State Management Plan

FTA Section 5316
Jobs Access and Reverse Commute Program
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Introduction

This document comprises New York State’s Section 5316 Program State Management Plan prepared in compliance with the provisions of the US Department of Transportation - Federal Transit Administration's (FTA) Circular C 9050.1: Job Access-Reverse Commute Program Guidance and Application Instructions.

This submission reflects the latest FTA guidelines and creation of this new formula program since the last State Management Review.

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Further information about the department and its activities can be found at:

http://www.nysdot.gov
General

The State Management Plan (SMP) describes the State’s policies and procedures for administering the Federal Transit Administration’s Section 5316 Jobs Access and Reverse Commute (JARC).

Through the Safe, Affordable Flexible, Effective Transportation Efficiency Act – A Legacy for Users (SAFETEA-LU), the JARC program is managed in part by the State and in part by the designated recipients in large urbanized areas (over 200,000 in population). In New York State, for the Urbanized areas from 50,000 to 200,000 the existing FTA Section 5307 Designated Recipients will also operate as Designated Recipients for the JARC funds. This SMP addresses New York State’s policies and procedures for the State-managed portion of JARC. Designated recipients in Urbanized Areas will develop their own Program Management Plan (PMP) to address the JARC 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 JARC program within that Urbanized area.

New York State has developed and will update this set of policies and procedures to administer the program consistent with Federal laws and guidelines and State laws, policies and goals. These procedures and policies cover the full range of activities that are eligible under this program and interrelate with other programs under NYSDOT management.

NYSDOT will work with local agencies to develop local planning processes that identify priorities at the local level. These locally identified projects will be the basis for project applications in the Statewide Non-Urbanized solicitation. Eligible agencies that apply are awarded funding based on availability and become Sub-Recipients to NYSDOT.

Section 5316 Sub-Recipients are subject to review in each competitive application round. Since it is a competitive grant process, entry into the program does not guarantee subsequent grants. The application process includes data on operations and other assurances that the type of service provided meets eligibility requirements. Eligible activities for Section 5316 (Job Access/Reverse Commute) projects provide the maximum flexibility to job access to meet the needs of individuals who are not effectively served by public transportation. Activities include additional transit services for late night and weekends; guaranteed ride home; shuttle services; expanding fixed route services; ridesharing and carpooling activities; transit related aspects of bicycling; Car loan programs for shared rides; promotion by marketing the use of transit, transit vouchers programs, development of employer based transportation, use of transit pass programs; supporting the administration and expenses related to voucher programs; acquiring GIS tools; implementing ITS technology including customer Trip information; integrating public Transit and Human Service scheduling and dispatch functions; deploying vehicle monitoring systems; reverse commutes projects; supporting mobility management activities that improve the information and coordination of transportation.
services to the target populations. For a full listing of eligible activities see the circular FTA C 9050.1 chapter III pages 8-10.

NYSDOT staff maintains frequent contact with each recipient including periodic site visits to monitor operations and any changes, to inspect projects funded by Section 5316, and to provide technical assistance as required.

Program Goals and Objectives
The goals and objectives of New York State’s Section 5316 program 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 5316 program that are consistent with the Mission Statement, the Federal Transit Administration Section 5316 program goals, and provide overall guidance and direction to the program in New York State.

The goal of the Section 5316 Jobs Access and Reverse Commute or JARC program is to:

- Improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals
- Transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities.

Toward this goal, the Federal Transit Administration (FTA) provides financial assistance for transportation services planned, designed, and carried out to meet the transportation needs of eligible low-income individuals, and of reverse commuters regardless of income. The program requires coordination of Federally-assisted programs and services in order to make the most efficient use of Federal resources. New York State has a long history of assistance in the StateWide Mass Transit Operating Assistance Program (STOA) for the transit providers in the State and continues to support multi-modal planning and implementation of projects to improve the State’s economy.

Roles and Responsibilities

**Federal Transit Administration**

The Federal Transit Administration (FTA) is responsible for providing overall policy and program guidance; apportion funds annually to states; developing and implementing financial management procedures; initiating and managing program support activities; and conducting national program review and evaluation.

FTA Regional Offices have the day-to-day responsibility for administration of the program. The Regional Office activities include: reviewing and approving state grant applications; obligating funds; managing grants; overseeing the state’s implementation of
the annual program, including revisions to the program of projects; receiving state
certifications reviewing and approving State Management Plans; providing technical
assistance and advice to states as needed; and performing state management reviews
every three years, or as circumstances warrant.

New York State

The Governor has designated the New York State Department of Transportation as the
agency charged with administering the Section 5316 program for the non-urbanized areas
of the State. (See letter as Attachment A) In urbanized areas with populations of 50,000
or greater, the Governor has designated the existing Section 5307 Formula Recipients in
the upstate counties and the Mid-Hudson Valley as the Designated Recipient. The New
York State Department of Transportation has been designated as the agency charged with
administering the Section 5316 program in New York Metropolitan area. That program
is determined by the States’ Program Management Plan issued by the Public
Transportation Bureau. The coordinated plans and JARC applications are managed by
each regional Metropolitan Planning Organizations (MPO).

The Department is divided into a number of Offices, Divisions and Bureaus as shown on
the organization chart. There are also 11 Regional offices around the state that develop
transportation plans and manage the Department’s work program in their respective
areas. Each of NYSDOT’S Regional offices assists with application development,
technical assistance, and rating and review of applications in their geographic area.

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 three Statewide Transit Conferences each
year as a forum for issues in the industry. NYPTA is an effective organization for the
review of policy issues and consultation on matters of concern between NYSDOT and
the transit operators. In addition the Division annually hosts a well-attended rural and
specialized transportation conference specifically addressing the issues, regulations and
requirements of the FTA funded programs.

The program keeps abreast of issues nationally by participation in workshops arranged by
the Federal Transit Administration Easter Seals and other Agencies working with the
federal partners on coordinated and targeted transportation services. NYSDOT is actively
involved with the Coordinating Council on Access and Mobility and serves as the lead
agency for implementation of United We Ride in New York State.

All successful applicants must enter into to an Agreement with the New York State
Department of Transportation to recognize the federal requirements. On-going oversight
and technical assistance is provided by the Department and each grantee must comply
with all of the requirements as listed in the Federal circular, assurance, master agreement,
and application.
Coordination

Federal transit law, as amended by SAFETEA-LU, requires that projects selected for funding under the Elderly Individuals and Individuals with Disabilities (Section 5310), JARC (Section 5316) and New Freedom (section 5317) programs be “derived from a locally developed, coordinated public transit-human services transportation plan” and that the plan be “developed through a process that includes representatives of public, private, and non-profit transportation and human service providers and participation by members of the public.”

As part of the local coordinated planning process, the lead agency in consultation with participants should be identified for the process, and for adoption of the plan. All projects funded under these sections must be derived from a locally developed, coordinated plan. No projects will be accepted or funded that are not support by such local plans. Although FTA will not formally review and approve plans, approved pans must be submitted with all applications.

New York State strongly recommends that coordination occur at least the county-wide level. Coordination may also occur with the Metropolitan Planning Organization (MPO) that serves portions of a particular county where one exists. The coordinated plan should follow the update cycles for metropolitan transportation plans (i.e., four years in air quality nonattainment and maintenance areas and five years in air quality attainment areas).

United We Ride

In June 2003, the GAO identified 62 federal funding streams that in some form supported transportation. Many of the agencies could not identify what percentage of their budget was spent on transportation.

On February 24, 2004 the President issued an executive order establishing the Interagency Transportation Coordinating Council on Access and Mobility (CCAM). The Council is comprised of 11 Federal departments, including the Departments of Transportation, Health and Human Services, Labor, Education, Housing and Urban Affairs, Agriculture, Justice, Interior, the Veterans Administration, the Social Security Administration and the National Council on Disabilities. This led to United We Ride.

As required, the Council to provided a report to the President within 1 year. The report identified five broad recommendations to improve the strategic use of federal funds to support public and human service transportation:

- Coordinated Transportation Planning
- Vehicle Sharing
- Reporting and Evaluation
- Cost Allocation
- Consolidated Access Transportation Demonstration program
In New York State, the Department of Transportation has served as the lead agency at the state level for United We Ride issues. Statewide steps have been taken to further the initiative:

- NYSDOT facilitated a Self Assessment of NYS and found there is room for improvement.
- NYSDOH Medicaid Management represented New York on a national panel discussing the coordination of human services transportation.
- Albany County, with assistance from NYSDOT, initiated a pilot project in support of one transportation brokerage for three county agencies.
- Albany and Franklin Counties had completed its Framework for Action and draft Action Plans.
- Oswego County DDPC grant
- Buffalo Center for Transportation Excellence
- Long Island Accessibility Study
- CNYRTA was a national award winner for the development of a Mobility Management Center.

NYSDOT’s United We Ride partner agencies in New York include:

- Office for the Aging
- Department of Health, Office of Medicaid Management
- Office of Temporary Disability Assistance
- Office of Mental Retardation and Developmental Disabilities
- Council on Children and Families
- Developmental Disabilities Planning Council
- Office of Mental Health
- Vocational and Educations Services for Individuals with Disabilities (VESID)

New York State’s Action Plan can be found on the United We Ride website at:

http://www.unitedweride.gov/UWR_NYS_Action_Plan.doc

**Most Integrated Setting Coordinating Council**

The Most Integrated Setting Coordinating Council (MISCC), established by Chapter 551 of the Laws of 2002, is responsible for developing a comprehensive Statewide plan to ensure that people of all ages with physical and mental disabilities receive care and services in the most integrated settings appropriate to their individual needs.

On December 30, 2010, the Council released the latest version of the MISCC plan. (http://www.opwdd.ny.gov/sites/default/files/documents/miscc_2010_12_MISCC_Plan_123010.pdf) The plan “identifies baseline data and creates measurable agency specific housing, employment, transportation and long term care goals that will assist New Yorkers with disabilities to live in the most integrated settings.” Their progress will be reported subsequently.
• NYS Agency Council members are:
• Office of Mental Health, Department of Health
• State Office for the Aging
• Office of Mental Retardation and Developmental Disabilities
• Education Department
• Office of Alcoholism and Substance Abuse Services
• Division of Housing and Community Renewal
• Department of Transportation
• Office of Children and Family Services
• The Commission on Quality of Care and Advocacy for Persons with Disabilities

The nine appointed members comprise: three consumers of services for individuals with disabilities, three individuals with expertise in the field of community services for people of all ages with disabilities, and three individuals with expertise in or recipients of services available to senior citizens with disabilities.

Further information regarding MISCC can be found here;

http://www.opwdd.ny.gov/opwdd_community_connections/miscc/

Program Constraints
The next several sections will describe the overarching requirements for these funds and the approach that NYSDOT will take to achieve greater mobility for these target populations through the administration of these programs.

**Eligible Subrecipients**
Per FTA Circular FTA C 9050.1 on page III-4, there are three categories of eligible Subrecipients of JARC funds:

1. Private non-profit organizations (registered with the NYS Attorney General);
2. State or local governmental authority; and
3. Operators of public transportation services. Including private operators of public transportation services (who have filed a Vendor Responsibility Questionnaire with the NYS Comptroller).

**Local Share and Local Funding Requirements**
Per FTA Circular FTA C 9050.1 and on page III-10 and III-11 respectively, JARC funds may be used to finance capital, planning and operating expenses. The local share of eligible capital costs shall not be less than 20 percent of the net cost of the activity. The local share of the eligible operating costs shall be no less than 50 percent of the net
operating costs of the activity. Recipients may use up to 10 percent of their apportionment to support program administrative costs. All of the local share must be provided from sources other than Federal DOT funds. Local share may include other Federal funds derived from Federal programs that are eligible to be expended for transportation, other than from Federal DOT programs.

**Program Measures**

Under the Government Performance Results Act (GPRA), The Federal Transit Administration (FTA) is required by law to “establish performance goals to define the level of performance” and to also “establish performance indicators to be used in measuring relevant outputs, service levels, and outcomes” for each of its programs. The performance measures described here are designed to fulfill obligations under this Act. These measures will be used at a program level, and will not be used to assess individual grants.

The three measures established for the JARC Program are:

1. Actual or estimated number of jobs that can be accessed as a result of geographic or temporal coverage of JARC projects implemented in the current reporting year.
2. Actual or estimated number of additional units of service that can be accessed as a result of Mobility management activities performed by JARC projects implemented in the current reporting year.
3. Actual or estimated number of rides (as measured by one-way trips) provided as a result of the JARC projects implemented in the current reporting year.

**Annual Program of Projects Development and Approval Process**

NYSDOT will issue a request for proposals for projects seeking Section 5316 funding beginning in 2007 for non-urbanized areas with a population less than 200,000. This is a competitive funding process. NYSDOT will issue funding maximums as part of its application process. Depending on the interest and awarded funds, NYSDOT will continue to hold competitive solicitations on an annual basis across the rural component of the State to ensure Federal Funds will be obligated in time before they expire. NYSDOT has also begun to add Small Urbanized Areas into the solicitation process if they have not started one on their own. This also ensures that funds are available on a timely basis and the smaller MPOs do not have to support the solicitation process. The MPOs however take their projects that applied in their area and score them independently from the rural process described elsewhere in this document. The joint solicitation is solely to alleviate administrative burden.

Because funding from Section 5316 requires that projects are selected in a competitive process, project applications will be subject to scoring. Applications will be released and
will illustrate how different sections will be scored. Generally, projects will be evaluated based on the following:

- Project Need/Goals and Objectives (25 Points)
- Implementation Plan (25 Points)
- Project Budget (20 Points)
- Coordination and Program Outreach (20 Points)
- Program Effectiveness and Performance Indicators (10 Points)

**Project Selection Criteria and Method of Distributing Funds**

Funding available from the JARC programs for non-urbanized areas is allocated at the Federal level and disbursed by the State on a competitive basis. It is the goal of the New York State Department of Transportation to fully obligate its Section 5316 every two years beginning in 2008 with FFY 2006 and FFY 2007 funds. The next solicitation will occur in late 2009 for FFY 2008 and FFY 2009 and every two years thereafter.

In evaluating grant applications, the State considers the following criteria:

**Project Need/Goals and Objectives**

1. Description of the unmet transportation need that the proposed project seeks to address and the relevant planning effort that documents the need. Description of how project activities will mitigate the transportation need. Estimated the number of people to be served, and/or the number of service units that will be provided. Description of the specific community this project will serve, and provide pertinent demographic data and/or maps.
2. Description of are the project’s goals and objectives.

**Implementation Plan**

1. Description of key personnel assigned to this project, and the applicant’s ability to manage the project.
2. The operational plan for delivering service, including route map, if applicable. Or an implementation plan for completing a capital project, including key milestones and estimated completion date.
3. Description of any proposed use of innovative approaches that will be employed for this project.

**Project Budget**

1. Project sponsor’s complete budget indicating project revenues and expenditures in the format provided below. Estimated proposed cost per trip (or other unit of service). Description of efforts to ensure its cost-effectiveness.

**Coordination and Program Outreach**

1. Description of how the project will be coordinated with public and/or private transportation and social service agencies serving low-income populations and individuals with disabilities.
2. Identification of where the proposed project is supported in the plan. Indication of specific page/section numbers.

3. Description of how project sponsor will continue to involve key stakeholders throughout the project. Describe efforts to market the project, and ways to promote public awareness of the program. Letters of support should be obtained from key stakeholders and attached to the grant application.

**Program Effectiveness and Performance Indicators**

1. Project application ability to demonstrate that the proposed project is the most appropriate match of service delivery to the need. Identification of performance measures to track the effectiveness of the service in meeting the identified goals. For capital-related projects, project sponsor is responsible to establish milestones and report on the status of project delivery.

2. Description of a plan for monitoring and evaluation of the service, and steps to be taken if original goals are not achieved.

**Appeals Process**

If a project sponsor desires clarification on a project score, the NYSDOT Evaluation Committee will address written questions regarding scoring techniques and practices. If the project sponsor is still unhappy with the way their project was scored, the sponsor may submit a written request (appeal). The Committee will consider the appeal and respond within 15 days as to the merit of the appeal and the effect on the final awards.

**Administration, Planning and Technical Assistance**

The Program of Projects is determined by the scoring of applications from the Public Transportation Bureau, the Regional NYSDOT Office, and the reviews of the Interagency Review Committee. Applicants are listed in descending order, from the highest scoring down to the lowest. Determining whether applicants are on the funded list or the stand-by list is a combination of the project’s merits, availability of funding, commitment by applicant and amount of the local match to be provided, level of funding requested, and the quality of the lower ranked applications.

The Program of Projects is submitted through FTA’s TEAM system initially as a draft. FTA Region 2 staff review the submission and ask any questions. When all questions and concerns are addressed, the request is formally submitted. All open grants are reported upon annually in October, updating milestones as necessary.

**Transfer of Funds**

Existing Section 5307 Designated Recipients and federally-recognized Indian tribes that receive awards as a result of the competitive selection can upon entering into an agreement with NYSDOT transfer funds to their direct relationship with FTA. This option is not available to areas greater than 200,000 in population. Grants are executed by the 5307 Recipient and those transfers will be noted as part of the NYSDOT program of projects for each funding source. Once a transfer is completed, NYSDOT will forward
the completed Supplemental agreement to FTA for final sign-off so the agreements can be attached to the appropriate grant before drawdown

**Private Sector Participation**

As part of the coordinated planning process, private sector subrecipients are expected to make attempts to be included. Documentation of such efforts shall be included in any application submitted for funding. Participation by the private sector may also include representatives of private business or transportation providers in the planning process, consultation with local economic development and Workforce Investment Boards, and inclusion of local Chambers of Commerce.

**Charter Bus Requirements**

FTA grantees are prohibited from using federally funded equipment to provide charter service if a registered private charter operator expresses interest in providing the service. Recipients under Section 5316 are generally not buying vehicles with 5316 funds and therefore are not subject to the charter rule for Section 5316 services. However, existing 5316 grantees providing JARC services are already in the 5311 program and have to abide by the Charter rule. When vehicle purchases are made by 5316 sub-recipients the same oversight that applies to 5311 will be expected.

To assist grantees in compliance with the rules, NYSDOT staff provides technical assistance to sub-recipients as needed at regional meetings and conferences, through site visits, as well as through our grant applications instructions. NYSDOT staff instructs sub-recipients to not provide charter service and also directs sub-recipients to FTA’s website if they receive a request or have questions about exemptions or exceptions.

http://ftawebprod.fta.dot.gov/CharterRegistration/(S(jk3mqq55j143atnmghe0sr45))/Default.aspx

New York State also requires, as part of all applications for capital and operating assistance, that the recipient, as well as any third party operators, sign the FTA Annual Certifications and Assurances.

Sub-recipients are also required to report quarterly to NYSDOT on any charter service provided under one of the four exceptions. A report is available on NYSDOT PTB’s website and a reminder email is sent out to all sub-recipients quarterly. Quarterly reports on charter activity from the sub-recipients, if any, are then consolidated for reporting through TEAM.

Any complaints alleging sub-grantee noncompliance with the charter service agreement will be investigated and appropriate action taken consistent with the charter service rules.
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. For a detailed description on New York State’s Civil Rights program, see appendix C.

i. TITLE VI

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 5317 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 5317 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 5317 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. 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.

3. Program Specific Requirements:
NYSDOT strives to assist subrecipients in applying for FTA Section 5317 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 5317 program requirements.

NYSDOT's ongoing process to monitor subrecipient compliance with Title VI includes site visits of subrecipients and the review of applications (which include a Title VI certification).

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 5317 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
**iii. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REQUIREMENTS**

The FTA Section 5317 program in NYS permits the purchase of 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**

Any FTA Section 5317 program subrecipients in the State of New York receiving capital assistance in excess of $1 million must comply with all applicable Equal Employment Opportunity (EEO) requirements. The subrecipient is required to submit its EEO Program and provide updates every three years to ensure compliance.

**v. LIMITED ENGLISH PROFICIENCY (LEP)**

The FTA Section 5317 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.

**State Program Management**

NYSDOT, pursuant to FTA Circular FTA C 9050.1, has developed program management practices for grants it manages.

*Minimum Requirement for Potential Applicants*

All applicants must show an established need for the project and that need is addressed in its coordinated plan as required. All applicants must ensure that adequate funds are available to match Section 5316 funds and to provide for continuing service.

**Financial Management**

Approved projects will/may submit payment applications on a quarterly basis. The payment application will follow the standard New York State Self Certification format and provide details on the status of the awarded funds for each project type awarded. In
addition, the sub-recipient will provide financial and if appropriate ridership or other use driven statistics to report on the status of the grant.

Payments for services are “first instanced” by the State. A NYS payment form is submitted to the Grants Payments Unit in the Department’s Accounting Bureau. The Grants Administration Unit in the Department’s Accounting Bureau reconciles TEAM grant balances to the Department records that track grant balances on the Integrated Accounting System (State database). The sub-recipient projects are set up as detail ledgers in the State database where the first instance payments are keyed. The detail ledgers are the State’s source document to initiate a FTA reimbursement.

**Grants Administration**

The Program of Projects is determined by the scoring of applications from the Main Office, the Regional Office, the MPO (if in an urbanized area), and the reviews of the Interagency Review Committee. Applicants are listed in descending order, from the highest scoring down to the lowest. Determining whether applicants are on the funded list or the stand-by list is a combination of available funding, whether there is a purchase contract in place with actual project amounts, not estimates, and the quality of the lower ranked applications.

The Program of Projects is submitted through FTA’s TEAM system initially as a draft. FTA Region 2 staff review the submission and ask any questions. When all questions and concerns are addressed, the request is formally submitted.

All open grants are reported upon annually in October, updating milestones as necessary. The State is trying to address its difficulty closing some grants due to difficulty in utilizing Administrative funding.

**Asset Management**

The State tracks the real property of federally acquired assets through an active and dynamic inventory management system. Assets are assigned a status (Active, Destroyed, Retired, Disposed, etc) in the inventory as they are purchased and disposed. This inventory management system has a mechanism to adjust the service life of any FTA funded asset that is removed from service for an extended period of time (greater than 15 days). Sub-recipients who elect to retire federally funded assets before the end of their useful must request this in an email or letter to the State, explaining why this was done and come up with a plan on how to return the remaining Federal/State interest to the respective parties.

All sub-recipients must supply the state with documentation that it will maintain the federally funded asset according to the sub-recipient’s own maintenance plan for the asset. Finally the sub-recipient must also document how it enforces warranty claims on federally acquired assets. This documentation should identify
warranty repairs, record the warranty claim, and show how the sub-recipient follows-up on any unpaid claims.

**Site Visits**

In addition to the regular outreach and assistance that NYSDOT provides, it is still necessary to have a consistent overarching review process for sub-recipients of the Federal and State funds to ensure that all requirements are being met. Site visits are conducted as appropriate based on a risk assessment of each program area. For the FTA Section 5310 program, a pre-visit questionnaire is used to determine required site visits. For the FTA Section 5311, 5316 and 5317 programs, a desk audit compliance review is used to assess sub-recipients and determine where site visits are required.

The purpose of these site visits is to assess sub-recipient management practices and program implementation to evaluate compliance with Federal and State requirements. The site visit consists of examining FTA and State-funded facilities and equipment, FTA funded operations, and to review necessary documentation. Site visits are performed by NYSDOT staff or consultant(s). A site visit procedures document outlines what items should be reviewed during a visit, and also serves as a checklist. Any serious finding at any site visit is followed up with a letter to the sub-recipient to create a plan for corrective action. Site visits may also be triggered by new applications, non-reporting, complaints received and/or Federal or State single audits.

**Reporting and Monitoring**

All applicants must complete a quarterly milestone report and submit with any requests for payment. Information provided on these reports is reviewed to overall program performance against the original agreement or as modified. Trends of specific problems can be identified through the analysis of these records. Grant recipients are not required to use a specific accounting system to prepare reports as long as the system used provides accurate information.

Site visits are conducted periodically to assure that projects are implemented as described in the application and quarterly reports, as well as to provide face-to-face technical assistance if necessary. Any serious finding is followed up with a letter to the property and to create a plan for corrective action.

**Section 5316 – JARC – TEAM Reports**

NYSDOT provides a Financial Status Report for each active grant its FTA Regional Office on an annual basis via the Transportation Electronic Award and Management System (TEAM). The current program of projects is also submitted to the Regional Office as part of the FTA grant application process.
Third-Party Agreements

Any third party agreements to deliver services funded by these programs must be approved by the Public Transportation Bureau staff to assure that Federal and State requirements are met.

Other Provisions

Subrecipients are required to comply with other Federal requirements such as environmental protection, Buy America provisions, pre-award and post-delivery reviews, restrictions on lobbying, prohibition on exclusive school transportation, and drug and alcohol testing. New York State requires that all Subrecipients submit a signed acknowledgement of these Federal certifications and assurances for FTA assistance programs for each annual award.

A listing of all “other provisions” can be found in the Chapter VIII Other Provisions in FTA Circular FTA C 9050.1. More information about individual requirements can be found in the Master Agreement on the Certifications and Assurances on the TEAM website at http://ftateamweb.fta.dot.gov.
Attachment A: NYSDOT 11/07 letter to Transportation providers

November, 2007

Dear Colleague:

This notice is to inform you of significant changes to several Federal Transit Administration (FTA) programs that will require adjustments to the planning, administration, and project selection process for the following programs:

- Section 5308 – Elderly Individuals and Individuals with Disabilities
- Section 5316 – Job Access & Reverse Commute
- Section 5317 – New Freedom

The Safe, Affordable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires the creation of a Locally-Developed, Coordinated Public Transit, Human-Service Transportation Plan. Beginning in Federal Fiscal Year (FFY) 2007, this process is required prior to any project being eligible for funding under each of the programs listed above.

The Locally Developed Coordinated Public Transit and Human Service Planning process should establish priorities for meeting the transportation needs of the target populations under these programs. A comprehensive solicitation process must also be developed to award these funds. This comprehensive planning and coordinated process should include transportation planning agencies, public and private transportation providers, non-profit transportation providers, human service providers, other government agencies that administer programs that provide for transportation such as Temporary Assistance for Needy Families (TANF), Workforce Investment Act, Non-emergency Medical Transportation (NEMT), and stakeholders that represent the individuals with disabilities and participation by the public. The final FTA circulars for Sections 5308, 5316 and 5317 that include the coordinated planning requirement are now available at [http://www.tadot.ny.gov/maps/sg_reg circulars guidance.htm](http://www.tadot.ny.gov/maps/sg_reg circulars guidance.htm). We have also attached a brief program description and funding allocations for NYSDOT (Attachment A) for each of these programs.

United We Ride is a federal level effort to improve coordination of Federal Funds that support transportation and improve access and mobility for these target populations. These new programs and planning effort is required as part of the Presidential Executive Order that called for coordinated planning in the Federal Report to the President in the summer of 2005. Many of the terms of a coordinated planning process are already in place in many communities throughout New York State. These new formula programs will continue to rely on these relationships and we encourage the documentation of those instances as part of the process.
A brief description of the remainder of the attachments is provided below.

Attachment B: Designation of Recipients for new Formula Funds
The legislation calls for the Chief Executive Officer of each State in consultation with responsible local officials and publicly owned operators of public transportation to designate the recipients for these New FTA funds and for the State to develop a plan to implement these new programs. This process is now in the final stages of completion, with the recommendation that the Governor convey authority for formal designation to the Department. Once in place, the Department’s plan is to designate specific areas as Designated Recipients as they finalize their local coordinated plans and program of projects.

Attachment C: Coordinated Planning, MPOs and Non-Urbanized Areas.
The legislation also requires that the Designated Recipient (DR) conduct the competitive selection process for projects within their area. It also states that the DR may establish alternative arrangements to administer and conduct the process. Pursuant to this guidance, NYSDOT requests that the Metropolitan Planning Organizations (MPOs) in the urbanized areas conduct the planning process and competitive solicitation in their area and that counties outside the MPO areas become lead agencies for this planning process.

Attachment D: Funding opportunities for JARC, New Freedom in the SAELEA-LU era
Finally, these new FTA Formula programs for Section 5316 (JARC) and Section 5317 (New Freedom) will involve new processes under coordinated planning to access the funds. In addition, the 5310 application review process will change depending on where your agency resides in the state.

As part of the United We Ride effort in New York, New York State agencies are developing an outreach session that can be used to aid in the development of this effort. Please contact us if you are interested in developing a program for your area. If you have questions or are in need of technical assistance throughout this process, please do not hesitate to contact Tom Vaughan at (518) 457-8343.

Sincerely,

Ron Epstein, Director
Public Transportation Bureau

cc: Brigid Hynes-Cheria, FTA Region II Administrator
   L. Weiskopf, NYSDOT Office of the Commissioner
   S. Oce, NYSDOT Deputy Commissioner
   K. Rau, Director, NYSDOT Policy & Planning Division
   R. Zerillo, Director, NYSDOT Office of Policy, Planning & Performance
   T. Clash, Director, NYSDOT Office of Regional Planning and Program Coordination
   D. Finstrom, Acting Director, NYSDOT Office of Integrated Modal Services
   M. Kovalkowsky, Director, NYSDOT Office of Finance
   G. McVey, Acting Director, NYSDOT Operating Division
   M. Silo, Director, NYSDOT Delivery Division
   NYSDOT Regional Directors, Regions 1-11
   NYSDOT Regional Program & Planning Managers, Regions 1-11
   NYPTA/NYS Public Transit Systems
   New York State MPO Directors
   MISCC/United We Ride New York State Agency Partners
Attachment B: New York Section 5316 funding by Fiscal year and Recipient/Area

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**Notes**

Grey Funds are programmed

Yellow cells are funds that were not programmed by their expiration date are were returned to the national pot

Tan Cells are funds still available based on the joint solicitation in 2010, these are available for this year only

Blue cells are funds that will lapse if not programmed by 9/30/11