanized areas. Twenty percent are apportioned to states based on a ratio of the number of individuals with disabilities in urbanized areas under 200,000 in population and to the number of individuals with disabilities in all states. The remaining 20 percent are allocated to each state based on the number of individuals with disabilities in the non-urbanized areas and the number of individuals in the non-urbanized areas of all states.

SAFETEA-LU requires that by FY 2007, projects selected under New Freedom (Section 5317) must be derived from a locally developed coordinated public transit/human service transportation plan.

Working in coordination with its MPO, the recipient offers an area-wide solicitation for applications for grants to the recipient and subrecipients. Selected projects must be derived from a coordinated human services transportation plan developed through a process that includes representatives of public, private, and nonprofit transportation and human service providers as well as the general public.

Capital funding is provided on an 80/ 20 federal/local match basis. Operating assistance may not exceed 50 percent of the net operating cost of the project.

Small Transit Intensive Cities - 49 U.S.C Section 5336(jj)

Within the Urbanized Area Formula, this program establishes a new tier for transit intensive urbanized areas with less than 200,000 in population funded through a 1 percent set-aside from the Elderly Individuals and Individuals with Disabilities Program and the Urbanized Area Formula Program. Funds are available for capital and operating expenses at an 80/20 percent match for capital projects and a 50/50 match for eligible operating expenses.

The smaller cities eligible for this program must exceed the industry average for cities with a population of at least 200,000 and not more than 999,999 for one or more of six performance categories, including: passenger miles per vehicle revenue mile, passenger miles per vehicle revenue hour, vehicle revenue miles per capita, vehicle revenue hours per capita, passenger miles per capita, and passengers per capita. Funds are apportioned based on the number of performance categories for which eligible areas meet or exceed the industry average and the aggregate number of performance categories for which all eligible areas meet or exceed the industry average.

Growing States and High Density States Program - (49 USC §5340)

In an effort to better support states that have made significant investments in transit, this new formula program provides additional support to recipients of urbanized (Section 5307) and non-urbanized areas (Section 5311) formula programs with high rates of population growth and those that are most densely populated.

Approximately 4 percent of the overall formula program to states (based on population trends comparing the most recent census population estimates for 15 years beyond the most recent census) is allocated to the Growing States and High Density States Program. The amount of Section 5340 funds apportioned to each state are then distributed between urbanized areas and rural areas based on the ratio of urban/rural population within each state. The High Density States factor distributes the other half of the funds to urbanized areas within each state with population densities in excess of 370 persons per square mile.

Over-The-Road Bus Program - (49 U.S.C. §3038)

Section 3038 funds are available to private operators of over-the-road bus services such as commuter, charter, and tour services, to fund the incremental capital and training costs associated with meeting the requirements of U.S. DOT's over-the-road bus accessibility rule.

Capital projects eligible for funding include adding lifts and other accessibility components to new vehicle purchases and purchasing lifts and associated components to retrofit existing vehicles. Eligible training costs include developing training materials or providing training for local providers of over-the-road bus services.

This is a formula funded grant provided on a national competitive basis. Formula funds are provided on 90 percent/10 percent federal/local match basis.

Flexible Funds

Flexible funds are certain legislatively-specified transportation funds that may be used either for transit or highway purposes. The idea of flexible funds is that a local area can choose to use certain Federal Surface Transportation Funds based on local planning priorities, not on a restrictive definition of program eligibility. Flexible funds include Federal Highway Administration (FHWA) Surface Transportation Program (STP) funds and Congestion Mitigation and Air Quality Improvement Program (CMAQ) and FTA Urban Formula Funds.

Since the enactment of ISTEA, FHWA funds transferred to the FTA have provided a substantial new source of funds for transit projects. When FHWA funds are transferred to FTA, they can be used for a variety of transit improvements such as new fixed guideway projects, bus purchases, construction and rehabilitation of rail stations, maintenance facility construction and renovations, alternatively-fueled bus purchases, bus transfer facilities, multimodal transportation centers, and advanced technology fare collection systems.

When FHWA funds are transferred to FTA they are transferred to one of the following three programs:

- Urbanized Area Formula Program (Section 5307 Program)
- Elderly and Persons with Disabilities Program (Section 5310 Program)
- Non-Urbanized Area Formula Program (Section 5311 Program)

Once FHWA funds are transferred to FTA for a transit project, the funds are administered as FTA funds and take on all the requirements of the FTA program. Transferred funds, however, may use the same non-federal matching share that the funds would have if they were used for highway purposes and administered by FHWA.

In urbanized areas over 200,000 in population, the decision on the transfer of flexible funds is made by the MPO. In urbanized areas with under 200,000 in population, the decision is made

by the MPO in cooperation with the state DOT. In rural areas, the transfer decision is made by the state DOT. The decision to transfer funds flows from the transportation planning process and the priorities established for an area as part of the planning process.

Surface Transportation Program - (49 U.S.C. §133)

The Surface Transportation Program (STP) provides the greatest flexibility in the use of funds. These funds may be used for public transportation capital improvements for buses and bus facilities, car and vanpool projects, fringe and corridor parking facilities, bicycle and pedestrian facilities, and intercity or intra-city bus terminals and bus facilities. These funds may also be used for surface transportation planning activities, wetland mitigation, transit research and development, and environmental analysis. Other eligible projects under STP include transit safety improvements and most transportation control measures.

STP funds are distributed among various population and programmatic categories within a state. Some program funds are made available to metropolitan planning areas containing urbanized areas over 200,000 in population. STP funds are also set aside to areas under 200,000 and 50,000 in population.

Congestion Mitigation and Air Quality Improvement Program - (23 U.S.C. §149)

The Congestion Mitigation and Air Quality (CMAQ) Improvement Program has the objective of improving the nation's air quality and managing traffic congestion in those urbanized areas that have been designated as non-attainment air quality areas. Eligible activities under CMAQ include transit system capital expansion and improvements that are projected to realize an increase in ridership, travel demand management strategies and shared ride services, and pedestrian and bicycle facilities, and promotional activities that encourage bicycle commuting. Programs and projects that reduce transportation-related emissions are funded in air quality non-attainment and maintenance areas for ozone, carbon monoxide (CO), and small particulate matter (PM-10). Funds are apportioned to states based on a formula that considers the severity of their air quality problems.

National Highway System - (23 U.S.C. §103(b))

The National Highway System (NHS) provides funding for a wide range of transportation activities. Eligible transit projects under the NHS Program include fringe and corridor parking facilities, bicycle and pedestrian facilities, carpool and vanpool projects, and public transportation facilities in NHS corridors where they would be cost effective and improve the levels of service on a limited access facility.

MASTER AGREEMENT - (FTA (MA 12) October 1, 2005)

A Master Agreement is the umbrella agreement containing standard terms and conditions governing the administration of any project supported with federal assistance awarded by the Federal Transit Administration to eligible grantees. The Master Agreement is used with the Cooperative Agreement and the Grant Agreement. The Cooperative Agreement is the instrument by which the FTA awards federal assistance to a recipient to support a particular project in which FTA takes an active role or retains substantial control. A Grant Agreement, which includes specific conditions and requirements, is the instrument used by FTA to award federal assistance to a specific recipient to support projects in which FTA does not retain substantial control or take an active role.

As a signatory to the Master Agreement, the grant recipient agrees to maintain or acquire sufficient legal, financial, technical, and managerial capacity to plan, manage, and complete a project, and provide for the use of project facilities and equipment to comply with the terms of the Grant Agreement or Cooperative Agreement, the approved project budget, the project schedules, the recipients annual certifications and assurances to FTA, and all applicable federal laws, executive orders, regulations directives and published policies governing the grant. The type of project and the authorizing statute determine which provisions of the Master Agreement apply. The Master Agreement does not have an expiration date so the provisions can be modified or superseded by new federal requirements related to the various types of funding agreements, specific project parameters, conditions, and requirements.

Only the entities that are signatories to the Grant Agreement or Cooperative Agreement are parties to that agreement. However, to achieve compliance with certain federal laws, regulations, and directives, other project recipients such as subrecipients and third party

contractors are also affected. Through the Master Agreement, and in accordance with the terms and conditions of the Grant Agreement or Cooperative Agreement, the recipient agrees to take appropriate measures to ensure all project participants comply with the applicable federal requirements affecting their performance.

Prior to undertaking any federally funded transit project, the details of the Master Agreement should be carefully reviewed. The following summary of key requirements and obligations is not intended to be an exhaustive list, but rather those that are most common to basic projects a new transportation agency is likely to consider or those with which an individual who needs a general understanding of federal requirements should be familiar.

The selected requirements and obligations detailed from the Master Agreement have been grouped into six general categories 1) Financial; 2) Procurement; 3) Human Resources; 4) Safety and Security; 5) Equipment and Facilities; and 6) Service and Operations.

Financial – (FTA C 9030.1C, FTA C 5010.1C, 49 C.F.R. Part 18, 49 U.S.C. 5307)

Grantees must demonstrate the ability to match and manage FTA grant funds, manage cost overruns and operating deficits through long-term, stable and reliable sources of revenue, maintain and operate federally-funded facilities and equipment, and conduct an annual independent organization-wide audit in accordance with the provisions of the Office of Management and Budget Circular A-33.

Grantees generally have three basic sources of local funding: a perpetual or permanent local tax (sales, income, or property tax), a limited or time specific source of funding that expires at some future date, and/or annual appropriations from local, regional, or state governments. Information on sources of local funding assist in making determinations concerning existing financial condition and the future financial capacity of the grantee.

Financial condition is reflected in working capital levels, current assets versus liabilities, capital reserves, and the present status of depreciation accounts. Grantees should have multi-year budgets (three to five years) that project operating and capital revenues and expenses. The

financial plans should indicate adequate revenue to maintain and operate the existing system and any planned projects.

Financial capacity considers the nature of funds used to support operating deficiencies and capital programs, along with forecasted changes in fare and non-fare revenue. If a grantee is forecasting new funding sources, strategies for ensuring their availability must be identified. Unfunded capital or operating deficits could indicate a grantee's lack of financial capacity to fund the projects programmed in the Transportation Improvement Program (TIP) and/or adequately maintain and operate FTA-funded assets at the current level of service.

The grantee requests funds through the Electronic Clearinghouse (ECHO) System which transfers U.S. Treasury funds directly to the grantee's bank account. In some instances, the funds are requested after expenses have been incurred. In others, the funds are requested prior to the purchase. When this is the case, the federal funds must be disbursed to the vendor within three business days. The annual financial audit, the ECHO system transaction reports, and the dates when checks that used federal funds were issued provide the necessary documentation that the grantee is requesting and matching federal funds properly.

To demonstrate financial capacity, grantees should maintain information on local funding sources in annual audits, budgets, local or state legislation, multi-year financial plans, National Transit Database (NTD) reports and the TIP, which demonstrate stable transit revenues, an ability to maintain current operations and the ability to complete the forecasted program of projects. Where pending local legislation will affect local funding negatively, the grantee needs to demonstrate how it will compensate for the lack of local funding. A plan for corrective action documenting anticipated sources of local funding, revenue increases, or planned service reductions should be developed.

Grantees in areas with populations over 200,000 can use FTA funds for capital purchases at the 80 percent/20 percent match rate, but cannot use FTA funds for operating assistance. They may, however, use the funds at an 80/20 match rate for ADA complementary paratransit and preventative maintenance expenses. The expenditures from grant funds for paratransit operating costs may not exceed 10 percent of the total annual apportionment of Section 5307 and Section 5311 funds.

In areas with a population under 200,000, FTA funds can be used for operating expenses. It is the grantee's responsibility to ensure that the funds being requested for operating assistance are no more than half the operating expenses after fare and other system generated revenues (such as advertising and contract revenues) are used to reduce the operating cost to a net operating project cost. FTA operating assistance shall not exceed the lesser of: the local match, the currently available apportionment to the urbanized area plus any carry over funds from previous years, or 50 percent of the net project cost incurred in the provision of transit service during the period.

The grantee must maintain detailed operating budgets for three years showing operating expenses eligible for urbanized area operating assistance. In addition, the grantee must also maintain detailed procurement records and a quarterly Financial Status Report to document unliquidated obligations such as awarded contracts and open purchase orders.

Indirect administrative costs related to FTA funded projects are an eligible expense, provided a cost allocation plan is developed by the grantee and approved by FTA. The plan must be resubmitted for approval if the grantee makes changes to its accounting system that affects the previously approved plan or the grantee's proposed cost allocation plan exceeds the amount previously approved by more than 10 percent.

Finally, if the grantee has expended \$300,000 or more in federal funds, the grantee is required to have an annual audit in accordance with OMB Circular A-133

Procurement - (49 C.F.R Part 18.36)

Policies and Procedures

FTA grantees may use their own procurement procedures that reflect applicable state and local laws and regulations provided the process ensures competitive procurement and the procedures conform to the FTA's "Third Party Contracting Requirements," described in FTA Circular 4220.1D.

The grantee must have written documentation of its procurement policies. These policies should include but not be limited to:

- restrictions on the number of employees with purchasing authority;
- procedures for adequate review prior to solicitations to avoid unnecessary or duplicative purchases;
- maintenance procedures for all records related to the procurement including purchase orders, requisitions, phone logs and inter-office communication;
- procedures to handle and resolve complaints;
- written protest procedures;
- written selection procedures for all procurement, rationale for the method of procurement, selection of contract type, contractor selections or rejection, and the basis for the contract price;
- contract administration and monitoring systems that ensure contractors perform in accordance with the terms, conditions, and specifications included in their contract or purchase order.

There must be a written code of standards of conduct governing the performance of employees engaged in the award and administration of contracts supported by federal funds. The code of standards must preclude any employee, officer or agent of the grantee or subgrantee from participating in the selection, award or administration of a contract if a conflict of interest, real or apparent, would be involved (e.g., accepting or soliciting gratuities, favors or anything of monetary value from contractors or vendors). To the extent permitted by state or local laws or regulations, such standards must provide for penalties, sanctions or other disciplinary actions for violations of such standards by the grantee's/subcontractor's officers, employees, or agents, or by contractors or their agents.

Third Party Contracts - (FTA Circular 4220.1D)

Third party contractors involved in federally-funded projects are required to comply with many of the same rules and regulations as the grantee depending upon the value and/or type of project. The rules and regulations effective in Fiscal Year 2005 are outlined in the following tables and reference the applicable Master Agreement clauses with which recipients of federal funding must comply.

Table 4-1
All FTA Assisted Third Party Contracts and Subcontracts

Categories of Federal Requirements	Comments	Master Agreement Reference
No Federal Government Obligation to Third Parties by Use of a Disclaimer		§2.f
Program Fraud and False or Fraudulent Statements and Related Acts		§3.f
Access to Records		§15.o
Federal Charges		§2.c(1)
Civil Rights (EEO, Title VI and ADA)		§12
Termination Provisions	Contracts > \$10,000 (49 CFR §18)	§15.a
Disadvantaged Business Enterprise (DBE)	Contracts Awarded on the Basis of a Bid or Proposal Offering to Use DBEs	§12.d
Incorporation of FTA Terms	Per FTA C 4220.1D	§15.a

Table 4-2
Awards Exceeding \$100,000

Categories of Federal Requirements	Comments	Master Agreement Reference
Debarment and Suspension		§ 3.b
Buy America	When Tangible Property or Construction will be Acquired	§14.a
Provisions for Resolution of Disputes, Breaches or other Litigation		§43
Lobbying		§3.d
Clean Air		§25.b
Clean Water		§25.c

Table 4-3
Transport of Property or Persons

Categories of Federal Requirements	Comments	Master Agreement Reference
Cargo Preference	When Acquiring Property Suitable for Shipment by Open Vessel	§14.b
Fly America	When Property or Persons Transported by Air Between U.S. and Foreign Destinations or Between Foreign Locations	§14.c

Table 4-4
Transit Operations

Categories of Federal Requirements	Comments	Master Agreement Reference
Transit Employee Protective Arrangements		§ 24.d
Charter Service Operations		§28
School Bus Operations		§29
Drug Use and Testing	Safety Sensitive Functions	§31.b
Alcohol Misuse and Testing	Safety Sensitive Functions	§31.b

Table 4-5
Construction Activities

Categories of Federal Requirements	Comments	Master Agreement Reference
Construction Employee Protections <ul style="list-style-type: none"> • Davis Bacon Act • Contract Work Hours & Safety Standards Act • Copeland Anti-Kickback Act 	Except for Contracts <\$2,000 or Third Party Contracts for Supplies, Materials or Articles Normally Available on the Open Market	§24.a
Bonding for Construction Activities Exceeding \$100,000	5% Bid Guarantee; 100% Performance Bond and Payment Bond Equal to: <ul style="list-style-type: none"> • 50% for Contracts <1 M • 40% for Contracts >1 M but <5M • 2.5 M for Contracts >5M 	§15.m(1)
Seismic Safety	Contracts for Construction of New Buildings or Additions to Existing Buildings	§23.e

**Table 4-6
Nonconstruction Activities**

Categories of Federal Requirements	Comments	Master Agreement Reference
Nonconstruction Employee Protection (Contract Work Hours and Safety Standards Act)	Applicable to all Turnkey, Rolling Stock and Operational Contracts (Excluding Contracts for Transportation Services) in excess of \$2,500	§24.b

**Table 4-7
Planning, Research, Development and Documentation Projects**

Categories of Federal Requirements	Comments	Master Agreement Reference
Patent Rights		§ 17
Rights in Data and Copyrights		§18

**Table 4-8
Awards Exceeding \$500,000**

Categories of Federal Requirements	Comments	Master Agreement Reference
Notification of Federal Participation		§ 15.n

**Table 4-9
Miscellaneous Special Requirements**

Categories of Federal Requirements	Comments	Master Agreement Reference
Energy Conservation		§ 26
Recycled Products	Contracts for Items Designated by EPA When Procuring \$10,000 or More Per Year	§15.g
Conformance with National ITS Architecture	Contracts and Solicitations for ITS projects	§15.p
ADA Access	Contracts for Rolling Stock or Facilities Construction/Renovation	§12.g

Buy America (49 C.F.R 661)

The Buy America law states that federal funds may not be obligated unless steel, iron and manufactured products used in FTA-funded projects are produced in the United States, unless FTA has granted a waiver, or the product is subject to a general waiver. FTA has granted a general waiver to include microcomputer equipment and software. Grantees may request a specific Buy America waiver when domestically produced goods are not available or when there is a price differential of at least 25 percent between foreign and domestic bids.

The Buy American requirement does not apply to the purchase of capital, planning, or operating assistance with a value of \$100,000 or less, but it does apply to subcontractors regardless of the size of their contract, if the prime contract is more than \$100,000. The grantee must obtain a signed certification from each successful bidder when the total purchase price exceeds \$100,000. The Buy America requirement is based on the value of the total procurement, not one item. For example, a purchase of four vans that total \$120,000 even though each van costs \$30,000 must comply with Buy America.

Any grantee that purchases revenue rolling stock through a procurement contract that exceeds \$100,000 must certify that it will conduct or cause to be conducted pre-award and post delivery audits verifying compliance with Buy America provisions. For rolling stock manufactured partially outside the United States, final assembly must take place within the U.S. For the procurement of rail vehicles or more than 10 buses, an in-plant inspector is required throughout the manufacturing process.

The grantee must maintain the following certifications for each rolling stock procurement:

- Pre-Award Buy America Certification of Compliance – certifies a grantee has reviewed either by itself or with an audit prepared by someone other than the manufacturer that the manufacturer intends to build vehicles that comply with Buy America and final assembly requirements. This certification is required for each “order” of vehicles from a multi-year contract or a contract with options unless there is no change in vehicle configuration between successive deliveries.

- Pre-Award Purchaser's Requirement Certification – certifies the vehicles are consistent with the grantee's specifications and the proposed manufacturer is responsible and capable of producing the vehicles.
- Post-Delivery Buy America Certification of Compliance – certifies the vehicle either meets Buy America domestic content and final assembly requirements or the FTA has granted a waiver for the vehicle. This certification is also required for each “order” of vehicles from a multi-year contract or a contract with options unless there is no change in vehicle configuration between successive deliveries.
- Post-Delivery Purchaser's Requirement Certification – certifies that for orders of more than ten buses or rail vehicles, an on-site inspector was present throughout the manufacturing period and a grantee has received an inspector's report that accurately records the construction process and explains how construction and operation of the vehicle meet specifications.
- Certification of Compliance with the Federal Motor Vehicle Safety Standards – certifies the grantee has received a certification from the vehicle manufacturer that the vehicles comply with the Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration.

ITS Architecture - (49 C.F.R. Volume 66 Number 5)

An Intelligent Transportation System (ITS) project is defined in the ITS Architecture policy guidance as “any project that in whole or in part funds the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS User Services as defined in the National ITS Architecture.” Examples of ITS user services include Travel and Traffic Management, Public Transportation Management, Electronic Payment, Emergency Management, and Information Management. The ITS Architecture Policy provides flexibility to local areas in determining what agencies or organizations take the lead in developing the regional architecture. Although the grantee is unlikely to be the lead agency for the development of the architecture, it should be able to document its ITS deployment projects and participation in the development of the regional architecture.

Disadvantaged Business Enterprise - (49 C.F.R. Parts 23 and 26)

A Disadvantaged Business Enterprise (DBE) is a for-profit small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, 51 percent of the stock is owned by one or more such individuals and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it. Socially and economically disadvantaged individuals means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who the grantee finds to be socially and economically disadvantaged on a case-by-case basis, or Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, Women, or any individual group whose members are designated as socially and economically disadvantaged by the Small Business Administration.

Written DBE programs are required of FTA recipients receiving planning, capital, and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) exceeding \$250,000 in FTA funds in a federal fiscal year.

The grantee must include a provision in its bid specifications requiring certification of compliance with DBE requirements from transit vehicle manufacturers, distributors, and dealers as a condition of permission to bid on an FTA funded procurement and must certify that it has complied with the DBE requirements

Grantees must create a level playing field on which DBEs can compete fairly, ensure that only firms that meet eligibility standards are permitted to participate as DBEs (as verified by site visits and annual affidavits), help remove barriers to the participation of DBEs, and assist in the development of firms that can compete successfully in the marketplace outside the DBE program.

Grantees that meet the contracting threshold for a DBE program must set an annual overall goal for DBE participation in FTA assisted contracts. Overall goals should be calculated as a percentage of all FTA funds (exclusive of funds to be used for the purchase of transit vehicles)

that the grantee will expend in the forthcoming fiscal year or as a percentage of funds for a particular grant or project.

These goals must be based on demonstrable evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate in FTA assisted contracts. Grantees cannot rely on past participation rates without reference to the relative availability of DBEs in the marketplace.

The grantee's Chief Executive Officer must designate a DBE Officer and adequate staff to administer the DBE program. The DBE Officer must have direct and independent access to the CEO concerning DBE matters.

Grantees must distribute a signed and dated policy statement that expresses a commitment to the DBE program, states objectives, and outlines responsibilities for its implementation. The statement must be circulated throughout the organization and the DBE and non-DBE business community (by including the policy statement in all procurements involving FTA funds).

The grantee's DBE program should also identify the methods the grantee uses to monitor subrecipients, contractors, and subcontractors and maintain actual monitoring activities/reports for a three year period.

Human Resources

Equal Employment Opportunity - (49 U.S.C. §5332)

The grantee must ensure that no person in the United States shall on the grounds of race, color, creed, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program, or activity receiving federal financial assistance.

A formal Equal Employment Opportunity (EEO) Program is required of any grantee that employs 50 or more transit related employees (either directly or through contractors) and

received in excess of \$1 million in capital or operating assistance or in excess of \$250,000 in planning assistance during the previous federal fiscal year.

FTA conducts EEO assessments to evaluate the implementation of the EEO program in seven areas: policy statement, dissemination of the policy, designation of personnel responsibility, utilization analysis to identify underutilization and/or over concentration of minorities and women, goals and timetables to correct underutilization or over concentration, and a monitoring and reporting system to assess EEO accomplishments. Grantees are also required to make reasonable accommodations for qualified candidates with disabilities. Documentation should include the identification of any persons with disabilities that have been employed in the last three years and a description of any special accommodations made for these individuals.

The grantee's Chief Executive Officer should designate an EEO Officer and adequate staff to administer the program and ensure that there are procedures in place to handle employee complaints in a timely fashion. The EEO Officer should be an executive and should report directly to the CEO. Care should be taken to avoid conflicts when assigning responsibility for administration.

Drug Free Workplace - (49 U.S.C. §702, 49 C.F.R. Part 29)

FTA grantees are required to provide a written policy that the workplace is drug-free and that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace. The grantee must notify employees that they must abide by the terms of the policy statement as a condition of employment. The Drug Free Workplace Act applies to all employees and contractors, not just those in safety sensitive positions.

Minutes or resolutions of policy boards must show the adoption of a drug-free workplace policy. A copy of the written policy, memoranda, notification on bulletin boards, employee handbooks, and letters sent to employees can show that grantees have notified employees.

In addition to the establishment of a drug-free workplace environment, a grantee must establish an ongoing drug-free awareness program that informs employees of the dangers of drug abuse, and any available drug counseling, rehabilitation, or employee assistance programs. Similar to

the drug-free workplace policy, the awareness program information can be distributed via bulletin boards, posters, brochures etc. on a periodic basis.

The grantee is required to inform all employees that if convicted of a drug statute violation occurring in the workplace, they are to report such to the employer in writing within 5 days. When the grantee receives notice of an employee's criminal conviction for a drug statute violation that occurred in the workplace, the grantee must report the conviction to the appropriate FTA regional office within 10 calendar days. Grantees must provide the individual's position, title and the grants in which the individual was involved. Within 30 days of receiving the notification of conviction, the grantee must take one of the following actions: 1) take appropriate personnel action up to and including termination consistent with the Rehabilitation Act of 1973 as amended, or 2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes.

Safety and Security - (49 C.F.R Part 630, 49 C.F.R Part 659, 49 U.S.C §5307)

Policies and Plans

Recognizing that safety is an integral part of transit operations, grantees should have a written safety policy and safety plan. The safety plan should assign responsibilities for safety management and staff responsibilities signed by the most senior executive to the first-line supervisory level. Many grantees establish committees that address safety issues including vehicle and passenger accidents, workplace injuries, accident investigation procedures, identification of workplace hazards, hazardous material handling, and emergency preparedness.

Grantees should maintain minutes from safety and/or accident committee meetings and safety statistics for the past three years for passenger, property damage and work-related accidents. These statistics must be reported in the National Transit Database on either a monthly or quarterly basis depending upon the size of the agency, and the modes operated.

Grantees should also develop a comprehensive training program which may consist of initial training for new hires as well as recurrent training for all employees. Training manuals, safety handouts, safety postings and other materials should be made available.

The grantee's security program should include procedures to handle security incidents. The security procedures should address such specifics as incident reporting, evacuating passengers and personnel, establishing command centers, isolating affected areas and/or vehicles, restoring power and/or communications, and notifying appropriate law enforcement agencies.

To gauge the effectiveness of the security program, it is advisable for grantees to conduct periodic audits of procedures. Such audits may include mock incidents designed to reveal areas of potential security risks for criminal activity (assaults, vandalism or drug dealing) as well as known acts of terrorism. The audits and assessments should cover all aspects of transit operations including personnel, passengers, facilities and vehicles.

Operating personnel should be trained to identify suspicious and illegal activity. They should also be trained to respond appropriately to such activity in order to prevent or mitigate security incidents in a manner that ensures the safety of employees and the general public. Non-operating personnel should also be trained to identify suspicious activity such as unauthorized personnel in secure areas, suspicious packages and threatening speech or actions by co-workers.

Grantees should take all available precautions in hiring (and periodically checking existing) operating personnel to ensure the public's safety and security. Criminal and credit background checks can be used to identify individuals that may pose a potential threat, particularly those with access to safety and/or security critical systems.

The grantee should assess the likelihood of potential emergency events and develop an emergency preparedness plan to address events that originate within the transit system or those caused by external factors. The plan should include the following elements: definition of an emergency event, personnel roles and responsibilities, emergency response procedures, evacuation procedures and procedures to restore normal operations. This plan should also be well coordinated with outside agencies such as law enforcement, fire/rescue and emergency medical services. If possible, a formal coordination agreement should be developed that establishes a chain of command, definition of roles and responsibilities, financial obligations and emergency contact information.

The grantee is required to certify that it is spending at least 1 percent of the Urbanized Area Formula Grant Program funds it receives annually for transit security projects or that such expenditures are not necessary. If a grantee determines the 1 percent expenditure is unnecessary because existing security measures meet the needs and/or the grantee spends sufficient local funds on security projects, documentation that supports this decision should be maintained.

Drug and Alcohol Program - (49 C.F.R. 655)

Grantees receiving FTA funds under Capital Grant, Urbanized Area Formula Grant, or Non-Urbanized Area Formula Grant programs must have a drug and alcohol testing program in place for all safety sensitive employees which is separate from, and in addition to, the Drug Free Workplace Act as previously described.

The minimum requirements of the Drug and Alcohol Program policy include:

- proof of policy adoption by the appropriate governing body with effective date indicated;
- identity of the person designated by the employer to answer questions about the anti-drug and alcohol misuse program;
- categories of employees who are subject to testing;
- prohibited behavior, including when the regulations prohibit the use of alcohol and drugs,
- circumstances for drug and alcohol (i.e. pre-employment, random, post-accident, reasonable suspicion, return-to-duty and follow-up) testing;
- drug and alcohol testing procedures consistent with 49 CFR Part 40 as amended;
- requirement that covered employees submit to drug and alcohol testing administered in accordance with FTA regulations;
- description of the behavior and circumstances that constitute a refusal to take a drug and/or alcohol test and a statement that refusals constitute a verified positive test result;
- description of the consequences for a covered employee who has a verified test result;

- description of the evaluation and treatment process if the system has a second chance policy;
- description of the consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
- requirement that policies and consequences of any element of an anti-drug or alcohol misuse program in addition to those required by FTA, must be clearly described as being based on the employer's independent authority.

All grantees conducting drug testing under 49 CFR Part 655 must use drug testing laboratories certified by the Department of Health and Human Services. A notice listing all currently certified laboratories is published in the Federal Register during the first week of each month.

Currently, the minimum rate for random drug testing is set at 50 percent of the number of safety sensitive employees annually. Likewise, the minimum random testing rate for alcohol is 10 percent of the number of safety sensitive employees annually.

Safety sensitive employees and contractors are subject to drug and alcohol testing if they perform the following functions:

- operate a revenue vehicle including when not in revenue service;
- operate a non-revenue vehicle when required to be operated by a holder of a Commercial Driver's License (CDL);
- control dispatch or movement of a revenue vehicle;
- maintain, repair, overhaul or rebuild a revenue service vehicle or equipment used in revenue service. Second tier maintenance contractors and all maintenance contractors of systems that serve populations under 200,000 are exempt;
- carry a firearm for security purposes;
- drive in a volunteer capacity and required to have a CDL License or receive remuneration in excess of expenses incurred; or
- Drive for a taxi cab company under contract to the grantee (unless contractor is selected by the transit patron or broker). Taxi cab maintenance employees are exempt provided the primary purpose of the taxi company is not public transit service.

Drug and/or alcohol tests are required if an employee is involved in an accident. For this purpose, in Section 655.4 FTA defines “accident” to mean an occurrence associated with the operation of a vehicle, if as a result:

- 1) an individual dies;
- 2) an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident;
- 3) with respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
- 4) with respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from operation.

For accidents involving a transit vehicle that results in a fatality, drug and/or alcohol tests are required of all surviving on-duty employees, contractors, and subcontractors whose performance may have contributed to the fatal accident.

Following a non-fatal accident as defined above, all employees on duty in a transit vehicle at the time of the accident must be tested unless the employer determines that an employee’s performance did not contribute to the accident based on the best available information at the time. The decision to waive the testing must be thoroughly documented by the employer.

The grantee must maintain test results and program administration records as follows:

- One year – records of negative drug or alcohol test results;
- Two years – records related to the collection process and employee training; and
- Five years – records of employee verified positive drug or alcohol results, documentation of refusal to take required tests, employee referrals to a substance abuse program, and copies of annual management information system reports of test results.

Only the Medical Review Officer, the Breath Alcohol Technician, and Substance Abuse Program personnel are allowed access to the drug and alcohol testing records (but only those pertinent to their positions) without the employee’s written permission. However, in certain circumstances, the Secretary of Transportation or a DOT agency with regulatory authority over the employer, a

state agency authorized to oversee fixed guideway systems, the National Transportation Safety Board, or the decision maker in a lawsuit, grievance, or other proceedings initiated on behalf of the individual can access the records without written permission from the employee.

The grantee is required to refer employees with a verified positive drug test result, a breath alcohol concentration of 0.04, or an employee who has refused to be tested, to a Substance Abuse Program (SAP) even if they are to be terminated. The SAP will evaluate the employee to determine if assistance is needed to resolve problems associated with the prohibited drug or alcohol use and recommend an appropriate course of action. Grantees are not required to provide rehabilitation or to return the employee to duty after rehabilitation. Grantees are not required to refer to the SAP those applicants for safety sensitive positions who fail to pass pre-employment drug testing.

Supervisors who make reasonable suspicion determinations for drug or alcohol testing of their safety sensitive employees must also receive, at a minimum, a one-time, 60-minute training session on the behavioral, physical and performance indicators for the misuse of drugs, and a one-time, 60-minute training session for the misuse of alcohol. At a minimum, all safety sensitive employees must be provided with a one-time 60 minute training session regarding the effects and consequences of prohibited drug use.

If the grantee contracts with another agency or firm to provide safety-sensitive functions, it must monitor each contractor's drug and alcohol policy proactively. Generally, the contractor's program should mirror the FTA required program components described above.

Equipment and Facilities - (49 U.S.C Chapter 53, 49 C.F.R. Parts 161, 162 and 163, FTA C 5010.1C, FTA C 9030.1C)

Maintenance

Transit systems may have a diverse mix of vehicles, machinery, equipment and facilities. Properly maintaining all elements is essential to protect the federal investment.

An effective vehicle maintenance program incorporates scheduled actions to maintain each vehicle type and model on a specific cycle, a practice commonly referred to as preventative

maintenance. These actions should be designed to ensure proper care and maximum vehicle longevity. The vehicle maintenance plan should include the goals and objectives of the maintenance program, such as extending vehicle life, reducing the frequency of road calls and tracking maintenance costs compared to total operating costs. The maintenance plan and maintenance checklist needs to be updated to reflect new capital acquisitions to account for new technology and/or new manufacturer's recommended maintenance intervals and programs.

The agency's actual maintenance procedures should be consistent with the written plan. In the case of preventative maintenance, the intervals (miles/hours) between procedures should be defined. On-time performance is achieved when 80 percent of the total vehicle inspections are performed no later than +/- 10 percent of scheduled intervals.

ADA regulations require that all vehicle and facility accessibility features, such as wheelchair lifts, ramps, securement devices, signs, communication devices for persons with disabilities, escalators and elevators be maintained and operational. When the equipment is not working, the grantee must take reasonable steps to accommodate persons with disabilities who would otherwise be using the equipment. ADA maintenance elements must be included in the maintenance plan. At a minimum, the grantee must show that accessibility features are checked regularly for proper operation and receive periodic maintenance.

Similar to vehicle maintenance, FTA requires an effective written maintenance plan and documentation of activities for facilities and equipment. The maintenance plan should identify all FTA funded facilities and equipment (buildings, elevators, parking lots, plumbing, power substations, etc.), personnel responsible for maintenance, and a list of inspections and routine maintenance actions designed to ensure the proper care and maximum useful life. The plan should prescribe record-keeping systems that maintain a permanent history of maintenance and inspection. Maintenance expenses, staffing levels, road call rates, and historical maintenance performance should be tracked in order to ensure that vehicles, equipment, and facilities are adequately maintained.

The FTA considers the grantee in compliance if 80 percent or more of the inspections were performed on time (no more than 20% late) for at least three consecutive quarters.

The maintenance requirements for federally-funded vehicles and equipment are the same whether maintained by the grantee or a third-party contractor. When a contractor is responsible for maintenance, the grantee should require a maintenance plan, maintenance standards, and maintenance performance standards in the contract. The grantee must monitor the contractor's performance through periodic written reports, supplemented with periodic inspections conducted by an experienced employee or agent acting on behalf of the grantee.

Satisfactory Continuing Control - (FTA Circular 5010.1C)

FTA defines equipment as all tangible, nonexpendable personal property that has a service life of more than one year and an acquisition cost that exceeds \$5,000 per unit. For such equipment, the grantee must maintain a detailed record keeping system that includes description, I.D. number, acquisition date, cost, federal percentage, grant number, location, use and condition, disposition action, and title.

Grantees are required to conduct a physical inventory of equipment and to reconcile the results with the equipment records every two years. The grantee must have a control system to prevent loss, damage, or theft of property. This can be accomplished by tagging equipment with a property control number, and a serial number or vehicle identification numbers.

Grantees should consult with FTA regarding the appropriate procedures for disposition of property. Alternatives include the acquisition of clear title by compensating FTA for its share, marketing and competitive sale of the property with subsequent reimbursement to FTA for its share, transfer of the property to another FTA grantee or public agency, or the sale of property no longer needed for transit purposes with the proceeds used to reduce the gross project cost of another federally assisted capital transit project.

For equipment that is no longer needed for FTA-supported projects or programs, the grantee may retain it or dispose of it. Removal of equipment that has reached the end of its service life may require reimbursement to FTA of the proportionate proceeds of the sale or like-kind exchange. Equipment sold for \$5,000 or less after its service life requires no FTA reimbursement.

Removal of equipment before the end of its useful life requires a proportionate reimbursement to FTA of the straight line depreciated value, regardless of the value or sale amount. FTA must be notified of any equipment removed from service before the end of its service life, and FTA will establish or approve the item's useful life for purposes of calculating the federal ownership interest. The grantee may elect to use the trade-in value or the sales proceeds from a bus or rail vehicle to acquire a replacement vehicle of like kind, subject to FTA approval.

The service life for rolling stock is defined in Table 3-10. The grantee should have a mechanism to adjust the service life of any FTA funded vehicle that is removed from service for an extended period of time. The FTA does not have to be notified when property that has exceeded its service life is removed from service unless the value exceeds \$5,000.

Table 4-10
Vehicle Service Life

Vehicle Type and Size	Service Life
35' – 40" heavy duty transit and articulated buses	12 years or 500,000 miles
30' heavy duty transit bus	10 years or 350,000 miles
30' medium-duty transit bus	7 years or 200,000 miles
25' – 35' light duty transit bus	5 years or 150,000 miles
Other – small buses, regular and specialized vans	4 years or 100,000 miles

For grantees with 50 or more fixed route buses, the grantee must maintain a reasonable spare ratio that does not exceed 20 percent of the vehicles (excluding those scheduled for disposition) operated in maximum service. Maximum service means the revenue vehicle count during the peak season of the year on the week and day that maximum service is provided. For grantees with fewer than 50 buses, judgment must be applied to determine the appropriate spare ratio. The FTA has not established a requirement for rail car spare ratios, but it does require the operator to develop a fleet management plan that details operating policies, peak requirements, and maintenance and procurement schedules.

Service and Operations

Americans with Disabilities Act - (49 C.F.R 37, 49 C.F.R. 38)

Titles II and III of the Americans with Disabilities Act of 1990 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 vehicle and facility accessibility and the provision of complementary paratransit service.

Eligibility

The U.S. DOT ADA regulations require that all public entities operating fixed route transit (except for commuter bus/rail or intercity rail) must provide complementary paratransit to persons with disabilities. Each grantee is required to establish a process for determining ADA paratransit eligibility, which is limited to certain categories of individuals:

- any person with a disability who is unable to board, ride, or disembark from an accessible vehicle without the assistance of another person (except for the operator of a lift or other boarding device);
- any person with a disability who could ride an accessible vehicle but the route is not accessible or the lift does not meet ADA standards; and
- any person with a disability who has a specific impairment-related condition that prevents the person from traveling to or from a boarding/disembarking location.

There are many ways that a grantee can determine eligibility. The process may include functional evaluation or testing of applicants. Evaluation by a physician or health professional may be part of the process, but a diagnosis of a disability does not establish eligibility. What is needed is a determination of whether the individual can use fixed route transit under given circumstances. The goal of the process is to ensure that only persons who meet the regulatory criteria are regarded as ADA eligible. If decisions are based solely on a note from a physician, and 100 percent of applicants are approved, a grantee may not have an appropriate process.

The grantee must process a completed application within 21 days of submittal. If after 21 days, the grantee has not made an eligibility determination, the applicant is presumed eligible and must be provided service unless the grantee later denies the application. ADA complementary

paratransit must be provided to ADA eligible individuals, including those with temporary eligibility, the personal care attendant (PCA), if a PCA is necessary, and one other individual accompanying the ADA-eligible individual, if requested. Additional companions may be provided service if space is available.

Service also must be provided to visitors. Any visitor who presents ADA eligibility documentation from another jurisdiction must be provided service. If a visitor does not have ADA eligibility documentation, the grantee may request proof of residency, and if the disability is not apparent, proof of disability. The grantee must accept a certification by the visitor that he or she is unable to use fixed route transit. The grantee is not required to provide a visitor more than 21 days of service within a 365-day period. It may request that the visitor apply for eligibility in order to receive additional service beyond this 21 days of service.

Service Requirements

The regulations require only curb-to-curb service, but the grantee may provide a higher level of service.

The ADA service area, at a minimum, includes all origins and destinations that occur within corridors with a width of $\frac{3}{4}$ mile on each side of fixed routes. Within the core service area, any small areas not inside a corridor but surrounded by corridors also must be served.

Requests for reservations must be accepted during normal business hours on a "next day" basis (not 24 hours in advance), on all days prior to days of service (e.g., weekends, holidays), and trips must be scheduled within one hour of the requested pickup time. The grantee should periodically track the number of next-day reservations that are actually made. If the number is a very low percentage of all trips, it may indicate capacity constraints. Advance reservations may be permitted up to 14 days before a desired trip.

The ADA complementary paratransit fare cannot exceed twice the base fixed-route fare. No fare may be charged for PCAs. Any companions must pay the same fare as the ADA-eligible individual. Days and hours of service must be the same as the fixed-route days and hours of service, and no restrictions or priorities may be based on trip purpose.

Subscription service may not absorb more than 50 percent of the number of trips available at a given time unless there is non-subscription capacity.

The grantee should have information provided to the public that describes the ADA complementary paratransit. Most grantees have a brochure, riders' guide, website, or other information that describes the service and the procedures for reserving a trip.

Service Availability

The ADA regulations specify that a grantee may not limit the availability of complementary paratransit to eligible individuals by restrictions on the number of trips or by waiting lists. Any operational pattern or practice that has the effect of limiting availability (substantial numbers of late pick-ups, trip denials, missed trips, or excessively long trips) is prohibited. "Pattern or practice" in the regulations refers to regular or repeated actions, such as repeated denials on peak days, not isolated or singular incidents. The regulations note that operational problems beyond the control of the grantee, such as unanticipated weather or traffic problems that affect all vehicular traffic, do not count as a pattern or practice under this provision. Repeated incidents caused by poor maintenance or excessively tight scheduling, however, would trigger this provision.

To determine whether capacity constraints exist, the grantee should have a definition of what constitutes a missed trip, what "on time performance" means, when a trip has been "denied," and when travel time is "too long." For example, at what point in time does a trip go from being late to being "missed"? Many grantees develop these performance standards compared to fixed route service (e.g. the acceptable complementary paratransit travel time is twice the fixed route travel time). Grantees should strive to meet 100 percent of demand.

The regulations allow the grantee to negotiate pickup times with ADA eligible persons within a one-hour window. If the grantee cannot schedule a ride that is no more than one hour before or after the desired departing time, the trip must be tracked as a denial. If the rider refuses an alternate time that is within the one hour window, it is not a denial for the purposes of ADA compliance. Many grantees have been deficient in this regard under the mistaken belief that if a rider accepts an offer of a trip that is outside the one-hour window, it is not a denial of service.

Similarly, if only one leg of a round trip can be reserved, and the rider declines the trip, it should be tracked as two denials.

If, on a regular basis, the phone lines are busy between 7:00 a.m. and 9:00 a.m., or callers after a certain time (e.g., mid-morning) are told that they cannot reserve trips for the next day the grantee will be determined to be limiting the availability of service. The grantee must ensure that an ADA eligible individual can reach a reservation agent to cancel a trip.

Training

The ADA requires that each fixed route or demand responsive service operator ensure that personnel who operate vehicles or interact with passengers are trained to proficiency, as appropriate for their duties. This training is required so that personnel operate vehicles and equipment safely, properly assist passengers, and treat persons with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among persons with disabilities.

Vehicle Requirements

The U.S. DOT's Federal Department of Transportation's ADA regulations include specific vehicle acquisition requirements for entities operating fixed-route bus, rail, and demand responsive systems. In general, all new vehicles purchased or leased after August 25, 1990, by public entities operating fixed-route service must be accessible. A public fixed-route operator may purchase or lease new non-accessible vehicles only after obtaining a waiver from the FTA Administrator. Used vehicles that are not accessible may be purchased or leased only after a good faith effort has been demonstrated to obtain accessible vehicles. The grantee must keep records for three years documenting the good faith effort. Public entities operating demand responsive service for the general public must purchase or lease accessible vehicles unless it can be demonstrated that the system, when viewed in its entirety, provides a level of service to persons with disabilities that is equivalent to the level of service it provides to persons without disabilities. Before procuring any non-accessible vehicle for demand-responsive service, the entity must file an equivalent service certification with FTA or with the state if the grantee receives its Urbanized Area Formula Grant Program funds from a state administering agency.

All rail operators are required to ensure that key stations (e.g., transfer points, major interchanges with other transportation modes, and stations serving major activity centers) are accessible. Additionally, all rail operators are required to ensure that each train (consisting of two or more vehicles if the grantee provides light or rapid rail) includes at least one car that is readily accessible to and usable by persons with disabilities, including persons who use wheelchairs.

Equipment Maintenance

The grantee must have a system of regular and frequent maintenance checks for wheelchair lifts on non-rail vehicles that is sufficient to ensure that the lifts are operative. There is no specific requirement for daily cycling of lifts, though many grantees have adopted this practice to meet this requirement. Operators must report immediately any failure of a lift to operate in service. When wheelchair lift failure is experienced on an in-service vehicle, the grantee must meet several requirements. If lift failure occurs on a route where the headway is greater than 30 minutes, the grantee is required to provide alternative service promptly. The vehicle must be removed from service before the beginning of the next service day if the lift is not repaired. The lift should be repaired before the vehicle is returned to service. In the event that there is no spare vehicle available and the grantee would be required to reduce service to repair the lift, the grantee can keep the vehicle with the inoperable lift in service for no more than five days (if the grantee serves an area of 50,000 persons or fewer in population) or three days (if the grantee serves an area of more than 50,000 persons in population).

Non-Discrimination - (Title VI) (49 C.F.R. 21)

The grantee must ensure that no person in the United States shall on the grounds of race, color, or national origin be excluded in participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. A grantee must ensure that federally supported transit services and related benefits are distributed in an equitable manner.

All grantees are required to develop and implement procedures to monitor the level and quality of transit service to determine compliance with Title VI. These comparisons of the level and

quality of transit service provided to the minority community, against overall system averages, are used as the measure.

Grantees operating in service areas of 200,000 or more in population are required to establish written service standards and policies for five transit service indicators (vehicle load, vehicle assignment, vehicle headway, distribution of transit amenities, and transit access). Grantees are also required to conduct periodic self-assessments comparing the quality and level of service provided to minority and non-minority users.

For construction projects of any size, all grantees must conduct environmental justice assessments/fixed facility impact analyses to assess the effects on minority communities.

Grantees are required to maintain and provide to FTA Title VI information (including current service standards and policies, monitoring procedures, most recent analysis of the level and quality of service, fixed facility impact analysis and all complaints filed by any person who believes that he or she has been subject to discrimination) at least every three years.

Half Price Fare Rules - (49 U.S.C. § 5307(d)(1)(D))

Grantees must ensure that elderly persons and persons with disabilities, or an individual presenting a Medicare card, traveling during non-peak hours using or involving a facility or equipment of a project financed under Section 5307 not be charged more than 50 percent of the peak hour fare.

The fares charged elderly persons, persons with disabilities, and Medicare cardholders for non-peak travel periods cannot exceed one-half the fare that is charged for the same trip during the peak period. If there is a service with a fare that is different than the grantee's fare for its regular service, a separate half-fare is needed. The grantee needs to ensure that the amount is not higher than 50 percent of the peak hour fare for each particular service. For peak hour service, the grantee can charge full fares to elderly and disabled passengers, or those presenting a Medicare card.

The requirement is applicable to all fixed-route services that operate in both the peak and off-peak periods using or involving facilities and equipment financed with Section 5307 funds, whether provided by the grantee or by another entity that leases facilities and/or equipment from the grantee.

This requirement is for fixed-route service only. It is not applicable to demand responsive service open to the general public. It is not applicable to services that operate only during peak hours, such as express commuter routes. It is applicable to express routes that operate trips beyond the peak period. It is not applicable to services that operate only in the off-peak period (e.g. lunchtime circulators and weekend routes to football games).

“Elderly” by FTA regulations is to “at a minimum, include all persons 65 years of age or over.” Grantees are permitted to use a definition that extends this fare to younger (e.g., 62 and over, or 60 and over) persons. Persons with disabilities are defined by FTA as persons “who by reason of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including any individual who is a wheelchair user or has semi-ambulatory capabilities), cannot use effectively, without special facilities, planning, or design, mass transportation service or mass transportation facilities.”

The definition of a Medicare cardholder is self explanatory. This is a distinct half-fare requirement, though many grantees choose to use a Medicare card as proof of eligibility for the elderly and persons with disabilities. Though most Medicare cardholders are elderly, it is important to recognize that Medicare cards can be issued to non-elderly persons with a disability. A Medicare card can be issued to anyone over 20 years of age who has received Social Security or Railroad Retirement Board disability benefits for 24 months or is a kidney dialysis or kidney transplant patient.

The grantee should inform its employees and the employees of any contractors that half fares are available. Although the grantee is not required to publish fare information, if it does publish fare information, it needs to include half-fare information. When special identification cards are required, the location(s) for obtaining the special card should be accessible by transit, open during convenient hours and publicized.

School Bus - (49 C.F.R. Part 605)

Grantees are prohibited from providing exclusive school bus service unless it qualifies under one of the following three exemptions:

- It operates a school system and also operates a school bus service with non-federally funded equipment, vehicles or facilities.
- Existing private operators are unable to provide adequate, safe service.
- The public entity or its predecessors were engaged in school bus service prior to August 13, 1973.

Even if the grantee qualifies for an exemption, it may not operate the exclusive bus service with federally funded equipment, vehicles, or facilities. However, grantees may operate “tripper” service to accommodate school transportation. Tripper service is defined as regularly scheduled mass transportation service that is open to the public, designed or modified to accommodate the needs of school students and personnel, and uses various fare collection or subsidy systems. Buses used in tripper service must be clearly marked as open to the public and may not carry designations such as “school bus” or “school special.” These buses may stop only at regular bus stops. All routes traveled by tripper buses must be within the regular service area as indicated in published schedules. Schedules listing tripper routes should be on the grantee’s regular published schedules or on separately published schedules that are available to the public with all other schedules. School tripper service should operate and look like all other regular service. Grantees must also verify that any subrecipients or lessees using FTA funded equipment that has not exceeded its useful life meet all school bus and tripper requirements.

Charter Service (49 C.F.R Part 604)

Charter service is defined as transportation using buses, vans, or facilities for a group of persons who pursuant to a common purpose, under a single contract, at a fixed charge for the vehicles or service to travel together under an itinerary either specified in advance or modified after having left the place of origin. Compensation on the basis of hours of service is evidence of charter operations. The provision of “free” service is not considered relevant in determining if service is charter or mass transportation.

Grantees are prohibited from using federally funded equipment and facilities to provide charter service except on an incidental basis (does not interfere with or detract from the provision of the mass transportation service for which the equipment or facilities were funded and does not shorten the mass transportation life of the equipment or facilities) and when one or more of following seven applicable exceptions apply.

- 1) There is no willing and able private charter operator. If an operator does exist, a grantee can provide charter service only if the other exceptions apply.
- 2) Grantees may provide FTA funded vehicles to private operators to satisfy a capacity need for accessible vehicles. Under this exception, a grantee provides service under contract to the private operator, who is responsible for the direction and control of a grantee's vehicle while the service is being provided. A grantee does not contract directly with the public for the service. All equipment or services leased under this exception must be incidental (i.e., non-peak period and priced at the fully allocated cost).
- 3) Grantees in a non-urbanized area (population under 50,000) may provide charter service directly to the customer if the charter service provided by the willing and able charter provider would create a hardship on the customer because: the willing and able private operator or operators impose minimum durations pursuant to state regulations and the desired trip length is shorter than the mandatory trip length or the willing and able private charter operator or operators are located too far from the origin of the charter service.
- 4) For events of extraordinary, special, or singular nature, grantees may petition the FTA Administrator at least 90 days prior to the event for an exception to the charter rule. The petition must describe the event, how it is special, and an explanation of the charter service that private operators are not capable of providing.
- 5) Charter service may be provided to government entities or non-profit agencies serving persons with disabilities or persons receiving public welfare funds. The contracting entity must provide certification that attests to the non-profit nature of the agency, identifies the passengers, declares that the requested charter trip is consistent with the function of the organization, and is consistent with Title VI of the Civil Rights Act of 1964.
- 6) A grantee in a non-urbanized area may execute a contract with a government entity or a private, non-profit organization by obtaining a tax-exempt certification from the entity when more than 50% of the passengers on the charter trip will be elderly, the requested charter trip is consistent with the function and purposes of the organization and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964 as amended.
- 7) A recipient may provide charter service directly to the customer where a formal agreement has been executed between the recipient and all private charter operators it has determined are willing and able, provided the agreement specifically allows the recipient to provide the particular type of charter trip and the recipient has provided for such an agreement in its annual public charter notice.

If a grantee wishes to provide charter service, it must annually determine if there is a willing and able provider of charter service. At a minimum, the determinations process must include:

- Placing a notice in a newspaper of general circulation that describes the charter service that a grantee proposes to provide. FTA allows grantees to describe the services they wish to provide in terms of trip purpose. A grantee's notice must include a description of the days, time of day, geographic area, and categories of revenue vehicles for service (but not the capacity or duration of the charter service). Only two categories of vehicles can be specified: buses and vans. A bus is a bus whether it is an intercity bus, a transit bus or a trolley. If a charter customer insists on a particular type of equipment that the willing and able private operator does not have and the grantee does, the grantee still may not provide charter service with that equipment. Further, the grantee cannot lease the trolley to a private operator and claim that the charter service is allowed under the exceptions unless the private operator has exhausted its supply of buses. The "no willing and able" exception applies only if there is not willing and able operators with buses of any kind for charter service.
- Sending a copy of the notice to all private charter service operators in the proposed geographic charter service area and to any private operators that request a notice.
- Sending a copy of the notice to the United Motorcoach Association and the American Bus Association.

The notices must instruct any operator who wishes to be considered willing and able to submit a statement of its desire and capability to provide the proposed service and proof of its legal authority. Any evidence submitted must be reviewed within 30 days. Within 60 days, a grantee must notify each private charter operator who submitted evidence of the results of the review.

The grantee must have documentation to demonstrate the mileage and/or hours are recorded and subtracted from the useful life of the equipment, fares and schedules are under its control, and the service is designed to benefit the public at large.

REPORTING AND ADMINISTRATION

Certifications/Assurances - (69 FR 62521)

Before FTA may award federal financial assistance through a federal grant or cooperative agreement, the applicant must submit all Certifications and Assurances pertaining to itself and its project as required by federal laws and regulations. These Certifications and Assurances

must be submitted to FTA irrespective of whether the project is financed under the authority of 49 U.S.C. Chapter 53, or Title 23, United States Code, or another federal statute.

The applicant's Annual Certifications and Assurances cover all projects for which the applicant seeks funding during the fiscal year and until FTA issues new Certifications and Assurances for the following fiscal year. An applicant's Annual Certifications and Assurances applicable to a specific grant or Cooperative Agreement generally remain in effect for either the duration of the grant or Cooperative Agreement or the duration of the project or project property when a useful life or industry standard is in effect, whichever occurs later; except if the applicant provides Certifications and Assurances in a later year that differ from Certifications and Assurances previously provided. Following is a summary of the Certifications and Assurances required of each applicant for FY 2005.

- Authority of Applicant and its Representatives – The authorized representative and its attorney who sign these assurances have authority under applicable state and local laws and the applicant's by-laws or internal rules.
- Standard Assurances – The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars and any other federal requirements in carrying out any projects supported by an FTA grant or cooperative agreement.
- Intergovernmental Review Assurance – The applicant assures that each application for federal assistance it submits to FTA has been or will be submitted, as required by each state, for intergovernmental review to the appropriate state and local agencies.
- Nondiscrimination Assurance – The applicant assures that it will not discriminate on the basis of race, color, creed, national origin, sex or age, and prohibits discrimination in employment and business opportunity.
- Assurance of Nondiscrimination on the Basis of Disability – The applicant assures that, as a condition to the approval or extension of any federal assistance awarded by FTA to construct any facility, obtain any rolling stock or equipment, undertake studies, conduct research, or to participate or obtain any benefit from any program administered by FTA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from federal assistance administered by the FTA or any entity within U.S. DOT.
- Procurement Compliance Certifications – The applicant certifies that its procurement and procurement system will comply with all applicable third party procurement requirements of federal laws, executive orders, regulations, FTA directives and requirements.

- Certifications and Assurances required by the U.S. Office of Management and Budget - The applicant must provide certifications related to its financial capability, access to records, non-discrimination, etc.

Additional Certifications and Assurances that are required based on the value or type of project for which an application is being submitted.

- Lobbying – for applications exceeding \$100,000, certification that no federal funds have been or will be paid to influence federal or congressional officers or employees for the award, extension, renewal, amendment, or modification of a federal assistance agreement, or certify that if any funds (other than federal) will be used for this purpose a Disclosure Form to Report Lobbying has been submitted and that these requirements are included in all subagreements.
- Private Mass Transportation Companies – for applications for assistance to acquire the property or interest in property of a private mass transportation company or to operate mass transportation equipment or facilities in competition with, or in addition to, transportation service provided by an existing mass transportation company.
- Public Hearing – for applications for a capital project that will substantially affect a community or community's mass transportation service.
- Acquisition of Rolling Stock – for applicants seeking to acquire rolling stock.
- Bus Testing – for applications to acquire any new bus model or any bus model with a new major change in configuration or components.
- Charter Service Agreement – for applications for assistance to acquire or operate any mass transportation facilities or equipment.
- School Transportation Agreement – for applications for assistance to acquire or operate any mass transportation facilities or equipment.
- Demand Response Service – for applicants that operate demand response service.
- Alcohol Misuse and Prohibited Drug Use – for applicants that are required by FTA regulations concerning activities to prevent alcohol misuse and prohibited drug use in its transit operations.
- Interest and Other Financing Costs – for applicants that request federal assistance for reimbursement of interest or other financing costs incurred for capital projects.
- Intelligent Transportation Systems – for applicants seeking assistance for any project that in whole or in part finances the acquisition of technologies or systems of

technologies that provided or significantly contribute to the provision of one or more ITS user services defined in the National ITS Architecture.

- Urbanized Area, JARC and Clean Fuels Program – applicants for Urbanized Area, Job Access and Reverse Commute, and Clean Fuels Formula Programs must certify it has the legal, financial, and technical capacity to carry out the proposed project, will maintain continuing control, has coordinated with private transportation providers, has provided an opportunity for public involvement, has determined that capital leases are more cost effective, has used competition in its procurement, vehicles are operated with clean fuels, etc.
- Elderly and Persons with Disabilities – certifies the administrator of this program has legal, financial and managerial capabilities, is a private non-profit organization or a public body, is providing services that are otherwise unavailable or inappropriate, the project is included in the metropolitan Transportation Improvement Program and the subrecipient versus the state is responsible for securing compliance with all federal requirements.
- Nonurbanized Area Formula Program – applicant certifies it has legal, financial and managerial capabilities, sufficient local match funds are committed, the project is included in the Statewide Transportation Improvement Program (STIP), there has been a fair and equitable distribution of funds on a statewide basis and the subrecipient versus the state is responsible for securing compliance with all federal requirements, the subrecipients projects qualify for categorical exclusion from environmental approvals, the state assures it will have a written agreement with subrecipients and recognizes audit authority, and the state assures it will not expend less than 15 percent of the funding to support intercity bus service unless there is a certification those needs are being adequately met.
- State Infrastructure Bank (SIB) Program – applicants for a grant of federal assistance for deposit in the SIB must provide certification that the applicant (state) and its subrecipients comply with the National Highway System Designation Act of 1995, the Department of Labor's Transit Employee Protective Arrangement, the provision of FHWA and FTA Cooperative Agreement, the FTA Master Agreement, the total amount funds will not be immediately drawn down, have the necessary legal, financial and managerial capabilities and that sufficient nonfederal funds have been or will be committed.

National Transit Data Base (NTD) - (49 USC Chapter 53, 49 CFR Part 630, 49 USC 5335 (a))

All recipients of Urbanized Area Formula funding and any organization operating urban transit services that directly receive benefit from Urbanized Area Formula funding are required to submit or coordinate the submission of an extensive amount of data via the internet to the NTD. The grantee must collect, record, and report financial and non-financial data in accordance with the Uniform System of Accounts and the National Transit Database Reporting Manual.

Instructions for submitting NTD reports are contained in the NTD Annual Reporting Manual, which is available on line at www.ntdprogram.com. The grantee is required to have an independent accountant certify that the grantee's accounting system can produce an NTD report that conforms in all material aspects to the requirement to collect financial data contained in the USOA. This is a one time requirement provided the grantee does not change its accounting system.

Grantees are required to collect service data using either a 100 percent count or a valid statistical sampling procedure with minimum levels of confidence of 95 percent and 10 percent precision. A Chief Executive Officer's Certification stating the passenger mile data was collected correctly and reporting the method used to collect the data must be prepared annually. The frequency of the reporting requirement is based on the Urbanized Area Population (UZA) and the number of vehicles directly operated as follows:

Table 4-11
NTD Reporting Requirements

Reporting Frequency	UZA Population	Vehicles Directly Operated
Every Year	500,000 or greater	100 or greater
Every Third Year	500,000 or greater	less than 100
Every Third Year	200,000 – 499,999	any number
Every Fifth Year	less than 200,000	any number

Transit agencies that are located in, or serve an urbanized area with 200,000 or more population, who operate 100 or more vehicles in annual maximum service are required to have an independent auditor review all NTD data used in the Urbanized Area Formula Allocation, including vehicle counts for all modes and services, directional route miles, vehicle revenue miles, passenger miles, and operating costs. The due dates and instructions for submitting reports are contained in the NTD Annual Reporting Manual. The due date for a transit agency's NTD report submission is dependent on the date that the agency's fiscal year ends.

Table 4-12
NTD Report Submission Schedule

Fiscal Year End Date (Between)	NTD Report Due Date
January 1 to June 30	October 28
July 1 to September 30	January 28
October 1 to December 31	April 30

All due dates for a transit agency's NTD report submission are dependant upon the date the transit agency's fiscal year ends, as detailed in the above table. FTA grants an automatic 15 calendar day grace period after the due dates. FTA will grant a 30 calendar day extension provided the request states sufficient reason for the delay. The request must be in writing and received by FTA at least 15 days before the report due date. If the 30 day extension is granted, the 15 day grace period is included in the 30 days.

Triennial Review - (49 U.S.C. § 5307(i)(2))

FTA is required by law to perform reviews and evaluations of Urbanized Area Formula Program grantees to evaluate formula grant management performance and grantee compliance with FTA and other Federal requirements. The reviews must be conducted for each formula grant recipient at least once every three years with the results integrated into FTA's grant management functions. The reviews are conducted by FTA staff and outside contractor teams following an annual work program. Desk reviews are followed by a site visit. The team documents its findings and recommendations in a draft Triennial Review report, which is furnished to the grantee for comment before it is released in final form to interested local, state and federal officials.

When appropriate, corrective actions are recommended to resolve grantees' program management deficiencies. FTA monitors the grantee's performance until compliance with all program requirements is achieved. If needed, FTA can invoke sanctions to assure that grantees act to correct any noted program deficiencies.

Metropolitan Planning Organization - 49 U.S.C. § 5303), (49 U.S.C. § 5303(5)), 23 CFR 450, 49 CFR 613, 23 GFR 500, 49 GFR 614, MPOs: A Primer By: Howard Glassman.

Beginning in 1973, the federal government required that urbanized areas of more than 50,000 residents establish an MPO. The intent of Congress was to establish an independent governmental agency to ensure that expenditures of federal transportation funds were based on a continuing, cooperative, and comprehensive transportation planning process.

The primary role of the MPO in managing the transportation planning process is to provide a fair and neutral forum for effective regional transportation decision making. The MPO ensures that the process includes the comprehensive consideration of all possible strategies to meet the transportation needs of the metropolitan area. It also considers the broad spectrum of community viewpoints, the collaborative participation of local communities and transportation agencies, and the meaningful involvement of the public. The primary products are the Long Range Transportation Plan for the metropolitan area and a Transportation Improvement Program (TIP) allocating federal transportation funds for multi-modal transportation projects.

The rules regarding MPO formation and composition are broad, enabling local officials to create a structure that most effectively meets the needs of the metropolitan area. Each is unique in terms of composition, boundaries and organizational structure. MPO membership is cooperatively designated by the Governor and local jurisdictions representing at least 75 percent of the urbanized area population. Each MPO is required to have a governing board. Generally, MPO Boards are comprised of elected officials representing local jurisdictions, representatives from independent transportation authorities and other agencies such as school boards and seaports. MPOs are required to have a technical advisory committee (engineers, planners and other local staff) and a citizen's advisory committee. Some MPOs have additional committees such as a bicycle and pedestrian committee or a freight advisory committee. MPOs can be housed and staffed by a member jurisdiction, a regional planning council, or as an independent agency.

Planning regulations require an agreement between the MPO and operators of public transit which specifies cooperative procedures for carrying out transportation planning and programming. Typically, there is a Memorandum of Understanding or a similar formal

agreement between the MPO and the transit operator ensuring coordination with, and participation by, the transit operator in all aspects of the metropolitan planning process including the preparation of required plans such as the Unified Planning Work Program (UPWP), Long Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP) as described below.

Due to the federal emphasis on public involvement in the planning process, grantees have specific requirements for public participation in the development of metropolitan transportation plans. They may however rely on the MPO public participation process in lieu of a separate process provided it meets the requirements related to Title VI, such as communication with a significant minority of non-English speaking individuals, and the requirement that public notice related to the development of the TIP and public involvement activities clearly establish the time-frame for review and comment. These are in addition to the general requirements of early and continuing public involvement opportunities, complete information, reasonable public access to key information and decisions, coordination with private transportation providers and adequate public comment periods.

Unified Planning Work Program (UPWP) - (49 U.S.C. § 5303,)23 CFR 450, 49 CFR 613, 23 GFR 500, 49 GFR 614)

The UPWP consists of transportation planning projects within a metropolitan area for which federal assistance is sought. Typically, a UPWP is focused on a single metropolitan area and is developed by the MPO within that area in coordination with the state and planning and operating agencies authorized to carry out transportation and related planning and implementation activities with the metropolitan area including highway, transit, port, and airport agencies.

The state submits a grant application to FTA which summarizes the proposed work programs for all modes of transportation to be undertaken within the state's metropolitan areas for the following 1-2 years, the amount of financial assistance needed to complete those planning work programs, the amount the state intends to allocate to each activity, the organization responsible for completing each proposed activity, and the source of federal assistance requested. It should also include projects that will be funded entirely by state and local sources. The UPWP should

also explicitly identify any incomplete work elements or activities financed with federal planning assistance awarded in previous fiscal years as carryover activities, irrespective of the source.

Long Range Transportation Plan (LRTP) - (49 U.S.C. § 5303 (i)(2)), 23 CFR 450, 49 CFR 613, 23 GFR 500, 49 GFR 614)

The MPO is required to prepare an LRTP detailing the 20 year vision for transportation in the metropolitan region. Effective July 1, 2007, these plans must be updated at least every four years in air quality non-attainment areas and at least every five years in attainment areas. Projects in the LRTP must be cost-feasible, meaning the region must have available funding sources to pay for the improvements. Because of the importance and magnitude of the plan, its development incorporates extensive technical analysis, cost feasibility studies, stakeholder input, policy debate, and public involvement.

Whereas the LRTP provides the general framework, the Prioritized Project List actually lists projects in ranked order. This ten year list is updated annually and determines the sequence in which projects will receive funding. Priorities are based on established criteria, including traffic volumes, available funding, and regional equity. The established priority order allows local governments to plan for the funding and implementation of projects in their respective jurisdictions.

Transportation Improvement Program (TIP) - (49 U.S.C. § 5303(j)(1)), 23 CFR 450, 49 CFR 613, 23 GFR 500, 49 GFR 614)

In cooperation with the state and affected mass transportation operators, the MPO must develop a TIP which includes a priority list of projects to be carried out for each year in the three year period after the program is adopted. Currently, the TIP must be updated at least every two years and approved by the MPO and the Governor. Under the provisions of SAFETEA-LU, effective July 1, 2007, the TIP requirements will be modified to require updates every four years and that the TIP must contain at least four years of projects.

The TIP must include a financial plan that demonstrates how the program can be carried out, resources from public and private sources that are reasonably expected to be available, and innovative financing techniques programs and strategies. The TIP may also include additional

projects that would be included in the approved TIP if additional resources beyond those identified in the financial plan were available.

Before approving the TIP, the MPO shall provide citizens, affected public agencies, representatives of transportation agency employees, private transportation providers, and other interested parties with reasonable notice and an opportunity to comment on the proposed program.

Statewide Transportation Improvement Program (STIP) - (49 U.S.C. § 5304), 23 CFR Part 450, 49 CFR Part 613)

With limited exceptions, all federal funds to be used for highway or transit projects must be included in a Statewide Transportation Improvement Program (STIP), 23 U.S.C. Section 135. The STIP must be approved by the FHWA and FTA before federal assistance may be awarded. The STIP is a multi-year plan that must address all transportation modes to further the development and integrated management of transportation services and facilities. The STIP consists of unmodified TIPs which have been approved by the MPOs and the Governor. For purposes of the STIP, the state may group its planned expenditures of Section 5311 and RTAP funds into broad statewide projects such as vehicle acquisition for rural and small urban transportation services, operating assistance, intercity bus projects, facility construction, state administration, and training and technical assistance, or show the 5311 apportionment as one aggregate project.

Currently, the STIP generally covers three program years. However, effective July 1, 2007, the STIP must be prepared every four years and contain four years of projects. TEA-21 includes a new requirement that, to the extent feasible, governmental agencies and nonprofit organizations that receive assistance from other federal agencies for non-emergency transportation services shall participate and coordinate with FTA recipients in the design and delivery of transportation services and be included in the planning for those services.

Chapter Five

State Funding Sources and Regulations

The FDOT has several financial assistance programs provided through legislative formula or discretionary authority. This chapter, which summarizes those programs, is organized into two sections: an overview of the transit grant programs and a summary of the significant FDOT regulations and administrative requirements that grantees must be in compliance with.

The mechanism for distributing FDOT funding to eligible recipients is the Joint Participation Agreement, which includes a statement from the provider of its intent to use the funds within the limits of the law, how funds will be divided between eligible capital and operating expenses and whether any funds will be used in a public transit service development project or transit corridor project.

TRANSIT GRANT PROGRAMS

Public Transit Block Grant Program - (Section 341.052, Florida Statutes, FDOT Procedure Topic Number 725-030-030)

The Public Transit Block Grant Program was enacted by the Florida Legislature to provide a stable source of funding for public transit. Funds are awarded by FDOT to those public transit providers eligible to receive funding from the FTA's Sections 5307 and 5311 programs and to CTCs. FDOT distributes 85 percent of the funds to FTA Section 5307 providers and to FTA Section 5311 providers who are not CTCs. The Florida Commission for the Transportation Disadvantaged distributes 15 percent of the funds to CTCs according to their own funding formula.

Public Transit Block Grant funds may be used for eligible capital and operating costs of providing public transit service. Program funds may also be used for transit service development and transit corridor projects. Public Transit Block Grant projects must be consistent with applicable approved local government comprehensive plans. State participation is limited to 50% of the non-federal share of capital projects. Program funds may be used to pay up to 50 percent of eligible operating costs, or an amount equal to the total revenue, excluding farebox,

charter, and advertising revenue, and federal funds received by the provider for operating costs, whichever amount is less.

Transit Corridor Program - (Chapter 341, Florida Statutes, FDOT Procedure Topic Number 725-030-003)

The Transit Corridor Program provides funding to CTCs or transit agencies to support new services within specific corridors when the services are designed and expected to help reduce or alleviate congestion or other mobility issues within the corridor. Transit Corridor funds are discretionary and are distributed based on documented need. Transit Corridor Program funds may be used for capital or operating expenses. Eligible projects must be identified in a Transit Development Plan, Congestion Management System Plan, or other formal study undertaken by a public agency.

The FDOT Central Office annually reviews all existing (i.e., currently approved and operating as of the annual review) Transit Corridor projects, and allocates, to the respective FDOT district office, sufficient funds to cover these ongoing projects. First priority for funding under this program is for existing projects to meet their adopted goals and objectives. Any remaining funds are allocated to each of the districts by formula, based on each district's percentage of the total state urbanized population. Projects are funded at one-half the non-federal share. Projects that have regional or statewide significance may receive funding at up to 100 percent. The classification of a project as either of regional or statewide significance is made by the FDOT Central Office.

Public Transit Service Development Program - (Chapter 341, Florida Statutes, FDOT Procedure Topic Number 725-030-005)

The Public Transit Service Development Program was enacted by the Florida Legislature to provide initial funding for special projects. The program is selectively applied to determine whether a new or innovative technique or measure can be used to improve or expand public transit services. Service Development Projects specifically include projects involving the use of new technologies, services, routes, or vehicle frequencies; the purchase of special transportation services, and other such techniques for increasing service to the riding public. Projects involving the application of new technologies or methods for improving operations, maintenance, and marketing in public transit systems are also eligible for Service Development

Program funding. Service Development Projects are subject to specified times of duration, but no more than three years. If determined to be successful, Service Development Projects must be continued by the public transit provider without additional Public Transit Service Development Program funds.

Each FDOT district office must develop a program of eligible Service Development projects and submit that program of projects to the FDOT Central Office by the first working day of July each year. Implementation of those projects can begin on or after July 1 of the following fiscal year. Projects submitted for funding must be justified in the recipient's TDP (or transportation disadvantaged plan, if applicable).

Commuter Assistance Program – (Chapter 341, Florida Statutes, FDOT Procedure Topic Number 725-030-008)

The Commuter Assistance Program was established to encourage public/private partnerships to provide brokerage services to employers and individuals for carpools, vanpools, buspools, express bus service, subscription transit service, group taxi services, heavy and light rail, and other systems designed to increase vehicle occupancy. The program encourages the use of transportation demand management strategies including employee trip reduction planning, Transportation Demand Management Association activities, alternative work hour programs, such as telecommuting and compressed work weeks, parking management; and bicycle and pedestrian programs.

Funding for the Commuter Assistance Program is allocated to each FDOT district based on a statewide assessment of Commuter Assistance Program needs. Allocation requests identified in the annual FDOT District Work Plan will be given first priority. The Department is authorized to fund up to 100 percent of the eligible costs of commuter assistance projects determined by the FDOT district to be regional in scope and application or of statewide significance and application.

Park and Ride Lot Program - (FDOT Procedure Topic Number 725-030-002)

The statewide Park and Ride Program was initiated in 1982 to provide organized, safe parking for personal vehicles of persons using transit, carpools, vanpools and other high occupancy modes. The program provides for the purchase and/or leasing of private land for the construction of park and ride lots, the promotion of these lots, and the monitoring of their usage. This program is an integral part of the commuter assistance program efforts to encourage the use of transit, carpools, vanpools and other high occupancy modes.

FDOT has established criteria for park and ride planning to assist in siting, sizing, and disposal of park and ride facilities. These criteria are contained in the “State Park and Ride Lot Planning Handbook”. Proposed plans and designs for park and ride lots should be reviewed and approved by the FDOT district office to ensure that FDOT park and ride lot guidelines have been met. Park and Ride facilities constructed by the FDOT, or funded in whole, or in part by FDOT, must be sited, sized, and promoted in such a way that there is a reasonable expectation of at least an average 60 percent occupancy.

Local agencies may request the use of Park and Ride Lot Program funds by filing a project proposal with the FDOT district office. The FDOT district office sends a project priority list to the FDOT Central Office. The FDOT Central Office determines which projects will be funded.

FDOT will fund up to one-half the non-federal share of Park and Ride Lot capital projects. If a local project is in the best interest of FDOT, then the local share may be provided in cash, donated land value, or in-kind services. If federal funds are involved, federal match guidelines shall be used.

New Starts Transit Program (NSTP) - (FDOT SAFETEA: LU Analysis 8/23/05, 2005 Senate Bill 360)

The New Starts Transit Program was established by the 2005 Florida Legislature to assist local governments in developing and constructing fixed guideway and bus rapid transit projects, to accommodate and manage urban growth and development. A secondary purpose of the program is to leverage State of Florida funds to generate local transportation revenues and secure FTA New Starts Program funding for Florida projects.

Eligible projects include those capital projects that support the Strategic Intermodal System (SIS) and represent a good investment of state dollars. NSTP projects may be used to support final design, right-of-way acquisition, and construction projects. The NSTP will follow the selection guidelines of the Federal Section 5309 New Starts Program. Proposed projects should have political support, be included in local plans, and have a dedicated funding commitment. In order to receive funding, a project must have either a Record of Decision (ROD) from the Federal Transit Administration, or a Finding of No Significant Impact (FONSI).

Funds may be transferred from the FDOT Central Office Incentive Account to any FDOT district office and are programmed on a “dollar for dollar” basis with dedicated local funding, once a locally preferred alternative is selected. Once a project receives a “recommended” rating on its New Starts Application from the FTA, a FDOT Joint Participation Agreement (JPA) with the local agency can be executed. In the absence of, or in advance of federal participation, the FDOT district office may program funds concurrent with the commitment and programming of local funds.

The State’s participation of transit capital projects may not exceed 50 percent of the nonfederal share of a project. For individual fixed guideway projects not approved for federal funding, the maximum state share is 12.5 percent of the costs of final design, right-of-way acquisition, and construction. Other State funds, such as Transportation Regional Incentive Program funds or Intermodal Program funds, cannot be used as match for NSTP funds.

Intermodal Development Program - (Section 341.053, Florida Statutes)

The Intermodal Development Program was developed to provide funding for major capital investments in fixed-guideway transportation systems, access to seaports, airports and other transportation terminals, and to provide for the construction of intermodal or multimodal terminals. FDOT is authorized to fund projects within the Intermodal Development Program that are consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the project is located. Eligible recipients include cities, counties, transit agencies, ports, airports, seaports, rail authorities, other units of local government and may include non-profit agencies that are recognized by state agencies as intermodal service providers. Eligible projects include major capital investments in public rail

and fixed-guideway transportation facilities and systems which provide intermodal access; road, rail, intercity bus service, or fixed-guideway access to, from, or between seaports, airports, and other transportation terminals; construction of intermodal or multimodal terminals; development and construction of dedicated bus lanes; and projects which otherwise facilitate the intermodal or multimodal movement of people and goods.

Transportation Regional Incentive Program (www.dot.state.fl.us/planning/TRIP)

The Transportation Regional Incentive Program (TRIP) was created by the 2005 Legislature to improve regionally significant transportation facilities in "regional transportation areas." State funds are available throughout Florida to provide incentives for local governments and the private sector to help pay for critically needed projects that benefit regional travel and commerce. FDOT will pay for 50 percent of project costs, or up to 50 percent of the nonfederal share of project costs for public transportation facility projects. This program can be used to leverage investments in regionally significant transportation facilities, and must be linked to growth management objectives.

The TRIP Program is designed to provide an opportunity for regional partners to designate facilities that they deem to be regionally-significant and to set priorities for them that will be used by the Department in the programming process. Eligible TRIP projects must be identified in appropriate local government capital improvements program(s) or long-term concurrency management system(s) that are in compliance with state comprehensive plan requirements. In addition, projects must be consistent with the Strategic Intermodal System and support facilities that serve national, statewide, or regional functions and function as an integrated transportation system.

The FDOT district offices will provide district priorities for TRIP funds to the FDOT Central Office. Based on the guidance developed by FDOT Central Office, the District will program the projects within the development of the work program cycle time frame (September/October).

TRIP program projects are also eligible for revolving loans and/or credit enhancements from the State Infrastructure Bank (SIB) program. The state funded SIB is capitalized by state money and bond proceeds only. If project funding is awarded through the SIB, the funding must be matched by a minimum of 25 percent from funds other than the SIB. SIB loans can be made to

a FDOT district office or the Turnpike Enterprise, or they can be between the Department and an entity external to the Department (e.g., County, City, or Expressway Authority).

County Incentive Grant Program (CIGP) - (Chapter 339.2817 Florida Statutes)

The purpose of the program is to provide grants to counties to improve a transportation facility (including transit) which is located on the State Highway System or which relieves traffic congestion on the State Highway System (SHS). Municipalities are eligible to apply also and can do so by submitting their application through the county. CIGP funds are distributed to each FDOT district office by statutory formula. FDOT will cover 50 percent of eligible project costs.

Eligible projects include those that improve the mobility on the SHS; encourage, enhance, or create economic benefits; foster innovative public-private partnerships; maintain or protect the environment; enhance intermodalism and safety; and those that advance other projects. New technologies, including intelligent transportation systems, which enhance the efficiency of a project, are also eligible.

CIGP is managed within the FDOT district. Each year, each district notifies the counties within its boundaries of the availability of CIGP funds and asks that applications be submitted by a certain deadline. The District ranks the projects according to the selection criteria and selects projects as funds are made available. Selected projects are added to the Department's Adopted Work Program. Subsequent to selection of a project, a Joint Participation Agreement is signed between the Department and the county and/or municipality.

FDOT REGULATIONS AND ADMINISTRATION

Transit Development Plan - (Section 341.052 Florida Statutes, Chapter 14-73.001)

To receive State Public Block Grant funding, applicants are required to develop and adopt a Transit Development Plan (TDP). Plans are to be submitted or be on file at the appropriate District Office by July 1 of each year. The TDP is the applicant's five year planning,

development and operational guidance document. Annual updates and revisions to the five year plan are required, with major updates completed every third year.

At a minimum, the TDP shall:

- identify and list community goals and objectives with respect to transportation and land use in general and specifically to transit;
- identify and quantify the community's need for transit service using demographic, socio-economic, land use, transportation, transit data and input received from the general public through committees and workshops;
- include an analysis of the services currently provided within the community by public and private transit providers and identification of alternative methods for addressing deficiencies (and the costs and benefits of each);
- present a five year program for implementing service alternatives including maps indicating areas served and service provided, a monitoring program to track performance measures, a five year financial plan and a list of projects or services for which funding has not been identified; and
- maintain consistency with approved local government comprehensive plans and long range transportation plans.

Transit Performance Reporting - (Section 341.041(3) Florida Statutes, Section 341.071 Florida Statutes)

Another requirement for receipt of State Block Grant funds is the establishment of annual productivity and performance measures approved by FDOT. In approving these measures, FDOT shall give consideration to the goals and objectives of each system and the needs and role for public transit in the local area.

Each public transit provider must publish the productivity and performance measures established for the year in a report format providing quantitative data relative to the attainment of established productivity and performance measures. The information must be published in a newspaper of general circulation within the local area.

Bus Transit System Safety Program - (Section 341.061 Florida Statutes, Rule Chapter 14-90 F.A.C.)

FDOT requires that all governmentally-owned bus transit systems, privately-owned or operated bus transit systems operating in the state that are financed in whole or part by State funds, and those privately-owned or operated under contract comply with minimum equipment and operational safety standards established by FDOT.

Each agency or organization must develop a System Safety Program Plan (SSPP) which documents an organized approach and guide to accomplishing a system safety program. Similar to the system safety requirements of FTA, FDOT requires that bus systems keep thorough documentation of items including but not limited to: bus safety inspections, drivers' licenses, training programs, pre-employment medical examinations, bus maintenance and accident records, daily inspection procedures and Drug-Free Workplace compliance.

Bus systems must provide annual safety certifications to the District Office no later than February 15 of each year that attest to compliance with the SSPP and the performance of safety inspections on all buses. If during the system safety review conducted every three years or at any time the Department believes the system is non-compliant with the adopted SSPP, the continued operation of the system is found not safe for passenger service or poses a substantial danger to the public it must notify the system. If satisfactory corrective action is not implemented by the system, the Office of the General Counsel will initiate legal action to cease operation until such time identified non-compliance items or safety deficiencies have been corrected.

References

Federal Transit Administration website,
<http://www.fta.dot.gov>

Florida Department of Transportation Transit Office website,
<http://www.dot.state.fl.us/transit>

Florida Commission for the Transportation Disadvantaged website,
<http://www.dot.state.fl.us/ctd>

Florida Metropolitan Planning Organization Advisory Council website,
<http://www.mpoac.org>

METROPLAN ORLANDO website,
<http://www.metroplanorlando.com/home>

First Coast Metropolitan Planning Organization website,
<http://www.firstcoastmpo.com>

TCRP Web Document 21 (Project H-24): Contractor's Final Report; Public Transit System Policy Boards: Organization and Characteristics; Transportation Research Board; May 2002

Keith C. Simmonds, Edward Bierhanzi, Michael Campbell and Gilbert Queeley; "An Examination of the Relationship Between Organizational Structure and Transit Performance"; NCTR Report BC 137-27; Florida A & M University; May 2003.

Appendices

Appendix A:

Florida DOT Contact Information

Appendix B:

Federal Transit Administration Contact Information

Appendix C:

Other Public Transportation Resources

Appendix D:

Transit Acronyms

Appendix A
Florida DOT Contact Information

Florida Department of Transportation Contact Information

Central Office

605 Suwannee Street
Tallahassee, Florida 32399-0450
(850) 414-4100

District 1

801 N. Broadway Street
Bartow, Florida 33830-3809
(863) 519-2300

SOUTHWEST FLORIDA

Major cities: Arcadia, Bartow, Bradenton, Fort Myers, Lakeland, Naples, North Port, Sarasota, Sebring, and Venice.

Counties: Charlotte, Collier, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Polk, and Sarasota.

District 2

1109 South Marion Avenue
Lake City, Florida 32025-5874
(386) 758-3700

NORTHEAST FLORIDA

Major cities: Gainesville, Jacksonville, Lake City, Palatka, Perry, Saint Augustine, and Starke.

Counties: Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union.

District 3

Highway 90 East
Chipley, Florida 32428-0607
(850) 638-0250

NORTHWEST FLORIDA

Major cities: Apalachicola, Chipley, Crestview, Fort Walton Beach, Marianna, Panama City, Pensacola, Quincy, and Tallahassee.

Counties: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington.

District 4

3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309
(954) 486-1400

SOUTHEAST FLORIDA

Major cities: Belle Glade, Boca Raton, Fort Lauderdale, Fort Pierce, Hollywood, Pompano Beach, Stuart, Vero Beach, and West Palm Beach.

Counties: Broward, Indian River, Martin, Palm Beach, and St. Lucie.

District 5

719 South Woodland Boulevard
DeLand, Florida 32720
(386) 943-5000

CENTRAL FLORIDA

Major cities: Daytona Beach, DeLand, Melbourne, Merritt Island, Ocala, Orlando, and Titusville.

Counties: Brevard, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter, and Volusia.

District 6

1000 N.W. 111 Avenue
Miami, Florida 33172
(305) 470-5197

SOUTH FLORIDA

Major cities: Coral Gables, Hialeah, Key West, and Miami.

Counties: Miami-Dade and Monroe.

District 7

11201 N. Malcolm McKinley Drive
Tampa, Florida 33612-6403
(813) 975-6000

WEST CENTRAL FLORIDA

Major cities: Brooksville, Clearwater, Dunedin, Largo, New Port Richey, St. Petersburg, and Tampa.

Counties: Citrus, Hernando, Hillsborough, Pasco, and Pinellas.

Appendix B
Federal Transit Administration Contact Information

Federal Transit Administration Contact Information

FTA's Regional and metropolitan offices are responsible for implementation of grants and the provision of financial assistance to FTA customers, other than specific programs that are the responsibility of headquarters. Inquiries should be directed to either the Regional or metropolitan office responsible for the geographic area in which you are located.

Visit the FTA Homepage: <http://www.fta.dot.gov>

HEADQUARTERS

Federal Transit Administration
400 7th Street, SW
Washington, DC 20590
Office of Communications and Congressional Affairs (202) 366-4043
Fax: (202) 366-3472

REGION 1

Transportation Systems Center
Kendall Square
55 Broadway, Suite 920
Cambridge, MA 02142-1093
Telephone: (617) 494-2055
Fax: (617) 494-2865

Areas served: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut

REGION 2

One Bowling Green
Room 429
New York, NY 10004-1415
Telephone: (212) 668-2170
Fax: (212) 668-2136

Areas served: New York, New Jersey, and U.S. Virgin Islands

REGION 3

1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
Telephone: (215) 656-7100
Fax: (215) 656-7260

Areas served: Pennsylvania, Virginia, West Virginia, Delaware, Maryland, and District of Columbia

REGION 4

Atlanta Federal Center
Suite 17T50
61 Forsyth Street, SW
Atlanta, GA 30303
Telephone: (404) 562-3500
Fax: (404) 562-3505

Areas served: North Carolina, Kentucky, Tennessee, South Carolina, Alabama, Georgia, Florida, Mississippi, and Puerto Rico

REGION 5

200 West Adams Street
Suite 2410

Chicago, IL 60606

Telephone: (312) 353-2789

Fax: (312) 886-0351

Areas served: Illinois, Ohio, Minnesota, Wisconsin, Indiana, and Michigan

REGION 6

819 Taylor Street

Room 8A36

Fort Worth, TX 76102

Telephone: (817) 978-0550

Fax: (817) 978-0575

Areas served: Texas, Oklahoma, Arkansas, Louisiana, and New Mexico

REGION 7

901 Locust Street

Suite 404

Kansas City, MO 64106

Telephone: (816) 329-3920

Fax: (816) 329-3921

Areas served: Iowa, Kansas, Nebraska, and Missouri

REGION 8

12300 West Dakota Ave., Suite 310

Lakewood, CO 80228-2583

Telephone: (720) 963-3300

Fax: (720) 963-3333

Areas served: Colorado, Utah, Montana, Wyoming, South Dakota, and North Dakota

REGION 9

201 Mission Street, Room 2210

San Francisco, CA 94105-1926

Telephone: (415) 744-3133

Fax: (415) 744-2726

Areas served: California, Arizona, Nevada, Hawaii, Guam, American Samoa, and the Northern Mariana Islands

REGION 10

Jackson Federal Building

915 Second Avenue, Suite 3142

Seattle, WA 98174-1002

Telephone: (206) 220-7954

Fax: (206) 220-7959

Areas served: Washington, Oregon, Idaho, and Alaska

Metropolitan Offices/Lower Manhattan Recovery Office

New York Metropolitan Office

One Bowling Green, Room 428

New York, NY 10004-1415

Telephone: (212) 668-2201

Fax: (212) 668-2136

Area served: New York Metropolitan Area

Lower Manhattan Recovery Office

One Bowling Green, Room 436

New York, NY 10004-1415

Telephone: (212) 668-1770

Fax: (212) 668-2505

Area served: Lower Manhattan Recovery Area

Philadelphia Metropolitan Office

1760 Market Street, Suite 510

Philadelphia, PA 19103-4124

Telephone: (215) 656-7070

Fax: (215) 656-7269

Area served: Philadelphia Metropolitan Area

Chicago Metropolitan Office

200 West Adams Street

Suite 2410 (24th floor)

Chicago, IL 60606

Telephone: (312) 886-1616

Fax: (312) 886-0351

Area served: Chicago Metropolitan Area

Los Angeles Metropolitan Office

888 S. Figueroa, Suite 1850

Los Angeles, CA 90012

Telephone: (213) 202-3950

Fax: (213) 202-3961

Area served: Los Angeles Metropolitan Area

Washington, D.C. Metropolitan Office

1990 K Street, NW

Suite 510

Washington, DC 20006

Telephone: (202) 219-3562/219-3565

Fax: (202) 219-3545

Area served: Washington, D.C. Metropolitan Area

Appendix C
Other Public Transportation Resources

Other Public Transportation Resources

There a wide variety of public transportation related organizations that maintain web sites that include a vast amount of information, as well as provide links to numerous other agencies and institutions.

Listed below are some of the key web sites from which to initiate your inquires:

Federal Transit Administration (FTA)

<http://www.fta.dot.gov>

Transportation Research Board (TRB)

<http://www.trb.org/>

Transit Cooperative Research Program (TCRP)

<http://www.tcrponline.org/index.cgi>

American Public Transportation Association (APTA)

<http://www.apta.com/>

Community Transportation Association of America (CTTA)

<http://www.ctaa.org/>

Florida Department of Transportation (FDOT) Transit Office

<http://www.dot.state.fl.us/transit>

Florida Commission for the Transportation Disadvantaged (FCTD)

<http://www.dot.state.fl.us/ctd>

Florida Metropolitan Planning Organization Advisory Council (FMPOAC)

<http://www.mpoac.org>

Center for Urban Transportation Research (CUTR), University of South Florida

<http://www.cutr.usf.edu>

Appendix D
Transit Acronyms

Transit Acronyms

ADA	Americans with Disabilities Act of 1990
AVL	Automatic Vehicle Locator
BCC	Board of County Commissioners
CAP	Commuter Assistance Program
CBD	Central Business District
CEO	Chief Executive Officer
CDL	Commercial Drivers License
CIPG	County Incentive Grant Program
CMAQ	Congestion Mitigation and Air Quality Improvement Program
CMS	Congestion Management System
CTC	Community Transportation Coordinator
CTD	Commission for the Transportation Disadvantaged
CTDP	Coordinated Transportation Development Plan
CUTR	Center for Urban Transportation Research
DBE	Disadvantaged Business Enterprise
DOPA	Designated Official Planning Agency
DOT	Department of Transportation
ECHO	Electronic Clearinghouse
EEO	Equal Employment Opportunity
FCTD	Florida Commission for Transportation Disadvantaged
FDOT	Florida Department of Transportation
FHWA	Federal Highway Administration

FS	Florida Statutes
FTA	Federal Transit Administration
FTDC	Florida Transportation Disadvantaged Commission
HOV	High Occupancy Vehicle
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
ITS	Intelligent Transportation System
JARC	Job Access and Reverse Commute Program
JPA	Joint Participation Agreement
LCB	Local Coordinating Board
LRTP	Long Range Transportation Plan
MOA	Memorandum of Agreement
MPO	Metropolitan Planning Organization
MPOAC	Metropolitan Planning Organization Advisory Council
NCTR	National Center for Transit Research
NHS	National Highway System
NSTP	New Starts Transit Program
NTD	National Transit Database
OMB	Office of Management and Budget
RFP	Request for Proposal
RPC	Regional Planning Council
RTAP	Rural Transit Assistance Program
SAFETEA-LU	Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users
SAP	Substance Abuse Program

SHS	State Highway System
SIB	State Infrastructure Bank
SSPP	System Safety Program Plan
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TD	Transportation Disadvantaged Program
TDC	Transportation Disadvantaged Commission
TDP	Transit Development Plan
TDSP	Transportation Disadvantaged Service Plan
TEA-21	Transportation Equity Act for the 21 st Century
TIP	Transportation Improvement Program
UPWP	Unified Planning Work
USDOT	United States Department of Transportation
USF	University of South Florida
UZA	Urbanized Area