



# State of Louisiana Department of Transportation and Development

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## PUBLIC TRANSPORTATION SECTION STATE MANAGEMENT PLAN *FTA SECTIONS 5310, 5311, 5316, AND 5339 GRANT PROGRAMS*

June 2022



## Louisiana State Management Plan for:

49 USC § 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program

49 USC § 5311 Rural Area Formula Program

49 USC § 5339 Bus and Bus Facilities Program

49 USC § 5316 Job Access Reverse Commute Program,  
*Repealed as of October 1, 2012*

### Version History of the SMP

Version	Date	Description
Version 1.0	June 2022	Combine 5310 and 5311 and 5339, following SMR 2022.

### FTA circulars covered in the SMP

Circular Number	Program Name	Date of Release
FTA C 9070.1G	5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program	June 06, 2014
FTA C 9040.1G	5311 Formula Grants for Rural Areas Program	October 24, 2014
FTA C 9050.1	5316 Job Access and Reverse Commute	May 1, 2007
FTA C 5100.1	5339 Bus and Bus Facilities Program	May 18, 2015

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## DEFINITIONS

The following definitions are adopted for this State Management Plan, and are copied directly from the FTA circulars.

Applicant: An entity that is seeking, but has not yet been awarded, specific federal financial assistance directly from FTA.

Capital Asset: Facilities or equipment with a useful life of at least one year.

Capital Lease: Any transaction whereby the recipient acquires the right to use a capital asset without obtaining full ownership regardless of the tax status of the transaction.

Capital Project: A category of reimbursable project expenses that includes all activities identified in 49 U.S.C. 5302(3).

Consultation: One party confers with another identified party in accordance with an established process and, before taking action(s), considers that party’s views and periodically informs that party about action(s) taken.

Coordinated Public Transit-Human Service Transportation Plan (Coordinated Plan): Refers to a locally developed, coordinated transportation plan that identifies the transportation needs of individuals with disabilities, seniors and people with low incomes, provides strategies for meeting those needs, and prioritizes transportation services for funding and implementation.

Designated Recipient: An entity designated, in accordance with the planning process under sections 5303 and 5304 of title 49, United States Code, by the governor of a state, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under 49 U.S.C. 5336 to urbanized areas of 200,000 or more in population; or a state or regional authority, if the authority is responsible under the laws of a state for a capital project and for financing and directly providing public transportation.

Direct Recipient: An entity that receives funding directly from FTA. For purposes of this document, a direct recipient is a state or a designated recipient.

Disability: The term disability has the same meaning as in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102). The term “disability” means, with respect to an individual—

- ▶ A physical or mental impairment that substantially limits one or more major life activities of such individual;
- ▶ A record of such an impairment; or
- ▶ Being regarded as having such an impairment.

Electronic Clearing House Operation (ECHO) System: ECHO is a FTA Web-based application system that processes drawdown payment requests from FTA recipients.

Electronic Award Management System: A system that recipients and FTA use to manage grant applications, including the review, approval, and management of all grants. This system is used by recipients to submit financial status reports and milestone progress reports and to submit grant modification requests; this term includes FTA's Transportation Electronic Award Management (TEAM) system and its successor.

Equipment: An article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost that equals or exceeds the lesser of the capitalization level established by the governmental unit for financial statement purposes, or \$5,000. Equipment includes rolling stock and all other such property used in the provision of public transit service.

Federally Recognized Indian Tribal Government: The governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any native village as defined in Section 3 of the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]) certified by the secretary of the Interior as eligible for the special programs and service provided through the Bureau of Indian Affairs.

Force Account: The use of a recipient's own labor force to accomplish a capital project.

Grant: An award of financial assistance, including a Cooperative Agreement, in the form of money, or property in lieu of money, by the federal government to an eligible recipient or recipient. Used interchangeably with "grant agreement."

Grant Application: A complete application for an award of financial assistance, including cooperative agreements, in the form of money, or property in lieu of money, by the federal government to an eligible recipient.

Intercity Bus Service: Regularly scheduled bus service for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, that has the capacity for transporting baggage carried by passengers, and that makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.

Human Service Transportation: Transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, seniors, and people with low incomes.

Job Access and Reverse Commute (JARC) Project: A transportation project to finance planning, capital, and operating costs that support the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including transportation projects that facilitate the provision of public transportation services from urbanized areas and rural areas to suburban employment locations.

Large Urbanized Area: An urbanized area (UZA) with a population of 200,000 or more individuals, as determined by the Bureau of the Census.

Local Governmental Authority: A political subdivision of a state; an authority of at least one state or political subdivision of a state; an Indian tribe; and a public corporation, board, or commission established under the laws of a state.

Low-Income Individual: An individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Service Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

Master Agreement: The FTA official document containing FTA and other cross-cutting federal requirements applicable to the FTA recipient and its project(s). The Master Agreement is incorporated by reference and made part of each FTA grant, Cooperative Agreement, and amendment thereto.

Metropolitan Planning Organization (MPO): The policy board of an organization designated in cooperation with the state and public transportation operators to carry out the metropolitan planning process, including development of long-range transportation plans and transportation improvement programs for metropolitan planning areas of a state.

Mobility Management: Consists of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a government entity, under 49 U.S.C. Chapter 53 (other than Section 5339). Mobility management does not include operating public transportation services.

National Transit Database (NTD): The NTD is FTA's primary source for information and statistics collected from transit systems that receive FTA formula funding under the Urbanized Area Formula Program (Sec. 5307) or Rural Area Formula Program (Sec. 5311). Public transportation systems receiving funds from these programs are required by statute to report to the NTD.

Net Project Cost: The part of a project that reasonably cannot be financed from operating revenues (i.e., farebox recovery).

New Bus Model: A bus model (including a model using alternative fuel) that has not been used in public transportation in the United States before the date of production of the model; or has been used in public transportation in the United States, but is being produced with a major change in configuration or components.

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

Operating Expenses: Those costs necessary to operate, maintain, and manage a public transportation system. Operating expenses usually include such costs as driver salaries, fuel, and items having a useful life of less than one year.

Preventive Maintenance: Maintenance costs related to vehicles and non-vehicles. Specifically, it is defined as all the activities, supplies, materials, labor, services, and associated costs required to preserve or extend the functionality and serviceability of the asset in a cost effective manner, up to and including the current state of the art for maintaining such an asset.

Pre-award Authority: The authority given under specific and limited circumstances to incur costs for eligible projects before a grant is made without prejudice to possible federal participation in the cost of the projects(s). Applicants must comply with all federal requirements. Failure to do so will render a project or costs ineligible for FTA financial assistance.

Program of Projects (POP): A list of projects to be funded in a grant application submitted to FTA by a state. The program of projects lists the subrecipients and indicates whether they are private nonprofit agencies, public bodies, or private providers of transportation service; designates the areas served (including congressional districts); and identifies any tribal entities. The program of projects also identifies intercity bus and RTAP projects. In addition, the program of projects includes a brief description of the projects, total project cost and federal share for each project, and the amount of funds used for program administration from the 10 percent allowed.

Public Transportation: The term “public transportation” means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age (the elderly), disability, or low income; and does not include: intercity passenger rail transportation provided by the entity described in Chapter 243 (Amtrak) (or a successor to such entity); intercity bus service; charter bus service; school bus service; sightseeing service; courtesy shuttle service for patrons of one or more specific establishments; or intra-terminal or intra-facility shuttle services.

Recipient: An entity that receives a grant of formula program funds directly from FTA.

Regional Transportation Planning Organization (RTPO): Designated organization to enhance the planning, coordination, and implementation of statewide strategic long-range transportation plans and transportation improvement programs, with emphasis on addressing the needs of nonmetropolitan areas of the state.

Rural Area: An area encompassing a population of less than fifty thousand people that has not been designated in the most recent decennial census as an “urbanized area” by the secretary of Commerce.

Senior: An individual who is sixty-five years of age or older.

Shared Use: Those instances in which a project partner, separate from the transit agency or recipient, occupies part of a larger facility and pays for its pro rata share of the construction, maintenance, and operation costs. Shared uses are determined at the time of grant award.

Small Urbanized Areas: As used in the context of FTA formula grant programs, small urbanized areas are urbanized areas with a population of at least 50,000 but less than 200,000.

Statewide Transportation Improvement Program (STIP): A statewide prioritized listing/program of federally funded transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans (MTPs), and transportation improvement program (TIP), and required for projects to be eligible for funding under Title 23 of the U.S. Code and 49 U.S.C. Chapter 53.

Subrecipient: A state or local governmental authority, a nonprofit organization, or operator of public transportation or intercity bus service that receives federal transit program grant funds indirectly through a recipient.

Traditional Section 5310 Projects: Those public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.

Transportation Improvement Program (TIP): A prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the MTP, and required for projects to be eligible for funding under Title 23 of the U.S. Code and 49 U.S.C. Chapter 53.

Transit: The term “transit” means public transportation.

Transit-oriented development (TOD): Compact, mixed-use development near transit facilities and high-quality walking environments. TOD leverages transit infrastructure and can promote ridership, local economic development, affordable housing, and private sector investment

Urbanized Area (UZA): An area encompassing a population of not less than fifty thousand people that has been defined and designated in the most recent decennial census as an urbanized area by the secretary of Commerce.

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Welfare Recipient: An individual who has received assistance under a state or tribal program funded under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.) at any time during the three-year period before the date on which the applicant applies for a grant under Section 5307 or 5311.

## CHAPTER 1 INTRODUCTION

### 1.1 PURPOSE OF STATE MANAGEMENT PLAN

This document is the Louisiana State Management Plan (SMP) for all federally funded public transportation programs for which the Louisiana Department of Transportation and Development (DOTD) Public Transportation Section (PTS) has been designated as the administrative agency by the governor of the State of Louisiana. This SMP describes the state's policies and procedures for administering the FTA grant programs listed below:

- ▶ Section 5310 Elderly Individuals and Individuals with Disabilities Program
- ▶ Section 5311 Formula Grants for Rural Areas Program
- ▶ Section 5316 Job Access Reverse Commute Program - *Repealed as of October 1, 2012\**
- ▶ Section 5339 Bus and Bus Facilities Program

*\*Please note, FTA's authorizing legislation, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) repealed the Section 5316. Until all funds allocated for this program are expended, it is included in this SMP.*

This SMP describes the Louisiana DOTD's policies and procedures for administering the state-managed portions of FTA's Section 5310, Section 5311, Section 5316, and Section 5339 programs in accordance with the 2015 authorizing legislation, Fixing America's Surface Transportation (FAST) Act. Additionally, the SMP describes administration and close-out of the legacy Section 5316 program in accordance with the previous authorizing legislations' requirements.

In accordance with federal requirements, this SMP has been developed within the context of the statewide planning process and the statewide transportation improvement program (STIP). This SMP has been placed on the DOTD website and emailed to stakeholders for review and comment. Hard copies are provided upon request.

This SMP includes program objectives, policies, procedures, and administrative requirements, in a form that is designed to be easily accessible to potential subrecipients, recipient staff, FTA, and the public.

For the purposes of this SMP, the State of Louisiana is the **recipient** of the funds for the programs listed, and those entities that receive grant funds from the State of Louisiana through these programs are termed **subrecipients**.

The Public Transportation Section (PTS) of DOTD was delegated administrative and management responsibilities for the above grant programs by the Louisiana governor. Additionally, DOTD's various entities (e.g. Financial Services, Audit and Evaluation, Legal, Safety, Grants Management, Project Control, Equipment, Purchasing, Public Affairs, and Consultant Contract Services) are actively involved in accomplishing the administrative responsibilities connected with these programs.

*For the purposes of this SMP, the State of Louisiana is the **recipient** of the funds for the programs listed, and those entities that receive grant funds from the State of Louisiana through these programs are termed **subrecipients**.*

The purpose of the SMP is to describe the philosophies and policies that define how the federally funded transit programs listed above are managed by the State; including the processes used to establish long term goals, long range planning, performance metrics, and consultation with elected officials. At a minimum, the document will be made available and readily accessible to designated subrecipients, staff, FTA, potential subrecipients and the

general public. Any changes or modifications to this SMP will be forwarded to FTA and posted on the DOTD Public Transportation Section website.

## 1.2 INFORMATION CONTAINED IN STATE MANAGEMENT PLAN

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The State Management Plan includes overall state management policies and practices, a description of each program covered by the SMP, and a list of general federal requirements for all programs. Within the SMP, the following content can be found for each program.

1. Program Goals and Objectives
2. Roles and Responsibilities
3. Coordination at the State and Local Level
4. Eligible Subrecipients
5. Eligible Service and Service Areas
6. Eligible Assistance Categories
7. Local Share and Local Funding Requirements
8. Project Selection Criteria and Method of Distributing Funds
9. Intercity Bus Transportation
10. Annual Program of Projects Development and Approval Process
11. State Administration, Planning, and Technical Assistance
12. Transfer of Funds Policy
13. State Rural Transportation Assistance Program (RTAP)
14. Private Sector Participation Requirements
15. Civil Rights Requirements
16. Maintenance
17. Charter Rule
18. Section 504 and ADA Reporting Requirements
19. National Transit Database (NTD) Reporting
20. Program Measures
21. Program Management
22. Other Provisions

This document is organized such that state management policies and practices that are applicable to all programs covered in the SMP are outlined in Chapters 2 through 6 while program-specific information is provided in Chapters 7 to 9.

## 1.3 REVISIONS TO STATE MANAGEMENT PLAN

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This SMP will be filed with FTA, and, once approved by FTA, will remain in effect until FTA approves a later plan submitted to FTA by the State, or a FTA management review results in a request by FTA for a SMP revision, or FTA announces significant new program requirements. When the State proposes significant revisions to the SMP, the State will publish proposed revisions on its website, provide written notice to all current subrecipients, and give an opportunity to comment to potential subrecipients, potential subrecipients of assistance, potential service providers, other state agencies and representatives of other funding sources, any relevant state associations and professional organizations, and the general public. For minor changes and technical corrections, the State will publish notice of the changes on its website and provide the changes to FTA, without a requirement for public comment.

## 1.4 AUTHORIZING LEGISLATION – IIJA ACT

The Bipartisan Infrastructure Law, was signed by President Biden on November 15, 2021, as enacted in the Infrastructure Investment and Jobs Act (IIJA). The legislation reauthorizes surface transportation programs for Fiscal Year (FY) 2022 through FY 2026. Prior authorization legislation includes:

- In December 2015, President Barack Obama signed the Fixing America’s Surface Transportation (FAST) Act, transportation authorization bill into law with an effective date of October 1, 2015, which authorized funding for surface transportation programs through fiscal year 2020, including those covered by this SMP. Most of the federal transit provisions of FAST Act are codified in chapter 53 of title 49, United States Code.
- In July 2012, President Obama signed Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act, which reauthorized surface transportation programs from FY 2012 through FY 2014

## 1.5 PUBLIC TRANSPORTATION SECTION MISSION

*The mission of the Public Transportation program is to improve public transit in all areas of the State so that Louisiana's citizens may enjoy an adequate level of personal mobility regardless of geographical location, physical limitation or economic status.*

This SMP outlines the processes utilized by the DOTD PTS to manage public transportation programs and limited available public transportation funds made available by federal transportation law, while adhering to the PTS mission.

## CHAPTER 2 GENERAL PROGRAM ROLES AND RESPONSIBILITIES

Federal and state governments each bear responsibility for managing and administering transportation programs authorized by FAST Act. The following sections outline the roles and responsibilities related to the management of public transportation programs.

### 2.1 FEDERAL TRANSIT ADMINISTRATION

The Federal Transit Administration (FTA) Washington D.C. headquarters is responsible for providing program policy guidance, allocating annual funds to states and designated recipients, developing and implementing financial management, providing program support, and conducting national program reviews and evaluations.

FTA regional offices are responsible for the everyday tasks of administering transportation programs.

According to FTA program guidance, these tasks include the following activities:

- ▶ Reviewing and approving grant applications for designated and direct recipients;
- ▶ Obligating funds for approved grant applications;
- ▶ Assisting recipients with implementing transportation annual programs;
- ▶ Providing technical assistance;
- ▶ Receiving recipient certifications and amendments to the program of projects;
- ▶ Monitoring and closing fully expended grants; and
- ▶ Conducting triennial and state management reviews of designated recipients every three years, or as circumstances warrant, and other reviews as necessary.

### 2.2 LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, PUBLIC TRANSPORTATION SECTION

The Louisiana Department of Transportation has been as the designated by the Governor as the state agency authorized to receive and administer FTA Sections 5303, 5304, 5310, 5311, 5316, and 5339 programs. The Public Transportation Section is responsible for the administration and management of those same programs for the State of Louisiana. PTS is responsible for ensuring that:

- ▶ Projects funded by federal program dollars comply with program goals;
- ▶ Public transportation program funds are spent in accordance with program requirements; and
- ▶ Subrecipients comply with federal guidelines and regulations.

PTS is also responsible for the following management activities:

- ▶ Notifying eligible entities of program funding availability;
- ▶ Determining applicant and project eligibility;
- ▶ Developing project selection criteria consistent with the statewide planning process;
- ▶ Reviewing and selecting projects for funding;

- ▶ Documenting the state procedures for managing the programs in a state management plan (SMP)
- ▶ Planning for future transportation needs to ensure integration and coordination among both transportation modes and transportation providers;
- ▶ Soliciting grant applications from potential subrecipients;
- ▶ Forwarding program of projects (POP) and grant applications to FTA;
- ▶ Ensuring that grant funds are certified and distributed fairly and equitably to subrecipients;
- ▶ Ensuring projects are certified as having been derived from a locally developed coordinated public transit – human services transportation plan;
- ▶ Monitoring local project activities;
- ▶ Ensuring that services funded are coordinated with transportation services assisted by other federal departments and agencies; and
- ▶ Ensuring projects are audited and closed out.

Funding is provided to accomplish several objectives in the state. The most important objective is maximizing the use of the limited Federal funds allocated to state. Additional objectives include:

- ▶ Ensuring funds are available for projects in non-urbanized areas of Louisiana;
- ▶ Ensuring funds are available for projects to support the transportation needs of seniors and persons with disabilities;
- ▶ Disseminating funds between applicants equitably;
- ▶ Coordinating human service public transportation programs to maximize efficiency and quality of service; and
- ▶ Using funds to support transit level of service improvements and expansions to areas where there is currently minimal or no service.

Within the Department various sub-units are actively involved in discharging the administration responsibilities connected with the programs.

#### Compliance Section

The LADOTD Compliance Section is responsible for LADOTD's Title VI, Equal Employment Opportunity/Affirmation, Americans with Disabilities Act, Disadvantaged Business Enterprise, and Small Business Enterprise compliance. The Compliance Section staff coordinates with PTS to ensure FTA-specific civil right policies and procedures are reflected in the department's civil rights programs and provides technical assistance in implementing support services programs to PTS as well as subrecipients.

#### Audit Section

The Audit Section assists PTS with annual audit compliance; including receipt and review of annual subrecipient audits, issuance of management decision to PTS subrecipients, resolution of audit findings, reviews and approves Indirect Cost Rate Plans of subrecipients, and participates in DOTD's Risk Assessment process.

### Financial Services Section

The Financial Services Section is responsible for maintaining the finance information systems that tracks PTS and subrecipients financial information. The Financial Services Section also prepares financial reimbursements and required federal reporting submitted to FTA. Additional support functions including providing financial reports, processing financial transactions and assisting PTS during reviews and audits.

### Procurement Section

The Procurement Section provides assistance with vehicle procurement and professional consultant services to PTS on an as needed basis.

## 2.3 SUBRECIPIENT

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Subrecipients who receive FTA grant funds are required to follow the requirements of the grant programs as defined by FTA and federal legislation and managed by DOTD Public Transportation Section in a timely and accurate manner. Those requirements are outlined in this SMP and the *DOTD Public Transit Administrative Handbook*. All data is to be submitted to PTS through the *Statewide Transit Tracking and Reporting System* (STTARS) where possible.

## CHAPTER 3 COORDINATION AND PLANNING

The Louisiana Department of Transportation and Development is responsible for maximizing the limited transportation funding by coordinating with government agencies, public bodies, transit operators, human service agencies, and the general public. To this end, the Public Transportation Section actively participates in the development of the Human Services Transportation Coordination Plan for the state and the Statewide Transportation Plan.

Projects funded through FTA funds must be a product of the statewide and nonmetropolitan transportation planning process and/or the metropolitan planning process specified in the joint Federal Highway Administration (FHWA)/FTA planning regulations at 23 CFR part 450 and 49 CFR part 613. Long range planning and goal-setting activities for the individual programs covered in this SMP are carried out within these statewide, nonmetropolitan, and metropolitan planning processes, discussed further below.

### 3.1 TRANSPORTATION PLAN CONCURRENCY

Projects awarded assistance grants must be a product of the metropolitan planning process or the statewide planning process specified in Section 5303 and Section 5304. All transit projects anticipating using Federal funding within metropolitan planning boundaries must be included in a metropolitan TIP approved by the MPO and the Governor, and in a Statewide Transportation Improvement Program (STIP) that has been approved by FTA and the Federal Highway Administration (FHWA).

#### 3.1.1 Transportation Improvement Program

The TIP is a federally-required program document, which lists all the transportation projects to be built or implemented in a metropolitan area that have secured and committed funding. The document is a short-term planning guide that generally covers four years. All FTA-funded public transportation projects must be included in the appropriate TIP.

#### 3.1.2 Statewide Transportation Improvement Program

The STIP is a planning document, which lists all the transportation projects to be built or implemented in the state that will utilize federal and local funding. The document must be submitted to both the FHWA and FTA at least every four years. All FTA-funded public transportation projects must be included in the appropriate STIP.

#### 3.1.3 Louisiana Statewide Transportation Plan

This SMP was developed to coordinate with the Louisiana Statewide Transportation Plan goals. The long-range planning goals for the state of Louisiana were outlined in the most recent update to the Statewide Transportation Plan. These goals for Louisiana's transportation system are as follows:

- ▶ To preserve Louisiana's multimodal infrastructure in a state-of-good-repair through timely maintenance of existing infrastructure.
- ▶ To provide safe and secure travel conditions across all transportation modes through physical infrastructure improvements, operational controls, programs, and public education and awareness.
- ▶ To provide a transportation system that fosters diverse economic and job growth, international and domestic commerce, and tourism.
- ▶ To provide support for community transportation planning, infrastructure, and services.
- ▶ To ensure transportation policies and investments are sensitive to Louisiana's environment, history, and culture.

The Louisiana Statewide Transportation Plan is updated periodically. Transportation system goals and focus areas may change over time, however, the overall aim to provide a safe, efficient, and well-maintained transportation system is anticipated to remain constant.

## 3.2 STATE AGENCY COORDINATION

The Louisiana Department of Transportation and Development actively fosters state level coordination initiatives. These initiatives are executed in the Review Committee and other inter-agency committees. DOTD coordinates FTA funding for programmatic or public transportation operations, has developed a Statewide Human Services Transportation Plan, and is involved in regional coordination plans. DOTD also provides coordination workshops charged with the responsibility to enhance coordination of transportation services at the regional level. Specific efforts to coordination have been undertaken through DOTD, the MPOs and local public and private transportation providers by having quarterly regional human services transportation plan meetings. Included in these meetings are all the State Human Services Agencies that administer or fund public transportation in Louisiana. These include the following state agencies:

- ▶ Governor's Office of Elderly Affairs (GOEA);
- ▶ Louisiana Department of Children and Family Services (DCFS);
- ▶ Louisiana Department of Health (LDH);
- ▶ Louisiana Workforce Commission (LWC);
- ▶ Governor's Office of Disability Affairs (GODA); or
- ▶ Louisiana Department of Transportation and Development (DOTD).

These state agencies are responsible for the management and administration of programs whose clients are likely to include the elderly and individuals with disabilities. Each of these agencies are represented on the Review Committee where each agency delegate has an opportunity to identify coordination issues and opportunities. DOTD relies on the diversity of programs and groups represented on the Review Committee to assist in coordinating the available resources and services and to ensure the maximum coordination of transportation services.

The purpose of coordination is to obtain the maximum use of transportation resources and increase the cost efficiency of providing transportation services by coordinating and consolidating administration, planning and funding of providing public and specialized transportation services.

DOTD is responsible for providing and/or administering transportation services and resources and share a common goal of managing available transportation service funding in an accountable and cost-effective manner. The degree of success achieved by each plan however, is predicated on continuous open communication, and cooperation and coordination of resources between the respective agencies, providers and individuals.

The development of a truly coordinated public transit – human service transportation system in Louisiana is dependent on state administered funds being coordinated to both build and maintain the system. Although federal funds administered by DOTD are allocated by program, the state can coordinate the expenditure in a way to obtain optimal benefit. DOTD intends to continue its efforts to coordinate Louisiana's publicly funded transportation systems.

### 3.3 STATE EFFORTS TO ENCOURAGE AND ENHANCE PROJECT LEVEL COORDINATION

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The potential for coordination is enhanced through the DOTD application process, which requires applicants to notify other transportation service providers and to publish public notices about the intent and description of the proposed project. Such contacts with all parties interested in or involved with providing transportation services foster opportunities to coordinate resources and services. DOTD's application procedures require applicants in urbanized areas to contact and coordinate efforts through metropolitan planning organizations.

DOTD's application procedures also require applicants in rural areas to contact and coordinate efforts through the Rural Public Transit Systems.

### 3.4 LOCAL PLAN COORDINATION

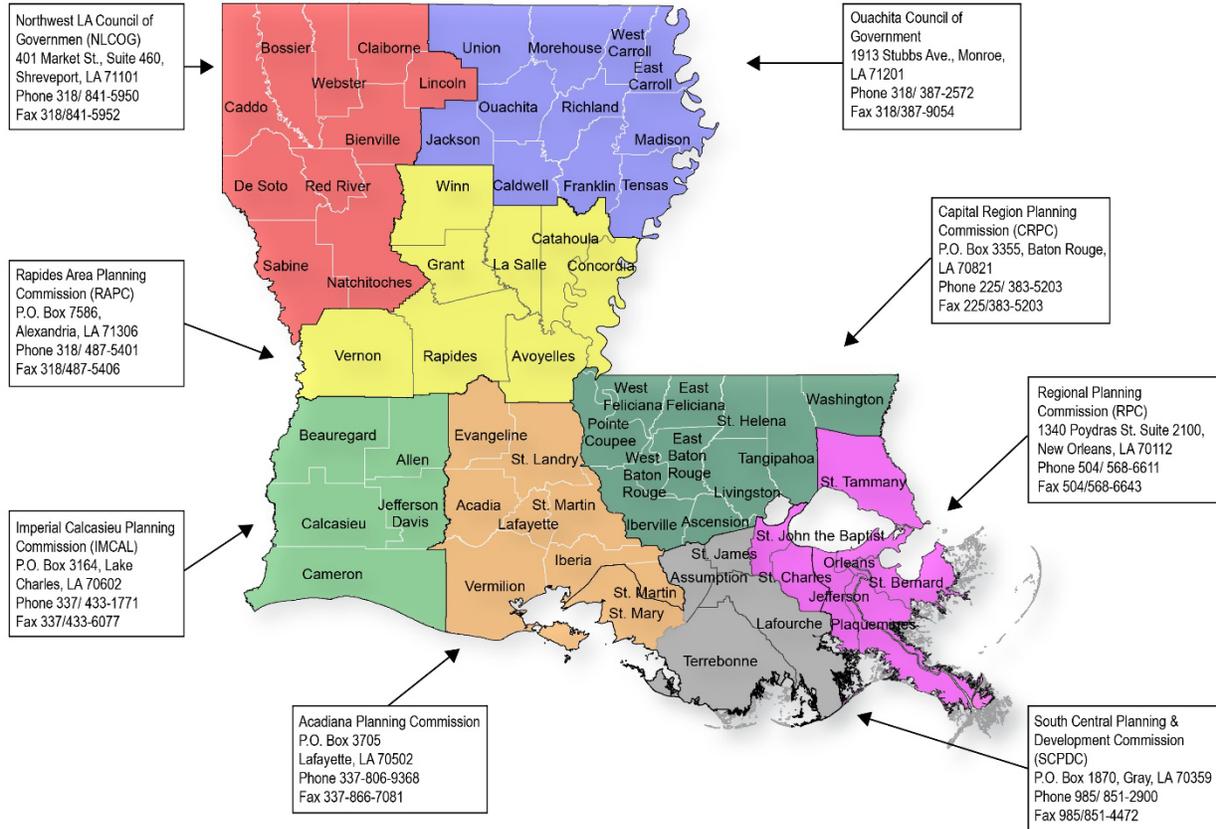
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The *DOTD Public Transit Administrative Handbook* contains a description of coordination procedures to be followed by local applicants. Applicants are responsible for coordinating with all local governing bodies, public and private transit and paratransit operators, which provide service within the project area, and any other interested group or organization. The applicant is required to obtain and provide a description of all transportation services presently operating in the service area.

All FTA-funded public transportation programs must participate in the local planning process for the coordinated public transit – human service transportation plans. DOTD has developed a *Statewide Coordinated Human Services Transit – Public Transportation Plan* that specifically includes the locally developed plans that are created by eight planning and development districts in the State, shown in the figure below.

All FTA public transportation program applicants are required to notify the appropriate regional coordination planning committee (Metropolitan Planning Organization (MPO) or Regional Planning Commission (RPC)) by letter to ensure the proposed project is included in the local coordinated plan. The MPO or RPC must certify to DOTD that the proposed project is included in the local Coordinated Public Transit – Human Services Transportation Plan.

### Regional Coordination Plan Boundaries



## CHAPTER 4 PROGRAM OF PROJECTS AND PROJECT SELECTION

The Program of Projects (POP) identifies all subrecipients and projects recommended for transportation program funds. The POP is submitted to FTA for approval and funding on an annual basis, and reflects the planning goals and objectives of the Louisiana Coordinated Human Services Transit – Public Transportation Plans and the Statewide Transportation Plan. The POP is developed in a fair and equitable manner following the procedures and guidelines described in this chapter.

The POP submitted for FTA for approval will indicate, for each FTA funding program, the total number of subrecipients; identify each subrecipient and indicate whether they are governmental authorities, private nonprofit agencies, or private providers of transportation services; and identify any that are Indian tribal governments or tribal transit agencies (including both federally recognized and other tribal governments).

The program of projects will include, for each project:

- ▶ The type of project;
- ▶ The service area (parishes served);
- ▶ Any tribal needs met by the project;
- ▶ Whether the project is a capital or operating expense project;
- ▶ Total project cost; and
- ▶ The federal share.
- ▶ Final expenditure and close out date

In addition, the following information will be included in the POP for each subrecipient:

- ▶ Name of the entity receiving the award;
- ▶ Amount of the award;
- ▶ Location of the entity receiving the award; and

### 4.1 EQUITY ASSURANCE

Applications submitted for funding are reviewed and technically evaluated against a set of criteria, some specific to funding program, to ensure the most efficient use of the funds. Criteria have been established to ensure:

- ▶ The organization, management and operation of a project;
- ▶ The reasonableness and accuracy of project budgets; and
- ▶ Extension of service to the elderly, disabled, minority and Native American population.

Submitted project applications are evaluated to determine, among other factors, adequacy of the project's proposed organization, management and operations, technical capacity and services to each programs targeted populations and the reasonableness and accuracy of related budget requests. The project evaluation is used to determine necessary changes to the project prior to funding as well as the maximum level of funding which the project will be eligible to receive under the funding allocation process.

## 4.2 PLANNING AND COORDINATION

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Projects selected for inclusion in the POP must be a product of the Statewide Transportation Plan, Coordinated Human Services Transit-Public Transportation Plan, and, in urbanized areas, the Metropolitan Transportation Plan. All federal funds to be used for highway or transit projects will be included in the Statewide Transportation Improvement Plan (STIP).

## 4.3 PERFORMANCE MEASURES

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MAP-21 required a broad performance management program. The performance management framework attempts to improve project decision making through performance-based planning and programming and to foster a transparent and accountable decision-making process for MPOs, states, and providers of public transportation.

The statewide transportation planning process establishes the performance-based planning process to be used for all DOTD programs, including those programs listed in this SMP. The performance goals established in the Statewide Transportation Plan support the national goals for Section 5310 and Section 5311 as defined in their respective FTA circulars. These goals also include performance targets that address transit safety and transit state of good repair as established by US DOT under 23 U.S.C. 150(c) and 49 U.S.C. 5329. The DOTD long range transportation plans will also include a system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the established performance targets. The STIP will demonstrate the linkage between investment priorities and the performance targets by including a discussion of the anticipated effect of the STIP toward achieving the performance targets established in the transportation plan.

## 4.4 APPROVAL CATEGORIES

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Because FTA understands that not all subrecipients will be in compliance with every applicable federal requirement, nor will all projects be at the same stage of development when POPs are submitted for approval, FTA has two approval categories for the POP. The category into which a project is placed is dependent upon whether federal requirements have been fully met.

### 4.4.1 Category A

Category A is designated for projects that meet all applicable federal requirements for both project and subrecipient activities. Category A project approval by FTA is unconditional and funds are immediately available to be drawn down for project implementation. FTA expects most projects to fall into this category.

### 4.4.2 Category B

Category B is designated for projects and subrecipients where compliance with all applicable federal requirements is expected to occur during the current year. When the state determines that necessary federal requirements have been satisfied for a project, FTA's approval of that project becomes unconditionally approved and the state may advance the project to Category A. The recipient may begin to draw down funds to implement the project.

Category B may also contain contingency projects that would be added should a project currently included in the POP fail to meet federal requirements.

## 4.5 REVISIONS

Recipients may reallocate funding or move projects from Category B to Category A without prior FTA approval as long as any single change does not exceed 20 percent of the affected project and remains consistent with the local coordinated plan the project was selected from. All other changes require prior FTA approval.

Revisions to the POP should include a grant budget revision and be included in the project management milestone section of the electronic grant management system. The new POP should also be referenced in the annual program status report and the date the new POP was attached should be attached. The most recently received POP by FTA in the quarterly or annual report will be considered the current, approved POP and a reference will be included in the grant agreement. A grant agreement amendment is only necessary when federal funds are added, or there is a change to an approved POP's scope.

### 4.5.1 Revisions That Do Not Require Prior FTA Notification or FTA Approval

- ▶ Deleting a project from the POP, if the project cost is less than 20 percent of the total of the affected POP;
- ▶ Advancing projects from Category B to A, provided the prospective subrecipient is in compliance with all applicable federal requirements;
- ▶ Reallocating funds within an approved POP among approved projects within a local area or from one local area to another. This includes adjusting local project funding levels to accommodate changes in vehicle or equipment requirements; and
- ▶ Adding equipment or property transferred from one subrecipient to another subrecipient listed in the POP.

### 4.5.2 Revisions That Require Only Notification to FTA

- ▶ Creating new projects that are less than 20 percent of the total of the POP, so long as the designated recipient has confirmed eligibility and confirms the project was included in the coordinated plan; and
- ▶ Deleting or reducing a project by more than 20 percent of the total POP.

### 4.5.3 Revisions That Require FTA Approval

- ▶ When the federal share of the grant exceeds \$100,000 and the cumulative amount of project funds to be transferred between or among activities, (including all budget revisions since the last one specifically approved by FTA) exceeds 20 percent;
- ▶ When project revision would transfer funds between operating and capital categories, or between activity line items with different federal matching ratios;
- ▶ Revising the budget to:
  - Change the size or physical characteristics of the activities specified in the grant, or
  - Increase or decrease the number of revenue rolling stock vehicles to be purchased by more than two units;
- ▶ Advancing to Category A any prospective subrecipient with serious questions of compliance with federal requirements remaining unresolved; or
- ▶ Advancing to Category A any project for the acquisition of property with a value in excess of 20 percent of the total value of the POP.

Throughout the year, PTS staff is available to assist potential subrecipients with application preparations. Potential subrecipients can receive assistance with budgeting, planning, interpreting and complying with regulations and provisions for each transportation program. PTS also conducts an application training via Coordination meetings, Director's Meetings and individual agency technical support.

Application in-depth instructions and guidelines for application preparation and submission can be found in the *DOTD Public Transit Administrative Handbook* and online within the DOTD LATEAM Application. The handbook is available by mail upon request. Interested applicants can also download instructions from STTARS.

## 4.6 PROJECT SELECTION CRITERIA

DOTD PTS uses a fair and equitable selection process to distribute FTA transportation program funds. Project applications, submitted for funding are evaluated to determine, among other factors, adequacy of the project's proposed organization; management and operations; technical capacity and ability to provide services to seniors, persons with disabilities, minorities, and Native American Tribes; and the reasonableness and accuracy of related budget requests. Projects are evaluated in this manner to determine if changes to a project are necessary prior to funding, and the maximum amount of funding the project will be eligible to receive under the funding allocation process.

The criteria used to evaluate project applications include the following factors:

- ▶ The commitment of local, state, or other Federal programs and funds to participate in the provision of public transportation services;
- ▶ The likelihood of continuation of the project;
- ▶ Provisions for the local transportation needs in a realistic and prudent manner;
- ▶ Quality of proposed monitoring and evaluation along with the ability to modify operations as a result of evaluation;
- ▶ Commitment of other local agencies providing or needing transportation services to purchase, share or use in area-wide service;
- ▶ Reasonableness and justification of estimated demand;
- ▶ Extent to which the application recognizes the transportation needs of all nonurbanized residents;
- ▶ Appropriateness of proposed equipment needs, costs and level of service;
- ▶ Extent to which the project will comply with federal regulations concerning Civil Rights and Section 13(C);
- ▶ Compatibility of system with possible existing supplemental operations e.g., taxicabs, where the vehicles, drivers, radios, and organization are already available and can provide feeder service;
- ▶ Extent to which currently operating nonurbanized transportation service, manpower and equipment are utilized;
- ▶ Degree of management capability to administer the grant and operate the transportation system; and
- ▶ Suitability of current and proposed promotional techniques to reach potential riders.

## 4.7 PROJECT SELECTION AND APPROVAL PROCESS

DOTD conducts a call for projects to distribute transportation funds each year. The following is a list of the steps performed to: notify both current and potential subrecipients of the call for projects, provide training on the application process, review and select applications for funding, provide notification to FTA, contract with subrecipients, purchase vehicles for subrecipients, collect data for FTA reports, and submit annual reports to FTA.

- ▶ News release and letters of announcement mailed to existing recipients and other interested parties. Minority organizations are encouraged to apply and DOTD assistance is available upon request. ( Summer)
- ▶ Applications are available online through the Statewide Transit Tracking and Reporting System (STTARS) (July)
- ▶ Application procedures workshop held as needed or requested from interested applicant organizations (August/September).
- ▶ FTA notified of funds availability (Winter)
- ▶ Application submission closed (November 1)
- ▶ New applicants site visits made (December/January)
- ▶ Evaluation and ranking of applicants conducted by Review Committee (February/March)
- ▶ Consolidated State Application prepared and submitted for FTA approval (April 1)
- ▶ Approval/disapproval notification mailed to applicants (mid-April)
- ▶ Contracts for subrecipients prepared (April-May)
- ▶ Requests for local match/contract execution/board resolutions made (July/August)
- ▶ FTA review and approval process completed and notification of results received by DOTD (60 - 90 days)
- ▶ All operating contracts executed by DOTD (June 30)
- ▶ All local match and capital contracts received by PTS (July)
- ▶ Notification sent to MPOs or area agencies being funded (June)
- ▶ Equipment specifications issued, checked and forwarded to the Division of Administration (July-September)
- ▶ Equipment bid advertised (45 days)
- ▶ Equipment bid awarded to vendor and purchase orders prepared (mid-December)
- ▶ PTS Program Manager notified by Division of Administration of vendor selection and purchase order preparation; purchase orders approved by PTS (mid-December)
- ▶ Time allowed for vehicle to be manufactured (180 days)
- ▶ Vehicles delivered to DOTD and inspected (May- June)

- ▶ Vehicles issued to recipients; Department of Public Safety and Corrections forms signed by recipient, appropriate taxes and fees collected, insurance binder received verifying insurance coverage on vehicle (June - August)
- ▶ Training on management and reporting requirements for programs, including training on STTARS, held by PTS for subrecipients (June - August)
- ▶ Monthly reports made to PTS by subrecipients (ongoing)
- ▶ Annual Report made to FTA by PTS of data collected on FTA programs

## 4.8 GUIDELINES FOR APPLICANTS

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During the application development process, applicants are advised to adhere to the following guidelines:

- ▶ Applicants in urbanized areas should notify MPO's of their intent to apply for funds by August 1st.
- ▶ Applicants must publish first public notice of their intent to apply for funds recommended by September 1st. This notice should include the names of any non-profit organizations or other organizations with which the applicant will contract for service provision. Applicants must publish second public notice 15 days after the first Public Notice. Public body applicants must issue a notice for opportunity for a public hearing (recommended October); a written request for a public hearing must be made within fifteen days following publication of the notice. The public hearing must be held prior to the November 1 application deadline if someone with a significant economic, social, or environmental interest in the matter requests a hearing.
- ▶ Applicant's authorized representative should sign all project assurances and applicant's board should execute an authorizing resolution recommended by August/September.
- ▶ Applicants in urbanized areas should submit completed draft application to respective MPO for review recommended by September 15th. (A response from the MPO must be included in the application submitted to PTS.)
- ▶ If applicable, applicant should enter into Interagency Agreements by October.
- ▶ If applicable, applicant should resolve conflicts that may have developed as a result of the public notices prior to application submission
- ▶ If application is submitted recommended by October 1st, DOTD's Public Transportation Section will conduct a preliminary review to determine completeness and will allow the applicant to correct problems and return the completed application to DOTD by November 1.
- ▶ The completed application must be received by DOTD's Public Transportation Section by November 1 or application will be disqualified.

## CHAPTER 5 STATE MANAGEMENT

DOTD is responsible for maximizing the federal funding assistance received for the transportation programs outlined in this SMP to goals of each FTA funding program.

Local coordination is important, therefore, DOTD partners with local governments representatives who are committed to operating rural public transportation programs. As funds administrator, DOTD assumes responsibility for organizing, managing and overseeing these programs. In this capacity, DOTD functions as a conduit for funds and financial programming. DOTD also responds to the FTA and the State Legislature for program administration and develops criteria for application approval, notifies eligible local recipients of the availability of program funds, reviews and selects applicants for funding, ensures compliance with federal requirements, and monitors project activity.

### 5.1 PROGRAM ADMINISTRATION

Louisiana adheres to the basic grant management requirements for state and local governments contained in the U.S. Department of Transportation (DOT) regulations, “Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards,” 2 CFR Part 200 .

Louisiana also requires that any private nonprofit organizations contracted to supply services for subrecipients of the funding programs listed in this SMP adhere to the requirements listed in the “Uniform Administrative Requirements , Cost Principals, and Audit Requirements for Federal Awards,” 2 CFR Part 200 also known as the “Super Circular” The provisions of the Super Circular apply except where inconsistent with federal statutes, including authorizing legislation.

Unless an issue is specifically addressed in this document or in other FTA guidance specific to an individual program, the most recent version of FTA Circular 5010 “Grant Management Guidelines,” which provides guidance for other FTA programs, will be used as guidance for project management issues for all programs addressed by this SMP.

### 5.2 ROLE OF THE STATE

The Governor designated DOTD as state agency authorized to receive and administer Federal funds for the Section 5310, Section 5311, Section 5316, and Section 5339 transportation programs.

Many entities are housed under DOTD, along with PTS, that manage state public transportation contracts. These agencies include:

- ▶ Financial Services;
- ▶ Audit and Evaluation;
- ▶ Compliance;
- ▶ Emergency Operations;
- ▶ Legal;
- ▶ Safety;
- ▶ Gants Management;
- ▶ Project Control;

- ▶ Equipment;
- ▶ Purchasing;
- ▶ Public Affairs; and
- ▶ Consultant Contract Services

Specifically, State agency roles defined by the FTA include the following activities:

- ▶ Documenting the State’s procedures in a State Management Plan or program management plan (PMP);
- ▶ Notifying eligible local entities of the availability of the program;
- ▶ Developing project selection criteria;
- ▶ Determining applicant eligibility;
- ▶ Selecting projects for funding;
- ▶ Ensuring adherence to Federal program guidelines by all subrecipients;
- ▶ Conducting an area-wide or Statewide competitive selection process;
- ▶ Certifying a fair and equitable distribution of funds resulting from the competitive selection process;
- ▶ Certifying that each project selected was derived from a locally developed, coordinated public transit – human services transportation plans;
- ▶ Certifying that local plans are developed through a process that included representative of public, private, and non-profit transportation and human services providers and participation by the public;
- ▶ Managing all aspects of grant distribution and oversight for subrecipients receiving funds under this program; and
- ▶ Submitting reports as required to FTA, obligate funds based on the annual program of projects included in a grant application.

### 5.3 STATE ADMINISTRATION OF PROJECTS

DOTD may directly carry out a project, and if so, must exercise adequate oversight to ensure that only eligible activities receive Federal assistance. While administering these projects the State must perform the following activities:

- ▶ Providing appropriate technical assistance for rural areas;
- ▶ Ensuring that program funds are distributed fairly and equitably within the State, including funds to Indian tribes;
- ▶ Ensuring a process where private transit operators can participate, including private public transportation providers, through service agreements with public transportation operators or as subrecipients;
- ▶ Expending funds for the support of intercity bus transportation to the extent required by law; and

- ▶ Maximizing the coordination of public transportation services assisted by FTA funds with transportation services assisted by other Federal programs.

## 5.4 PROJECT AUDIT

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DOTD projects are audited to remain compliant with requirements pursuant to the federal Office of Management and Budget 2 CFR Part 200, "Audits of State and Local Governments." Audits may be performed by the Louisiana Legislative Auditor's office or by a certified public account throughout the project and upon the final expenditure of grant funds.

## 5.5 PROJECT CLOSEOUT

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FTA funding is always allocated with the requirements that funds must be obligated into a grant soon after award and projects are expected to be completed within a reasonable time. Project recipients with funds in an open grant will be continually reviewed to ensure that the projects expend funds and do not prolong the life of the grant. Unused funding can be deobligated and made available for reobligation into a new grant, if applicable.

Once all funds have been expended in a grant and reflected in the FTA TrAMS, or successor, program, DOTD will initiate grant closeout procedures with the FTA. Grant budgets, progress reports and Financial Status Reports (FSR) will be reviewed, and if needed, modified. Once all documents are completed as required, DOTD will request FTA close out the grant.

## 5.6 PROJECT MONITORING AND ON-SITE REVIEWS

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All agencies will receive on-site reviews at a minimum of once every three years. The primary tool used to assess programs during the site visit is the Compliance Review. The DOTD PTS Program Manager will notify agencies to complete the Compliance Review to prepare for the site visit prior to the beginning of the new fiscal year. Program manager will conduct a thorough review of these completed forms. DOTD program personnel will then schedule site visits for the fiscal year, giving top priority to those agencies, which appear to be experiencing problems or noncompliance. Subrecipients are monitored very closely through the Compliance Review and the monthly reports submitted electronically through STARS. Any time a problem is detected that cannot be resolved through correspondence or over the phone, an on-site review will be scheduled immediately. During the site visits, the PTS program managers will consult with subrecipients concerning record-keeping, operations, scheduling, and other programs aspects.

In addition to program reviews, annual vehicle inspections are required to be performed between October 1 through December 30 each year to ensure state of good repair. All vehicles used in transportation (revenue vehicles) must be inspected. These inspections exist to ascertain vehicle condition and whether prescriber maintenance is being performed.

## 5.7 REPORTING REQUIREMENTS

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Service activity reports are to be submitted monthly by each subrecipient who receives operating or capital assistance. Service activity reports provide the data used to measure efficiency and various aspects of system performance.

Reports should be submitted to DOTD by the 15<sup>th</sup> day of each month following the reporting month and should include the following information:

- ▶ System-wide Vehicle Trip Summary Log

- ▶ Vehicle Maintenance/Expense Record (for each vehicle)
- ▶ Financial Activity Report (operating assistance only)
- ▶ Drug and Alcohol Report (applies to Section 5311 recipients only)
- ▶ DBE Report (operating assistance only)

These reports are to be submitted to DOTD within fifteen days of the close of the month being reported. Reports should be submitted electronically using STTARS.

DOTD has implemented a reporting system designed to provide the data necessary to evaluate and assess programs individually and aggregately. This data is used to determine productivity, cost-effectiveness and service standards. DOTD can invoke a formal probationary period for a provider whose productivity, cost-effectiveness, or service standards are below average. Failure to improve during the probationary period may result in termination of the agreement between the subrecipient and DOTD.

## 5.8 CERTIFICATIONS AND ASSURANCES

DOTD will maintain the required "Standard Assurance for Federal Transit Administration Applicants" on file with FTA. The document assures FTA that the State and any subrecipients will comply with the laws and regulations within the document as they apply to grant projects. DOTD annually submits a statement of continuing certifications and assurances validity in TrAMS.

## 5.9 PROCUREMENT

After notification of approval of the state's consolidated application by FTA, the procurement process begins. DOTD forwards the bid request package, which documents quantities and specifications to the Division of Administration for handling. The Division of Administration forwards the final bid package to the DOTD Public Transportation Section for assurance that it complies with all Federal regulations and that it contains the proper vehicle specifications. After approval from the DOTD, the Division of Administration advertises. The DOTD Public Transportation Section is notified of all pre-bid conferences regarding procurement of vehicles under this program. The Division of Administration manages acquisitions through its established bidding and centralized purchasing procedures. This allows optimum use of available program funding since the vehicles and other equipment are purchased in volume at one time.

Procurement standards apply to all third party contracts involving FTA program funds. DOTD approval is required for all third party contracts. These procedures include affirmative steps that are taken to assure small and minority businesses are utilized when possible as sources of supplies, equipment, construction, and services. DOTD reviews the contractor's bid package to ensure compliance with FTA required clauses including Davis Bacon Act, if applicable. After review, DOTD will notify applicant of approval or disapproval of Bid Proposal.

Louisiana selection procedures are conducted in a manner that provides maximum open and free competition. Awards are made only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.

The following procedures are used to evaluate the bids submitted:

1. Review all bids submitted and the successful bidder;
2. Search U.S. General Services Administration's (GSA) system for award management (SAM) ([www.sam.gov](http://www.sam.gov)) to ensure excluded parties are not participating in projects;
3. Print result of search to include in grant/procurement file;

4. If excluded parties are selected, DOTD will notify subrecipient to disqualify the excluded party and make another selection;
5. DOTD will notify subrecipient of approval of successful bidder;
6. In the event the DOTD becomes aware, after the award of a contract that an excluded party is participating in a covered transaction, DOTD will promptly inform FTA in writing of this information;
7. Review and approve projects schedule, budget and cost recovery plan, and projects organizational chart; and
8. Send Notice to Proceed letter.

When federal capital funds are awarded, subrecipients must adhere to DOTD standards for procuring vehicles and equipment. The following section summarizes the protocols established and followed by DOTD.

### 5.9.1 Vehicles

DOTD has developed standard specifications for vehicles and other equipment most often requested by applicant organizations. Each applicant selects the equipment and/or vehicle(s) most appropriate to meet the specific needs of its present and potential ridership and the requirements of the Americans with Disabilities Act of 1990. Requests for vehicles other than the standard selections must be accompanied with specifications including diagrams and seating arrangements. The list of vehicles can be found online with DOTD procurement and within the application for vehicles.

After FTA approves the application, the Division of Administration delivers a final bid request consisting of equipment specifications and quantities to PTS to comply with federal regulations. Once the list is vetted, the Division of Administration prepares a bid request and manages volume purchases using centralized purchasing procedures to maximize capital funds.

#### 5.9.1.1 *Lease vs. Buy*

Direct recipients and subrecipients are allowed to use allocated capital funds to rent vehicles when renting is more cost efficient than purchase, however prior authorization is needed from DOTD. Recipients must also submit a cost comparison to be placed on file for review or edit while funding is authorized. Under such a rental, the subrecipient operates the vehicles on behalf of the Section 5310/5311 program and provides transportation as described in the grant application.

#### 5.9.1.2 *Vehicle Use and Maintenance*

All equipment is to be properly maintained by the subrecipient. A Preventive Maintenance Checklist and a Pre-Trip Daily Vehicle Inspection form are provided to each subrecipient at the time the vehicle is received. A Vehicle Maintenance/Expense Record is to be submitted for each vehicle monthly in STTARS (Statewide Transit Tracking and Ridership System) by the 15<sup>th</sup> of each month for the prior month service and reviewed by the Regional Program Managers for any discrepancies by the 25<sup>th</sup> of each month. PTS will contact the subrecipients to correct discrepancies before the next reporting period and request any documentation needed for the file. Vehicles are to be maintained in accordance with schedules recommended by manufacturers.

DOTD also requires the subrecipients to have all vehicles used in transportation services inspected between October and December annually and submit the inspection reports by December 31 to the Transit Asset Program Manager. Any defects are to be repaired within 60 days of submitting the inspection report to DOTD with evidence of repairs.

#### *Procedures for subrecipients to file warranty claims on FTA vehicles*

Any subrecipient that is experiencing mechanical problems on an FTA vehicle under manufacturer's warranty, must contact the vendor that produced the vehicle. The warranty liaison for that vendor will contact a certified dealer in the subrecipient's location. The dealer will contract the subrecipient to schedule a date for repair. The

subrecipient will record the repair on the monthly maintenance report to be submitted by the 15<sup>th</sup> of the month to the appropriate program manager and notify the Transit Asset Manager.

DOTD will maintain a warranty claims list to ensure warranty repairs were satisfactory, and that the claim was paid in a timely manner. The program manager will follow-up on any unpaid claims until the vendor shows the claim is complete and the file is closed on the claim.

### *Meal Delivery Service*

Transit service providers receiving assistance under this section may coordinate and assist in providing meal delivery services for homebound persons if the meal delivery services do not conflict with provision of transit services or result in a reduction of service to transit passengers. The number and size of vehicles applied for under Section 5310 must be determined only by the number of passengers to be transported, not meal delivery capacity. Section 5310 funds may not be used to purchase special vehicles to be used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery. Mileage exclusively accrued for meal delivery does not apply to the useful equipment life criteria.

Vehicle Use and Maintenance Requirements are program-specific as listed in the remainder of this subsection.

### *Section 5310*

Vehicles procured with Section 5310 program funds may be used only in the following ways:

- ▶ By the applicant private nonprofit organization or public body as described in its application;
- ▶ By the applicant private nonprofit organization or public body in coordinated services for elderly and/or disabled individuals. It is understood that, at a minimum, the service which was proposed by the organization in its grant application to the state will be provided and that the originally designated clientele will be served; and
- ▶ By a private for-profit operator, by lease or other contractual agreement with the applicant organization to provide the services identified in the grant application.

When vehicles or other equipment are operated by any agent other than the applicant organization in the grant application, control and responsibility for the operation of the vehicles or other equipment must remain with the original recipient unless the transfer of control and responsibility is to another eligible organization authorized by DOTD.

As long as the grant-related purposes of the funded vehicles are being met, such vehicles shall be available to provide transportation service to the elderly and individuals with disabilities. These vehicles may also serve the general public's transportation needs on an incidental basis if such service does not interfere with transportation service designed to meet the special needs of elderly individuals and individuals with disabilities.

### *Section 5311*

Section 5311 grantees are required to submit a certification with their application that all equipment purchased through this program and the Section 5339 funding will be maintained in accordance with the detailed maintenance and inspection schedules provided by the manufacturer. Failure to operate or maintain this equipment as certified may preclude additional FTA assistance to that agency and result in removal of the equipment.

Subrecipients are expected to use vehicles purchased or operated with Section 5311/5339 program funds for general public transportation services as specified in their applications to DOTD. Vehicle utilization reports for all vehicles whose operation is supported by Section 5311 operating funds are to be submitted to DOTD monthly

in STTARS (Statewide Transit Tracking and Ridership System) and reviewed by PTS for any discrepancies. PTS will contact the subrecipients to correct discrepancies before the next reporting period.

### *5.9.1.3 Property Management and Disposition*

For property (vehicles and equipment), subrecipients are required to enter into an agreement with DOTD and adhere to the management and disposition procedures specified in *DOTD Public Transit Administrative Handbook*. Vehicle useful life criteria are included in this information as well as a Vehicle Disposition Form.

A physical inventory of all property will be taken by DOTD and the results reconciled with the property records annually. Any differences between quantities determined by the physical inspection and those shown in accounting records shall be investigated to determine the causes of the differences. DOTD will, in connection with the inventory, verify the existence, current utilization, and continued need for the property. The agency will be notified in advance of these inventory procedures and assets must be available for inspection upon notification.

The loss, damage, or theft of an FTA funded vehicle must be verbally reported to DOTD immediately following an incident. A follow-up letter of explanation with support documentation must then be forwarded to PTS as soon as practicable. Instructions for using insurance proceeds are included in the *DOTD Public Transit Administrative Handbook*.

Vehicles and equipment that are no longer serviceable will be disposed by DOTD, or by the subrecipient with prior DOTD approval. All proceeds from the sale of any FTA vehicle must be used for mass transit purposes.

DOTD works with Office of Motor Vehicle to place a notice in the file for all property acquired using Section 5339, 5310, and 5311 funds. Vehicles are titled by DOTD in applicant's name. A letter is sent with the original title to the agency reaffirming Circular 5010.1E requirements for conditional title.

An adequate amount of insurance must be maintained to protect individuals, equipment and facilities throughout the vehicle's life. At a minimum, the Federal share of the equipment must be protected by insurance. DOTD requires proof of insurance on all equipment prior to awarding equipment to the subrecipient and annually thereafter until the equipment is disposed of in accordance with DOTD criteria. Failure to maintain required insurance is in violation of the Project Agreement, which is executed by DOTD with the subrecipient. Also under this agreement the subrecipient must agree to "hold harmless" DOTD from any claims for liens for labor, services or material furnished to the grantee.

Subrecipients are required to submit a certification with their application that all equipment purchased through this program will be maintained in accordance with the detailed maintenance and inspection schedules provided by the manufacturer. Failure to operate or maintain this equipment as certified may preclude additional FTA assistance to that agency and result in removal of the equipment

Subrecipients are expected to use vehicles purchased or operated with federal program funds for transportation services as specified in their applications to DOTD. Vehicle utilization reports for all vehicles whose operation is supported by FTA operating funds are to be submitted to DOTD monthly in STTARS (Statewide Transit Tracking and Ridership System) and reviewed by the Regional Program Manager for any discrepancies. PTS will contact the subrecipients to correct discrepancies before the next reporting period.

#### *Vehicle Useful Life*

DOTD has established the following useful life criteria for vehicles purchased with FTA funds, shown in Table 1. Where a useful life policy has not been defined by FTA, the grantee, in consultation with the FTA regional or metropolitan office shall "make the case" by identifying a useful life period for all equipment and facilities with

an acquisition value greater than \$5,000 to be procured with Federal funds. In the grant application, the grantee shall propose and identify a useful life for the capital asset to be purchased with Federal funds. Table 1: Vehicle Useful Life

Vehicle Type	Useful Life (in years)	Useful Life (in miles)
Medium Size Medium Duty Transit Buses (Under 30')	6 years	150,000 miles
Light Duty Mini Buses (on van chassis), Regular and Specialized Vans	5 years	100,000 miles

Vehicles and equipment that have reached the useful life criteria are eligible for disposition. The DOTD Program Manager will review of the usage and maintenance history of the vehicle. If it is determined that the Federal interest has been met, the agency will be notified that DOTD is releasing the vehicle to their private fleet. The agency must continue to report on this vehicle so long as it is used in their public transportation service. If the agency sells the vehicle, all proceeds must go to public mass transportation.

## 5.9.2 Construction of Facilities

For construction procurement, DOTD reviews the project for funding and submits the State's consolidated application and categorical exclusion forms to FTA for approval.

Procurement standards apply to all third party contracts involving FTA program funds. DOTD approval is required for all third party contracts. These procedures include affirmative steps that are taken to assure small and minority businesses are utilized when possible as sources of supplies, equipment, construction, and services. Louisiana selection procedures are conducted in a manner that provides maximum open and free competition. Awards are made only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.

DOTD reviews the project for funding and submits application including the categorical exclusion forms for each project to FTA for approval. After notification of approval of the state's consolidated application by FTA, the procurement process begins. DOTD forwards the bid requirements to the subrecipient. DOTD reviews the contractor's bid package to ensure compliance with FTA required clauses including Davis Bacon Act. After review, DOTD will notify applicant of approval or disapproval of Bid Proposal.

The following procedures are used to evaluate the bids submitted to the subrecipient and their selection:

1. Review all bids submitted and the successful bidder;
2. Search U.S. General Services Administration's (GSA) system for award management (SAM) ([www.sam.gov](http://www.sam.gov)) to ensure excluded parties are not participating in projects;
3. Print result of search to include in grant/procurement file;
4. If excluded parties are selected, DOTD will notify subrecipient to disqualify the excluded party and make another selection;
5. DOTD will notify subrecipient of approval of successful bidder;
6. Review and approve contract with successful bidder and subrecipient to ensure all FTA required clauses including Davis Bacon Act are included;
7. DOTD, Public Transit Section, District Engineers, and the subrecipient meet to ensure contractor's compliance with Davis Bacon Act;
8. In the event the DOTD becomes aware, after the award of a contract that an excluded party is participating in a covered transaction, DOTD will promptly inform FTA in writing of this information;

9. Review and approve projects schedule, budget and cost recovery plan, and projects organizational chart; and
10. Send Notice to Proceed letter.

Subrecipients are required to submit a Facility Maintenance Plan for FTA funded facilities and facility related equipment including ADA accessibilities features. The Plan should identify goals and objectives of a maintenance program and establish the means by which such goals and objectives will be attained. An annual certification of the condition asset for each facility including ADA Accessibility features is submitted to the Transit Asset Manager. Failure to operate or maintain this equipment as certified may preclude additional FTA assistance to that agency.

### *5.9.2.1 Seismic Design and Construction Standards*

Through the FTA annual certification process, grant recipients must assure that any newly constructed building or additions to existing buildings paid for with FTA program funds comply with seismic safety standards. Grant recipients are responsible for ensuring building compliance prior to building delivery.

## 5.10 FINANCIAL MANAGEMENT AND REVIEW

The Louisiana DOTD expends and accounts for grant funds in accordance with state laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures for DOTD, as well as subrecipients for FTA funds and cost-type contractors, are sufficient to:

- ▶ Permit preparation of reports described in FTA Circular 5010.1E Award Management Requirements as well as appropriate FTA Program circulars and reports necessary to comply with other program and statutory requirements; and
- ▶ Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions applicable to the program.

The Louisiana DOTD uses the ECHO (Electronic Clearing House Operation) system to transfer payments from FTA. In so doing, the state has agreed to comply with the ECHO requirements contained in the Department of the Treasury Circular 1075, part 205, "Withdrawal of Cash from the Treasury for Advances Under Federal Grants and Other Programs," and as established by the "Guidelines for Disbursements" set forth in FTA's ECHO System Operations Manual.

The Louisiana DOTD retains financial records, supporting documentation, and all other records pertinent to a grant for a period of three years. These records are readily available for inspection by the U.S. Department of Transportation or the Comptroller General of the United States. If any litigation, claim or audit is started before the expiration of the three year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved. The eligibility of any ADA or Clean Air Act projects for which the increased Federal Share is claimed will be adequately documented.

Any private, nonprofit organization contracting with a subrecipient, or with the state, must comply with the "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" at 49 CFR part 19.

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## 5.11 UNIQUE ENTITY ID NUMBER (FORMERLY DUNS) REGISTRATION REQUIREMENT

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Any organization applying for a grant or cooperative agreement from the federal government must have an Entity ID Number, formerly known as DUNS. Applicants that currently do not have an Entity ID Number can obtain one free at SAM.gov. As soon as the Entity ID number is received, the applicant must update the recipient electronic profile to include the number.

## 5.12 SUBRECIPIENT UNIQUE ENTITY ID REQUIREMENT

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If it is authorized to make subawards under its agreement with FTA, the recipient must notify potential subrecipients that no entity may receive a subaward from the recipient unless the entity has provided its Entity ID number to the recipient.

## CHAPTER 6 OTHER PROVISIONS APPLICABLE TO ALL PUBLIC TRANSPORTATION PROGRAMS

This chapter outlines additional applicable provisions not previously mentioned in this SMP, and expands upon certain topics not fully addressed above. Along with program specific requirements, each FTA grantee is held to a number of FTA-specific and other federal requirements. If funding is passed through to a subrecipient, designated recipients are responsible for subrecipient compliance with requirements. If subrecipients contract with private non-profit agencies, then the subrecipient is responsible for ensuring that the contracted agency is in compliance with the requirements.

In the event of a conflict between the summary information provided in this chapter and the statute or regulation, the language of the statute or regulation should be used.

Recipients must sign a “Master Agreement” and current fiscal year “Certifications and Assurance” annually, to either establish or renew the funding relationship with the FTA. Upon signing the Master Agreement and the Certification and Assurance subrecipients affirm their compliance with the regulations and requirements applicable to their grant program.

More information about individual requirements can be found in the Master Agreement, the Certifications and Assurances on the FTA public website [www.fta.dot.gov](http://www.fta.dot.gov), the FTA electronic award management system’s website (<https://faces.fta.dot.gov/suite/>), and in the references provided throughout this chapter.

### 6.1 RESTRICTIONS

The recipient agrees to comply with all restrictions including, but not limited to, the following provisions.

#### 6.1.1 School Bus Transportation

Section 5323(f) of title 49 U.S.C. prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. The implementing regulation (49 CFR part 605) does permit regular service to be modified to accommodate school students along with the general public (“tripper service”). For the purpose of FTA’s school bus regulation, Head Start is considered a social service, not a school program. Rules for the Head Start Program limit the types of vehicles, which may be used to transport children participating in a Head Start Program. FTA recipients may operate multifunctional school activity vehicles that meet the safety requirements for school transportation, but may not provide exclusive school service.

The Louisiana DOTD Public Transportation Section requires each recipient to sign a certification of compliance with this regulation as part of the application. Requirements to comply with school bus regulations are also made part of the contract between DOTD and the recipient.

#### 6.1.2 Lobbying

Federal financial assistance may not be used to influence or attempt to influence an officer or employee of any agency, a Member of Congress or the Louisiana State Legislature, an officer or employee of Congress or the Louisiana State Legislature, or an employee of a Member of Congress or the Louisiana State Legislature pertaining to the award of any Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement.

If any funds other than Federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress or the Louisiana State Legislature, an officer or employee of Congress or the Louisiana State Legislature, or an employee of a Member of Congress or the Louisiana State Legislature in connection with any application to FTA for Federal assistance,

the applicant must assure that it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," including the information required by the form's instructions, which may be amended to omit such information as permitted by 31 U.S.C. 1352.

General advocacy for transit and providing information to legislators about the services a recipient provides in the community are not prohibited, nor is using non-Federal funds for lobbying, so long as the required disclosures are made.

Recipients and subrecipients of grants exceeding \$100,000 must sign a certification as part of the Application for FTA funds so stating and must disclose the expenditure of non-Federal funds for such purposes (49 C.F.R. Part 20). The federally required clause, as defined in the governing regulation is included in the contracts between DOTD and subrecipients and also in subcontracts with providers who meet the minimum threshold. Compliance with this regulation is monitored as part of the Compliance Review questionnaire and periodic on-site visits.

### 6.1.3 Charter Bus Service

Title 49 U.S.C. 5323(d) limits charter service provided by federally assisted public transportation operators. FTA regulations specify these limitations in 49 CFR part 604—Charter Service, amended effective April 30, 2008 (73 FR 2326, Jan.14, 2008). The charter service regulation applies to both buses and vans. The Louisiana DOTD Public Transportation Section has elected to delegate the responsibility of compliance of 49 CFR Part 604, Charter Service Final Rule to all recipients and requires each certify compliance with 49 CFR Part 604. Subrecipients agree to comply with the charter regulations as part of the Master Grant Agreement and annual certifications and assurances. Charter service is permitted only as defined in 49 CFR Part 604, Charter Service Final Rule. Such service may be provided only if a determination has first been made as to whether or not there are any private charter operations willing and able to provide the charter service. In the event there is one such private operator, the recipient is prohibited from providing charter service with FTA funded equipment or facilities, unless one or more of the exceptions as listed in 49 CFR Part 604 apply. A recipient of FTA funds may petition FTA for an exception to provide charter service under the guidelines contained in 49 CFR Part 604. Any charter service that a recipient provides under any of the exceptions must be incidental charter service provided outside regular hours of operation. The revenues from each charter trip should equal or exceed the fully allocated costs of providing such a service. Additionally, charter profits must be used to offset regular public transit expenses.

Recipients which qualify to provide incidental charter service must follow the public participation process as presented in Section 604.11(b) and (c) of 49 CFR Part 604 annually during the month in which it published its first newspaper notice to re-determine the extent to which there is at least one willing and able private charter operator.

For detailed policies and procedures related to charter service, refer to the DOTD Public Transit Administrative Handbook.

## 6.2 CIVIL RIGHTS REQUIREMENT

DOTD Public Transportation Section is responsible for complying with civil rights requirements and for monitoring compliance of subrecipients of all FTA funding. Compliance on the requirements listed below is monitored as part of the Compliance Review questionnaire and through periodic on-site visits to the transit agency.

Recipients and subrecipients agree to comply with all applicable civil rights statutes and implementing regulations including, but not limited to, those listed in the section.

### 6.2.1 Nondiscrimination in Federal Public Transportation Programs

The DOTD Public Transportation Section agrees to comply, and requires that any subrecipient and all third party contractors shall not, on the basis of race, color, religion, national origin, sex, age or disability, exclude from participation in, deny the benefits of, or discriminate under FTA transit programs administered by DOTD, as required by the provisions of 49 U.S.C. § 5332, which also prohibits discrimination in employment and business opportunity.

### 6.2.2 Nondiscrimination on the Basis of Disability

DOTD PTS policy is that all subrecipients of FTA transportation program funds administered by DOTD provide assurance that it complies with the provisions of 49 U.S.C. § 5301(d), which sets forth Federal policy that elderly individuals and individuals with disabilities have the same right as other persons to use transit services and facilities, and that special efforts shall be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly individuals and individuals with disabilities.

Recipients must also agree to comply with all applicable requirements of the following Federal regulations: Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. Section 794, which prohibits discrimination on the basis of handicap; the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12101 et seq., which requires accessible facilities and services to be made available to persons with disabilities; and the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 et seq., which requires that buildings and public accommodations be accessible to persons with disabilities.

Additionally, recipients must comply with 49 CFT Parts, 27, 37, and 38; 28 CFR Parts 35 and 36; 41 CFR Subpart 101-19; 29 CFR Part 1630; 47 CFT Part 64, Subpart F; 36 CFR Parts 1192 and 1194; 49 CFR Part 609 and other FTA regulations, implementing the ADA and amending the Section 504 rule. Among other requirements, the regulations: prohibit discrimination against individuals with disabilities; require that vehicles acquired be accessible to and usable by individuals with disabilities, including individuals using wheelchairs with limited exceptions for demand responsive systems providing equivalent service to individuals with disabilities, or a demonstration of inability to obtain an accessible vehicle despite good faith efforts to do so; and require that public complementary paratransit for individuals who cannot use accessible fixed route transit.

The DOTD Public Transportation Section requires local recipient action on the Certification of Nondiscrimination on the Basis of Disability. This certification gives assurance that the recipient will conduct any program or operate any facility so assisted in compliance with all applicable requirements imposed by DOT regulations. Local recipient action is also necessary on the Section 504/ADA Compliance requirements. In order for FTA and DOTD to assess compliance requirements, applicants must provide the following information in the online application:

1. A description of recipient's plans to provide transit services for disabled persons in their service area.
2. The percentage of service area population, which requires wheelchair accessible vehicles.
3. The percentage of the recipient's fleet, which is currently wheelchair accessible.

The DOTD PTS will require that recipients, which are public entities operating fixed route transit must plan for and provide complementary paratransit for individuals with disabilities who cannot use accessible, fixed route transit. At the present time, all nonurbanized transportation is demand response and, therefore provides equivalent service.

Through the DOTD procurement and reporting process, it monitors all vehicles acquired with FTA funds, ensuring that they are equipped, maintained and operated in accordance with the regulation and that service provided does not discriminate against individuals with disabilities.

Intercity bus transportation funded with FTA funds must comply with ADA accessibility standards.

In addition, recipients of any FTA funds should be aware that they also have responsibilities under other provisions of ADA in the areas of employment, public accommodations, and telecommunications.

A sample Pre-Trip Inspection and Preventive Maintenance checklist is provided in STTARS. All subrecipients must complete daily pre-trip inspections that includes attention to safe operation of wheelchair lifts.

### 6.2.3 Nondiscrimination—Title VI of the Civil Rights Act

DOTD Public Transportation Section's policy is that no person shall, on the basis of race, color, creed, national origin, sex, age or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, as required by Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq., and U.S. DOT regulations, 49 C.F.R. Part 21 and FTA implementing requirements. Louisiana's application process assures the equitable distribution of funds among all groups within the State.

Subrecipients are required to maintain and make available upon request the following:

- ▶ A concise description of any active lawsuits or complaints alleging discrimination in service delivery filed against the subrecipient within the past year together with a statement of status or outcome of each such complaint or lawsuit;
- ▶ A summary of all civil rights compliance review activities conducted in the last three years; and
- ▶ An analysis of any environmental and or social economic impacts as the result of proposed construction projects, including the impact on minority communities. This information is required only for those projects, which do not qualify as a categorical exclusion in the environmental process. In order for FTA and DOTD to assess compliance requirements, applicants must provide the following information in their application:
  - A description of how the transportation needs of minorities will be served if the proposed project is approved for funding,
  - A description of the special efforts taken to serve minority communities and address minority transit needs, and
  - The percentage of minorities in service area population and the percentage of minority users of the agency's transportation system.

Additionally, each applicant must provide the total population of the service area, the percentage which is minority, a map of the service area which shows routes and distribution of minority groups (if demand-response service, the estimation of beneficiaries served by minority group category) and special efforts taken to serve minority communities and address minority transit needs.

Each applicant is required to sign the Certifications and Assurances, to include the Nondiscrimination Assurance, as part of their application. Each applicant must also submit a N Title VI plan as part of their application for transit funds.

Each subrecipient must agree to comply, and assure the compliance of each third party contractor and each subrecipient at any tier of the project, with all of the following requirements under Title VI of the Civil Rights Act of 1964.

- ▶ Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

- ▶ U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act,” 49 CFR part 21.
- ▶ FTA Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients.” This document provides FTA recipients and subrecipients with guidance and instructions necessary to carry out DOT Title VI regulations (49 CFR part 21), and DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons.
- ▶ U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005). This guidance clarifies the responsibilities of recipients of federal financial assistance from DOT and assists them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights Act of 1964 and executive order 13166.
- ▶ FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients.” This document provides FTA recipients and subrecipients with guidance and instructions necessary to carry out U.S. DOT Order 5610.2 to Address Environmental Justice in Minority Populations and Low-Income Populations, and executive order 12898 on environmental justice that describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles into existing programs, policies, and activities.
- ▶ U.S. DOT Order to Address Environmental Justice in Minority Populations and Low- Income Populations. DOT Order 5610.2 describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles (as embodied in executive order 12898 on environmental justice) into existing programs, policies, and activities.

#### 6.2.4 Equal Employment Opportunity

DOTD PTS is responsible for both its own compliance and for assuring FTA that all local subrecipients are in compliance with FTA’s Equal Employment Opportunity (EEO) objectives as detailed in FTA Circular 4702.1. If the state or any subrecipient meets the threshold specified in the circular it will submit an EEO program to the Federal Highway Administration. The subrecipients must agree, as part of their contract, that they will comply with all listed regulations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, and 49 U.S.C. §5332 and any implementing requirements FTA may issue.

Local recipients with 50 or more employees or which have received capital or operating grants in excess of \$1,000,000 (or \$250,000 in technical study grants) are required to submit an Equal Employment Opportunity (EEO) program to the state.

#### 6.2.5 Nondiscrimination on the Basis of Sex

DOTD PTS’ policy is that no person shall, on the basis of sex, be discriminated against in Education Programs or Activities Receiving Federal Financial Assistance, in accordance with requirements of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq. and U.S. DOT regulations, 49 C.F.R. Part 25 and FTA implementing regulations.

#### 6.2.6 Nondiscrimination on the Basis of Age

DOTD PTS’ policy is that all applicants assure compliance with the Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 et seq., and implementing regulations, which prohibit employment and other discrimination against individuals on the basis of age.

### 6.3 DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

DOTD PTS' policy is that state and local subrecipients of FTA transit program funding take necessary and reasonable steps to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts in accordance with U.S. DOT regulations, 49 C.F.R. Part 26. Recipients of FTA transit program capital or operating funds are obligated under contract with DOTD to make all necessary and reasonable efforts to use DBE firms. These activities are monitored annually as part of the Compliance Review questionnaire and is stressed during site visits.

Triennially, DOTD PTS will submit a statewide DBE program including goals for the utilization of DBE's by the state and by its subrecipients. On a semi-annual basis, the DOTD Public Transportation Section will submit a report through FTA's TEAM System, or its successor, that documents its efforts to meet the goals in the statewide DBE program for all FTA funded transit programs.

Each local subrecipient must take necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBEs have the maximum opportunity to compete for and perform contracts. Such necessary and reasonable steps include:

- ▶ Identification of all contracting opportunities, if any, associated with the FTA assistance;
- ▶ Analysis of DBE availability;
- ▶ Establishment of contract goals;
- ▶ Use of good faith efforts to achieve contract goals established;
- ▶ Use of DBE firms certified under the eligibility criteria of 49 CFR Part 26; and
- ▶ Record keeping and reporting sufficient for verification of the steps taken and participation received.

Recipients and subrecipients must track and report DBE participation levels achieved, including sufficient documentation in the recipient's, subrecipient's, or contractor's files to substantiate efforts undertaken to meet DBE obligations. Monthly reports will be submitted to the State to assess the recipient's progress toward projected contract awards and overall goals. This report will be required in accordance with the DBE Activity Timeline below.

**Table 2: DBE Activity – Timeline**

Date	Activity
Reported Monthly by 15 <sup>th</sup>	Subrecipients report DBE activities monthly with Financial Activity Reports
April 1 <sup>st</sup> and October 1 <sup>st</sup>	Professional Service Contracts – Request DBE activities
By June 1st and December 1st	Submit DBE activities semi-annually in TEAM for all FTA Projects

## 6.4 ENVIRONMENTAL PROTECTIONS

### 6.4.1 Environmental Reviews

Most FTA-funded transportation program projects administered by the State receive a categorical exclusion under this assurance, and therefore no action is required by the applicant. DOTD is responsible for obtaining the necessary clearance for environmental assessment. Projects that are not categorical exclusions, as defined by 23 CFR 711.117(d) may require the applicant to submit additional descriptive information. Additional information regarding environmental requirements can be found in FTA C9040.1.

There are a number of environmentally related statutes, orders, and compliance procedures, which may apply to a given project even if it is properly classified as a categorical exclusion. The environmental requirements which may come into play for FTA funded transportation program projects administered by the State are: Clean Air Act conformity provisions; protection of public parkland, wetland and waterfowl refuges, and historic sites (49 U.S.C. Section 303); Section 106 of the National Historic Preservation Act (protection of historic and archaeological resources); and Section 404 of the Clean Water Act (Corps of Engineers' permit requirements for dredge and fill activities in waters of the United States). FTA policy is to require compliance with these environmentally related requirements within the overall environmental process. The environmental assessment or environmental documentation to support a categorical exclusion must address these related requirements. No project will be included in Category A of the state's Program of Projects until compliance with these requirements is met.

The Louisiana DOTD, Public Transportation Section will screen potential projects when they are first identified to make an initial determination as to which projects clearly meet the FHWA/FTA criteria for categorical exclusions and which projects may require additional documentation.

### 6.4.2 Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires the U.S. DOT and FTA to make environmental justice (EJ) part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of our programs, policies, and activities on minority populations and/or low-income populations. Environmental justice at FTA includes incorporating environmental justice and nondiscrimination principles into transportation planning and decision-making processes as well as project-specific environmental reviews.

DOTD Public Transportation Section's policy is that recipients and subrecipients comply with the policies of Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations 42 U.S.C. § 4321 note and will follow the guidance in FTA Circular 4703.1 "Environmental Justice Policy Guidance for Federal Transit Administration Recipients".

## 6.5 CLEAN AIR ACT

The Clean Air Act establishes many substantive requirements in order to bring air quality regions, which currently violate the National Ambient Air Quality Standards into attainment by prescribed dates. The principal requirement affecting subrecipients is the transportation/air quality conformity review process. In general, transportation plans, program and project shall be found to conform to approved State (air quality) Implementation Plans (SIP) before they can be funded by FHWA or FTA. Most of the projects typically funded under this program (operating assistance, purchase of transit vehicles, operating equipment, construction of most storage and maintenance facilities, etc.) have been exempted by regulation from the conformity review process. A complete list of exempt highway and transit projects is found in 40 CFR 51.361.

DOTD PTS will screen potential projects when they are first identified to make an initial determination as to which projects clearly meet the FHWA/FTA criteria for categorical exclusions and which projects may require additional documentation or approval.

## 6.6 LABOR PROTECTION AND EMPLOYEE GUIDELINES

### 6.6.1 Davis-Bacon Act

The Davis-Bacon Act for FTA programs, 49 U.S.C. 5333(a) imposes prevailing wage requirements. This provision applies only to construction projects. In the event that a project involves construction, Section 5333(a) requires the secretary to ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of loans or grants under Chapter 53 be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the secretary of Labor and in accordance with the Davis-Bacon Act, as amended. The secretary may not approve any such loan or grant without first obtaining assurance that required labor standards would be maintained upon the construction work. This assurance is obtained when recipients accept grant funds and sign the Master Agreement.

### 6.6.2 Transit Employee Protection

Before FTA may award a grant for capital or operating assistance, fair and equitable arrangements must be made to protect the interests of transit employees affected by the proposed FTA assistance (49 U.S.C. 5333(b), formerly Section 13(c) of the Federal Transit Act as amended. Those arrangements must be certified by the secretary of Labor as meeting the requirements of the law.

## 6.7 BUY AMERICA

DOTD subrecipients must comply with 49 U.S.C. Section 5323(j), FTA regulations "Buy America Requirements", 49 C.F.R. Part 661, and implementing guidance FTA may issue. Buy America requirements apply to all purchases, including materials or supplies funded as operating costs, if the purchase exceeds the threshold for small purchases - currently less than \$100,000. Applicants certify as part of the Section 5310, 5311, and 5316 Application compliance with all applicable procurement requirements imposed by Federal laws, executive orders, or regulations. These requirements are included in the contract between DOTD and the subrecipient and in the subcontract with service providers. When contracts are mailed to subrecipients for signature, a sample contract to be used between the subrecipient and the provider is included. In order to assure compliance, the subrecipient is required to forward a fully executed copy of the contract to DOTD. DOTD will monitor procurement practices with the Annual Compliance Review questionnaire and site visits. These federally required procurement clauses are also a part of the certification packet for potential bidders that are distributed by DOTD for purchases.

## 6.8 PRE-AWARD AND POST-DELIVERY AUDITS

DOTD PTS requires pre-award audits for both Buy America and bid specification requirements. As a portion of the pre-award process, a certification of Federal Motor Vehicle Safety Standards (FMVSS) is also required. A Checklist is maintained on file at DOTD for capital purchases which tracks the following: Buy America Certification (Pre-Award), Bid Specification Pre-Award, receipt of Manufacturer's FMVSS Certification, Buy America Certification (Post Delivery), Vehicle Sight Inspection, Vehicle Road Test, number of vehicles purchased, Inspector's Report (if required), Bid Specification Post Delivery, and receipt of Manufacturer's FMVSS Certification. Items that are kept on file at DOTD are copies of solicitation documents, certification of Buy America compliance, certification of bid specification compliance, and certification from manufacturers of FMVSS information or its inapplicability.

Prior to signing a contract with the vehicle manufacturer for the purchase of vehicles, DOTD conducts the Pre-award Buy America Audit. In completing the Pre-award Buy America Audit, the Public Transportation Section reviews documentation from the manufacturer as to the cost of the vehicle's major components and primary sub-components, their country of origin, the location of final assembly, and the activities that will take place at that location.

The Public Transportation Section also conducts a Pre-award Bid Specification Audit. In this audit the DOTD staff reviews the information provided by the vehicle manufacturer concerning the vehicles proposed for purchase. A certification is made that these vehicle(s) are the same vehicle(s) described in the bid specifications used for this solicitation. It also assures that the manufacturer (by name) is a responsible manufacturer with the capability to produce the specified product. An on-site inspector will monitor the manufacture of the vehicles should 10 or more be purchased for a single sub-recipient.

As a part of the bid package, DOTD requires that the vehicle manufacturer submit a certification that the vehicles are subject to FMVSS standards issued by the National Highway Traffic Safety Administration (NHTSA) in 49 CFR Part 571. This manufacturer's self-certification information is kept on file by DOTD. If the vehicle purchased is not subject to FMVSS standards, DOTD keeps, on file, a certification from the manufacturer that the vehicle is not subject to those standards.

Upon receipt of vehicles ordered, DOTD will conduct a post-delivery audit for Buy America, Bid Specifications, and Federal Motor Vehicle Safety Standards. In the Buy America post-delivery audit, DOTD certifies that the Buy America regulations (after change orders, etc.) are still being met. In this audit, DOTD reviews specific cost information supplied by the manufacturer for compliance.

The post-delivery audit of Bid Specifications is conducted by DOTD personnel to determine if the vehicles meet contract specifications and to assure that the vehicles received are free from defects. A road test and visual inspection is completed. For the procurement of 10 or more vehicles for one agency, DOTD will certify that a resident inspector was on site throughout the manufacturing period and monitored the manufacture of the vehicles.

At post-delivery DOTD will file the manufacturer's self-certification regarding compliance with FMVSS standards. If the vehicle is not subject to FMVSS standards DOTD will keep on file the certification from the manufacturer that the vehicle is not subject to those standards.

If DOTD cannot certify Buy America or bid specification compliance, the vehicle(s) may be rejected and final acceptance will not be required. DOTD and the manufacturer may agree to a conditional acceptance of the vehicle(s) pending a correction of the deviations within a reasonable period of time.

## 6.9 DRUG AND ALCOHOL TESTING

### Section 5310

Recipients or subrecipients that receive only Section 5310 Program assistance are must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for employees who hold Commercial Driver's Licenses (CDLs) (49 CFR part 382).

All drivers of vehicles designed to transport more than 15 persons (including the driver); to be drug and alcohol tested in accordance with 49 CFR Part 382 and Part 40. It is the responsibility of the local recipient to assure that their CDL drivers are in compliance with these regulations. DOTD will act in an advisory capacity in order to keep them abreast of changes in the regulations and to offer technical assistance where needed.

### Section 5311 and 5339 Sub-Recipients

DOTD PTS is responsible for assuring FTA that all subrecipients receiving FTA Sections 5311 and 5339 program funds are in compliance with FTA's Drug and Alcohol Testing regulations, as outlined in 49 CFR Part 655. Among other requirements, these regulations require that all safety sensitive employees be tested for drug and alcohol use pre-employment (drug only), randomly, and post-accident; that certifications be made; and that reports be submitted. The following elements must be in place before a transit system can claim compliance:

- ▶ A policy statement must be adopted by the Governing Board or Authorized Official;
- ▶ Employees must be given a copy of the system's policy;
- ▶ Assigned a Designated Employee Representative (DER)
- ▶ All safety-sensitive employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use;
- ▶ All supervisors must have completed 60 minutes of Reasonable Suspicion training and 60 minutes of Drug and Alcohol;
- ▶ Drug and alcohol testing services must be in place;
- ▶ Substance Abuse Professional must be available for referrals; and
- ▶ Each system must have the ability to conduct drug and alcohol testing by their compliance deadline.

The transit system must certify compliance with the requirements set forth in 49 CFR Part 655 on an annual basis. The original certification is mailed direct to DOTD with the original documents submitted November 1 each year. This certification must be signed by the transit system is governing board or authorizing official. Before March 15 of each year, subrecipients must complete and submit to DOTD the Drug and Alcohol Testing Management Information System (MIS) Data Collection Forms, which are then submitted by DOTD to FTA no later than March 15.

DOTD holds workshops periodically to update recipients on changes in drug and alcohol regulations. Copies of FTA Drug and Alcohol Regulation Updates are also emailed to each agency. DOTD has reviewed copies of each recipient's Drug and Alcohol Policy in order to ensure compliance with Federal requirements. Monitoring is accomplished through the Compliance Review questionnaire and site visits.

## 6.10 DRUG-FREE WORKPLACE

DOTD PTS' policy is that recipients comply with the confidentiality and any other civil rights protections of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1174 et seq.; with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4581 et seq.; and with the Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 290dd-3 and 290ee-3; and an subsequent amendments to these acts.

Annually the Louisiana Department of Transportation and Development submits a Drug-Free Workplace Act Certification, pursuant to Public Law 100-690. This certification is submitted on behalf of all sections within DOTD who receive federal funds through grants. DOTD certifies that it will continue to provide a drug-free workplace by:

- ▶ Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in a DOTD workplace is prohibited and specifying the actions that will be taken against employees for violation of such prohibition;
- ▶ Establishing an ongoing drug-free awareness program;

- ▶ Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (1);
- ▶ Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant or cooperative agreement, the employee will abide by the terms of the statement and notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than **five calendar days after** such conviction;
- ▶ Notifying the Federal sponsoring agency in writing within ten calendar days after receiving notice under paragraph (4), from an employee or otherwise receiving actual notice of such conviction;
- ▶ Taking one of the following actions, within 30 calendar days of receipt of the notice, with respect to any employee so convicted:
  - Taking appropriate personnel action against such employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency; and
- ▶ Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above paragraphs.

## 6.11 COMMERCIAL DRIVER'S LICENSE

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Louisiana Law (R.S. 32:409.1) requires all drivers of vehicles designed to transport more than 15 persons (including the driver), must have a Commercial Driver's License (CDL). Mechanics who drive the 15 person's vehicles must also have a CDL.

## 6.12 EMPLOYEE POLITICAL ACTIVITY (HATCH ACT)

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To the extent applicable, the recipient agrees to comply with the provisions of the Hatch Act, 5 U.S.C. Sections 1501–1508, and Sections 7324–7326, and U.S. Office of Personnel Management regulations, "Political Activity of State or Local Officers or Employees," 5 CFR part 151 which limits the political activities of state and local agencies and their officers and employees, whose principal employment activities are financed in whole or part with federal funds including a federal grant, cooperative agreement, or loan.

## 6.13 PUBLIC AND PRIVATE SECTOR PARTICIPATION

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Federal law requires that FTA-funded projects provide for the public to be involved in the transportation planning process, and specifically requires that private providers be provided an opportunity to be consulted in developing transportation plans and programs in both urban and rural areas. In order to comply with the intent of 49 U.S.C. 5323(a)(1), each applicant is required to publish a public notice that identifies the services being proposed and invites any interested transportation provider within the service area to comment. Applicants provide assurance that participation of private mass transportation companies has been provided to the maximum extent feasible.

The statewide and MPO planning processes will address private sector concerns. Public involvement processes for both urban and rural planning processes in the state are proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

## 6.14 DEBARMENT AND SUSPENSION

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DOTD PTS requires that subrecipients submit a Debarment and Suspension Certification with their application as described in the *DOTD Public Transit Administrative Handbook* for contracts in excess of \$100,000. By signing this certification, the recipient assures DOTD that FTA transit program funds are not given to anyone who has been debarred, suspended, ineligible, or voluntarily excluded from participation in federally assisted transactions. The federally required clause, as defined in the governing regulation, 49 CFR Part 29 and FTA Circular 2015.1 on debarment and suspension is included in the contracts between DOTD and subrecipients and also in subcontracts with providers who meet the minimum threshold.

The U.S. General Services Administration's (GSA) system for award management (SAM) provides a single comprehensive list of individuals and firms excluded by federal government agencies from receiving federal contracts or federally approved subcontracts and from certain types of federal financial and nonfinancial assistance and benefits. GSA maintains a website, <https://www.sam.gov>, which is updated in real time as changes to the data occur.

In addition, the subrecipient and awardees participating in lower tier transactions must extend these requirements to their awardees. The prospective awardee in turn must notify the subrecipient or third party contractor (person at the next higher tier) if it knows whether or not it or any of its principals are presently excluded or disqualified under these regulations.

## 6.15 SAFETY AND SECURITY

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DOTD-administered transportation program applicants and subrecipients are required to have a safety and security plan that adheres to FTA guidance. FTA's authority in the area of transit safety is set forth in 49 U.S.C. 5329. Under this Section, FTA may conduct investigations into safety hazards and security risks associated with a condition in equipment, a facility, or an operation financed under Chapter 53 in order to establish the nature and extent of the condition and how to eliminate, mitigate, or correct it. FTA may also require local jurisdictions to submit a plan for eliminating, mitigating, or correcting the deficiency. Finally, FTA may withhold further financial assistance from any grantee that fails to correct any safety and security deficiency.

Title 49 U.S.C. 5329 provides FTA with the authority to establish a new comprehensive framework to oversee the safety of public transportation throughout the United States. The law requires, among other things, that FTA issue a national public transportation safety plan, establish safety performance criteria for all modes of public transportation, define a "state of good repair," establish minimum safety performance standards for public transportation vehicles, and develop a safety certification training program.

The state requires that public transportation agencies establish comprehensive agency safety plans for their bus operations. As FTA releases the guidance for the increased safety and security measures, the state will actively comply with the guidance.

## 6.16 SENSITIVE SECURITY INFORMATION

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To the extent applicable, the state will comply with 49 U.S.C. 40119(b) and implementing DOT regulations, "Protection of Sensitive Security Information," 49 CFR part 15, and with 49 U.S.C. 114(s) and implementing Department of Homeland Security, Transportation Security Administration regulations, "Protection of Sensitive Security Information," 49 CFR part 1520.

## 6.18 PREAWARD AUTHORITY

FTA provides blanket, or automatic preaward authority in certain program areas. This preaward authority allows recipients to incur certain project costs before grant approval and retain their eligibility for subsequent reimbursement after grant approval. The recipient assumes all risk and is responsible for ensuring that all conditions are met to retain eligibility. This automatic preaward spending authority permits a recipient to incur costs on an eligible transit capital or planning project without prejudice to possible future federal participation in the cost of the project or projects.

## CHAPTER 7 SECTION 5310: ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES

### 7.1 PROGRAM GOALS AND OBJECTIVES

The goal of the Section 5310 program is to improve mobility for seniors and individuals with disabilities throughout the country by removing barriers to transportation services and expanding the transportation mobility options available. The Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310) funding facilitates transportation projects, which improve mobility options for the elderly and individuals with disabilities. The rules and regulations described in this section follow the guidance provided in **FTA Circular 9070.1G**.

This program provides grant funds for capital and operating expenses to recipients for:

- ▶ Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
- ▶ Public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.);
- ▶ Public transportation projects that improve access to fixed-route service and decrease reliance on complementary paratransit; and
- ▶ Alternatives to public transportation projects that assist seniors and individuals with disabilities with transportation.

#### 7.1.1 Long-Term Goal Development Process

DOTD Public Transit conducts on going Coordination efforts and provides an updated Coordinated Human Services Transportation Plan every four years. This process engages stakeholders, to assess strengths and weaknesses in the overall transit process throughout the state. This process allows the DOTD Public Transit section to develop long-term goals for filling gaps in service.

### 7.2 ROLES AND RESPONSIBILITIES

Please see Chapter 2 – Roles and Responsibilities for an explanation of the respective roles and responsibilities for all programs covered in this SMP.

## 7.3 COORDINATION

Please see Chapter 3 – Coordination and Planning for details regarding the coordination policies and practices for all programs covered in this SMP. Additional program-specific coordination policies are discussed below.

### 7.3.1 Non-profit Project Notification

Applicants for Section 5310 Program funds are required to notify the public of the intent to apply for program funds. The notification process allows DOTD PTS to make the required FTA certifications that existing elderly and disabled transportation is unavailable, insufficient, or inappropriate to meet the needs of the local area, and that other elderly and disabled transportation providers have been afforded a fair and timely opportunity to participate in planning and operating the proposed service. The process also allows PTS to certify to FTA that every effort is being made to coordinate transportation services to the maximum extent possible.

All applicants (including public bodies) are required to publish two public notices (at 15 day intervals) in a general circulation newspaper inviting interested transportation providers within the service area to comment on the transportation proposal within 15 days. A certified copy of each public notice placed in official local newspapers must be included with the application.

## 7.4 ELIGIBLE SUBRECIPIENTS

FTA provides guidelines for eligible subrecipients for two categories of Section 5310 projects: 1) Traditional Section 5310 Projects and 2) Other Section 5310 Projects.

### 7.4.1 Eligible Subrecipients Section 5310 Projects

Section 5310 of the United States Code authorizes the Secretary of Transportation to make grants to:

- ▶ Private nonprofit organizations - A nonprofit organization is a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. §501(c) which is exempt from taxation under 26 U.S.C. §501(a) or one which has been determined under state law to be nonprofit and for which the Louisiana Department of Transportation and Development has received documentation certifying the status of the nonprofit organization;
- ▶ Public bodies which certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service ; or
- ▶ Public bodies approved by the Public Transportation Section, Louisiana Department of Transportation and Development to coordinate services for elderly individuals and individuals with disabilities.

State eligibility requirements follow regulations recommended by FTA Circular 9070.1G. In addition, Louisiana requires eligible applicants for 5310 assistance must have operated a transit service for a full year prior to the application for vehicles.

#### 7.4.1.1 Certification Process

Public bodies applying for Section 5310 funding under the "not readily available" criterion must submit a written certification that there are no nonprofit organizations readily available in their area to provide Section 5310 service. Certification may be submitted after efforts have been made to contact all existing transportation providers in the area by mail and by complying with the public notice process described in Chapter 3 – Coordination and Planning. All efforts to solicit service must be documented and included with the certification,

and applicants must afford an adequate opportunity for a public hearing. The certification should be forwarded to PTS prior to applying for Section 5310 funds.

## 7.5 ELIGIBLE ASSISTANCE CATEGORIES

No more than 10 percent of the Section 5310 funds apportioned to the State are set-aside for administrative oversight. The remaining Section 5310 funds apportioned to the State is set-aside for capital grants and operating assistance grants.

### 7.5.1 Capital Assistance

Capital grants can be used for the acquisition of vehicles, including safety equipment and equipment needed to comply with the ADA, which meet DOTD specifications. The capital cost of contracting includes allowable cost such as preventative maintenance.

To ease administrative burden and more efficiently utilize funds, DOTD has identified vehicles that can best meet the needs of transportation operations. This list of vehicles can be found in the DOTD Public Transportation application, updated each year with costs provided by Division of Administration/Office of State Purchasing. A maximum of 85% of each approved capital project can be financed with Section 5310 funds and the local recipient must provide the balance in cash.

### 7.5.2 Operating assistance

Operating assistance grants can be used to pay no more than 50 percent of the net costs for providing transportation. (FTA may make exceptions to the 50% match rule based on extenuating circumstances such as emergency relief funding.) Net operating cost is the difference between eligible operating expenses and operating revenues (e.g. fare box revenues). During the application process, applicants are required to develop a proposed operating budget.

Administrative costs for subrecipients related to providing transportation is considered an operating expense and are eligible for reimbursement of no more than 50 percent of net costs.

## 7.6 LOCAL SHARE AND LOCAL FUNDING

The total cost of Section 5310 funds will come from a combination of federal funds and local match funds. The proportion of the total cost of the project that must be provided by local match is 20 percent for Capital projects. The local match for operating funds is 50 percent. There is no local match for administration.

**Table 3: Section 5310 Federal and Local Share**

Assistance Category	Federal Share	Local Match
Capital – Accessible	85%	15%
Capital – Non-accessible	80%	20%
Operating	50%	50%
Administration	100%	No local match required.

### 7.6.1 Exceptions

MAP-21 makes an exception related to the local match for certain projects related to ADA and Clean Air Act (CAA) compliance. As a result, the local match has been reduced for the following categories:

- ▶ The federal share is 85 percent for the acquisition of vehicles for purposes of complying with or maintaining compliance with ADA (42 U.S.C. 12101 *et seq.*) or the CAA. A revenue vehicle that complies with 49 CFR part 38 may be funded at 85 percent federal share.
- ▶ The federal share for project costs for acquiring vehicle-related equipment or facilities (including clean fuel or alternative fuel vehicle-related equipment or facilities) for purposes of complying or maintaining compliance with the CAA (42 U.S.C. 7401 *et seq.*), or required by the ADA, is 90 percent. FTA considers vehicle-related equipment to be equipment on and attached to the vehicle.

No more than 90 percent of approved capital expense applications for acquisition of eligible vehicle-related equipment required by the Clean Air Act Amendments of 1990 (CAAA) or the Americans with Disabilities Act of 1990 (ADA) can be financed with Section 5310 funds. Only the incremental cost of the equipment required by the ADA or CAAA may be funded at 90 percent, not the entire cost of the vehicle. The local recipient must provide the balance in cash.

## 7.6.2 Local Match Sources

DOTD requires that local match for capital projects must be provided in cash.

## 7.6.3 State Programs and Local Match

No state programs are designed exclusively as match for Section 5310 funds, but there is no preclusion from using state funds as local match. Parish Transportation Fund may be used as part or whole portion of local match.

## 7.7 PROJECT SELECTION CRITERIA AND ANNUAL PROGRAM OF PROJECTS

Project selection and development of the annual Program of Projects for Section 5310 projects follow the processes outlined in Chapter 4 – Program of Projects and Project Selection.

Additionally, DOTD will ensure that at least 55 percent of projects selected for funding under Section 5310 fall under the category of “traditional 5310 projects,” which have different eligibility and subrecipients than “other 5310 projects.”

For Section 5310 projects, the POP will clearly indicate which projects are used to meet the 55 percent minimum for traditional section 5310 projects. The POP will also include a listing of any funds the state will use for planning, technical assistance, and administration, within the 10 percent limitation, and any other projects the state will carry out directly.

## 7.8 ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE

A maximum of ten percent (10%) of the Section 5310 funds apportioned to the State of Louisiana is set aside for state program administration, planning and technical assistance. The balance of the apportionment is available to eligible recipients for capital and operating grants.

The Louisiana Department of Transportation and Development (DOTD) allocates part of the administrative set-aside account for state program administration. These are 100% federal funds and are used to support DOTD personnel directly involved with Section 5310 program management and administration. Technical assistance projects in support of Section 5310 program activities and operations are also funded through the 10% state administrative set-aside. These state administered projects are designed to provide assistance in the areas of program management, reporting and evaluation.

Planning activities are also supported with funds from the 10% administrative set-aside. Planning projects initiated by DOTD are eligible for up to 100% Federal funding.

## 7.9 TRANSFER OF FUNDS

Transfers of Section 5310 funds to other FTA programs are not permitted. However, DOTD may use funds apportioned for small urbanized and rural areas for projects serving another area of the state if the Governor certifies that all the objectives of the Section 5310 program are being met in the specified areas. For example, if all objectives of the Section 5310 program are being met in rural areas, funds designated for rural areas may be transferred to urbanized areas. DOTD may only transfer apportioned funds after consulting with responsible local officials, publicly owned operators of public transportation, and nonprofit providers in the area from which funds to be transferred where originally apportioned. Funds apportioned to large UZAs may not be transferred to other areas.

Flexible funds from FHWA may be transferred to the Section 5310 program. The funds will be treated under the Section 5310 program requirements, with the exception of the local match and the minimum requirement for 55 percent to be spent on traditional Section 5310 projects. The FHWA funds will maintain the FHWA eligible match, including the application of the sliding scale for a higher federal share. The funds are available for obligation by the state for two additional years after the year in which they are transferred. To transfer FHWA flexible funds, DOTD must notify both FHWA and FTA and request FHWA to transfer the funds to the appropriate FTA account. The transfer must be completed prior to grant award.

## 7.10 PROGRAM MEASURES

The performance measures established by FTA are designed to capture overarching program information and part of the annual reporting requirements for States and other designated recipients. Therefore, the state is requiring that subrecipients submit data related to the following performance measures as defined the FTA circular for the 5310 program. Subrecipients are required to submit data for these performance measures electronically through the Statewide Transit Tracking and Reporting System (STTARS).

### 7.10.1 Traditional Section 5310 Projects

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

### 7.10.2 Other Section 5310 Projects

- ▶ Increases or enhancements related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
- ▶ Additions or changes to physical infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
- ▶ Actual or estimated number of rides (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

## 7.11 ADDITIONAL PROGRAM MANAGEMENT REQUIREMENTS

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Management requirements common to all FTA-funded Public Transportation Programs can be found in Chapter 5 – State Management.

In addition to these requirements, it is important to note that Section 5310 funds recipients are permitted to establish capital reserve accounts to replace existing equipment as long as no FTA funds, or proceeds from the sale or lease of FTA assisted property, are placed into those accounts

## 7.12 ADDITIONAL PROVISIONS

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Policies related to additional provisions applicable to all FTA-funded Public Transportation Programs can be found in Chapter 6 – Other Provisions Applicable to all Public Transportation Programs. These include policies and practices regarding:

- ▶ Private Sector Participation;
- ▶ Civil Rights;
- ▶ Vehicle Use and Maintenance;
- ▶ Charter Rule
- ▶ Section 504 and ADA Reporting; and
- ▶ Other Provisions.

## CHAPTER 8 SECTION 5311: FORMULA GRANTS FOR RURAL AREAS

### 8.1 PROGRAM GOALS AND OBJECTIVES

The Section 5311 Formula Grants for Rural Areas Program provides funding to provide financing capital, operating, planning, and job access and reverse commute projects, associated with providing public transportation in rural areas. The Section 5311 program includes the subprograms: the Rural Transit Assistance Program (RTAP); the Appalachian Development Public Transportation Assistance Program (ADTAP); Intercity Bus Program; and the Tribal Transit Program; however, the ADTAP does not apply to Louisiana.

The program goal of Section 5311 is the maintenance and expansion of public transportation services in rural areas. This goal is accomplished by supporting public transportation services in communities with populations fewer than 50,000 through the following activities:

- ▶ Enhancing access in rural areas to health care, shopping, education, employment, public services, and recreation;
- ▶ Assisting in maintaining, developing, improving, and using public transportation systems in rural areas;
- ▶ Encouraging and facilitating the most efficient use of all transportation funds used to provide passenger transportation in rural areas through the coordination of programs and services;
- ▶ Providing financial assistance to help carry out national goals related to mobility for all, including seniors, individuals with disabilities, and low-income individuals;
- ▶ Assisting in the development and support of intercity bus transportation;
- ▶ Providing for the participation of private transportation providers in rural public transportation; and
- ▶ Utilizing FTA Section 5339 and any other sources of capital assistance to augment Section 5311 funds in replacing older vehicles with new vehicles.

#### 8.1.1 Long-Term Goal Development Process

Long range planning, goal development, and consultation processes, including consultation with elected officials, are conducted to adhere to the requirements of Section 5303 and Section 5304.

### 8.2 ROLES AND RESPONSIBILITIES

Please see Chapter 2 – Roles and Responsibilities for an explanation of the respective roles and responsibilities for all FTA programs covered in this SMP.

Additionally, as the designated agency to administer the Section 5311 program, PTS will do the following:

- ▶ File an NTD report each year for itself and each subrecipient
- ▶ File an DAMIS report each year for itself and each subrecipient
- ▶ Provide for appropriate technical assistance for rural areas
- ▶ Ensure that there is a fair and equitable distribution of program funds within the state, including funds to Indian tribes

- ▶ Ensure a process whereby private transit operators are provided an opportunity to participate, including private providers of public transportation services, through service agreements with operators of public transportation services or as subrecipients
- ▶ Expend funds for the support of intercity bus transportation to the extent required by law; and
- ▶ Provide for maximum feasible coordination of public transportation services assisted by FTA with transportation services assisted by other federal programs

## 8.3 COORDINATION

Please see Chapter 3 – Coordination and Planning for details regarding the coordination policies and practices for all programs covered in this SMP.

## 8.4 ELIGIBLE SUBRECIPIENTS

Eligible recipients of Section 5311 funding under the program include:

- State agencies
- Local public bodies and agencies thereof
- Private –nonprofit organizations
- Indian tribes, and
- Operators of public transportation services

To ensure accountability, coordination and local program support, Louisiana may require that an applicant organization be a public body or Federally-recognized Indian tribe. The only exceptions to this are Regional Transit Authorities, the organizations specifically incorporated and recognized by the State to provide transit services in a parish or parishes.

In the case of intercity bus projects, subrecipients can be private for-profit operators of transit services or intercity bus services (as third party contractors for recipients or as subrecipients).

In Louisiana, only one applicant/subrecipient is allowed within a service area.

### 8.4.1 Participation by Non-profit and For-profit Organizations

Program participation (with the exception of intercity bus participation) may require any potential subrecipient that is not a public body or Federally-recognized Indian Tribe to contract with an appropriate applicant organization, and agree to provide the necessary transportation service with DOTD approval. This provision extends to private, for-profit transit or paratransit operators. The only exceptions to this are Regional Transit Authorities and organizations specifically incorporated and recognized by the State to provide transit services in a parish or parishes.

### 8.4.2 New Starts and Demonstration Projects Requirements

To ensure that performance measures provide a quantitative-based evaluation of how economically transit operators are providing service, what level of service is being provided, and how many resources are expended for the service provided, Louisiana requires that all new start or demonstration projects serve a probationary period of no less than 12 months during the first year of operation. Louisiana will not be obligated to fund demonstration projects beyond two years.

The PTS evaluates an applicant agency's technical capacity using the following criteria:

- ▶ Staffing levels;

- ▶ Staff training and experience;
- ▶ Level of procedure documentation;
- ▶ Ability to submit required reports correctly and on time; and
- ▶ Ability to maintain project equipment and ability to comply with FTA and state requirements.

The Regional Program Manager evaluates technical capacity using criteria such as staffing levels, staff training and experience, level of documentation of procedures, ability to submit required reports correctly and on time, ability to maintain project equipment and ability to comply with FTA and state requirements. The Regional Program Manager ensures that sub recipients have the required technical capacity through pre-award site visits, grant application, scheduled site visits, annual questionnaires, and it builds technical capacity through training programs provided during the year.

## 8.5 ELIGIBLE SERVICES AND SERVICE AREAS

Section 5311 funds can be used for public transportation projects, including job access and reverse commute projects, and intercity bus transportation projects in rural areas. Projects may include transportation to and from rural areas, which may include destinations across state lines.

### 8.5.1 General Provisions

Funds available from the Section 5311 program are dedicated to public transportation projects, which serve people living in nonurbanized areas of the state.

Public transportation services that are provided with funding support from the program must be open to the general public on a regular and continuing basis. Certain select services are permitted within program funding restrictions as long as they are incidental to the general public service normally provided.

Under the general service provisions which govern the program:

- an eligible transportation service may include the transportation of residents of the nonurbanized area to and from the nearest urbanized area or areas;
- the service is designed for the general public but may be part of a coordinated project designed to maximize the usage of services by transportation disadvantaged persons; and
- joint-funded Section 5307 and Section 5311 transportation projects are encouraged provided the level of Section 5311 support to the project fairly reflects the level of program services offered to residents in the nonurbanized area served by the project.

General restrictions that apply to services funded by the program include Charter Service and School Bus Service. Please see Chapter 6 – Other Provisions Applicable to All Public Transportation Programs for details regarding the Charter Service and School Bus Service for all programs covered in this SMP.

## 8.6 ELIGIBLE ASSISTANCE CATEGORIES

Section 5311 grants are available for state administration, planning, technical assistance, capital assistance, and operating expenses related to the provision of public transportation services in rural areas. Capital and Operating

assistance categories are discussed below, while the policy for funding state administration, planning and technical assistance is explained further below in Section 8.11.

### 8.6.1 Capital and Operating Expenses

At least 15 percent of the Section 5311 funds apportioned to the State must be set-aside for intercity bus projects unless the Governor certifies that intercity bus needs within the State are being adequately met. No more than 10 percent of the Section 5311 funds apportioned to the State are set-aside for administrative oversight. The remaining Section 5311 funds apportioned to the State is set-aside for capital grants and operating assistance grants.

#### 8.6.1.1 Capital Assistance

Capital grants can be used for the acquisition of vehicles, including safety equipment and equipment needed to comply with the ADA, which meet DOTD specifications. The capital cost of contracting includes allowable cost such as preventative maintenance.

To ease administrative burden and more efficiently utilize funds, DOTD has identified vehicles that can best meet the needs of nonurbanized transportation operations. This list of vehicles can be found in the DOTD Public Transportation application, updated each year with costs provided by Division of Administration/Office of State Purchasing. A maximum of 85% of each approved capital project can be financed with Section 5311 funds and the local recipient must provide the balance in cash.

Section 5311 funds allow for the cost of providing service under contract and only privately owned assets are eligible. The subrecipient may not capitalize under the contract any capital assets (i.e. vehicle, equipment, or facility) that have any remaining Federal interest in them, or items purchased with State, or local government assistance. DOTD may calculate capital costs as a fixed percentage of the contract without further justification.

Table 4 below shows the funding limits of capital costs contracts.

**Table 4: Capital Costs Contract Limits**

Contract Type	Percentage
Service Contract (contractor provides maintenance and transit service; grantee provides vehicles)	40%
Service Contract (contractor provides transit service only; grantee provides vehicles and maintenance)	0%
Vehicle Maintenance Contract (contractor provides maintenance; grantee provides vehicles and transit service)	100%
Vehicle Lease Contract (contractor provides vehicles; grantee provides maintenance and transit service)	100%
Maintenance/Lease Contract (contractor provides vehicles and maintenance; grantee provides transit service)	100%
Turnkey Contract (contractor provides vehicles, maintenance, and transit service)	50%
Vehicle/Service Contract (contractor provides vehicles and transit service; grantee provides maintenance)	10%

### 8.6.1.2 Operating assistance

Operating assistance grants can be used to pay no more than 50 percent of the net costs for providing transportation. (FTA may make exceptions to the 50% match rule based on extenuating circumstances such as emergency relief funding.) Net operating cost is the difference between eligible operating expenses and operating revenues (e.g. fare box revenues). During the application process, applicants are required to develop a proposed operating budget.

Administrative costs for subrecipients related to providing nonurbanized transportation is considered an operating expense and are eligible for reimbursement of no more than 50 percent of net costs.

#### Intercity Bus

Unless the Governor certifies that the intercity bus service needs of the state are being adequately met relative to the other rural needs in the state, not less than fifteen percent (15%) of the Section 5311 funds apportioned to the State of Louisiana are set aside for the intercity bus program.

#### Existing Restrictions and Conditions

For new starts and demonstration projects, the state has the option to treat project administrative expenses incurred by a local provider as a separate cost category from either capital or operating expenses. This allows administrative expenses to be considered “non-operating” expenses, which may be funded up to the 80% Federal share for the period specified in the contract.

Personnel training expenses for public transportation workshops, seminars, etc., are eligible for inclusion as operating expense charges provided prior approval is obtained from DOTD. Personnel training expenses for workshops not pertaining to transportation are not eligible expenses.

## 8.7 LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

The total cost of Section 5311 funds comes from a combination of federal funds and local match funds as shown in Table 5.

**Table 5: Section 5311 Federal and Local Share**

Assistance Category	Federal Share	Local Match
Capital - Accessible	85%	15%
Capital – Non-accessible	80%	20%
Operating	50%	50%
Administration	100%	No local match required.
Planning	80%	20%
Technical Assistance	100%	No local match required.
RTAP	100%	No local match required.

### 8.7.1 Federal Share

No more than 85 percent of approve capital expense applications and no more than 50 percent of net operating costs may be paid with federal grant funds unless FTA allows under extenuating circumstances. The remainder of project funds must be met through local match sources.

## 8.7.2 Local Match

The local share of capital transportation project costs is at least 15 percent of the total project cost, unless otherwise specified. The local share of operating costs is at least 50 percent of the total project costs.

### 8.7.2.1 Local Match Sources

The eligible local match for Section 5311 capital grant and DOTD approved planning projects for operating expenses must be from sources other than Federal DOT funds, and can be cash or in-kind contributions that come from the following sources:

- ▶ Private donations;
- ▶ State or local appropriations;
- ▶ Undistributed cash surpluses;
- ▶ Revenue from service contracts;
- ▶ Transportation development credits (TDC);
- ▶ Service agreement with a state or local service agency or private social service organization, or new capital;
- ▶ Dedicated tax revenues;
- ▶ Net income generated from advertising and concessions;
- ▶ Volunteered services;
- ▶ In-kind contributions;
- ▶ Federal program funding eligible for transportation expansion that are not DOT or DOT's Federal Lands Highway program; and
- ▶ Replacement or depreciation cash fund or reserve;

Volunteer services, in-kind contributions, and non-cash donations can be used as match as long as the value of each is documented and supported, represents a cost, which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

Local match for capital grants and DOTD approved planning projects requested by local recipients must be in cash, which must come from sources other than Federal funds.

Funds received by subrecipients pursuant to service agreements with a state or local social service agency or a private social service organization may be treated as local rather than Federal funds, even though the original source of such funds may have been another Federal program. A case-by-case verification of other funds which recipients consider to be purchase of service funds will be made by the DOTD PTS. Income from contracts to provide human service transportation may be used either to reduce the net project cost or to provide local match for Section 5311 operating assistance. In either case, the cost of providing the contract service is included in the total project cost.

### *State Programs Eligible as Local Match*

The State of Louisiana does not have a dedicated, nonurbanized public transit financing program. Public transportation projects are eligible expenditures under the state-funded Parish Transportation Fund. Other state funds from legislative appropriations to Community Action Agencies, Councils on Aging, and other public and private, non-profit corporations can be used as local match.

### *Unrestricted Federal Funds Eligible as Local Match*

Federal funds are deemed to be unrestricted if the Federal agency disbursing the funds designates those funds as unrestricted.

## 8.8 PROJECT SELECTION CRITERIA AND ANNUAL PROGRAM OF PROJECTS

Project selection and development of the annual Program of Projects for Section 5311 projects follow the processes outlined in Chapter 4 – Program of Projects and Project Selection.

Each year, Louisiana submits to FTA a program of projects (POP), which has been developed to ensure fair and equitable distribution of funds within the state, including Indian reservations, and to provide for maximum feasible coordination with transportation services funded through other federal sources.

For Section 5311 projects, separate from the listing of rural transit projects and subrecipients in Category A and B, the POP will list together and subtotal the projects and subrecipients that support intercity bus transportation as required by Section 5311(f). The POP will also describe specific RTAP projects within the broad areas of eligibility. The POP will also include a listing of any funds the state will use for planning, technical assistance, and administration, within the 10 percent limitation, and any other projects the state will carry out directly.

## 8.9 INTERCITY BUS TRANSPORTATION

Under the Section 5311 program, States are required to spend at least 15 percent of their annual funding allocation to carry out a program to develop and support intercity bus transportation. Intercity bus service is defined as regularly scheduled general public bus service along fixed routes with limited stops between two separated urban areas that can carry passengers and their baggage. The Intercity Bus Program is referred to as the Section 5311(f) program.

Louisiana is not required to expend 15 percent of its allotted Section 5311 funds if the Governor certifies that intercity bus needs within the State are being adequately met. The governor may also certify that less than 15 percent of the Section 5311 funds are needed to meet the state's intercity bus needs.

Additionally, the 15 percent provision only applies to the initial allotment of Section 5311 funding and does not include any funds transferred from other programs.

### 8.9.1 Intercity Bus Program Goals

The goals of the intercity bus program, as established by FTA, are to:

- ▶ Support the connection between nonurbanized areas and the larger regional or national system of intercity buses;
- ▶ Support services to meet the intercity travel needs of residents in rural areas; and
- ▶ Support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities.

The Louisiana Intercity Bus program goals mirror those established by FTA.

### 8.9.2 State Role

As part of its management of the Section 5311 program, PTS will look at the intercity bus transportation needs of all rural areas of the state, including the need for people in rural areas to connect to urban areas and the national transportation network. PTS will, where appropriate, coordinate with neighboring states, to increase connectivity for the intercity bus system. PTS will work with private providers of intercity bus transportation to access the best ways to increase connectivity to the national intercity bus network.

PTS will provide available information to FTA or its contractors, upon request, to support a national evaluation of the implementation of Section 5311(f).

### 8.9.3 Planning and Consultation Process

DOTD PTS will implement Section 5311(f) as part of the management of the Section 5311 program. Intercity bus projects will be included in the annual Section 5311 Program of Projects. Intercity bus transportation needs will be assessed for the entire state relative to other rural needs in the state.

Louisiana's intercity bus consultation process is part of the planning process used to develop the Coordinated Public Transit – Human Services Transportation Plans and the Statewide Long Range Transportation Plan. As part of this process, consultation will be conducted by PTS that will include:

- ▶ Identification of intercity bus providers in the state;
- ▶ Documentation of activities performed as part of consultation with identified providers and intercity bus organizations;
- ▶ An opportunity for intercity bus providers to submit proposals for funding as part of the state's distribution of its annual apportionment; and
- ▶ Documentation of the direct correlation between the results of the consultation process and the determination of how the state's intercity bus needs will be addressed.

As part of the planning process, the following activities will be performed:

- ▶ Intercity bus carriers will be notified of the state's Coordinated Public Transit – Human Services Transportation Plans development process and the Statewide Long Range Plan development process, and encourage their participation in those processes, and where a state is considering possible certification of needs being met adequately, provide an opportunity to submit comments and/or request a public meeting to identify unmet needs and discuss proposals for meeting those needs.
- ▶ Intercity providers will be invited to participate in scheduled meetings, such as state agency transit meetings and public transit conferences.
- ▶ Intercity bus providers will be notified, either through direct mail or advertisements in the journal of record for the state, of the availability of funds for the current year's intercity bus program; and comments will be solicited on intercity bus needs.
- ▶ Intercity bus transportation needs will also be included in the statewide long range planning process.

### 8.9.4 Governor's Certification

The state is not required to expend the specified percentage of the apportionment for an intercity bus program in any fiscal year in which the Governor certifies to the Secretary of Transportation, after consultation with affected intercity bus service providers, that the intercity bus service needs of the state are being adequately met. During such fiscal years as the Louisiana DOTD has determined that intercity bus needs have been adequately met relative to other rural needs in the state, a certification will be prepared for the Governor's consideration by PTS.

Prior to this certification, a public notice will be published in each parish journal of record to notify intercity bus providers of the availability of funds and to solicit comment on the State's intent to certify unless needs are identified. Additionally, letters notifying the providers of the coordinated public transit-human services transportation plans and requesting comments on intercity bus needs are mailed to Intercity Bus Carriers as well as existing rural providers. The assessment of need relative to other rural needs will be determined based on comments received, operating and capital assistance requests which are unmet for existing Section 5311 providers, operating and capital assistance requests which are unmet for new Section 5311 providers and

proposed population to be served. The assessment of the intercity bus needs will be included in the development of Coordinated Public Transit-Human Services Transportation Plans.

### 8.9.5 Programming Funds

In the absence of a certification from the governor that intercity needs are adequately met relative to other rural needs in the state, the required percentage of the state's annual apportionment will be programmed for intercity bus transportation within the three year period of availability. The intercity bus applicant for inclusion in Category A of the Program of Projects must meet all assurances imposed for the Section 5311 program. Additional information can be found in Chapter 4 – Program of Projects and Project Selection.

### 8.9.6 Intercity Bus Eligible Subrecipients

In the case of intercity bus projects, private for-profit operators of transit services or intercity bus services may participate in the program as third party contractors for recipients, or as subrecipients. The state will use a merit-based selection process to ensure that the private operator is qualified, will provide eligible service, can comply with federal and state requirements, and is the best, or only, provider available to offer service at a fair and reasonable cost.

### 8.9.7 Eligible Activities

Assistance under Section 5311(f) must support fixed-route intercity bus service in rural and small urban areas. Activities approved for eligibility and given priority by the Louisiana DOTD include:

- ▶ Planning and marketing for intercity bus transportation;
- ▶ Operating grants through purchase-of-service agreements;
- ▶ User-side subsidies and demonstration projects; and
- ▶ Coordination of rural connections between small transit operations and intercity bus carriers.

Other operating or capital projects for the support of rural intercity bus service are not precluded. Charter or tour services are not eligible for assistance under this program (49 CFR Part 604).

### 8.9.8 Feeder Service

The coordination of rural connections between small transit operations and intercity bus carriers may include providing services, which act as a feeder to intercity bus service. Feeder service does not have to have the same operating characteristics as the intercity service it connects with. For example, feeder service may be demand responsive, while intercity service is, by definition, fixed route. Eligible costs include marketing and extended hours of service in order to connect with scheduled intercity service. Where feasible, intercity bus feeder service may also provide access to intercity connections with rail or air service.

### 8.9.9 Capital Projects in Urbanized Areas

Using Section 5311(f) program funds for projects in urbanized areas is limited to those aspects of the project that can be identified as directly benefiting and supporting service to and from nonurbanized areas. These projects must be included in the MPO's TIP and in the STIP.

### 8.9.10 ADA Requirements

A public entity operating or contracting for intercity bus service is not required to provide complementary paratransit service for individuals with disabilities who are unable to use the fixed route intercity bus service. Under the ADA, commuter bus service is statutorily exempt from the requirement for complementary paratransit service. Fixed route feeder service provided by a public entity will be evaluated on a case-by-case

basis to determine whether its characteristics are those of commuter service or of transit requiring complementary paratransit. Vehicles acquired for use in intercity service or feeder service may be required to be accessible (49 CFR Part 37).

### 8.9.11 Local Match for Intercity Bus Projects

Federal share for intercity projects is the same as for other Louisiana Section 5311 program matches: no more than 85 percent for capital projects and no more than 50 percent for operating projects. State administration, planning and technical assistance in support of intercity bus transportation are eligible at 100 percent Federal share if applied against the cap on state administrative expenses. The amount of Section 5311 funds used for planning for intercity bus transportation is not limited by the 10 percent cap on state administration. However, the Federal share of any planning assistance for intercity bus not included in the 10 percent allowed for state administration is limited to 80 percent of the planning costs. Requests should be made to PTS for planning projects.

#### 8.9.11.1 *In-kind Local Match for Intercity Bus Projects*

In the case of an intercity bus project that includes both feeder service and an unsubsidized segment of intercity bus service to which the feeder service connects, the local match may be derived from the costs of a private operator for the unsubsidized segment of intercity bus service as an in-kind match for the operating costs of connecting rural intercity bus feeder service funded under 5311(f).

To use the net project cost provided by a private operator as in-kind match, the FTA-assisted project must be defined as including both the feeder service and an unsubsidized segment of the intercity bus network to which it connects.

The unsubsidized private operator costs can be used as the local match only “if the private operator agrees in writing to the use of the costs of the private operator for the unsubsidized segment of intercity bus service as an in-kind match.”

In order to be eligible to be used as in-kind match, a cost must be otherwise allowable under the project. Thus to be eligible under Section 5311, the net project costs contributed by the private operator as in-kind match must connect the rural community to further points.

Fare revenues of the private operator for the unsubsidized segment must be subtracted from the total cost to operate the unsubsidized segment to determine the eligible amount of in-kind match. For administrative simplicity, FTA allows two methods for the private operator to determine its eligible net cost that can be used as local match:

- ▶ Under the first method, the private operator is presumed to be collecting at least enough in fares to cover the operating costs of the unsubsidized service, and thus only the capital costs of the unsubsidized service may be used as in-kind match. To simplify matters, FTA will use the percentages allowed in the capital cost of contracting guidance to determine how much of the private operator’s total costs are attributable to capital. (e.g., 50 percent where the operator provides and maintains all the equipment, less if FTA funded equipment is provided).
- ▶ Under the second method, the private operator can directly calculate the net project cost of the unsubsidized segment and must provide to FTA verifiable information showing the eligible capital and operating expenses as well as fare revenues attributable to the unsubsidized segment that were used to make the calculation.

If there is excess in-kind match available from the net project costs of the private provider, it cannot be used to increase the federal share above the actual operating deficit of the project. If there is not enough capital in-kind

match to equal the Section 5311(f) funds needed to cover the operating deficit, the state or local agency would have to produce the difference in cash.

### 8.9.12 ADA Regulations for Intercity Bus

Intercity bus operators are subject to the Department of Transportation's (DOT) Americans with Disabilities Act of 1990 (ADA) over-the-road bus regulations, at 49 CFR part 37, subpart H (49 CFR 37.181 *et seq.*). Effective October 29, 2012, 100 percent of over-the-road buses operated by large operators (Class I motor carriers) that provide fixed-route service—service operated along a prescribed route according to a fixed schedule—must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Small operators must either ensure their vehicles are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, or must ensure that equivalent service, as defined in 49 CFR 37.105, is provided to individuals with disabilities.

In the event the intercity bus service is provided by a public entity or under contract to a public entity, the vehicles must be compliant with both 49 CFR 38.23 and subpart G of part 38. Complementary paratransit service is not required for intercity bus service.

### 8.9.13 Regulation of Intercity Service

The operator of intercity bus routes in interstate and/or intrastate service is required to obtain an operating certificate from the US Department of Transportation and/or the Louisiana Public Service Commission (PSC). A copy of the certificate must be included in the application package. Providers must have the requisite operating authority and insurance for services assisted under Section 5311(f), as determined by Federal or State regulatory authorities.

## 8.10 FUND TRANSFERS

The total funds available to the Section 5311 program may be altered according to statutory provisions which permit the Governor to transfer additional funding to the program from the state's Section 5307 program apportionment for urbanized areas under 200,000. Similarly, existing legal provisions permit the Section 5311 program allocation to be reduced if the Governor transfers funds from the program to supplement the Section 5307 program. If Section 5307 funds are transferred to Section 5311, the period of availability of the transferred funds remains that of the Section 5307 apportionment (six-year period of availability), which is three years longer than the same year's Section 5311 apportionment

Transferred funds are subject to any limitations applicable to the original apportionment of the funds, not of the receiving program.

Surface Transportation Program (STP) funds, and certain other flexible highway funds, may be transferred to Section 5311 for programming by the state. Transferred funds will be treated under the program requirements applicable to Section 5311. The period of availability of the funds is three years for obligation by the state under the Section 5311 program. Flex transfers to Section 5311 do not increase the amount the state must spend for intercity bus service. DOTD monitors the status of available program funds and informs the Office of the Governor of transfer procedures as program needs become evident. Should excess funds become apparent in any program managed by PTS, the DOTD will advise the Governor of specific program options and recommend appropriate action. DOTD will notify the FTA Regional Administrator of each transfer of funds.

## 8.11 STATE ADMINISTRATION AND TECHNICAL ASSISTANCE

The state may use up to 10 percent of its Section 5311 program funds to administer the program and provide technical assistance to subrecipients. Technical assistance includes project planning, program and management

development, public transportation coordination activities, and research the state considers appropriate to promote effective delivery of public transportation in rural area.

### 8.11.1 Administration

A part of the 10 percent set-aside can be used for state program administration. These funds are used to support DOTD personnel directly involved with program management and administration. These funds are eligible for 100 percent Federal funding.

### 8.11.2 Planning

Planning activities are supported with the 10 percent administrative set-aside. These funds are for planning projects initiated by DOTD. Local recipients are eligible to submit request to DOTD to administer and manage planning projects. These funds are eligible for 80 percent Federal funding of the net project cost.

### 8.11.3 Technical Assistance

Technical Assistance projects that support Section 5311 program activities and operations are available for funding using the 10 percent administrative set-aside. These projects are administered by the State and designed to assist in the program management, reporting, and evaluation.

## 8.12 STATE RTAP

RTAP provides funding to assist with designing and implementing training and technical assistance projects and other support services tailored to meet the specific needs of transit operators in rural areas.

DOTD has established an RTAP advisory committee to determine how available funds may best be utilized. The committee is comprised of the Program Managers for Section 5311, Section 5310 and RTAP and representatives from FTA-funded agencies providing transportation services in nonurbanized areas throughout the state. The Program Managers serve as Co-Chairpersons. The agency representatives are selected to ensure that a representative cross section of the participating agencies is achieved.

The committee acts in an advisory capacity, recommends, and prioritizes projects approved for RTAP funds. Section 5311 projects receive priority funding and service under this program. Secondary consideration for service or funding is given to Section 5310 providers after all needs are met for Section 5311 participants.

In addition to the Advisory Committee, subrecipients are asked to provide feedback through a survey to assess training needs. The findings from this survey are used in the process for establishing training priorities for the forthcoming year.

### 8.12.1 RTAP Program Objectives

The RTAP program provides funds to accomplish the following program objectives:

- ▶ Promote the safe and effective delivery of public transportation in rural areas and to make more efficient use of public and private resources;
- ▶ Develop state and local capacity for addressing the training and technical assistance needs of the rural transportation community;
- ▶ Improve the quality of information and technical assistance available through developing training, technology, and technical assistance resource materials;
- ▶ Facilitate peer-to-peer self-help through developing local networks of transit professionals;
- ▶ Support coordination of public, private, specialized, and human service transportation services; and

- ▶ Build a national database on the rural segment of the public transportation industry.

### 8.12.2 Programming Funds

Each state is designated a certain amount of funds by formula to implement training and technical assistance programs in conjunction with the state's administration of the Section 5311 program. FTA retains a portion of the RTAP funds to develop information and materials for use by local operators and state administering agencies and to support research and technical assistance projects of national interest.

### 8.12.3 Eligible Recipients

The state of Louisiana is the recipient of RTAP funds for the state. PTS develops a program of projects for RTAP.

### 8.12.4 Eligible Activities

States may use funding for training, technical assistance, research and related support services, and purchasing equipment. The national program funds are available for developing training materials and information resources, a natural resource center, regional and national meetings and workshops that support state RTAPs, promoting information exchanges regarding rural public transportation, and updating and analyzing national rural transportation database and publishing directories of FTA program sub-recipients for rural areas and seniors and people with disabilities.

Louisiana will develop an RTAP program that best meets the needs of Louisiana rural transit providers. This program can include:

- ▶ Assistance by in-house state staff to rural transit providers or potential rural transit providers;
- ▶ Contracts with private consultants, universities, nonprofit organizations, state transit associations, or other organizations of operators;
- ▶ Support of peer-to-peer networks of individuals to provide assistance to each other;
- ▶ Interagency agreements with other state agencies, both within the state and in other states; and
- ▶ Scholarships or tuition and expenses for people to attend training courses or workshops.

## 8.13 ADDITIONAL PROGRAM MANAGEMENT REQUIREMENTS

Management requirements common to all FTA-funded Public Transportation Programs can be found in Chapter 5 – State Management.

In addition to these requirements, it is important to note that Section 5311 funds recipients are permitted to establish capital reserve accounts to replace existing equipment as long as no FTA funds, or proceeds from the sale or lease of FTA assisted property, are placed into those accounts

## 8.14 ADDITIONAL PROVISIONS

### 8.14.1 NTD Reporting

Recipients and subrecipients of Section 5311 grant awards are required to submit data to the National Transit Database (NTD) annually as a condition of award. The information to be reported includes:

- ▶ Total annual revenue;
- ▶ Sources of revenue;

- ▶ Total annual operating costs;
- ▶ Total annual capital costs;
- ▶ Revenue miles;
- ▶ Vehicle fleet size, types, and related facilities;
- ▶ Revenue vehicle miles; and
- ▶ Annual Ridership.

Subrecipients of Section 5311 funds will report these numbers to PTS electronically through the Statewide Transit Tracking and Reporting System (STTARS). Details for using STTARS for reporting can be found in *the Louisiana Administrative Handbook for Public Transportation Projects* and the *STTARS User Manual*. PTS will enter the data collected through STTARS into the NTD database. The legislative requirement for the NTD is found in Title 49 U.S.C. 5335(a).

### 8.14.2 Other Provisions Applicable to All FTA Programs

Policies related to additional provisions applicable to all FTA-funded Public Transportation Programs can be found in Chapter 6 – Other Provisions Applicable to all Public Transportation Programs. These include policies and practices regarding:

- ▶ Private Sector Participation;
- ▶ Civil Rights;
- ▶ Vehicle Use and Maintenance;
- ▶ Charter Rule
- ▶ Section 504 and ADA Reporting; and
- ▶ Other Provisions.

## CHAPTER 9 SECTION 5316: JOB ACCESS AND REVERSE COMMUTE PROGRAM

### 9.1 PROGRAM GOALS AND OBJECTIVES

The Job Access and Reverse Commute Program (Section 5316) funds are available to facilitate transportation projects that help improve access to employment and employment related activities for welfare recipients and low-income individuals.

The Section 5316 program provides funds to accomplish the following project goals, which have been adopted from the Federal Transit Administration:

- ▶ To improve access to transportation services to employment and employment-related activities for welfare recipients and eligible low-income individuals;
- ▶ To transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities;
- ▶ To provide financial operating assistance for transportation services planned, designed, and carried out to meet the transportation needs of eligible low-income individuals, and of reverse commuters regardless of income; and

To coordinate Federally-assisted programs and services in order to make the most efficient use of all Federal resources.

### 9.2 ROLES AND RESPONSIBILITIES

Please see Chapter 2 – Roles and Responsibilities for an explanation of the respective roles and responsibilities for all FTA programs covered in this SMP.

### 9.3 COORDINATION

Please see Chapter 3 – Coordination and Planning for details regarding the coordination policies and practices for all programs covered in this SMP.

### 9.4 ELIGIBLE SUBRECIPIENTS

Section 5316 funding is available for:

- ▶ A state or local governmental authority; or
- ▶ A public transportation operator who receives funding indirectly as a subrecipient.

To ensure accountability, coordination, and local program support, Louisiana further requires that an applicant organization must be a public body or Federally-recognized Indian tribe. The only exceptions to this are Regional Transit Authorities and the organizations specifically incorporated and recognized by the State to provide transit services in a parish or parishes.

No more than one subrecipient is allowed within a particular service area.

### 9.4.1 Non-public agency participation

To use JARC funds, potential subrecipients who are not public bodies must contract services with a program eligible applicant organization (i.e.; public body) and agree to provide the necessary transportation services.

The only exceptions to this requirement are Regional Transit Authorities and organizations specifically incorporated and recognized by the State to provide transit services.

### 9.4.2 Agency Technical Capabilities

PTS will evaluate the technical capacity of an applicant agency using some or all of the following criteria:

- ▶ Staffing levels;
- ▶ Staff training and experience;
- ▶ Level of documentation of procedures;
- ▶ Ability to submit required reports correctly and on time;
- ▶ Ability to maintain project equipment; and
- ▶ Ability to comply with FTA and state requirements.

The 5316 program manager will ensure that subrecipients have the required technical capacity through:

- ▶ Pre-award site visits;
- ▶ Grant application;
- ▶ Scheduled site visits; and
- ▶ Annual questionnaires.

The program manager will also conduct training programs throughout the year designed to build the subrecipients' technical capacity.

## 9.5 ELIGIBLE ASSISTANCE CATEGORIES

### 9.5.1 Operating assistance

Operating assistance grants can be used to pay no more than 50 percent of the net costs for providing transportation. (FTA may make exceptions to the 50% match rule based on extenuating circumstances such as emergency relief funding.) Net operating cost is the difference between eligible operating expenses and operating revenues (e.g. fare box revenues). During the application process, applicants are required to develop a proposed operating budget.

Administrative costs for subrecipients related to providing transportation is considered an operating expense and are eligible for reimbursement of no more than 50 percent of net costs.

## 9.6 LOCAL SHARE AND LOCAL FUNDING

Applicants can apply for Section 5316 financial grant funding under the operating assistance category. The federal share of eligible operating costs may not exceed 50 percent of the net operating cost of the activity. The project balances must be met from local match sources.

The total cost of Section 5316 funds will come from a combination of federal funds and local match funds as shown in Table 6.

**Table 6: Section 5316 Federal and Local Share**

Assistance Category	Federal Share	Local Match
Operating	50%	50%
Administration	100%	

**9.6.1 Federal Share**

No more than 50 percent of net operating costs may be paid with federal grant funds. The remainder of project funds must be met through local match sources.

**9.6.2 Local Match**

The local share of operating costs is no less than 50 percent of the total project costs.

*9.6.2.1 Local Match Sources*

Local match funds for operating expenses must be from sources other than Federal DOT funds. Examples of local match sources include the following:

- ▶ Private donations;
- ▶ State or local appropriations;
- ▶ Undistributed cash surpluses;
- ▶ Revenue from service contracts;
- ▶ Transportation development credits (TDC);
- ▶ Service agreement with a state or local service agency or private social service organization, or new capital;
- ▶ Dedicated tax revenues;
- ▶ Net income generated from advertising and concessions;
- ▶ Volunteered services;
- ▶ In-kind contributions;
- ▶ Federal program funding eligible for transportation expansion that are not DOT or DOT’s Federal Lands Highway program; and
- ▶ Replacement or depreciation cash fund or reserve;

Volunteer services, in-kind contributions, and non-cash donations may be used as local match as long as the value of each is fully documented, supported, represents a cost, which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

Income from contracts to provide human service transportation may be used either to reduce the net project costs (treated as revenue) or to provide local match for JARC operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used.

*Use of Other Federal Funds*

Local match may be derived from other Federal funds derived from Federal programs that are eligible to be expended for transportation, other than from the DOT programs. Examples of types of programs that are potential sources of local match include employment training, aging, community services, vocational

rehabilitation services, and Temporary Assistance for Needy Families (TANF). To be eligible for local match for FTA funds, the other Federal funds must be used for activities included in the total net project costs of the FTA grant. Expenditure of other Federal funds for transportation outside of the scope of the project cannot be applied as a credit for local match in the FTA grant. Specific program information for other types of Federal funding is available at [www.unitedweride.gov](http://www.unitedweride.gov).

#### *State Programs Eligible as Local Match*

The State of Louisiana does not have a dedicated, nonurbanized public transit financing program. Other state funds from legislative appropriations to Community Action Agencies, Councils on Aging, and other public and private, non-profit corporations can be used as local match.

#### *Unrestricted Federal Funds Eligible as Local Match*

Federal funds are deemed to be unrestricted if the Federal agency disbursing the funds designates those funds as unrestricted. Further clarification is available in the *DOTD Public Transit Administrative Handbook*.

## 9.7 PROJECT SELECTION CRITERIA AND ANNUAL PROGRAM OF PROJECTS

Project selection and development of the annual Program of Projects for Section 5316 projects follow the processes outlined in Chapter 4 – Program of Projects and Project Selection.

Once the total funds have been allocated, the state will determine the sequence in which projects are funded using the following criterion:

- ▶ Funds will first be allocated to **existing** providers requesting operating assistance; and second to **new** transit operators requesting assistance.

Funding requests are individually reviewed to determine the level of eligible funding needed for each project. Federal and State cost policies and standards are used to evaluate the appropriateness of specific project budget requests along with other evaluation criteria such as prior year activity, prior year budget, ridership, etc.

Upon request, DOTD PTS. will provide technical assistance for subrecipients applying for funding.

## 9.8 ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE

No more than ten percent of Section 5316 funds apportioned to the State is set-aside for administrative costs, which are used to support DOTD personnel directly involved with program management and administration of the program.

## 9.9 TRANSFER OF FUNDS

Section 5316 transferred funds will follow the program requirements of FTA Circular 9050.1. The period of availability of the funds is three years for obligation by the state under the Section 5316 program. According to the circular, funds can be transferred between funding categories, to other FTA Programs, FHWA flexible Funds and FTA must be notified of transfers.

### 9.9.1 Transfer between Funding Categories

A State may use funds apportioned for small urbanized and rural areas for projects serving another area of the State, if the chief executive officer of the State certifies that all of the objectives of JARC are being met in the specified areas. For example, if all objectives of the JARC program are being met in rural areas, funds designated for rural areas may be transferred to urbanized areas of less than 200,000 in population. Funds apportioned to

small urbanized and rural areas may also be transferred for use anywhere in the State including large urbanized areas, if the State has established a statewide program for meeting JARC program goals. There is no authority to transfer funds apportioned to large urbanized areas to small urbanized or rural areas.

### 9.9.2 Transfer to Other FTA Programs

A State may transfer JARC funds apportioned to it for rural or small urbanized areas to apportionments under Section 5311(c) or 5307, or both. The purpose of the transfer provision, however, is not to supplement the resources available under the State's Section 5311 or Section 5307 apportionments. Transfer to Section 5311 or Section 5307 is permitted, but not required. FTA will also award stand-alone JARC grants to the State. Stand-alone grants facilitate the State's ability to recover and reprogram JARC program funds within the period of availability if they are not expended for the projects the State originally selected. If the State does choose to transfer the funds into the Section 5311 or Section 5307 programs, FTA has established a scope code (646) for JARC projects included within a Section 5311 or 5307 grant. Although JARC funds can be transferred to Section 5307 for award directly to a small urbanized area recipient in a Section 5307 grant, the grant should only include funding and activities for the JARC project(s). States may combine funds from multiple programs in a consolidated Section 5311 grant, but the State must track, manage, and report on each program's funds separately within the consolidated grant. One purpose for transferring JARC program funds to Section 5311 is to allow Federally-recognized Indian tribes, which are eligible direct recipients under the Section 5311 program but not under the other programs, to apply directly to FTA for funds allocated to them under the State's competitive selection process for JARC. Similarly, transferring JARC funds to Section 5307 allows direct recipients of Section 5307 grants in small urbanized areas, to apply directly to FTA for funds competitively awarded under the State's JARC program.

### 9.9.3 Transfer of (FHWA) Flexible Funds

Surface Transportation Program (STP) funds, Congestion Mitigation and Air Quality (CMAQ) Improvement Program funds, and certain other "flexible" funds, may be transferred from the Federal Highway Administration (FHWA) to FTA for capital transit projects. Although these funds may not be flexed directly into the JARC program, flexible funds may be transferred to the Section 5307 or 5311 programs for capital projects that support the purposes of the JARC program and are eligible under the program receiving the funds. The funds are available for obligation by the recipient based on the period of availability applicable to the receiving program.

### 9.9.4 Notification of Transfers

The State must notify the FTA regional administrator of the State's intent to have funds transferred so that FTA can initiate the transfer. For transfers of JARC funds to the Section 5307 program for urbanized areas under 200,000 in population or Section 5311(c), the notification must indicate the amount of funds transferred, the program to which they are being transferred, and specific projects selected under JARC.

The total funds available to the Section 5316 program may be altered according to statutory provisions, which permit the Governor to transfer additional moneys to the program from the state's Section 5307 apportionment for urbanized areas under 200,000. Similarly, existing legal provisions permit the Section 5316 program allocation to be reduced if the Governor transfers funds from the program to supplement the Section 5307 program.

DOTD monitors the status of available program funds and informs the Office of the Governor of transfer procedures as program needs become evident. Should excess funds become apparent in either program; the Department will advise the Governor of specific program options and recommend appropriate action. DOTD will notify the FTA Regional Administrator of each transfer of funds.

## 9.10 PROGRAM MEASURES

Subrecipients are required to submit data on these measures to PTS electronically through STARS. For further details, see the *DOTD Public Transit Administrative Handbook*.

Subrecipients found to be out of compliance with Federal or State rules and regulations are issued instructions for correction with a deadline for compliance. Completion dates for suggested operational and service design improvements are negotiated with the transit system manager and the PTS. PTS performs fiscal annual desk audits of Section 5316 contracts and conducts a site visit approximately every three years or as needed.

## 9.11 PROGRAM MANAGEMENT

Management requirements common to all FTA-funded Public Transportation Programs, including Section 5316, can be found in Chapter 5 – State Management.

## 9.12 ADDITIONAL PROVISIONS

Policies related to additional provisions applicable to all FTA-funded Public Transportation Programs can be found in Chapter 6 – Other Provisions Applicable to all Public Transportation Programs. These include policies and practices regarding:

- ▶ Private Sector Participation;
- ▶ Civil Rights;
- ▶ Vehicle Use and Maintenance;
- ▶ Charter Rule
- ▶ Section 504 and ADA Reporting; and
- ▶ Other Provisions.

## CHAPTER 10 SECTION 5339: BUS AND BUS FACILITIES PROGRAM

### 10.1 PROGRAM GOALS AND OBJECTIVES

The goal of the Bus and Bus Facilities (Section 5339) Program is to improve the readiness of fleet by assisting in financing capital projects to replace and purchase buses and bus-related equipment that will support the continuation and expansion of public transportation services in the rural and small areas of the State.

The State Section 5339 distribution is utilized as capital for the rural transit Section 5311 program subrecipients using the application process described in Chapter 8 Section 5311 Rural Public Transportation Program Capital Assistance. The Small Urban Section 5339 funds are allocated by the State to the small urban areas utilizing a call for projects method. LADOTD suballocates the funds to the small urbanized areas and allows them to apply directly to FTA for the funds.

After the rural and small urban needs are met, LADOTD may transfer funds apportioned under the national distribution to the Urbanized Area Formula (5307) programs on a case-by-case basis.

## 10.2 ROLES AND RESPONSIBILITIES

Please see Chapter 2 – Roles and Responsibilities for an explanation of the respective roles and responsibilities for all FTA programs covered in this SMP.

## 10.3 COORDINATION

Please see Chapter 3 – Coordination and Planning for details regarding the coordination policies and practices for all programs covered in this SMP.

## 10.4 ELIGIBLE SUBRECIPIENTS

All Section 5311 Rural Public Transportation agencies are eligible to receive capital assistance through Section 5339 Program. Small Urban Transit agencies operating in small urban areas in the Governor’s Apportionment (those cities with populations between 50,000 and 199,999) are eligible to received capital assistance.

## 10.5 ELIGIBLE ASSISTANCE CATEGORIES

### 10.5.1 Capital Assistance

Capital grants can be used for the acquisition of vehicles, including safety equipment and equipment needed to comply with the ADA, which meet DOTD specifications.

## 10.6 LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

The total cost of Section 5339 funds comes from a combination of federal funds and local match funds as shown in Table 5.

**Table 7: Section 5339 Federal and Local Share**

Assistance Category	Federal Share	Local Match
Capital - Accessible	85%	15%
Capital – Non-accessible	80%	20%

### 10.6.1 Federal Share

No more than 85 percent of approve capital expense applications may be paid with federal grant funds. The remainder of project funds must be met through local match sources.

### 10.6.2 Local Match

The local share of capital transportation project costs is at least 15 percent for accessible vehicles of the total project cost, unless otherwise specified. DOTD requires that local match for capital projects must be provided in cash.

## 10.7 PROJECT SELECTION CRITERIA AND ANNUAL PROGRAM OF PROJECTS

Project selection and development of the annual Program of Projects for Section 5339 projects follow the processes outlined in Chapter 4 – Program of Projects and Project Selection.

Each year, Louisiana submits to FTA a program of projects (POP), which has been developed to ensure fair and equitable distribution of funds within the state, including Indian reservations, and to provide for maximum feasible coordination with transportation services funded through other federal sources.

## 10.8 FUND TRANSFERS

The total funds available to the Section 5339 program may be altered according to statutory provisions, which permit the Governor to transfer additional funding to the program from the state's Section 5307 program apportionment for urbanized areas under 200,000. Similarly, existing legal provisions permit the Section 5339 program allocation to be reduced if the Governor transfers funds from the program to supplement the Section 5307 program. If Section 5307 funds are transferred to Section 5311, the period of availability of the transferred funds remains that of the Section 5307 apportionment (six-year period of availability), which is three years longer than the same year's Section 5311 apportionment.

Transferred funds must be used for eligible Bus Program activities, even if combined in a grant with other Section 53017 or 5311 funding. Transferred funds are subject to any limitations applicable to the original apportionment of the funds, not of the receiving program.

### 10.8.1 Other Provisions Applicable to All FTA Programs

Policies related to additional provisions applicable to all FTA-funded Public Transportation Programs can be found in Chapter 6 – Other Provisions Applicable to all Public Transportation Programs. These include policies and practices regarding:

- ▶ Civil Rights;
- ▶ Vehicle Use and Maintenance;
- ▶ Section 504 and ADA Reporting; and
- ▶ Other Provisions.

## AMMENDMENT 1 CONSTRUCTION MANAGEMENT

DOTD and all subrecipients of FTA program funds must adhere to the most recent *Project and Construction Management Guidelines (Guidelines)* published by FTA, and that document is specifically included in this SMP by reference.

The *Project and Construction Management Guidelines* document was developed under Federal Transit Administration (FTA) sponsorship to assist those involved in advancing transit capital projects to achieve implementation success in terms of the project scope, function, schedule, cost, and quality.

The *Guidelines* were originally published in September 1990 and subsequently updated in June 1996, May 2003, and July 2011. The guidelines summarize FTA requirements, best practices, and research results in the management of transit capital project development. The *Guidelines* are designed for use by FTA “grantees” (also used to mean “owner”, “transit agency”, or “project sponsor”) and their consultants as well as the FTA staff and Project Management Oversight (PMO) contractors. FTA maintains oversight for the grants that it awards, but assigns the grant administration and project management responsibility to the grantees. FTA assigns the responsibility for oversight of nearly all capital grants to the appropriate FTA Regional Office.

Each project phase should: 1) start with inputs or a baseline, 2) have a process that refines the project definition and generates outputs that, 3) become the inputs or baseline for the subsequent phase. By defining the requirements for each phase and sound approaches to their accomplishment, the *Guidelines* allow grantees to define project requirements, allocate resources, perform project activities, monitor progress, and make adjustments, as required, to obtain the proper information and assure that timely decisions are made utilizing risk-informed and performance-based project management. Adherence to the *Guidelines* should minimize scope changes, schedule slippages, cost overruns, and quality problems, and contribute to fully meeting all the performance objectives of the transit capital project.

Because a sound management and control plan should be implemented early in the life of a project, the *Guidelines* encompass the planning phase, in addition to the design and construction phases, where the greatest level of effort is expended.

For completeness, the operational or revenue service phase is also presented to encourage a comprehensive, life cycle management approach. This approach systematically assesses the relationship between the constructed transit capital project and operational realities to determine future system needs both modernization and expansion.