

Approved:

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Department of Transportation

## SECTION 5311 PROGRAM

### PURPOSE:

To describe the Florida Department of Transportation (Department) Public Transit Office's administration and management of the Federal Transit Administration's (FTA) **Formula Grants for Rural Areas, 49 United States Code. (USC) Section 5311**. This procedure is included as a part of the State Management Plan (SMP) required by FTA.

### AUTHORITY:

Sections 20.23(3)(a) and 334.048(3), Florida Statutes, (F.S.)

### SCOPE:

The principal users of this procedure are public transportation staff at both the Central Office and District Office levels, and the Office of Comptroller (OOC), specifically those involved in administering the **Section 5311 Program** (i.e., Central Office Grant Programs Administrator and staff, District Public Transportation/Office of Modal Development/Mobility Management Managers, and District Office staff).

### REFERENCES:

Sections 341.051, 411.202, and 215.97, F.S.

49 Code of Federal Regulations (CFR), Part 18 and 19

FTA Circular 9040.1, as amended

Notice of Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21<sup>st</sup> Century Interim Guidance Chapters 341 and 427, F.S.

Rule Chapters 14-90 and 41-2, Florida Administrative Code (F.A.C.)

OMB Circulars A-87 and A-133

Procedure 725-030-025, Transit Vehicle Inventory Management

Procedure 725-030-009, Bus Transit System Safety Program

Procedure 725-030-001, Public Transportation Vehicle Leasing

Procedure 725-000-005, Public Transportation Joint Participation Agreement (JPA)

Procedure 450-021-001, Federal and Florida Single Audit

Department SMP including:

FDOT Guidelines for Acquiring Vehicles  
Annual 5311 Application Manual  
In-kind Local Match Guidance  
Annual Grantee Site Visit Process  
Invoice Processing for Payment Process  
Grant Application, Development, Distribution, Evaluation and Award Process  
Single Audit Compliance Process  
Charter Service Technical Assistance, Monitoring, and Reporting Process  
Maintenance Oversight Review Process  
Third-Party Procurement Review Process  
Grantee Compliance Report

## **DEFINITIONS:**

**CATEGORY A PROJECT:** An eligible project certified by the District Office as having met all the statutory and administrative requirements for approval.

**CATEGORY B PROJECT:** An eligible project the District Office anticipates approving, but that has not met all the statutory and administrative requirements for approval.

**CENTRAL OFFICE:** The Department of Transportation, Public Transit Office or staff located in Tallahassee.

**COMMUNITY TRANSPORTATION COORDINATOR (CTC):** A transportation entity recommended by a metropolitan planning organization (MPO), or by the designated official planning agency (DOPA) as provided for in **Sections 427.015(1), F.S.**, in an area outside the purview of a metropolitan planning organization, and approved by the Commission for the Transportation Disadvantaged, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.

**COORDINATION CONTRACT:** A written agreement between the CTC and an agency who receives transportation disadvantaged funds and performs some, if not all of its own transportation services, as well as transportation services to others, when shown to be more effective and efficient from a total system perspective. The contract reflects the specific terms and conditions that will apply to those agencies performing their own transportation services, as well as joint utilization and cost provisions for transportation

services to and from the CTC.

**DESIGNATED OFFICIAL PLANNING AGENCY (DOPA):** A planning entity so designated by the Florida Commission for the Transportation Disadvantaged (CTD) to perform planning and support functions for transportation disadvantaged services.

**DISTRICT OFFICE:** A Department of Transportation District Public Transportation Office/District Office of Modal Development/Mobility Management and/or staff.

**DISTRICT PROGRAM OF PROJECTS (POP):** A district listing of each applicant agency for which a grant award is proposed, a description of the project to be funded, and the proposed federal, state and local share of the project cost. The district program of projects includes certification by the District Office that all applicants and projects so proposed either meet or will meet all program requirements before a JPA is executed. See **Attachments A** and **B** of these procedures for a sample format.

**ELIGIBLE CAPITAL EXPENSES:** Eligible capital expenses are limited to buses, vans or other paratransit vehicles, the capital cost of contracting (see **Attachment E**), radios and communications equipment, wheelchair lifts and restraints, vehicle rehabilitation, microcomputer hardware/software, initial installation costs, vehicle procurement, inspection and acceptance costs, construction or rehabilitation of transit facilities including design, engineering, and land acquisition, and other durable goods such as spare components with unit cost over \$300 and a useful life of more than one year. Equipment purchased must be necessary and reasonable to the provision of public transportation services in non-urbanized areas. The federal share for eligible capital expenses shall not exceed 80% except in the following instances: the federal share may be 90% for those capital projects used to provide access for bicycles to mass transit facilities; used to purchase vehicle-related equipment required by the **Clean Air Act Amendments of 1990 (CAAA)**; or required to comply with the **Americans with Disabilities Act of 1990 (ADA)**. It is only the incremental cost of the required equipment that may be funded at 90%, not the entire cost of the vehicle.

**ELIGIBLE OPERATING EXPENSES:** The total administrative, management, and operation costs directly incident to the provision of public transportation services less operating revenues. The federal share for net eligible operating costs shall not exceed 50%.

**ELIGIBLE RECIPIENT:** Political subdivisions of the State of Florida and agencies thereof, Indian Tribes and private non-profit agencies designated as Community Transportation Coordinators, per **Chapter 427, F.S.**, are eligible recipients for **Section 5311 Program** funding. Private for-profit agencies may receive funds through contractual arrangements with eligible recipients. All recipients who are not CTCs must

enter into coordination or transportation operator contracts with the appropriate CTC for the purpose of coordinating services. Local governments providing fixed route/fixed schedule service are not required to have an agreement with a CTC.

**ELIGIBLE SERVICE:** Public transit service provided in non-urbanized areas on a regular and continuing basis is eligible. Service provided to non-sponsored transportation disadvantaged persons and to social service clients is eligible. Services will be designed to maximize use by transportation disadvantaged persons in general, as long as public use of the service is not restricted. Services may not be designed exclusively to serve the transportation requirements of social service agencies without regard for the mobility needs of the community as a whole. The non-prioritization service plan must be submitted to the District Office. Charter, sightseeing, and exclusive school bus services are not eligible services. Since the goal of the **Section 5311 Program** is to enhance access of people living in non-urbanized areas to activities, **Section 5311 Program** projects may include the transportation of non-urbanized area residents to and from urbanized areas.

**INTERCITY BUS SERVICE:** Regularly scheduled service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, which has the capacity for transporting baggage carried by passengers, and which makes meaningful connection with scheduled service to more distant points, if such service is available. Package express service may also be included, if incidental to passenger transportation. Intercity bus service projects may hereafter be referred to as **Section 5311(f)**. Eligible **Section 5311(f)** projects must support intercity bus service in rural and small urban areas. Eligible activities include, but are not limited to, planning and marketing for intercity bus transportation, capital grants for intercity bus shelters, joint-use stops and depots, 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.

**JOINT PARTICIPATION AGREEMENT (JPA):** An agreement between the Department and a local sponsor (i.e., eligible recipient) of a transportation project, defining a project and the Department's participation. JPAs are to be developed and executed in accordance with the provisions outlined in **Public Transportation Joint Participation Agreement Procedure, 725-000-005** and the **Public Transportation JPA Handbook**.

**LOCAL MATCH:** Local match provided by the applicant can be a cash match, human services transportation contract or in-kind services. Income from contract to provide human service transportation may be used either to reduce the net project cost or to provide local match. The cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service. In-kind services must be

approved, prior to invoicing, by the Comptroller's Office and be an eligible source listed in the FTA Master Agreement. It is recommended that the sources of eligible in-kind match to be accepted by the Department be outlined in the JPA. The ***In-kind Local Match Guidance*** provides the process for District Offices to issue approval of in-kind match.

**MOBILITY MANGEMENT** 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 5309**). Mobility management does not include operating public transportation services.

**NON-PRIORITIZATION PLAN:** The plan developed by the recipient, and provided to the funding District, which outlines how the recipient plans to provide non-prioritized general public transportation services. All transportation services funded with **Section 5311** funds must be available to the general public.

**NON-URBANIZED AREA:** The geographical area outside of an urbanized area. An urbanized area is defined as "a core area and the surrounding densely populated area with a population of 50,000 or more, with boundaries fixed by the Census Bureau or extended by State and local officials." For the purposes of this procedure, the urbanized area map as approved by the Metropolitan Planning Organization, Department and the Federal Highway Administration, available from the appropriate District Office Planning Sections, shall be used to determine eligible service areas.

**OPERATING REVENUE:** The sum of all fares paid by passengers, whether such fares are paid at the time service is provided or via a prepaid arrangement such as passes or tokens. Operating revenue excludes revenues from contracts with social service agencies which pay for transportation of social service clients.

**PARATRANSIT:** Passenger transportation service which is are more flexible than conventional fixed-route transit but more structured than the use of private automobiles. Paratransit includes demand response (DR) transportation services, shared-ride taxis, carpooling and vanpooling (VP), and jitney (JT) services. Paratransit most often refers to wheelchair-accessible, demand response (DR) service.

**PREVENTATIVE MAINTENANCE COSTS:** Those costs attributable to preventative maintenance as defined in the National Transit Database (NTD). 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 asset. These capital maintenance expenses are eligible to use FTA capital funds for vehicle maintenance. If

the subrecipient is using their own employees to perform the maintenance activities, they must submit a force account or cost allocation plan to the Department prior to invoicing for any reimbursable expenses.

**PREVENTATIVE MAINTENANCE PLAN:** A living document that outlines an agency's current preventative maintenance goals, policies and procedures. It includes short and long term goals and objectives, filing procedures, staff responsibilities, and maintenance inspection policies and procedures. It should also include sample documents that are used by the agency for A B C inspections, daily inspections, road call logs and work orders.

**PRIVATE NONPROFIT PROVIDER:** A nonpublic entity with a tax-exempt status that provides public transportation services. Nonprofit entities exist to provide a particular service (e.g., public transportation) to the community. Nonprofit refers to a type of business organized under rules forbidding the distribution of profits to owners. Profit refers to a surplus of revenues over expenditures.

**PUBLIC TRANSIT:** The transporting of people by conveyances or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the general public whether publicly or privately operated

**TECHNICAL CAPACITY:** The technical capacity of a grantee is evaluated 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.

**TRANSPORTATION DISADVANTAGED:** Those persons who because of physical or mental disability, income or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk as defined in **Section 411.202, F.S.**

**TRANSPORTATION OPERATOR CONTRACT:** A written agreement between the CTC and the transportation operator prepared at the local level outlining the terms and conditions for any services to be performed.

## **PROGRAM GOALS AND OBJECTIVES:**

**Section 5311** of the **Federal Transit Act of 1998**, as codified at **Formula Grants for Rural Areas 49 U.S.C. Section 5311**, provides funding for public transportation projects in non-urbanized areas. The state is given some latitude in the management and administration of the **Section 5311** program. The Department has been designated

by the Governor to manage the **Section 5311** program in Florida.

The federal goal of the program is to enhance the access of people in rural areas to health care, shopping, education, employment, public services and recreation; to assist in the maintenance, development, improvement and use of public transportation systems in rural and small urban areas; to encourage and facilitate the most efficient use of all federal funds used to provide passenger transportation in rural areas through the coordination of programs and services; and to provide for the participation of private transportation providers in non-urbanized transportation to the maximum extent feasible. Wherever possible, **Section 5311** services should be coordinated with **JARC** type activities and **New Freedom** type services.

In Florida, program funds shall be used to support local transportation services that maximize the passenger carrying capacity of surface transportation facilities, of which service for the transportation disadvantaged is a significant part. All recipients of funds shall provide their non-prioritization service plan to the funding District Office to ensure access to the general public.

The Department will for notify eligible potential applicants of the availability of the program; developing project selection criteria; determining applicant eligibility; selecting projects for funding; and ensuring adherence to Federal and state program guidelines by all recipients per **49 CFR 18.37; 49 CFR 19.5; FTA C9040.1 Ch VI, pars 3b & 3c; FTA C9070.1 Ch V, pars 10b & 10c.**

**49 U.S.C. 5311(f)** requires states to spend a portion of their **Section 5311** apportionment "to carry out a program for the development and support of intercity bus transportation." The objectives of this program are to support the connection between non-urbanized areas and the larger regional or national system of intercity bus service; to support services to meet the intercity travel needs of residents in non-urbanized areas; and to support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities. A minimum of 15% of Florida's **Section 5311** apportionment must be spent for these purposes, unless the Governor certifies that the intercity bus needs of the State are currently being met.

## **1. PROJECT DEVELOPMENT, ROLES & RESPONSIBILITIES, SELECTION**

The Central Office will distribute funding allocations and grant application packages to the District Offices, to aid in selection of **Section 5311** projects. The District Offices will develop individual projects to form the District POPs and entering projects in the Department's work program. Project development includes proper notification of program availability, selection of projects according to approved selection criteria, and

submission of the district program of projects to the Central Office.

**1.1** The Central Office will provide grant application manuals to the Districts by July 20 annually. The District Offices will provide comments and revisions to the application manual to the Central Office by August 5 annually. The Central Office will provide the application manuals to the Districts by August 20 annually, with final comments being provided to the Central Office by August 25 annually. The Central Office will distribute an electronic version of the final application manual to the District Offices no later than September 5 annually. The application manual shall contain a full description of all state and federal program requirements as well as required application forms.

**1.2** District Offices will announce the availability of grant application packages by means appropriate to the local area (for example, by letter to interested parties, announcements at public meetings, newspaper notices, etc.). District Offices may send application packages directly to known potential applicants, but should also make appropriate efforts (see examples above) to inform other eligible program recipients, including Indian tribes. Announcement of the availability of grant application packages for the **Section 5311** program shall be concurrent with the announcement of the availability of grant application packages for the **Section 5310** program.

**1.2.1** The announcement should be made prior to the first working day of November each year. All deadlines in Section 1 of this procedure may be waived if there isn't an annual federal appropriation for this program by the specified deadline. Application packages shall be distributed to those responding to the notice within 10 days of receiving the application manuals from the Central Office.

**1.2.2** District Offices are responsible for informing the general public of the availability of application packages, taking special care to make eligible recipients aware. Such notice shall include notice of the requirement to provide services under the terms of a coordination or transportation operator contract with the appropriate CTC. (Exception: local governments providing fixed-route/fixed-schedule service.)

**1.2.3** Application packages shall be provided to eligible recipients and governmental agencies at no cost.

**1.3** District Offices will establish a single grant application deadline. Applications received after the deadline will not be accepted. This deadline shall be sufficiently early to allow for the full and fair consideration of applications and to permit a complete, timely and accurate submission of the District POP to the Central Office before the first working day in March each year.



## 2. COORDINATION AND PLANNING:

The Central Office will coordinate with the Commission for the Transportation Disadvantaged to ensure that all locally developed Transportation Disadvantaged Service Plans (TDSP) meet the requirements of the Locally Developed Coordinated Human Services Transportation Plan. Under **Chapter 427, F.S.**, it is mandated that all new transportation funding for the transportation disadvantaged be coordinated with the Commission for the Transportation Disadvantaged. TDSPs are developed using local stakeholder groups and are approved by local coordinating boards (LCBs).

## 3. ELIGIBLE SUBRECIPIENTS

All **Section 5311** subrecipients must meet the minimum requirements of this federal program as outlined in **FTA Circular 9040.1**, and all subsequent revisions. District shall give special attention to the following federal requirements:

**(A)** Funds shall be used for public transit services in non-urbanized areas. For applicants whose service area includes both urbanized and non-urbanized areas, special care shall be taken to ensure that **Section 5311** funding is not inappropriately applied to urbanized area service. It is understood that the desired destination for many trips provided to non-urbanized area residents is in an urbanized area. Such trips are appropriately funded with **Section 5311** funds. Recipients must develop a method of allocating costs between urbanized and non-urbanized area service. The availability of the information needed in any allocation method should be a factor in the selection of the allocation method. Methods for segregating urbanized and non-urbanized area costs include, but are not limited to:

**(B)** Recipients whose systems are designed to maximize use by transportation disadvantaged persons often know the addresses of all passengers. If 60% of all passengers live in non-urbanized areas, it is fair to say that 60% of all costs are eligible for **Section 5311** funding.

**(C)** Recipients providing fixed-route service can segregate urbanized and non-urbanized miles based on route maps and allocate system-wide costs accordingly.

**(D)** Drivers' logs or client trip records can be maintained to segregate mileage or hours within the urbanized area and costs allocated accordingly.

**3.1** Funds must be used for services for the general public and at the same time local recipients shall coordinate services with social service agencies. Because so much of the demand for transit service in rural areas will be from transportation disadvantaged persons, the District Office must exercise good judgment when selecting

applicants and when guiding recipients of funds to ensure that: (a) services are not restricted to transportation disadvantaged persons but open to the general public, and (b) service modes inappropriate to rural settings are not implemented and then under-utilized.

**3.2** If the applicant provides service designed to maximize usage by the transportation disadvantaged, special care shall be taken to ensure that services are not designed without regard to the mobility needs of the community as a whole. If all routes and schedules were designed to meet the requirements of social service agencies alone, other mobility needs of the community might go unmet.

**3.3** Applicants shall not be compelled to provide services typical to urbanized settings (i.e. fixed route/fixed schedule service) in order to demonstrate their public nature. The flexible paratransit mode so well suited to social service transportation is often well suited to rural areas in general.

**3.4** District Offices will only enter into a JPA granting **Section 5311** funds with a transportation provider whose service is designed to meet the needs of the transportation disadvantaged, who does not display the words "public transportation" on all vehicles, and use the words "public transportation" in all brochures, notices, schedules and other printed material regarding services, unless receiving written approval of the Central Office. The Department allows the provider the discretion to determine the placement of public transportation signage on the vehicle; however, it must be clearly visible to the public. Applicants who are not CTCs shall enter into written coordination or transportation operator contracts with the CTCs for the purpose of coordinating services. Except where a local government is providing fixed-route, fixed scheduled service, District Offices shall not enter into a JPA granting funds for use in any county not having a coordinated system as required by **Chapter 427, F.S.**

#### **4. PROJECT SELECTION AND METHOD OF DISTRIBUTING FUNDS**

**Section 5311** funds shall be allocated to the District Offices by the Central Office on a population formula basis that considers the non-urbanized population of each county.

**4.1** Within each District, operating funds may be suballocated on a non-urbanized population (or other formula approved in writing by the Central Office) basis among the eligible recipients or awarded based on merit and need according to the criteria detailed in **Section 4.3**.

**4.2** Within each District, capital funds shall be awarded to eligible recipients on the basis of merit and need in accordance with the criteria detailed in **Sections 4.3-4.3.4**. Applications for **Section 5311** capital funding should be considered together with

requests for **Section 5310** funds as appropriate for maximum benefit to the transportation system as a whole.

**4.3** Applications for capital and operating assistance, where operating funds are not suballocated on the basis of population, shall be evaluated and ranked by a minimum of three knowledgeable persons within each District. At least one evaluator shall be from outside the Department, unaffiliated with any applicant under consideration, and as familiar as possible with transportation and public issues and needs in the district.

Professional judgment shall be exercised when evaluating and ranking applicants. The criteria below, or alternate criteria approved in writing by the Central Office, shall be used in ranking applications. Alternate criteria must be requested by the first working day of November each year. Requests for alternate criteria shall list the criteria, discuss how the evaluation can be made on the basis of information contained in the grant application, and explain why alternate criteria are desirable and how proposed alternate criteria support the goals for the program as described in **FTA Circular 9040.1** and all subsequent revisions. All recipients of grant application packages shall be informed of the criteria used. All applications in a District shall be evaluated using the same criteria, whether the criteria listed below or alternate criteria are used.

#### **4.3.1 Service Efficiency and Effectiveness**

Examine the data submitted in the application under system description. Compare hours and days of service provided. Rank applicants providing more service, per week, higher than others. Rank applicants providing more rides per seat higher than others.

#### **4.3.2 Extent to Which the Community at Large Is Served**

Examine the project description, system description and coordination efforts. Rank applicants providing the broadest scope of services and the most service to non-sponsored riders and the general public higher than others.

#### **4.3.3 Need**

Evaluate the project description and budget. Consider whether funds are requested for items essential to passenger service, vehicles being replaced have reached the end of their useful life (in accordance with FDOT **Transit Vehicle Inventory Management, Procedure No. 725-030-025**); is there a large unserved or underserved population to which service is being expanded, is there a large number of people dependent on existing service? Rank those demonstrating greater need higher than others.

#### **4.3.4 Fiscal and Managerial Capability**

Consider the overall quality of the proposal as prepared, previous record of timely and accurate reports, prior audit records (if applicable; new applicants should not be penalized by lack of history), maintenance capability (as evidenced by age and mileage of vehicles being replaced), and rank overall capabilities accordingly.

**4.4** Once applications are ranked, the District Office will determine the extent to which each request will be funded based on the ranking and available funds.

**4.5** All score sheets, written comments, and summaries used in making the funding decisions (from all evaluators) must be kept on file by the District Office and be readily available for a period of five (5) years from date of award. The District Office should consider using a computer spreadsheet program to calculate, summarize, and check numerical scores to ensure mathematical accuracy.

### **5. ANNUAL PROGRAM OF PROJECTS AND APPROVAL PROCESS**

**5.1** Once all funding decisions are made, the District Office will forward a district POPs to the Central Office. The District POPs will be submitted in a format similar to that provided in the [Grant Application Development, Distribution, Evaluation and Award Process](#). This format consolidates District POPs into the State program of projects that the Central Office is required to submit to the FTA. Activity Line Item codes for use in your POP development are provided in **Attachment A**.

**5.1.1** Projects meeting all statutory and administrative requirements will be listed as **Category A** projects in the District POPs. Most, if not all, projects should be **Category A** projects.

**5.1.2** Projects the District Office expects to be able to approve in the current year, but which have not yet met all statutory and administrative requirements, will be listed as **Category B** projects in the District POPs.

**5.1.3** Districts Offices will submit with their POPs ~~program of projects~~ a record of approved and rejected funding requests that identify applicants that are minority managed/owned organizations or that provide assistance to minority communities. The District will also provide a description of the process ~~they~~ used to assure equity of distribution of resources among groups within the State as required by *Title VI of the Civil Rights Act*.

**5.2** The Central Office shall manage program funds in accordance with the Districts' POPs.

**5.3** District Offices shall notify each applicant of their grant award or non-selection for a grant award within 30 days from when the Central Office submits the State program of projects to the FTA. For applicants not receiving a grant award, the notice shall include information on the annual grant application cycle. For applicants receiving grants, a **Notice of Grant Award** shall indicate the amount of grant award and have a location for a signature indicating the acceptance of the Grant Award. A joint participation agreement will be issued by the District. **Exhibit C** of the JPA will also include all applicable federal clauses and federal program requirements.

**5.4** All grant awards issued to a recipient in the amount of \$100,000 or more will include a signed standard lobbying form. A copy of this form will be transmitted to the Central Office for submittal to the FTA Region IV Office in Atlanta. Copies of signed standard lobbying forms are due in the Central Office within two (2) weeks of the execution of the JPA or the signed Notice of Grant Award for capital projects.

## **6. PROJECT MANAGEMENT AND ADMINISTRATION**

District Offices will administer and manage individual grant projects. This includes development and execution of JPAs and any required amendments, oversight of recipient procurement actions, and monitoring recipient compliance with state and federal requirements. The JPA must state the terms and conditions of assistance by which the project will be undertaken and completed. The JPA provides a mechanism for the state to pass through the applicable federal and state requirements to subrecipients. The federally required clauses are included in **Attachment C** of the JPA. District Offices will provide the Central Office with information required to maintain a complete and accurate POP between the state and the federal government. The Central Office will transmit a copy of the POP to the Accounts Receivable Office, attention: Grants Section, in the Comptroller's office each time it is changed.

**6.1** The District Office will enter into a JPA with recipients following the latest JPA procedure, **Public Transportation Joint Participation Agreement (Procedure No. 725-000-005)**. No JPA shall be executed prior to receipt of an approved POP from the Central Office (which will be transmitted upon receipt from the FTA, usually by July 1 of each year) which shall contain correct federal project numbers. No JPA shall be executed for any project which is not a **Category A** project. No original JPA, supplemental JPA, encumbrance, or work order shall be executed for an activity that is not in conformance with an approved POP from the Central Office.

**6.1.1** The project description in **Exhibit A** of the JPA shall include, at a minimum, a description of any capital equipment to be purchased and/or a brief description of the services provided.

**6.1.2** *Exhibit B* of the JPA shall be structured so that the federal participation does not exceed 80% of the capital cost (or 90% for the incremental cost of **ADA or Clean Air Act** equipment) or 50% of the net eligible operating costs of a project funded under the **Section 5311** program. The state may participate in an amount not to exceed one-half the non-federal share of the capital cost of a project funded under the **Section 5311** program.

**6.1.3** *Exhibit C* of the JPA shall include, at a minimum, the following: the agency shall require the independent auditor, retained to perform the audit as required by the **Office of Management and Budget (OMB) Circular A-133** and/or the **Florida Single Audit Act, 215.97 F.S.**, to specifically test and certify that services funded by the program were provided in non-urbanized areas, that there was no restriction on public use, and that the State and Federal share of eligible costs did not exceed amounts specified in the approved project budget (*Exhibit B*). Note that this test and certification shall be provided along with the **Single Audit Report**. The grant recipient agrees to require the auditor retained to test and certify for program operational items in addition to the financial management items

**6.2** By September 1 of each year the District Offices will send the Central Office an updated District POP if JPAs differ from the most current District POP, as projects are advanced from **Category B** to **Category A**, or in the event a project selected for funding is canceled for any reason. The Central Office shall return an approved amended POP within 10 working days of receipt of the updated District POP. For those changes to the POP requiring FTA approval, Central Office will return the approved POP within 10 days of receipt from the FTA.

**6.3** District Offices will conduct a Triennial Review of each subrecipient every three years at their place of business. The purpose of the visit will be to monitor the recipient's compliance with program guidelines. The visit shall be documented in the District Office file by a summary of each monitoring visit and/or a checklist as found in the **Annual Grantee Site Visit Process**. Any areas of concern or non-compliance will be documented during the Triennial Review, along with the type of technical assistance provided to the recipient to resolve the issue. The District may contact the Central Office to request technical assistance and/or support in resolving identified issues. The District will enter information regarding subrecipient compliance into the Departments compliance tracking program. The Central Office will make reporting information available to the FTA. The **Triennial Review Process** outlines the roles and responsibilities of both District and Central Office staff.

**6.4** All goods and services (including capital equipment) purchased with grant funds shall be purchased in accordance with the Department's equipment procurement

guidelines as documented in the **Public Transportation Joint Participation Agreement (Procedure No. 725-000-005)** and in FDOT's **Guidelines for Acquiring Vehicles** located in the Department's **SMP**. Once delivered and accepted, vehicles purchased under the **Section 5311** program will be managed according to the Department's **Transit Vehicle Inventory Management, Procedure No. 725-030-025**. Grantees must submit the Third-Party Procurement checklist with all approval requests for third-party procurements to their District Office.

**6.5** All vehicles purchased under the **Section 5311** program will carry sufficient insurance to protect the federal interest in the event of loss. The Department of Transportation shall be named as certificate holder on any policy covering equipment purchased with grant funds. The District Office address shall be used for this purpose. Agencies that are self-insured shall be required to certify that they are self-insured, and document the existence of a reserve against which claims can be made. All vehicles purchased under this program are subject to safety and maintenance inspections as outlined in the Department's **Transit Vehicle Inventory Management, Procedure No. 725-030-025**.

**6.6** Recipients shall submit a certification verifying the adoption of a System Safety Program Plan and performance of safety inspections in accordance with **Rule Chapter 14-90, F.A.C.**

**6.7** Applicants for **Section 5311** capital funds must afford an adequate opportunity for a public hearing, and such hearings must be held if someone with a significant economic, social, or environmental interest in the matter requests a hearing.

**6.8** From time to time it may be necessary to terminate a contract by mutual agreement or if the recipient has failed to comply with contract requirements. If this occurs, the federal and state interest in capital equipment awarded must be protected as outlined below.

**6.8.1** The value of any such equipment should be determined as outlined in the **Transit Vehicle Inventory Management, Procedure No. 725-030-025**.

**6.8.2** Equipment may be transferred to another agency eligible to receive **Section 5311** funds. District Offices should first canvass eligible recipients in their own districts, then statewide, to locate an eligible recipient able to make use of the equipment. Transfers of equipment and titles should be handled as outlined in the **Transit Vehicle Inventory Management, Procedure No. 725-030-025**. The new recipient shall reimburse the original recipient its prorata share based on the value determined. If the original local share was 10%, the original recipient should receive 10% of the current value. The original recipient may waive this refund. The new recipient must comply with

all program requirements. Full applications will be necessary only if there are several potential recipients. If there is only one potential recipient in a district (as is frequently the case when used equipment is considered), that recipient may omit narrative portions of the application and complete only the budget pages and sign the assurances. If the new recipient has received **Section 5311** funding in the past, they shall update their most recent application to include the equipment transferred. If the new recipient has not received **Section 5311** funding in the past, a new application must be submitted to the District Office. The new recipient shall be managed and monitored, by the District, as if it had been the original recipient.

**6.9** The District Office will maintain the official files which shall, include, at a minimum:

- (A) A copy of the recipient's completed grant application.
- (B) A copy of the JPA and any supplemental agreements.
- (C) A copy of each invoice presented for payment.
- (D) Documentation of any audit exceptions or deficiencies noted in the audit performed in compliance with the **Single Audit Act of 1984**, and the **Single Agency Audit Act Amendment of 1996**, per the **Federal and Florida Single Audit, Procedure No. 450-010-001**.
- (E) A summary of each monitoring visit made to the recipient's place of business and/or a completed checklist (see **Grantee Compliance Report**).
- (F) Documentation that procurements were approved as required by the JPA.
- (G) Evidence of insurance for any vehicles purchased with grant funds, such as notices from the insurance company sent to the District Office because the Department is a named certificate holder.
- (H) The project file may also contain additional correspondence and information considered by the District Office to be important to a comprehensive understanding of the project, including but not limited to the non-prioritization service plan.
- (I) All scoring sheets and a summary of the rankings of grant applicants (not applicable if all requests were funded). See sample in **Attachment C** of this procedure.
- (J) An inventory of all vehicles awarded including a record of all interagency



transfers. This inventory may consist of the inventory provided by the Central Office as described in the ***Transit Vehicle Inventory Management, Procedure No. 725-030-025***.

**(K)** A copy of the original District POP and all revisions thereto (including assurances) to include notations of financial project item numbers applicable to each project.

**(L)** Documentation of the notification of the availability of grant application packages.

**(M)** A copy of the signed standard lobbying form, if agreement is \$100,000 or more (see ***Attachment E***).

**(N)** A copy of the recipients Title VI Plan.

**6.10** The FDOT may elect to use up to the eligible amount of State Administration funding. This funding will not be used for Department employee salaries. State Administration funds will be used for technical assistance and research projects to assist Department recipients of ***Section 5311*** funding.

## **7. TRANSFER OF FUNDS**

No transfer of funds between the Section 5307, 5310, and 5311 programs may be allowed or authorized.

## **8. PRIVATE SECTOR PARTICIPATION**

Private sector providers are encouraged to apply for ***Section 5311*** awards through the CTC in their service area. When considering JARC type activities, CTCs are encouraged to apply on behalf of and award third-party agreements to private sector providers. Private sector providers are also consulted in the development of the coordinated human service transportation development plans.

## **9. MAINTENANCE AND ASSET MANAGEMENT**

**9.1** All ***Section 5311*** recipients must have a vehicle maintenance plan on file. During the annual site visit, the District Office will complete a review to ensure that the recipient is following the policies outlined in the recipient's maintenance plan. The District will also check for maintenance of ADA accessibility features during the site visit as stated above. The Central Office will provide technical assistance resources for the

development and evaluation of recipient maintenance plans. The District will follow the guidelines in the **Maintenance Oversight Review Process** during annual oversight review visits.

**9.2** If the District awards **Section 5311** funds for a recipient facility refurbishment or facility construction, the recipient is required to have a facility maintenance plan. The District will keep a copy of the facility maintenance plan in the project file. The District will maintain on file a copy of the facility maintenance plan during the useful life of the facility. Any incidental uses of the federally funded facility must be approved by FTA. The recipient will submit the request for incidental use to the District. The District will forward the request to the Central Office, which will submit the request to FTA. The District must document how it maintains continuing control over federally funded facility projects.

**9.3** Any disposition of federally funded real property must be completed under the guidelines issued in **FTA Circular 5010**. Additionally, FTA concurrence with the disposition must be obtained by the recipient and the Department, prior to disposing of the federally funded facility.

## **10. FEDERAL COMPLIANCE**

This section outlines the Department's method for complying with federal requirements not outlined above. Most requirements will be monitored and compliance assured by the use of the JPA, site visits and file reviews.

**10.1** Subrecipients are informed of the applicable federal Civil Rights requirements as part of the application process. The JPA that they agree to also references the requirements. The District Office shall receive a copy of the recipient's Title VI Plan prior to the execution of the Notice of Grant Award or JPA operating projects. At the recipient's request, the District will provide technical assistance to the recipient in the development of their Title VI Plan. The District may request technical assistance from the Central Office in assisting their recipients in meeting the Title VI requirements. The District Office will ensure the requirements are being met with onsite visits and file reviews, including noting whether the Title VI policy is posted at the recipient's physical location and on the recipient's website. The Central Office EEO will provide all Title VI, EEO and DBE planning and goal setting functions; the Central Office PTO will do the required reporting. Further guidance is available in the **Title VI Program Compliance Process**.

**10.2** The District Office will monitor and evaluate the subrecipients compliance with **Section 504** and ADA requirements by conducting site visits and file reviews.

**10.3** Buy America pre-award and post-delivery reviews are maintained at the Department's inspection facility. Copies are provided to the award recipient.

**10.4** Restrictions on lobbying, prohibition of exclusive school transportation, charter service and monitoring of subrecipients is accomplished during annual site visits. Additional guidance on monitoring Charter Service activities is provided in the ***Charter Service Technical Assistance, Monitoring, and Reporting Process***.

**10.5 OTHER PROVISIONS** – Recipient compliance with employee protection provisions and environmental protection requirements are reviewed during annual recipient oversight visits. Buy America provisions for vehicle purchases, including pre-award and post-delivery, are monitored and completed by the Central Office Procurement Manager. Ensuring recipient compliance with Buy America provisions of construction projects and third-party procurements, which are not vehicles, is the responsibility of the District Project Manager. District Project Managers must ensure recipient compliance with the prohibition of exclusive school transportation and the drug and alcohol testing requirements. The Central Office provides a Substance Abuse Program management consultant as a technical resource for District Offices and recipients of ***Section 5311*** funding.

## **11. NTD REPORTING**

The NTD is FTA's primary national database for statistics on the transit industry. Recipients (the Department) and subrecipients (grantees) of Section 5311 grants are required by 49 U.S.C. Section 5335(a) and (b) to submit data to the NTD as a condition of the award. Specific reporting requirements are included in the NTD reporting instructions manual issued each year.

The Department, as the recipient, collects and ensures that data is collected and compiled for the data collection and compilation from each Section 5311 subrecipient and transportation provider in the State that benefits from the grant. The Central Office is responsible for NTD reporting. Section 5311(b)(4) specifies that each Section 5311 recipient shall submit an annual report containing information on capital investment, operations, and service provided under Section 5311. Items to be reported include total annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size and type, and related facilities; revenue vehicle miles; and ridership. The ***Rural National Transit Data Collection Process*** outlines how the Department works with the contractor to collect and submit the NTD reporting information.

## **12. Rural Transit Assistance Program (RTAP)**

The Department delivers RTAP services through a university contract. The program

objectives are to promote the safe and effective delivery of public transportation in rural areas and to make more efficient use of public and private resources; to foster the development of State and local capacity for addressing the training and technical assistance needs of the rural transportation community; to improve the quality of information and technical assistance available through the development of training, technology, and technical assistance resource materials; to facilitate peer-to-peer self-help through the development of local networks of transit professionals; to support the coordination of public, private, specialized, and human service transportation services; and to build a national database on the rural segment of the public transportation industry. The Department will allow 5310 grantees to use RTAP resources whenever possible.

### **13. INTERCITY BUS TRANSPORTATION**

The Department's first objective of the funding for intercity bus service under Section 5311(f), is to support the connection between rural areas and the larger regional or national system of intercity bus service. The second objective is to support services to meet the intercity travel needs of residents in rural areas. The third objective is to support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities.

**13.1** *Section 5311(f) Intercity Bus* funds shall be allocated for specific projects at the state level. District Offices will be consulted when major facility projects are proposed in their District.

**13.2** Applications for *Section 5311(f)* funds proposals will be reviewed and evaluated by an Intercity Bus Project Review Committee chaired by the Grant Programs Administrator. Proposals are evaluated and ranked by an Intercity Bus Project Review Committee. Prior to awarding an intercity bus facility project the Intercity Bus Project Review Committee will consult with District staff in the area in which the facility is to be constructed. If there are insufficient eligible projects in a given year, the Department may either keep the funds in reserve to be combined with the next year's *Section 5311(f)* funding, or seek a Governor's certification and reallocate funds for regular *Section 5311* services.

### **14. TRAINING**

Training for the *Section 5311* program is available for new transit program employees in the District Offices. Experienced transit staff in the Central Office and/or the District Offices may provide this training. Additionally, training will be made available to potential subrecipients on how to apply and utilize *Section 5311* program funds through annual workshops. Individual requests for assistance will be responded to by either

Central Office or District Office Staff.

## 15. FORMS

Districts must submit a completed District ***Grantee Compliance Report*** to the Central Office by April 1 annually. The template for the spreadsheet is attached to ***Annual Grantee Site Visit Process***.

The SAMPLES provided in this procedural document can be tailored or changed to fit specific circumstances and are a starting point for users. These samples are not official forms of the Department.

## Sample

### SECTION 5311 PROGRAM OF PROJECTS

The preferred format for a program of projects (POPs) is attached to the ***Grant Application Development, Distribution, Evaluation and Award Process***. The following list of Activity Line Item (ALI) codes should be used on your 5311 POPs.

#### ALI

Code	Description
11.12.03	Bus 30 feet, replacement
11.12.04	Bus Under 30 feet, replacement
11.12.07	Commuter Bus, replacement
11.12.15	Van, replacement
11.12.16	Sedan/Station Wagon, replacement
11.12.40	Spare parts, Maintenance Items, replacement
11.13.03	Bus 30 feet, expansion
11.13.04	Bus Under 30 feet, expansion
11.13.07	Commuter Bus, expansion
11.13.15	Van, expansion
11.13.16	Sedan/Station Wagon, expansion
11.13.40	Spare parts, Maintenance Items, replacement
11.42.06	Shop equipment, acquisition
11.42.07	ADP Hardware, acquisition
11.42.08	ADP Software, acquisition
11.42.09	Surveillance/Security, acquisition
11.42.10	Fare Collection, acquisition
117A.00	Preventative Maintenance
11.7L.00	Mobility Management
11.92.02	Bus Shelters
11.92.06	Bicycle Equipment on Buses
30.09.01	Operating Assistance

## Sample

### **CERTIFICATIONS AND ASSURANCES FOR SECTION 5311**

Based on its own knowledge and, as necessary, on information submitted by the subrecipient, the Florida Department of Transportation District \_\_\_\_ Office certifies and assures that the following requirements and conditions will have been fulfilled before any Federal assistance authorized for 49 U.S.C. 5311 are provided to a specific subrecipient:

- A. Each subrecipient has or will have the necessary legal, financial, and managerial capability to apply for, receive and disburse funds authorized for 49 U.S.C. 5311; and to implement and manage the project.
- B. Sufficient non-Federal funds have been or will be committed to provide the required local share.
- C. The subrecipients have, or will have by the time of delivery, sufficient funds to operate and maintain the vehicles and equipment purchased with Federal assistance authorized for these projects.
- D. To the extent applicable, Section 5311 projects are included in a metropolitan Transportation Improvement Program.
- E. The District Office has provided for a fair and equitable distribution of assistance authorized for 49 U.S.C. 5311 within the district, including Indian reservations.
- F. The subrecipients have, to the maximum extent feasible, coordinated with other transportation providers and users, including social service agencies authorized to purchase mass transportation service.
- G. The subrecipients are in compliance with all applicable civil rights requirements, and have signed the Title VI Nondiscrimination Assurance.
- H. The subrecipients will comply with applicable requirements of U.S. DOT regulations on participation of disadvantaged business enterprises in U.S. DOT programs.

- I. The subrecipients have provided to the state an Assurance of Nondiscrimination on the Basis of Disability. If non accessible vehicles are being purchased for use by a public entity in demand responsive service for the general public, the state will obtain from the subrecipient a "Certification of Equivalent Service."
- J. The subrecipients have complied with the labor protection provisions of 49 U.S.C. 5333(b) formerly Section 13(c)), by one of the following actions: (1) signing the Special Warranty for the Nonurbanized Area Program; (2) agreeing to alternative comparable arrangements approved by the Department of Labor (DOL); or (3) obtaining a waiver from DOL.
- K. Unless otherwise noted, each of the subrecipient's projects qualifies for the type of categorical exclusion that does not require further FTA environmental approvals. In the case of any project not qualifying for a categorical exclusion, the state assures that financial assistance will not be provided for that project until FTA has made the required environmental finding.
- L. The subrecipients have submitted or will submit all certifications and assurances currently required, including, but not limited to: A nonprocurement suspension and debarment certification; a bus testing certification for new models; a pre-award and post-delivery audit certification; for an application exceeding \$100,000, a lobbying certification; and anti-drug program and alcohol testing certifications.
- M. The District Office will enter into a written agreement with each subrecipient stating the terms and conditions of assistance by which the project will be undertaken and completed.
- N. The state recognizes FTA's authority to conduct audits to verify compliance with the foregoing requirements and stipulations.

---

District Public Transportation Manager

Date



**Sample**

**FLORIDA DEPARTMENT OF TRANSPORTATION  
SECTION 5311 PROPOSAL SELECTION CRITERIA**

APPLICANT

**CRITERIA**

**SCORE**

1. Service efficiency/effectiveness

Comments

2. Extent to which elderly persons and persons with disabilities are served

Comments

3. Need

Comments

4. Fiscal and managerial capability

Comments

5. Approved alternate/additional criterion (if applicable)

Comments

**TOTAL SCORE**

\_\_\_\_\_  
Evaluator

Date

This score sheet shall be used when there is insufficient funding to grant all eligible capital and/or operating requests. The maximum score for each criterion is 10 points. Written comments are optional.

Score sheets may be completed for each applicant either by reaching a consensus among the evaluators or by averaging evaluators' individual scores.

## **CAPITAL COST OF CONTRACTING**

The Federal Transit Administration (FTA) identifies the capital cost of contracting for service as an eligible capital expense. The following table shows the percent of various types of contracts which are eligible for FTA capital assistance without further justification to FTA. The percentages apply no matter whether the service is local, express, shuttle, or paratransit.

### **PERCENT OF CONTRACT ALLOWED FOR CAPITAL ASSISTANCE WITHOUT FURTHER JUSTIFICATION**

<b>Type of Contract</b>	<b>Percent</b>
1. Service Contract (contractor provides maintenance and transit service; grantee provides vehicles)	40 percent
2. Service Contract (contractor provides transit service only; grantee provides vehicles and maintenance)	0 percent
3. Vehicle Maintenance Contract (contractor provides maintenance; grantee provides vehicles and transit service)	100 percent
4. Vehicle Lease Contract (contractor provides vehicles; grantee provides maintenance and transit service)	100 percent
5. Maintenance/Lease Contract (contractor provides vehicles and maintenance; grantee provides transit service)	100 percent
6. Turnkey Contract (contractor provides vehicles, maintenance, and transit service)	50 percent
7. Vehicle/Service Contract (contractor provides vehicles and transit service; grantee provides maintenance)	10 percent

A recipient may request FTA participation in a higher percentage of the contract than is shown in the table, but must provide appropriate written cost information and documentation to justify the higher percentage to FTA. The State should obtain FTA's approval of any such requests for a level of capital participation higher than the percentages shown in the chart before advancing the project to Category A.

## STANDARD LOBBYING FORM

### Standard Lobbying Certification Form

The undersigned [Contractor] certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Contractor, \_\_\_\_\_, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

\_\_\_\_\_ Signature of Contractor's Authorized Official

\_\_\_\_\_ Name and Title of Contractor's Authorized Official

\_\_\_\_\_ Date