STATE OF NEW YORK
STATE MANAGEMENT PLAN

FTA Section 5310 Program

ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
Policy and Planning Division
Office of Integrated Modal Services
Public Transportation Bureau
www.dot.ny.gov/public-transportation
March 2015
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INTRODUCTION

This document comprises the State of New York’s State Management Plan for the Federal Transit Administration (FTA) Section 5310 program, prepared in compliance with the provisions of FTA Circular 9070.1G, ”Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions.”

The submission of this State Management Plan reflects the latest FTA guidelines as well as changes in the organization and policies of the State of New York and the New York State Department of Transportation (NYSDOT), the designated recipient of these federal funds, since the plan was last updated (April 2012).

This plan was prepared by the Public Transportation Bureau, under the Office of Integrated Modal Services, in the Policy and Planning Division of the New York State Department of Transportation, Albany, New York (Main Office). Questions and comments may be directed to:

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OVERVIEW of the FTA SECTION 5310 PROGRAM in the STATE OF NEW YORK

Under MAP-21, the FTA Section 5310 program underwent substantial changes in terms of funding distribution. Funds are apportioned based on each State’s share of the targeted populations and are now apportioned to both State (for all areas under 200,000) and large urbanized areas (over 200,000). There are three options for implementing the MAP-21 5310 program in New York State. After consultation with the MPO’s, option 2 has been selected for the 2015 solicitation period.

1) Since each MPO is already allocated the funds and have their own coordinated plan, process and, except for NYMTC, have been running Section 5317 programs for the past 6 years, one option is to:
   a. Designate a recipient for Section 5310 for each MPO.
   b. Have the Designated Recipient (DR) manage the funds (including applying to FTA) the solicitation and the planning process in cooperation with the MPO, and be responsible for sub-recipient oversight.
   c. Have the State only be the DR for the rural portion of the funds.
   d. Designated recipients in Urbanized Areas will develop their own Program Management Plan (PMP) to address the New Freedom program. The requirements for the PMP are the same as those for the SMP with the exception that the PMP is developed by designated recipients in urbanized areas and pertains only to the 5310 program within that Urbanized area.

2) Another option is, as demonstrated in the NYMTC area, to have NYSDOT become the DR for all MPO Section 5310 funds in the state.
   a. Each MPO would prioritize the types of projects based on their coordinated plans.
   b. Each TMA MPO would be guaranteed that their allocation is programmed in their area.
   c. TMAs (>200,000) cannot transfer their funds outside their area. If funds are not fully solicited then they would be retained for the next application round. However, each SUZA (50,000-200,000) could write off any of the funding to go to another SUZA or the rural area if there are no viable projects.
   d. NYSDOT would work with the MPOs to develop one solicitation per year that encompasses all eligible project types and is tailored to each MPO’s coordinated plan requirements.
   e. NYSDOT would apply for federal funds on an annual basis and revise this State Management Plan to identify the processes by which the 5310 program operates. If a 5307 DR were awarded funds as part of this process, NYSDOT would work with FTA to allow the DR to sign a supplemental agreement and apply for the funds directly from FTA.

3) The final option is a combination of Options 1 and 2.
   a. Each MPO would decide to use NYSDOT as the DR.
   b. If any agency did not use NYSDOT, they would propose a DR so the Governor could designate them to FTA.
   c. The implementation of this option would follow either Option 1 or 2 depending upon the path chosen.
The New York State Department of Transportation (NYSDOT) administers the FTA Section 5310 program in the State of New York (NYS) as an annual statewide competitive grant to provide financial assistance for the purchase of accessible vehicles and other capital equipment, mobility management, and operating assistance that deliver transportation services to meet the special needs of seniors and individuals with disabilities, primarily for not-for-profit organizations. Entry into the program is accomplished through a competitive grant solicitation process, which does not guarantee grant funding in subsequent application years, as each year is considered under a separate competitive application for funding. The solicitation for project applications includes the collection of information and data on specialized transportation service operations intended to justify that the type of service proposed meets federally mandated eligibility requirements. The Department receives anywhere between 110-150 applications for funding each solicitation cycle. NYSDOT program staff maintains a centralized database of information on each subrecipient and each vehicle awarded with FTA Section 5310 program federal funds. Subrecipient oversight includes collecting semi-annual reports during the useful life of grant equipment, conducting periodic site visits to monitor ongoing specialized transportation service operations, inspecting equipment funded with Section 5310 federal funds, and providing technical assistance.

The FTA Section 5310 program in New York State (as of April 2012) has 222 individual organizations providing specialized transportation services with approximately 1,165 active federally funded program vehicles that have remaining federal interest. Equipment funded with Section 5310 federal financial assistance provide transportation services to approximately 44,500 eligible individuals and 3.7 million one-way passenger trips annually in the State of New York.

Since the program inception, the Department developed and continually updates a set of policies and procedures (through a Program Guide for State-Administered Federal Transit Administration Programs and this State Management Plan) to administer the program consistent with federal laws, regulations and circular guidelines, as well as state laws and regulations. These policies and procedures cover a wide range of activities and interrelate with other areas, programs and responsibilities of the Department.

PROGRAM GOALS AND OBJECTIVES

The goals and objectives of the FTA Section 5310 program in New York State are directly related to the Department’s Mission Statement which states:

"It is the mission of the New York State Department of Transportation to ensure our customers -- those who live, work and travel in New York State -- have a safe, efficient, balanced and environmentally sound transportation system."

Goals have been established for the Section 5310 program that are consistent with this Mission Statement and Federal Transit Administration circular guidance, the objective of the program in the State of New York of which is to:

Provide financial assistance for transportation services that meet the special needs of seniors and individuals with disabilities for whom other mass transportation services are
unavailable, insufficient, or inappropriate; additional transportation service and mobility options to overcome existing barriers facing NY residents with disabilities seeking integration into the work force and full participation in society and compliment or improve existing Transportation services through the identification of gaps in services and address those gaps through the locally developed coordinated planning process.

I. PROGRAM MANAGEMENT

i. DELEGATION OF AUTHORITY, ROLES AND RESPONSIBILITIES

The Governor of the State of New York has designated the New York State Department of Transportation (NYSDOT) as the agency charged with administering the FTA Section 5310 program. The Department is divided into a number of Divisions, Offices and Bureaus. Within the NYSDOT Policy and Planning Division, Office of Integrated Modal Services, the Public Transportation Bureau administers several Federal and State assistance programs for mass transit and public transportation in New York State. The Public Transportation Bureau manages the overall administrative process of the FTA Section 5310 program, in addition to other roles and responsibilities.

The Public Transportation Bureau is active in, and works closely with, the New York Public Transit Association (NYPTA), a group representing the transit industry in the State. NYPTA and NYSDOT collaborate on statewide transit conferences each year as a forum for issues in the industry. The Public Transportation Bureau keeps abreast of issues nationally by participation in workshops and conferences arranged by the Federal Transit Administration. The Department is a member of the American Association of Highway and Transportation Officials (AASHTO), specifically the Standing Committee on Public Transportation (SCOPT) and Multi-State Technical Assistance Program (MTAP).

The Department’s Contract Management Bureau and Accounting Bureau, under the Administrative Services Division, provide support to the Public Transportation Bureau to handle draw down and financial reporting for the FTA Section 5310 program and the processing of subrecipient standard contract agreements with the Office of the Attorney General and Office of the State Comptroller (OSC). The Department’s Office of Modal Safety & Security (Passenger Transportation Safety) and Office of Fleet Administration & Support (Equipment Management) and Purchase Unit, under the Operations Division, provide additional technical support for vehicle specifications and vehicle inspections. Eleven Regional offices around the state develop transportation plans and manage the Department’s work program in their respective areas. Each of NYSDOT’s Regional offices provides technical assistance and participates in the evaluation of grant applications from their geographic area. The Audit & Civil Rights Division and Division of Legal Affairs also provide support.

The appropriate Metropolitan Planning Organization (MPO) within each urbanized area provides technical support and assistance, and participates in the evaluation of each grant application submitted within their urbanized area. They are also the responsible party/lead agent in the development of the Locally Developed Public Transit Human Services Coordinated plan for their
geographic area. For urbanized area projects funded with MAP-21 funds, the priorities outlined in each plan are used as a ranking element within each urbanized area.

A Statewide Application Review Committee (SARC), that includes representatives from State Agencies involved with programs to seniors and individuals with disabilities, provides input to the Department concerning the administration of the FTA Section 5310 program and assumes responsibility for evaluating each grant application for funding. This review committee is made up of representatives from the following State Agencies/planning organizations in New York:

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<thead>
<tr>
<th>STATEWIDE APPLICATION REVIEW COMMITTEE (SARC) MEMBERSHIP</th>
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ii. GRANT ADMINISTRATION/METHOD OF AWARD

Grant administration is the responsibility of the NYSDOT Public Transportation Bureau. The FTA Section 5310 program federal funds in New York State is offered to eligible subrecipient organizations that provide specialized transportation services for seniors and/or individuals with disabilities.

The NYSDOT-administered FTA Program of Projects is determined by the evaluation and scoring of applications for project funding under Section 5310 (see appendix), submitted for the solicitation year conducted through an Application for Federal Funding Assistance under the FTA Section 5310 program. The Statewide Application Review Committee (SARC) conducts evaluations. Each application from an eligible entity receives a total project score (on a 100-point scale) based upon these evaluations, with final evaluation scores ranked from the highest scoring application down to the lowest. For projects funded with MAP-21 funds where NYSDOT has been designated as the DR, the priorities outlined in each Locally Developed Public Transit Human Services Coordinated plan are used as a ranking element within each urbanized area. A combination of available federal funding under the federal Fiscal Year (FY) apportionment, number of submitted projects and amount of each application request, and the overall quality of the applications, determines whether applicants become: 1) part of the FTA Program of Projects (on a funded list); 2) a stand-by/wait list of projects; or 3) a list of non-funded projects. A funded cut-off score is typically achieved using the available federal FY funding amount of the state’s most recent apportionment. As there is currently no state match contribution for this program in NYS, it is either an 80% federally funded and 20% local match grant program, or a 50% federally funded and 50% local match for operating assistance applications.

Successful applicants are required to enter into a standard contractual agreement (see appendix)
with NYSDOT for projects awarded under an FTA Section 5310 program grant as an FTA subrecipient of the Department. NYSDOT conducts on-going monitoring of each federally funded project throughout the life of the grant. Each subrecipient is responsible for complying with equipment utilization as expressed in grant application materials and all state and federal requirements as stipulated in this standard contract agreement.

The Program Manager of the Section 5310 program or a designee enters the FTA Program of Projects, developed through a competitive solicitation process, into FTA’s TEAM grant management system. State/Program Administration funds are reserved up to the allowable 10% of the total federal apportionment to the State, the full amount or percentage thereof of which is applied for through the FTA Grant. FTA Region 2 staff is notified of the draft FTA Grant in TEAM prior to submission, to review for technical issues and for completeness. When all FTA Region 2 questions and concerns are addressed, the request is formally submitted as an FTA Grant for execution, first by FTA and then by NYSDOT.

The NYSDOT Public Transportation Bureau, through TEAM, provides semi-annual milestone progress reports (MPRs) to FTA for all open Section 5310 Grants, along with updated grant milestones and milestone status attachments of the Program of Projects by Activity Line Item (ALI).

iii. TECHNICAL ASSISTANCE/PROCEDURES FOR ASSURING EQUITY

In order to assure equal opportunity and assist prospective applicants in obtaining necessary materials and instructions, a direct mailing and targeted e-mail is conducted for each application cycle announcing the solicitation for projects (made available through the NYSDOT www.dot.ny.gov website). The announcement of the Availability of Federal Funds under the FTA Section 5310 program is also officially posted in the New York State Register, through a press release issued by the NYSDOT Commissioner, notification of members of Congress and the NYS Legislature, publication in general grant information newsletters (i.e. NYS Assembly Grants Newsletter), and conference presentations. To maximize accessibility and availability of these documents, the application guidance is posted on the NYSDOT website for the project solicitation.

All prospective applicants eligible for FTA Section 5310 program funding are afforded the opportunity to receive technical assistance throughout the application cycle. Applicants are strongly encouraged to attend one or more application preparation assistance workshops that are conducted statewide. A schedule of these workshops is included with supplemental application materials released by the Department, as an attachment to a statewide press release announcing the solicitation for projects and application availability, and on NYSDOT’s website. These technical assistance workshops consist of background information on the FTA Section 5310 program, procurement guidance, application review/evaluation process, subrecipient/grantee obligations and responsibilities, and detailed grant application development assistance. NYSDOT Public Transportation Bureau staff conducts these workshops. Prospective eligible applicants may also receive technical assistance via e-mail or over the telephone during regular business hours.
Technical assistance is also available at annual conferences (when held). Topics of immediate importance to attendees are presented. Examples of conference sessions include Federal and State Financial Assistance Programs, Federal and State Regulations, ADA Requirements and Disability Awareness, Coordination, Procurement, Title VI & Civil Rights, and Safety.

Towards further assuring equity in the application evaluation process, applications are competitively awarded. Each application is reviewed by a Statewide Application Review Committee (SARC), made up of State Agencies involved with programs to seniors and/or individuals with disabilities and Metropolitan Planning Organizations (MPOs), providing additional regional and planning perspective. Each application is additionally afforded minority and county underfunded consideration as part of the overall application evaluation.

iv. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

Approved program grants for traditional Section 5310, other capital, and mobility management projects receive awards for 80% of the total project cost, representing the federal share of the project. Applicants are required to provide the 20% local share match of the project cost for any vehicle purchases made through the NYS Office of General Services (OGS) Adult Bus Contract. These 20% local share funds are deposited into individual interest bearing escrow accounts prior to grant vehicles being ordered. The New York State Department of Transportation releases the funds directly to the vendor after delivery and acceptance of vehicles by the subrecipient. The State of New York does not provide state funding towards the purchase of Section 5310 vehicles at this time. Applicants are required to pay 100% of all other projects and submit appropriate documents to receive the 80% federal share reimbursement from NYSDOT. Operating assistance projects receive awards for 50% of the total project cost, representing the federal share of the project.

An applicant’s ability to identify in sufficient detail the eligible source(s) of the required 20 or 50% local match and the funds to properly operate and maintain proposed capital items is part of the grant application evaluation process. The SARC will score accordingly any applicant that does not appear to have the proper financial ability to manage a grant award.

v. FEDERAL SHARE FINANCIAL MANAGEMENT

Following delivery from the vehicle manufacturer (post-delivery), and prior to final delivery to the subrecipient, every vehicle is inspected by a NYSDOT Motor Vehicle Inspector (MVI). Each vehicle is checked and compared with the original Equipment Order forms and procurement specifications to confirm that the vehicle has been built to specification, and is further inspected to ensure compliance with all New York State Department of Transportation safety requirements.

Upon final vehicle delivery to subrecipients (final delivery), original invoices are submitted to the Public Transportation Bureau. These invoices are compared to the original Equipment Order form to confirm that what was billed is for the same as what was awarded under a grant for the 80% federal share amount. Payments for the 80% portion of vehicles ordered under the NYS OGS Adult Bus contract are “first instanced” by the State of New York. A NYS payment
package is submitted for expenditure to the Department’s Accounting Bureau. The Department’s Accounting Bureau reconciles TEAM grant balances to the Department’s records that track expenditure balances on the Integrated Accounting System (State database system). The subrecipient’s projects (80% federal share) are then set up as detail ledgers/purchase orders in the State database where the first instance NYS payments are entered. The detail ledgers/purchase orders are the State’s source document to initiate FTA reimbursement.

vi. FUNDS TRANSFER

New York State permits the transfer of funds between STP, CMAQ, Section 5307, Section 5310 and Section 5311, consistent with federal regulations.

vii. MONITORING OF GRANT RECIPIENTS

Semi-annual reporting is required of each grant subrecipient for each active program project. Information submitted to NYSDOT on report forms (see appendix) is reviewed to determine appropriate vehicle or equipment utilization, including the collection of passenger trips for seniors and individuals with disabilities (including wheelchair trips), vehicle mileage, operating expenses, and maintenance and repair data to determine problems and conditions existing with each vehicle. Trends of problems or a specific problem can be identified through the analysis of these records. Title VI civil rights and insurance information is also gathered through the semi-annual reporting process. Grant recipients are required to prepare semi-annual reports using a system that provides consistent and accurate information that complies with GAAP.

Site visits are conducted periodically based upon a risk assessment tool (subrecipient pre-site visit questionnaire) to ensure that subrecipients are utilizing federally funded equipment as described in their grant application to NYSDOT and semi-annual reporting. Through the questionnaire, which subrecipients are selected to receive once during a three-year period, responses are reviewed to determine the need for a site visit. When conducted, a site visit review checklist is used to record findings, and photos are taken of federally funded equipment when possible. Any serious finding is followed up with a letter to the subrecipient and to create a plan for corrective action. These site visits may be done by NYSDOT staff or consultant/contractor.

viii. THIRD PARTY AGREEMENTS

Several FTA Section 5310 program subrecipients utilize a third party to deliver their transportation services. All third party lease agreements to operate federally funded grant equipment must be submitted to and approved by NYSDOT Public Transportation Bureau staff to assure that federal and state requirements have been met.

ix. PROGRAM MEASURES

Application solicitation materials capture initial program measures, necessary to measure output, service levels and outcomes for the program that are reported to the FTA and tracked by the
Department on an ongoing basis through semi-annual reports submitted by subrecipients. The program measures for the FTA Section 5310 program in NYS are:

**Gaps in Service Filled** – Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities (measured by number of eligible consumers) afforded mobility semi-annually, which they would not have without program support;

**Ridership** – Estimated and actual number of rides (measured by one-way passenger trips) provided semi-annually for seniors and individuals with disabilities on federal Section 5310 supported vehicles and services.

**Physical Improvements** – Any changes or additions to transportation facilities, sidewalks, technology and/or vehicles that impact the availability of transportation services as a result of a project implemented in the current reporting year.

The ongoing Program Measure information captured by the Department is submitted to the FTA for active subrecipients of the Department as part of the most recently approved FTA Grant in TEAM. Failure of subrecipients to submit mandatory semi-annual reports that tracks these program measures violates the terms and conditions of a grantee’s contractual agreement with the Department and can lead to termination of the project for non-compliance. Subrecipients that fail to regularly submit reports are also penalized during future federal funding cycles, or are prohibited from applying for this FTA Assistance program altogether.

x. **RURAL TRANSPORTATION ASSISTANCE PROGRAM**

New York State directly administers the Rural Transportation Assistance Program (RTAP) through the NYSDOT Public Transportation Bureau, and has done so since 1996. This maximizes the amount of federal funds that can be used to assist the State’s rural transit providers. Accordingly, Department staff provides technical assistance to Section 5311 and rural Section 5310 operators by offering RTAP scholarship funds, a statewide driver training program, regional training classes, telephone/e-mail/on-site technical assistance, and use of a reference library containing materials from the National RTAP program as well as other sources. In addition, New York State uses RTAP funds to contract with consultants to provide specific products or training classes, such as driver training, management training, customer service, disability awareness, safety & security, transit system operational analyses, marketing, and FTA/FMCSA substance abuse program compliance training.

Driver training courses are currently offered in several subject areas, including defensive driving, emergency procedures, accident investigation, pre and post trip vehicle inspection, substance abuse program compliance, and passenger assistance/sensitivity. These are given at five regional training facilities developed under the program and located on-site at small transit operations. Training is also offered at other small transit operators where staff trainers are available. Some of these trainers have used RTAP funds to complete train-the-trainer courses. In addition to the classroom based courses, NYSDOT utilized State funding to purchase an eight-seat mobile driver training simulator that moves around the State and is hosted by transit systems or 5310 recipients. The host is responsible for providing the training and inviting neighboring transportation operators.
providers to classes. Classes cover simulated driving topics in a variety of areas, such as threat recognition, reaction and stopping in time, intersection awareness, and winter driving hazards. In operation since mid-2007, the simulator has been used to train more than 900 drivers from around the State.

Training for supervisors and managers is also provided using RTAP funds. New York has partnered with Pennsylvania’s RTAP program to support Professional Supervisor/Manager training and the TRANSIT SCORE series program. In addition, neighboring states in the mid-Atlantic region also host these training classes, and rural New York Section 5310 grantees are eligible to use RTAP funds to attend at these sites. RTAP eligible systems can also take advantage of additional training opportunities that are offered periodically in cooperation with National RTAP, NTI (National Transit Institute), NYPTA (New York Public Transit Association), and CTAA (Community Transportation Association of America). These include Certified Community Transit Manager (CCTM), Certified Community Transit Supervisor (CCTS), Certified Transit Program Administrator (CTPA), maintenance training, financial management, scheduling/dispatching, and additional train-the-trainer courses for driver trainers.

New York State involves operators in program development and implementation through an RTAP Advisory Committee, and also through the New York Public Transit Association. The RTAP Advisory Committee is comprised of 12 members representing Section 5311 and rural Section 5310 subrecipients. Two of the Advisory Committee members are also on the NYPTA Board of Directors which greatly enhances communication between these groups. The Advisory Committee meets formally at least once per year and NYSDOT communicates regularly with the members both by phone and electronically. The Advisory Committee is active in monitoring the progress of the program and in recommending RTAP activities.

xi. INTERCITY BUS PROGRAM

Not applicable to the FTA Section 5310 program.

II. ELIGIBILITY OF SUBRECIPIENTS AND SELECTION OF PROJECTS

i. ELIGIBLE SUBRECIPIENTS

Eligible subrecipients of the Department are private, not-for-profit corporations which serve seniors or individuals with disabilities and public bodies which certify that no not-for-profit corporations or associates are readily available in the area to provide transportation services for seniors and individuals with disabilities or that are approved by the designated recipient of the State to coordinate these services.

ii. ELIGIBLE SERVICES AND SERVICE AREAS
Grant vehicles are provided for a wide range of services including, but not limited to medical and related appointments, employment, shopping trips, leisure and recreation. Transportation for exclusive sectarian/religious purposes is strictly prohibited. Services and service areas are identified and explained in detail as part of each grant application and range from a township area to a multi-county regional area of the state. Only services that actually transport seniors and individuals with disabilities are considered in the evaluation of applications for the award of federal financial assistance under the FTA Section 5310 program.

iii. ELIGIBLE EQUIPMENT ASSISTANCE CATEGORIES

The State of New York provides vehicles and other capital assistance through FTA Section 5310 program grants. The vehicle categories that are eligible for assistance include:

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<thead>
<tr>
<th>Vehicle Classification</th>
<th>Adult Passenger Capacity (if not accessible)</th>
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<tbody>
<tr>
<td>Type I</td>
<td>11-passenger</td>
</tr>
<tr>
<td>Type I-A</td>
<td>16-passenger</td>
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<tr>
<td>Type II</td>
<td>20-passenger</td>
</tr>
<tr>
<td>Type III</td>
<td>24-passenger</td>
</tr>
<tr>
<td>Type IV</td>
<td>38-passenger</td>
</tr>
<tr>
<td>Low-Floor (Type II-LF &amp; III-LF)</td>
<td>18-passenger &amp; 22-passenger</td>
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All vehicle classifications offered are adult passenger buses equipped with wheelchair lifts or wheelchair ramps (low-floor/LF vehicles) and wheelchair stations (adult passenger capacity listed is ambulatory capacity prior to the addition of mandatory wheelchair lift and wheelchair tie-down systems).

iv. LOCALLY DEVELOPED, COORDINATED PUBLIC TRANSIT HUMAN SERVICES TRANSPORTATION PLAN.

Every project that is considered for FTA Section 5310 program funding must be derived from a Locally Developed, Coordinated Public Transit Human Services Transportation Plan. In New York, the plans are developed by MPOs wherever one exits. In areas without an MPO, the plan is created at the county level, either by the county planning office or public transportation office. In the few counties where there is no interest on the part of the planning office and there is no public transportation, a private, non-profit organization may take the lead in the development of a plan.

Applicants must include documentation with their application submission that proposed vehicles for grant funding have been included in the development (as part of the strategy) of a locally developed coordinated plan. In addition, a certification letter from the MPO, county planning office or public transportation office that the applicant participated in the development of this coordinated plan and/or that the applicant’s proposed grant project is consistent with the strategy of the coordinated plan is required to be submitted with all applications for FTA Section 5310 program funding.
v. DETAILED PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS

It is the goal of the New York State Department of Transportation to fully allocate its FTA Section 5310 apportionment annually. Project selection is accomplished through a competitive solicitation for projects conducted through an Application for Federal Funding Assistance. Method of Award is conducted by point value, with each application for federal funding under the FTA Section 5310 program evaluated through a Project Evaluation Questionnaire process (see appendix) answered by the Statewide Application Review Committee (SARC) that is based on a 100 point scale.

vi. COORDINATION

Each eligible applicant’s project for FTA Section 5310 program funding must be included in the development (as part of the strategy) of a Locally Developed Coordinated Public Transit Human Services Transportation Plan in order to be eligible for funding. In New York State, a Metropolitan Planning Organization (MPO) has the lead in their respective areas for the development of these plans. Outside of an MPO area, county planning offices generally have the lead. In areas where there is not an MPO or any existing public transportation, a private, non-profit organization may take the lead. A full listing of MPOs and county contact individuals are provided in the application materials for FTA Section 5310 program funding to assist the applicant with proper compliance with this requirement. The requirement is discussed in detail both application, and during each of the series of workshops held statewide to assist applicants during a solicitation cycle.

Each application is also evaluated based upon the applicant’s ability to describe any active coordination activities with existing vehicles or other equipment/facilities. Applicants that successfully document coordination receive additional points on their overall score from the SARC, and therefore higher consideration for funding.

FTA Section 5310 program funding subrecipients are also encouraged to work with their public transit system to assist in the provision of specialized transportation services when vehicles are not needed for the organization’s consumers.

III. SATISFACTORY CONTINUING CONTROL & MONITORING OF SUBRECIPIENTS

Subrecipients of federal funded vehicles under FTA Section 5310 are monitored in a variety of ways. Vehicle Liens and semi-annual reporting are the primary means and reporting includes information on ridership, expenses, maintenance & repairs, insurance, ADA and Title VI compliance. Certification of eligible vehicle usage is required of each subrecipient. Past performance is used as a scoring category in the application evaluation process. Periodic site visits, meetings, phone calls and conferences are used to ensure the consistency of information supplied by the subrecipients.
i. VEHICLE LIENS

Through the NYS Department of Motor Vehicles (DMV), NYSDOT Public Transportation Bureau staff ensures a lien is recorded by DMV against the title on each federally funded Section 5310 grant vehicle purchased by NYSDOT as it enters program service. The form for recording a lien is part of the package required of the vendor when invoicing for equipment payment, submitted to NYSDOT, in order to process payment upon vehicle delivery. The lien is maintained throughout the vehicle’s useful life by the Department.

ii. SEMI-ANNUAL REPORTS

Semi-annual reports are required to be submitted to NYSDOT by subrecipients that include a utilization report on each vehicle that has been funded with FTA Section 5310 program federal financial assistance that must be maintained throughout the vehicle’s useful life. Information provided on these reports is reviewed to determine mileage, operating revenue/Program Income, and any problems and conditions that exist with vehicles. Trends of problems with a particular vehicle class can be identified through the analysis of these records. Subrecipients are required to prepare semi-annual reports using a report form developed by NYSDOT, through a system that provides consistent and accurate information that complies with GAAP. NYSDOT maintains these semi-annual reports submitted to the Department for a period of three (3) years.

iii. INSURANCE

All vehicles purchased with FTA Section 5310 program funds must maintain insurance adequate to protect the federal financial interest. The minimum required coverage is based upon those prescribed under current New York State Transportation Regulations (17 CRR-NY 750.1) and current insurance standards, which are as follows:

<table>
<thead>
<tr>
<th>Motor Vehicle Insurance Policy Coverage (including mandatory personal injury protection)</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Coverage</strong></td>
<td><strong>Amounts</strong></td>
</tr>
<tr>
<td>Combined Single Limit</td>
<td>$1,000,000 per occurrence</td>
</tr>
</tbody>
</table>
| Bodily Injury Liability | A. $100,000 per person  
B. $300,000 per occurrence for 1-12 seating capacity  
$500,000 per occurrence for over 12 seating capacity |
| Property Damage Liability | $50,000 per occurrence |
| Physical Damage (Collision) Deductible | $1,000 deductible for fleets under 20 vehicles  
$5,000 for fleets 20 vehicles and over |
| Physical Damage (Comprehensive) Deductible | $1,000 deductible for fleets under 20 vehicles |
Participants in the FTA Section 5310 program are required to provide information regarding their insurance coverage for all federally funded vehicles in each semi-annual report.

iv. SITE VISITS

Site visits are conducted periodically based upon a risk assessment tool (subrecipient pre-site visit questionnaire) to ensure that subrecipients are utilizing federally funded equipment as described in their grant application to NYSDOT and semi-annual reporting. Through the questionnaire which subrecipients are selected to receive once during a three year period, responses are reviewed to determine the need for a site visit. When conducted, a site visit review checklist is used to record findings, and photos are taken of federally funded equipment when possible. Any serious finding is followed up with a letter to the subrecipient and to create a plan for corrective action. These site visits may be done by NYSDOT staff or consultant/contractor.

v. GENERAL USEFUL LIFE STANDARDS

The current general useful life standards for federally funded equipment under the FTA Section 5310 program are as follows:

<table>
<thead>
<tr>
<th>Vehicle Classification Type</th>
<th>Years</th>
<th>Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I, I-A, II and III buses</td>
<td>5</td>
<td>150,000</td>
</tr>
<tr>
<td>Type II-LF, III-LF and IV buses</td>
<td>7</td>
<td>200,000</td>
</tr>
</tbody>
</table>

These standards are used as general guideline targets. With the great variation in road conditions and vehicle environments throughout NYS, vehicles can sometimes exceed these targets or cannot attain the targets despite proper maintenance and driver training. Therefore, all vehicle retirement requests are reviewed on a case-by-case basis.

vi. EQUIPMENT DISPOSITION/TRANSFER

The disposition of equipment takes place when vehicles have met their useful life and are officially retired by NYSDOT, following a vehicle retirement request and justification submitted by a subrecipient or as part of an FTA Grant Program of Projects capital equipment retirement review analysis by the Department. The retirement request and justification shall at the minimum include the VIN, year vehicle was place in service, useful life of the vehicle, and the last odometer reading, along with any explanation as to why the agency would like to retire the vehicle. Once a vehicle is retired from the program, NYSDOT releases the lien recorded on the vehicle to the grantee and releases the subrecipient from semi-annual reporting requirements on the vehicle. If, however, the fair market value at the time of retirement is greater than $5,000 then NYSDOT shall either have the vehicle transferred to another 5310 recipient or sold at fair market value and request that 80% of the proceeds be returned to the Department. This policy is in
keeping with FTA Circular 5010.1D, “Grant Management Requirements, October 1, 2008, Chapter IV, subsection 3, http://www.fta.dot.gov/documents/C_5010_1D_Finalpub.pdf, which discusses disposition of equipment that has reached the end of its service life. If the unit has a fair market value (FMV) of $5,000 or less, then the grantee may do what it wishes with that property, including removing parts as it sees fit.

When vehicles funded under the FTA Section 5310 program have not met their useful life and are no longer needed, or are not being used for appropriate grant program purposes, NYSDOT will initiate proceedings to transfer equipment to another subrecipient. Priority considerations of vehicle transfer to eligible subrecipients include:

- Currently active FTA Section 5310 program subrecipient
- Reports regularly and is up-to-date with semi-annual reports for current program vehicles
- Maintains good vehicle utilization with existing program vehicles
- Provides similar specialized transportation service or service within the same community/region of the state

When a vehicle retirement is being requested for a vehicle funded under the FTA Section 5310 program that has been involved in an accident, send a letter on agency letterhead, that is dated and signed by an authorizing agency official requesting either vehicle retirement due to accident or a formal request to use the insurance proceeds to purchase a replacement vehicle. In addition, the letter should provide a detailed accounting of the vehicle and at least include but not necessarily be limited to the following information:

1. Date and Time of Accident
3. Year, Make, Model of Vehicle including Vehicle Identification Number
4. Year in which Vehicle was placed into Service
5. Stated Useful Life of the Vehicle when the vehicle was purchased
6. Number of Years the vehicle was in service compared to Useful Life at time of accident
7. Odometer Reading of the Vehicle at the time of accident
8. Calculation of Straight line depreciated value of the vehicle (based on years) to determine remaining value
9. Estimate of insurance proceeds that will be provided to your agency
10. State the name of your insurance provider and the type of insurance coverage you have
11. Current status of the vehicle (Where is it housed… has title been transferred… what will be done with the vehicle etc)
12. Any other pertinent information that should be brought to NYSDOT's attention as vehicle lien holder

If vehicle is past its useful life both in terms of age and mileage and has a depreciated remaining value of less than $5,000 then your organization may keep the insurance proceeds for use in your agency’s transportation budget and you should include a statement that this will be done in the letter.
If the vehicle is not past its useful life and/or has a depreciated remaining value of more than $5,000 and you intend NOT to replace the vehicle; then the department would be looking to receive 80% of the remaining value or 80% of the insurance proceeds whichever is higher, and we need a statement that this will be done in the letter. The reimbursement check should be made out to the New York State Department of Transportation and mailed to my attention at my office address shown below.

If you intend to use the insurance proceeds to purchase a replacement vehicle of comparable value and capability then you must first seek permission from the New York State Department of Transportation before you can undergo this transaction. In addition, any dollar amount, above the estimated insurance proceeds needed to purchase the replacement vehicle, must be provided by your agency. This dollar amount should be quantified in the letter and there should be a statement, in the letter, that this amount will be provided by your agency. In addition, if you choose to purchase a replacement vehicle then you must also state in the letter that the replaced vehicle will have a NYSDOT lien placed on it and that your agency will continue to report on the replaced vehicle on a semi-annual basis until either it is retired and/or the proportional share of the remaining State interest in the vehicle is expired.

NYSDOT maintains supplemental application materials and the executed standard contract agreement with the subrecipient until all federally funded vehicles awarded to an individual subrecipient under an FTA Grant are official retired or transferred by the Department.

IV. MAINTENANCE

i. VEHICLE AND EQUIPMENT MAINTENANCE

All applicants are required to show both the funding available for vehicle and equipment maintenance and to describe the preventive maintenance program they will use during the solicitation for projects as part of their Application for Federal Funding Assistance under the FTA Section 5310 program. This becomes the Vehicle Maintenance Plan for the subrecipient organization. Description of repairs and total amounts expended on each vehicle is part of semi-annual reporting requirements.

ii. MAINTENANCE TO COMPLY WITH ADA

Each subrecipient must attest that they will comply with the Access Requirements for Persons with Disabilities requiring compliance with certain aspects of the Americans with Disabilities Act (ADA). Subrecipients must certify continued compliance through each semi-annual report submitted to the Department. Site visits monitor compliance with ADA required service provisions. Every vehicle purchased through a FTA Section 5310 program grant is conducted
using an OGS State contract and NYSDOT requires that it must be wheelchair accessible, in compliance with Part 38 of the ADA.

V. COMPETITIVE PROCUREMENT

i. VEHICLE PROCUREMENT

Subrecipients have the option of independently obtaining ADA compliant vehicles (and other capital items) through their own federally compliant procurement methods or by utilizing the Adult Bus contract available from the New York State Office of General Services (OGS). For the OGS contract, vehicle specifications are written and revised by NYSDOT, with advice and input of NYSDOT’s Public Transportation Bureau, Equipment Management, Passenger Transportation Safety Bureau, and Purchase Unit. The New York State Office of General Services, the State’s central procurement agency, solicits and reviews the bids with technical assistance provided by NYSDOT, and awards contracts for vehicle acquisition. As problems with vehicles are identified or new laws or regulations go into effect, changes and improvements are made in the specification and bid solicitation process accordingly. Suggestions for improvements are solicited from subrecipient organizations periodically. A separate pre-bid conference or Request for Information (RFI) is conducted with all interested potential bidders in order to receive their comments, suggestions and input prior to release of a vehicle bid solicitation.

All vendors bidding on the OGS State contract must supply proof that the vehicle bid meets federal Buy America, has been tested or will complete testing at the Altoona test facility prior to first vehicle delivery, and must certify compliance with safety performance requirements of the specification and all other federal requirements.

Contracts are currently awarded for vehicles utilized for FTA Section 5310 program subrecipients under OGS Award 22339. NYSDOT Public Transportation Bureau and Purchase Unit assures that the process has been consistent with federal and state regulations and that required federal certifications and clauses are included and submitted with bids. The purchase of the equipment is conducted exclusively through the OGS State contract vendors, and is based upon the subrecipients grant award in the FTA Program of Projects, with guidance and technical assistance to subrecipients for vehicle purchasing also being provided by NYSDOT. All equipment orders are issued by the Department for vehicles awarded under the program, for the benefit of FTA Section 5310 program subrecipients of the Department. All subrecipients must use the OGS State contract, as it is designed specifically for bus purchases utilizing FTA federal assistance funding. Independent bidding and procurement is prohibited. This ensures that all federal procurement guidelines are followed for all FTA Section 5310 program purchases in New York State. (See the Department’s “Procedures for FTA Assistance Program Related Procurements” for more detail concerning the vehicle procurement procedures used by NYSDOT for this program).
ii. BUY AMERICA

Buy America provisions are included in the State OGS bid solicitation documents for the buses purchased with FTA Section 5310 program federal funds in New York. Vendors are required to provide certification with their bid documents that they are in compliance with all applicable Buy America requirements, which includes bus component breakdown for each vehicle classification to ascertain domestic content, as required under federal regulations.

NYSDOT completes the required certifications for pre-award and post-delivery reviews of vehicle specifications, FMVSS and Buy America requirements. A NYSDOT Motor Vehicle Inspector (MVI) is used to verify compliance and overall vehicle safety at inspecting facilities in New York.

The State of New York does not request waivers to the requirements of Buy America for vehicles purchased with FTA Section 5310 federal financial assistance.

iii. BUS TESTING

Bus Testing provisions are included in the State OGS bid solicitation documents for the buses purchased with FTA Section 5310 federal funds in New York. Vendors are required to provide certification with their bid documents that they are in compliance with all applicable Bus Testing requirements, which includes the submission of the Altoona Test Report for the vehicle being bid for each vehicle classification of the bus procurement solicitation. Bids are accepted for vehicles which have not been through the Altoona Testing, but the contract prohibits the acceptance or delivery of buses if the Bus Testing requirement has not been met by the time vehicles would be purchased from the contract.

iv. DEBARMENT AND SUSPENSION

The State will not award any contract to an entity excluded by any federal agency. Vendors must certify that they are not excluded at the time of bid. The State periodically checks the GSA Excluded Parties List System (www.epls.gov), and does this specifically for vendors/manufacturers bidding on the OGS State contract for buses purchased with FTA Section 5310 federal funds in New York.

v. RESTRICTIONS ON LOBBYING

All applicants competing for FTA Section 5310 program funds must certify as part of their application, through the FTA Certifications and Assurances, that they will comply with restrictions on lobbying, should they be granted an award as a subrecipient of federal funds greater than $100,000.
For NYSDOT purchases of vehicles on behalf of grantees through an OGS State Contract, all contractors must provide a certification to the restrictions on Lobbying with their bid submission to OGS, in compliance with the Lobbying Disclosure Act of 1995.

VI. SCHOOL BUS PROTECTIONS

Through the FTA Section 5310 program in New York State, NYSDOT prohibits the purchase of school buses.

School bus exclusions are clearly defined in supplemental grant application instructions and materials for FTA Section 5310 program funds, and these exclusions are reiterated in application preparation assistance workshops. Part of the supplemental application includes a questionnaire regarding vehicle use which requires an applicant to attest that vehicles will not transport school age children to or from a school for school purposes. An applicant for FTA Section 5310 program funding must also attest to compliance with the federal requirements through the FTA Certifications and Assurances, including the School Transportation Agreement.

New York State law requires that all school bus services must be provided in yellow school buses. Because NYSDOT will not fund the purchase of yellow school buses using FTA federal funds, this further ensures that grantees are not providing school transportation services with FTA Section 5310 program funded equipment.

Continued compliance with the regulation is covered during site visits.

VII. PLANNING AND COORDINATION

All applications for FTA Section 5310 program funding submitted from areas within a Metropolitan Planning Organization (MPO) are forwarded to the appropriate MPO for evaluation. Their ratings are included along with those for NYSDOT as part of the SARC in determining the final score and ranking of each application. Since each applicant’s project/transportation service must be included in the MPO’s locally developed coordinated plan, and is therefore known in greater detail, the MPO’s evaluation is weighted more heavily than other members of the SARC. Applications for FTA Section 5310 program funding from outside of MPO areas do not have this review, but are evaluated by each NYSDOT regional office.

The final list of the approved FTA Program of Projects and projects on a standby list for which the Department is applying for federal financial assistance under the FTA grant are forwarded to the appropriate MPOs for inclusion (generally or specifically) in their Transportation Improvement Programs (TIP).

The Statewide Transportation Improvement Program (STIP) is the responsibility of the NYSDOT Public Transportation Bureau, and reflects these as block projects (STIP PIN #: SWFTA5310).
i. INVOLVEMENT OF PRIVATE FOR-PROFIT OPERATORS

As part of the supplemental application for funding under the FTA Section 5310 program, applicants are required to contact every private, for-profit transportation provider in their geographic area or to publish a public notice informing the operators of their intent to apply for funding and to invite their participation in the project. Copies of letters or copy of the public notice is required as part of the supplemental application submission. If there is interest by a private, for-profit provider, the applicant must provide them with information which describes the transportation service needs in detail. The applicant must determine the per-passenger trip cost of their service, and if a private, for-profit entity responds to the notice with a proposal, to determine the most efficient, appropriate and cost effective way to provide the transportation service proposed.

ii. INVOLVEMENT OF PUBLIC TRANSPORTATION OPERATORS

Public transportation operators are involved as part of the locally developed coordinated planning process. Cooperation and coordination of services with public operators is discussed during the process of developing local coordinated planning documents.

VIII. TRANSPORTATION SERVICES FOR INDIVIDUALS WITH DISABILITIES

It is the policy of NYSDOT to require that all vehicles purchased with FTA Section 5310 program funds be ADA accessible. Therefore, all vehicles purchased through the FTA Section 5310 program are equipped with wheelchair lifts or ramps and a minimum number of wheelchair spaces and must meet Part 38 of the ADA. This requirement also helps to further facilitate coordination of services, since all program vehicles can provide transportation service to individuals who are wheelchair bound. Any problems that occur with wheelchair lifts/ramps or wheelchair securement devices are required to be detailed in semi-annual reports submitted to the Department. Also, condition and operation of wheelchair lift/ramp equipment and securement devices is part of the site visit review.

IX. CIVIL RIGHTS

NYSDOT is required to assure, and all subrecipients are required as part of each application for capital assistance and standard contract agreement established with NYSDOT to assure compliance with all federal civil rights requirements, including Title VI, Equal Employment Opportunity (EEO) and Disadvantaged Business Enterprise (DBE). Any required compliance reports are forwarded to the Department’s Office of Civil Rights for inclusion in the Department's report to USDOT.
i. TITLE VI PROGRAM REQUIREMENTS

NYSDOT meets the standard assurance, general requirements and program specific requirements for Title VI compliance through its approved FTA Title VI Program, and as follows:

1. FTA Title VI Standard Assurance:
   - NYSDOT complies with the Title VI Standard Assurance requirements by certifying compliance with the Federal Certifications and Assurances for FTA Assistance each year for grant applications submitted by the Department to the FTA, and also by passing down these requirements to each subrecipient. Applicants for FTA Section 5310 program funding must agree to the Federal Certifications and Assurances for FTA financial assistance with each grant application for federal funding submitted for evaluation.
   - Applicants for FTA Section 5310 funding are required to have a current Civil Rights policy adopted, conspicuously displayed, that complies with Title VI of the Civil Rights Act of 1964. They are further directed to NYSDOT’s Title VI policy on the Department’s website for adaptation or adoption if they do not have a current policy in place. The procedure for filing discrimination complaints is described on the Department’s website, with detailed information on how to use the procedure. FTA Section 5310 program subrecipients of the Department are advised of the complaint procedure in application materials and can obtain further information from the Department’s Office of Civil Rights.

2. General Requirements:
   NYSDOT meets the general requirements by requiring each subrecipient to submit, with each application it files with NYSDOT, a certification regarding any lawsuits or discrimination complaints and a summary of any civil rights compliance review activities. It is also a question that must be addressed and updated on each semi-annual report submitted by subrecipients to NYSDOT. Reports of any lawsuits or complaints or any civil rights compliance review activities are forwarded to the Department’s Office of Civil Rights for inclusion in the Department's report to USDOT. NYSDOT is required to submit to FTA once every three (3) years the following information on behalf of its subrecipients:
   A. A description of any lawsuits or complaints alleging discrimination in transportation service delivery in the last year and the status or outcome;
   B. A summary of all civil rights compliance review activities conducted in the last three years; and
   C. An analysis of any environmental and/or social impacts as a result of proposed construction projects, including the impact on minority communities, for projects that do not qualify as a categorical exclusion in the environmental process. (All vehicles funded with FTA Section 5310 federal financial assistance in NYS are covered under a categorical exclusion).
3. Program Specific Requirements:

NYSDOT strives to assist subrecipients in applying for FTA Section 5310 program funding assistance, including efforts to assist Limited English Proficient (LEP) and minority applicant populations. This includes technical assistance outreach through the NYSDOT website, one-on-one personal assistance when requested, training opportunities to assist applicants in meeting the state and federal requirements for providing public transportation in New York State, workshops held at a variety of locations throughout the state which provides an additional opportunity for individualized assistance in aspects of applying for FTA federal financial assistance and meeting FTA Section 5310 program requirements. In addition, the announcement of a solicitation for projects is publicized in languages other than English to meet federal LEP requirements through a press release announcement provided to the media throughout the State, and a posting on the Department’s website.

NYSDOT’s ongoing process to monitor subrecipient compliance with Title VI includes site visits of subrecipients, the review of applications (which include a Title VI certification), and continued compliance through subrecipient certification included as part of the mandatory semi-annual reporting requirement.

The NYSDOT Title VI complaint procedure process can be found on the Department’s website at www.dot.ny.gov.

The NYSDOT Title VI/Environmental Justice program is administered and implemented by the Office of Civil Rights under the Audit & Civil Rights Division. Any required compliance reports are forwarded to the Department’s Office of Civil Rights, for inclusion in the Department's report to USDOT.

ii. ADA REQUIREMENTS

New York State requires, as part of all applications for capital and operating assistance, that the recipient assure that they are in compliance with the requirements of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990. Any written complaints alleging discrimination received are referred to the NYSDOT Office of Civil Rights.

Assurance of Nondiscrimination on the Basis of Disability is required of all applicants for FTA Section 5310 program funding, who must certify in their application through the most recent FTA Certifications and Assurances that they will not discriminate on the basis of disability, and are accountable to this through the executed standard contract agreement. Certification of continued compliance with ADA requirements are also included as part of the mandatory semi-annual report.
iii. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REQUIREMENTS

The FTA Section 5310 program in NYS only permits the purchase vehicles through the State’s central purchasing agency, the Office of General Services (OGS). The OGS State contract developed for FTA Assistance Programs requires the contractor to certify that it has complied with the requirements of 49 CFR Part 26.49, regarding the participation of disadvantaged business enterprises in the procurement of transit vehicles. The contractor must also certify that it has complied with the requirements of 41 CFR Part 60, relating to Equal Employment Opportunity. Absent this certification, properly completed and signed, the prospective contractor’s bid is deemed non-responsive.

iv. EQUAL EMPLOYMENT OPPORTUNITY (SUBRECIPIENT) REQUIREMENTS

There are no FTA Section 5310 program subrecipients in the State of New York receiving capital assistance in excess of $1 million.

v. LIMITED ENGLISH PROFICIENCY (LEP)

The FTA Section 5310 program in NYS strives to provide access to funding for all qualified applicants. The Department has entered into vendor contracts to have language translation services upon request. Language translation services are available for technical assistance by phone throughout a project solicitation period. If there becomes a need, the contract can be extended to include this service year-round. The current vendor selected is the only Minority and Women owned Business Enterprise (MWBE) on the list of available vendors through an OGS State contract for services.

X. FTA DRUG AND ALCOHOL PROGRAM AND DRUG-FREE WORKPLACE

FTA Section 5310 program subrecipients are not required by FTA to have drug and alcohol testing programs. The Drug-Free Workplace requirements do not apply to these subrecipients.

However, FTA Section 5310 program subrecipients in NYS are informed that they must comply with Federal Motor Carrier Safety Administration (FMCSA) Drug & Alcohol Testing Regulations (49 CFR Part 382) if one or more of the following conditions apply:

- The subrecipient operates a vehicle with a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more; or
- The vehicle is designed to transport 16 or more passengers, including the driver (this would include some Type II, II-LF and Type III, III-LF vehicles); or
- The employee/driver who operates the vehicle is required to hold a Commercial Driver’s License (CDL) (this would include all Type IV vehicles, and some Type III, III-LF, II, II-LF & I, I-A vehicles).

In addition, FTA Section 5310 program subrecipients are welcome to participate in training
offered for drug and alcohol awareness. Many have participated in training designed to help recognize a potentially impaired employee.

XI. CHARTER SERVICE

FTA subrecipients in NYS are prohibited from using federally funded equipment to provide charter service if a registered private charter operator expresses interest in providing the service, consistent with 49 USC 5323(d) and 49 CFR 604. Subrecipients under FTA Section 5310 are exempt from the charter service regulation when using vehicles funded under this FTA Program to provide transportation services to serve targeted population groups of individuals with disabilities, the elderly or low income individuals, and for coordinated human service transportation. These are the only approved uses of vehicles awarded under this program in NYS.

New York State requires that applicants agree to the FTA Certifications and Assurances as part of the FTA Section 5310 program solicitation process, including Charter Service Agreement, and includes charter bus requirements as part of the standard contract agreement FTA federal clauses that subrecipients must sign as a grantee of FTA Section 5310 federal financial assistance.

To further ensure compliance with the charter service regulation that went into effect in 2008, NYSDOT is assisting grantees with issues and questions as needed. Any complaints alleging subrecipient noncompliance with the charter service agreement will be investigated and appropriate action taken consistent with the charter service regulations.

XII. FTA GRANT DRAWDOWN AND PROJECT CLOSEOUT

i. FTA GRANT FUNDS DRAWDOWN

The NYSDOT Accounting Bureau utilizes the Electronic Clearing House Operation (ECHO) for federal payment. Cash draw downs are accomplished as needed for immediate disbursement as a result of invoice payments for vehicles purchased for capital program purposes, and as a result of expenditures for salaries, overhead, fringe benefits and indirect costs for State/Program Administration related to the FTA Section 5310 program. Funds for capital project expenditures are only drawn down for the amount obligated by FTA through the approved FTA Grant and are limited to eligible project costs controlled by Purchase Orders issued by the NYSDOT Specialized Transportation Section. Since the program is continuously managed, funds for State/Program Administration are drawn down from oldest grants first, regardless of the year of award for program activity.

The NYSDOT Accounting Bureau is responsible for Federal Financial Reporting (FFR) to FTA through TEAM, and submits reports using the accrual basis of accounting semi-annually for all
open FTA Grants.

ii. FTA GRANT/PROJECT CLOSEOUT

Project closeout is conducted according to the guidelines in FTA Circular 5010.1D, “Grant Management Requirements.”

The NYSDOT Public Transportation Bureau initiates closeout of an FTA Grant for a program of projects after all vehicles are delivered, first instance State funds have been expended, all associated administrative work activities contained in the grant are complete, and federal funds have been drawn down by the State for the purposes of the FTA Grant. The final Financial Status Report and Milestone Report are prepared once all federal draw downs associated with the FTA Grant are complete and sent to the FTA electronically in TEAM with a request that the grant be closed.