



**Office of Mobility and Public Transit**

# **State Management Plan (SMP)**

**For:**

**FTA Section 5311 - Formula Grants for Rural Areas**  
**FTA Section 5339 - Bus and Bus Facilities Programs**  
**FTA Section 5303, 5304 - Metropolitan & Statewide Planning**  
**and Non-Metropolitan Transportation Planning**

In Association With The  
U. S. Department Of Transportation  
Federal Transit Administration (FTA)

February 2020

## TABLE OF CONTENTS

	Page(s)
<b>1. INTRODUCTION .....</b>	<b>1</b>
<b>2. GENERAL TRANSIT PROGRAMS INFORMATION.....</b>	<b>1</b>
<b>A. ROLES, RESPONSIBILITIES AND COORDINATION .....</b>	<b>1</b>
<b>B. PROGRAM GOALS AND OBJECTIVES .....</b>	<b>5</b>
<i>Program Goal: .....</i>	<i>5</i>
<i>Program Objectives: .....</i>	<i>5</i>
<b>C. OVERVIEW OF TRANSIT FUNDING PROGRAMS .....</b>	<b>6</b>
<i>Section 5303 - Metropolitan Planning Program &amp; Section 5304 - State Planning &amp; Research Program: .....</i>	<i>6</i>
<i>Section 5311 - Formula Grants for Rural Areas Program:.....</i>	<i>6</i>
<i>Section 5311 (f) - Intercity Bus Program:.....</i>	<i>7</i>
<i>Section 5311(b)(3) - Rural Transit Assistance Program (RTAP).....</i>	<i>7</i>
<i>Section 5339 - Bus and Bus Facilities Formula Program: .....</i>	<i>9</i>
<b>D. ELIGIBILITY .....</b>	<b>9</b>
<i>Section 5303 -- Metropolitan Planning Program &amp; Section 5304 - State Planning &amp; Research Program: .....</i>	<i>9</i>
<i>Section 5311 -Formula Grants for Rural Areas Program: .....</i>	<i>9</i>
<i>Section 5311(f)-Intercity Bus Program .....</i>	<i>10</i>
<i>Section 5311(b)(3) - Rural Transit Assistance Section Program (RTAP).....</i>	<i>12</i>
<i>Section 5339 - Bus and Bus Facilities Formula Program:.....</i>	<i>14</i>
<b>E. FUNDING REQUIREMENTS-FEDERAL/LOCAL MATCH RATIO .....</b>	<b>14</b>
<i>Section 5311 - Formula Grants for Rural Areas Program:.....</i>	<i>14</i>
<i>Allowable Costs and Audit Requirements: .....</i>	<i>15</i>
<i>State Administration:.....</i>	<i>15</i>
<i>Capital:.....</i>	<i>15</i>
<i>Project Administrative Expenses:.....</i>	<i>16</i>
<i>Operating Expenses: .....</i>	<i>16</i>
<i>Local Share and Requirements:.....</i>	<i>17</i>
<i>Section 5311(b)(3) - The Rural Transit Assistance Program (RTAP) .....</i>	<i>18</i>
<i>Section 5339 - Bus and Bus Facilities Formula Program:.....</i>	<i>18</i>
<b>F. PROGRAM COMPLAINT PROCEDURES.....</b>	<b>18</b>
<i>Local Complaint Procedures.....</i>	<i>18</i>
<i>State Complaint Procedures .....</i>	<i>19</i>
<b>3. STATE PROGRAM MANAGEMENT .....</b>	<b>19</b>
<b>A. MINIMUM REQUIREMENTS FOR POTENTIAL APPLICANTS .....</b>	<b>19</b>
<i>Section 5311 - Formula Grants for Rural Areas Program: .....</i>	<i>19</i>
<i>Section 5311(b)(3) - The Rural Transit Assistance Program (RTAP) .....</i>	<i>21</i>
<i>Section 5339 - Bus and Bus Facilities Formula Program:.....</i>	<i>21</i>
<b>B. STATE'S FTA GRANT APPLICATION PROCESS, TIMELINE, AND PROGRAM OF PROJECTS DEVELOPMENT .....</b>	<b>22</b>
<i>Section 5311 -Formula Grants for Rural Areas Program: .....</i>	<i>22</i>
<i>Section 5339- Bus and Bus Facilities Formula Program:.....</i>	<i>27</i>

C. FINANCIAL MANAGEMENT .....	28
<i>Audits (A-133)</i> .....	28
<i>Accounting System</i> .....	29
<i>Reimbursement of Eligible Expenses</i> .....	29
<i>Assignment of a Claim</i> .....	30
<i>Grant Closeout</i> .....	31
D. OVERSIGHT OF SUBRECIPIENTS .....	31
<i>Subrecipient Monitoring:</i> .....	32
<i>Subrecipient Management Reviews:</i> .....	32
<i>Subrecipient Reporting Requirements:</i> .....	33
E. FTA GRANT REPORTS.....	34
<i>Annual Program of Projects (POP)</i> .....	34
<i>Federal Financial Reports (FFR) and Milestone Progress Reports (MPR)</i> .....	34
<i>Federal Funding Accountability &amp; Transparency Act of 2006 (FFATA)</i> .....	34
<i>Disadvantaged Business Enterprise (DBE) Reports</i> .....	34
<i>National Transit Database (NTD)</i> .....	34
F. PROCUREMENT.....	35
<i>Procurement of Capital and Non-expendable Items</i> .....	36
<i>Capital Equipment</i> .....	37
G. PROPERTY MANAGEMENT AND DISPOSITION .....	41
<i>Maintenance and Facilities:</i> .....	41
<i>Warranty Recovery:</i> .....	41
<i>Title and Lien:</i> .....	41
<i>Inventory Management and Useful Life:</i> .....	42
<i>Useful Life of Vehicles:</i> .....	42
<i>Useful Life of Other Equipment:</i> .....	43
<i>Transit Systems No Longer Participating in the Section 5311 Program:</i> .....	43
<i>Insurance Coverage:</i> .....	44
<i>Insurance Proceeds:</i> .....	44
<i>Intrastate Transporters:</i> .....	45
<i>Protection of the Environment</i> .....	45
<i>Facility Construction and Renovation</i> .....	46
<b>4. STATE ADMINISTRATION AND TECHNICAL ASSISTANCE .....</b>	<b>46</b>
<b>5. TRANSIT ASSET MANAGEMENT (TAM).....</b>	<b>46</b>
PROGRAM OVERVIEW .....	46
<b>6. CIVIL RIGHTS:.....</b>	<b>47</b>
A. TITLE VI:.....	47
B. EQUAL EMPLOYMENT OPPORTUNITY (EEO).....	49
C. DISADVANTAGED BUSINESS ENTERPRISE (DBE) .....	50
D. SECTION 504 AND AMERICANS WITH DISABILITIES ACT (ADA) .....	51
<b>7. OTHER PROVISIONS.....</b>	<b>54</b>
A. ANNUAL CERTIFICATIONS AND ASSURANCES: .....	54
B. DRUG AND ALCOHOL TESTING PROGRAM: .....	54
C. CHARTER RULE: .....	56
D. SCHOOL BUS OPERATIONS: .....	57
E. PRIVATE SECTOR PARTICIPATION: .....	57

F. GRIEVANCE PROCEDURES:.....	57
G. ADDITIONAL PROVISIONS:.....	57
<i>Transit Driver's License Requirements:</i> .....	57
<i>Communications Equipment:</i> .....	58
<i>In-Kind Contributions:</i> .....	58
<i>Real Property:</i> .....	58
<i>Contract Revenue:</i> .....	58
<i>Three Year Plan:</i> .....	59
<i>Training Program:</i> .....	59
<i>Dependent Insurance Coverage:</i> .....	59
<i>Volunteer Labor:</i> .....	60
<i>Shared Employee:</i> .....	60
<i>Non-Expendable Equipment:</i> .....	60
<i>Reimbursement of Claims:</i> .....	60
<i>Nondiscrimination on the Basis a/Sex:</i> .....	60
<i>Nondiscrimination on the Basis of Age:</i> .....	61
<i>Drug-Free Workplace:</i> .....	61
<i>Employee Political Activity:</i> .....	61
<i>Environmental Justice:</i> .....	62
<i>Labor Protections:</i> .....	62
<b>EXHIBIT "A" OKLAHOMA RURAL COMMUNITY TRANSIT SYSTEMS .....</b>	<b>63</b>

All of the Federal Transit Administration’s federal guidance can be found at the following link:

<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/final-circulars>

## 1. INTRODUCTION

The Federal Transit Administration (FTA) is one of ten operation administrations within the U.S. Department of Transportation (USDOT). USDOT through FTA provides financial assistance to states and local government entities to develop new transit systems, and improve, maintain, and operate existing systems. Funding is also made available to Regional Transportation and Metropolitan Planning Organizations (MPO), local and tribal governments and Transit Providers for eligible transit activities. FTA oversees, and ensures regulatory compliance of transit funds awarded to States and requires each state to have an approved State Management Plan (SMP) in place. The SMP outlines the state's policies for the administration of FTA 49 U.S.C. Section 5311, and 5339 Programs. FTA mandates amendment/revisions to the SMP with changing legislation and state statutes/policies. A significant change to the SMP requires FTA review and approval.

The Oklahoma Department of Transportation (ODOT) was designated by Oklahoma's Governor for the administration of federal public transportation financial assistance programs for the state. The intent of this document is to outline the state's policies, procedures, and administrative guidelines for the FTA's 49 U.S.C Sections § 5303, 5304, 5307, 5311, 5311(b)(3), 5311(f) and 5339 Grant Programs.

## 2. GENERAL TRANSIT PROGRAMS INFORMATION

### A. ROLES, RESPONSIBILITIES AND COORDINATION

#### **The Federal Transit Administration:**

The Federal Transit Administration (FTA) is the federal oversight agency headquartered in Washington, D.C. FTA's responsibilities include, but are not limited to: providing policy and program guidance, funding allocation to the States; developing and implementing financial management procedures; providing program support; and conducting state management reviews, an evaluation/audit that occurs every three years or as warranted; reviewing and approving grant applications; reviewing and approving SMPs. The day to day administrations of Oklahoma's programs are managed by FTA's Region VI office located in Fort Worth, Texas. The FTA headquarters contact information is as follows:

Federal Transit Administration  
Office of Communications and Congressional Affairs  
1200 New Jersey Avenue SE, East Building  
Washington, DC 20590  
Phone: 202-366-4043

#### **Oklahoma Department of Transportation- Office of Mobility and Public Transit:**

ODOT is the Governor's designee responsible for the administration of FTA's Formula Grants and related state funded public transit activities as promulgated under Title 730, Chapter 45 of the Oklahoma Administrative Rules and Title 69 of the Oklahoma Statue (as amended), and has assigned ODOT's Office of Mobility and Public Transit (OMPT) with the oversight of these activities, and additionally may enter into agreements with qualified entities and/or contractors to carry out these activities as deemed necessary. The OMPT will fulfill ODOT's obligation by:

- Developing a fair and equitable application process for the distribution of available FTA funding to

eligible rural and tribal transit agencies

- Soliciting applications annually and submitting an annual program of projects and grants to FTA
- Certify eligibility of applicants and project activities
- Entering into agreement with FTA Funded subrecipients and applicable contractors
- Monitoring subrecipients programs to ensure compliance with FTA rules and regulations
- Overseeing subrecipient project audits and closeout
- Auditing submitted subrecipient reimbursement claims for FTA funding eligibility
- Submitting all FTA reports for ODOT and its subrecipient as required by FTA
- Providing technical support and assistance for subrecipients
- Provide practical coordination of public transportation services funded by FTA with transportation services aided by other federal programs
- Ensuring coordination of public transit at the state and local levels. Oklahoma does not have a state process for intergovernmental review of federal programs, therefore the FTA Grant Program are not submitted to a state clearinghouse for review. However, all FTA funded projects are included as an element of ODOT's Statewide Transportation Improvement Program (STIP) and thereby will go through the STIP review process

Requiring that applicants for FTA funded programs, when applicable, provide documentation to support their efforts to coordinate proposed transportation services with both private for profit and nonprofit service operators. Expectable documentation will include, but not limited to: An executed coordination agreement, written and published invitations, public announcements, sign-in sheets and notes of public forums, etc.

**ODOT General Counsel Division:**

ODOT's General Counsel Division is responsible for the review and approval of OMPT's subrecipient agreements and provide legal counsel as needed.

**ODOT Comptroller Division:**

ODOT's Comptroller Division is responsible for the following:

- Review and approval of OMPT's annual budgets.
- Processing OMPT approved claims of subrecipients.
- Reconciling submitted claims with OMPT before and after each Electronic Clearing House Operation (ECHO).
- Review and approve FTA reports and grant closeouts prior to submission by OMPT.
- Review and submit OMPT related reports in compliance with the Federal Funding Accountability Transparency Act (FFATA) reporting requirements.
- Assigning project numbers for all OMPT projects

**ODOT Strategic Asset and Performance Management (SAPM):**

ODOT's SAPM is responsible for the following:

- Compiling and updating the Statewide Transportation Improvement Program (STIP) for Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) approval. The STIP includes the Transportation Improvement Program (TIP) from the Metropolitan Planning Organizations (MPOs).

### **ODOT Operations Review and Evaluation Division (OR&E):**

The OR&E Division is responsible for the review of subrecipient's single audits for compliance with Office of Management and Budget (OMB) and examines annual audit reports from the Oklahoma State Auditor and Inspector's Office.

### **ODOT Civil Rights Division:**

The Civil Rights Division is responsible for the following:

- Conducting/developing required Disadvantaged Business Enterprise (DBE) goal methodology process and the establishment of subsequent goals
- Conducting disparity studies
- ADA compliance
- Oversight of ADA complaint process
- Providing DBE training, outreach and partnerships
- Conducting DBE certification process and maintaining certified DBE directory
- Review FTA civil right reports for accuracy before submission by OMPT to FTA
- Review of OMPT associated civil right plan template for subrecipients
- ODOT's Title VI compliance procedures
- Policy for which ODOT's Title VI certification is based

### **ODOT Procurement Division:**

The Procurement Division is tasked with the administration/oversight of the Departments procurement demands, including but not limited to the procurement of professional goods and services to ensure compliance with state and federal regulations.

- Review OMPT capital procurement bid documents and submit to the Office of Management and Enterprise Service's (OMES) Central Purchasing Division for solicitation.
- Provide subrecipient claim account information for reimbursements.

### **Oklahoma State Office of Management and Enterprise Service's (OMES) Central Purchasing Division:**

The Central Purchasing Division is responsible for oversight of the solicitation/procurement process for capital assets to include but not limited to:

- Registering and reviewing past performances of vendors.
- Ensuring a competitive process for proposals to solicit bids for statewide contract for transit vehicles and equipment.
- Ensure that specifications and bid packets meet federal and state requirements.
- Ensuring that bid awards meet all federal and state regulations.
- Maintenance of statewide procurement website.

### **ODOT Human Resources Division:**

The Human Resources Division is responsible for the oversight of ODOT staffing to include, but not limited to:

- Ensuring that required State and Federal hiring standards/practices are followed when staffing the OMPT
- ODOT Drug and Alcohol awareness programs
- ODOT required State and Federal employee training programs

### **ODOT Subrecipients:**

Subrecipients receiving State and FTA funds must possess the technical capacity necessary to manage all aspects of the associated transit grant program(s) and comply with established program requirements to include, but not limited to; the ability to maintain financial, technical, managerial and legal capacity to oversee a transit service, organizational planning, monitor and comply with civil rights requirements, and the ability to enter into contractual agreement(s) with the ODOT. Subrecipients of program funding must provide documentation to support their efforts to locally coordinate their proposed transportation services with other public and tribal transportation providers. This includes both private for profit and nonprofit operators. Efforts to accomplish this would include, but not be limited to, written invitations, published invitations, public announcements, sign-in sheets, and notes of public forums. Detailed responsibilities for associated grant programs are outlined in associated application documents.

### **Metropolitan Planning Organizations:**

ODOT currently coordinates planning efforts with four Metropolitan Planning Organizations (MPOs) as follows:

- **Association of Central Oklahoma Governments (ACOG)**  
<http://www.acogok.org/>  
Address: 4205 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105  
Phone: 405.234.2264  
Fax: 405.234.2200  
Email: [acog@acogok.org](mailto:acog@acogok.org)
- **Indian Nations Council of Governments (INCOG)**  
<http://www.incog.org/>  
Address: 2 West Second St., Suite 800, Tulsa, OK 74103  
Phone: 918.584.7526  
Fax: 918.583.1024  
Email: [incog@incog.org](mailto:incog@incog.org)
- **Lawton Metropolitan Planning Organizations (LMPO)**  
<http://www.lawtonmpo.org/>  
Address: 212 Southwest 9th St., Lawton, OK 73501  
Phone: 580-581-3375
- **Frontier Metropolitan Planning Organization (Frontier)**  
<http://www.frontiermpo.org/>  
Address: 1109 N. 16 St., Fort Smith, AR 72901

Phone: (479) 785-2651

Coordination must occur between the MPOs and local transit providers with respect to service areas. Subrecipient coordination efforts are reviewed by ODOT as part of the program application process. Proposed FTA funded projects within the MPO regional transportation planning boundaries must be included in the MPO's Transportation Improvement Program (TIP) and subsequently in ODOT's Statewide Transportation Improvement Program (STIP).

### **Statewide Transportation Improvement Program (STIP):**

The STIP is a financially constrained program which identifies priority and regionally significant transportation projects based on extensive planning. These are projects in which full funding is reasonably anticipated to be available in order to implement during the next four (4) years. This is not a final schedule of projects but is a "best estimate" at the time of STIP development. The STIP serves as a short range planning tool which educates the public on future transportation needs and assures that federal funds are spent on projects consistent with approved long range plans. The State's procedures for developing the Program of Projects are outlined in the STIP and it includes four program years.

All federal funds programmed for highway or transit projects must be included in a STIP. For the purpose of the STIP, the state may aggregate its planned expenditures of FTA funded programs into statewide projects. These funds may then be used for items such as vehicle acquisition for rural and small urban transportation services, statewide planning, operating assistance, intercity bus projects, facility construction, state administration, and training and technical assistance.

MPOs are responsible for transportation planning and programming in metropolitan areas. If a subrecipient is proposing services within an MPO's planning/study urbanized boundaries, or if the area is expected to become urbanized within twenty years, these services must be included in the MPO's Transportation Improvement Program (TIP) and the STIP.

## **B. PROGRAM GOALS AND OBJECTIVES**

### **Program Goal:**

The goal of the Oklahoma's State and Federally funded transit programs is to provide a safe and effective transportation network which will enhance and increase the mobility of persons with special needs, transportation for disadvantaged persons and the general population living in tribal, non-urbanized and small urban areas of the state. This will be accomplished by preserving and improving public transportation to access health care, employment, education, shopping, recreation, and public services throughout the state.

### **Program Objectives:**

To obtain the goals set forth, available Federal and State funding will be used to:

- Ensure that available state and federal funds are used to support and maintain existing transit systems and establish new services in the state as needed
- Provide a fair distribution of public transportation funds to all areas of the State
- Utilize available funds to study coordinate and implement transportation service needs with State, local governments and municipalities across the state
- Provide technical assistance to new and existing transit providers statewide

- Promote and maintain strong partnerships with transit providers and associations

## **C. OVERVIEW OF TRANSIT FUNDING PROGRAMS**

### **Section 5303 and 5304 – Metropolitan and Statewide and Nonmetropolitan Transportation Planning:**

The Metropolitan Planning Program (MPP) is a major source of Federal financial assistance to help urbanized areas (UZAs) plan for the development, improvement, and effective management of their multimodal transportation systems. MPP funds are available to carry out the metropolitan transportation planning process and meet the transportation planning requirements of the joint Federal Transit Administration (FTA)/Federal Highway Administration (FHWA) planning regulations. In general, MPP grants are available to assist States, authorities of the States, Metropolitan Planning Organizations (MPOs), and local governmental authorities with: preparing transportation plans and programs; planning, engineering, designing, and evaluating a public transportation project; and conducting technical studies related to public transportation. In carrying out the metropolitan transportation planning process, the MPO, the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities. They must also clearly identify these responsibilities in written agreements between the MPO, the State(s), and the public transportation operator(s) serving the Metropolitan Planning Area (MPA) (23 CFR 450.314).

Under the planning provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the State is the Designated Recipient (DR) and is the only entity eligible to apply for and receive MPP and State Planning and Research Program (SPRP) assistance directly from FTA. Although FTA makes MPP grants directly to States, the State is required by law to distribute these funds to each UZA, or portion of a UZA, within the State, according to a formula developed by the State in cooperation with the MPO and approved by FTA. Under the MPP program, only an MPO is eligible to receive MPP assistance directly from the State. The State recipient enters into sub agreements with subrecipients, consistent with applicable requirements of law.

FTA's guidance and instructions for this program is located in FTA C 8100.1C Program Guidance for Metropolitan Planning and State Planning and Research Program Grants.

### **Section 5311 – Formula Grants for Rural Areas:**

Pursuant to 49 U.S.C. 5311, FTA apportions or awards funds to states, Indian tribes, or other eligible recipients located in rural areas for planning, public transportation capital projects, operating costs, job access reverse commute projects, and the acquisition of public transportation service. The Section 5311 program supports both the maintenance of existing public transportation services and the expansion of those services through the following program goals:

- enhancing access in rural areas to health care, shopping, education, employment, public services, and recreation
- assisting in the maintenance, development, improvement, and use of public transportation systems in rural areas
- encouraging and facilitating the most efficient use of all transportation funds used to provide passenger transportation in rural areas through the coordination of programs and services

- providing financial assistance to help carry out national goals related to mobility for all, including seniors, individuals with disabilities, and low-income individuals
- increasing availability of transportation options through investments in intercity bus services
- assisting in the development and support of intercity bus transportation
- encouraging mobility management, employment-related transportation alternatives, joint development practices, and transit-oriented development
- providing for the participation of private transportation providers in rural public transportation

FTA's guidance and instructions for this program is located in FTA C 9040.1G Formula Grants for Rural Areas: Program Guidance and Instructions.

### **Section 5311 (f) - Intercity Bus Program:**

Section 5311(f) of title 49, United States Code, requires each state to spend 15 percent of its annual Section 5311 apportionment "to carry out a program to develop and support intercity bus transportation," unless the governor certifies that "the intercity bus service needs of the State are being met adequately." Section 5311(f) requires a state to consult with intercity bus providers before seeking a governor's certification. The consultation requirements are discussed in Section 4 of this chapter. The required percentage applies only to the amount of FTA's annual apportionment of Section 5311 funds to the state. The required percentage does not apply to any funds the state subsequently transfers to its formula grants for rural area program from another program (such as Section 5307).

In many States, intercity bus service is a vital link between otherwise isolated rural communities and the rest of the nation. Historically, major intercity bus carriers abandoned less productive routes. Patronage generated in rural areas, however, appears to be important to the continuing viability of the remaining intercity routes. One objective of the funding for intercity bus service under Section 5311, therefore, is to support the connection between rural areas and the larger regional or national system of intercity bus service. Another objective is to support services to meet the intercity travel needs of residents in rural areas. A third objective is to support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities. FTA encourages states to use the funding under Section 5311(f) to support these national objectives, as well as priorities determined by the state.

FTA's guidance and instructions for this program is located in Chapter VIII of FTA C 9040.1G Formula Grants for Rural Areas: Program Guidance and Instructions.

### **Section 5311(b)(3) - Rural Transit Assistance Program (RTAP):**

Title 49 U.S.C. 5311(b)(3) authorizes the secretary "to make grants and contracts for transportation research, technical assistance, training and related support services in rural areas." The Rural Transportation Assistance Program (RTAP) provides a source of funding to assist in the design and implementation of training and technical assistance projects and other support services tailored to meet the specific needs of transit operators in rural areas. No more than 2 percent of the funds appropriated for Section 5311 each year are available for RTAP. Of that amount no more than 15 percent is available for projects of a national scope, with the balance apportioned to the States. The State program provides an annual allocation to each state to develop and implement training and technical assistance programs in conjunction with the State's administration of the Section 5311 formula assistance program. The national program provides for the development of information

and materials for use by local operators and State administering agencies and supports research and technical assistance projects of national interest.

The purpose of the scholarship program is to provide funding support to eligible transit agencies to help defray the cost of sending personnel to approved training courses, workshops, and conferences. The intent of the program is to supplement existing training resources, not to supplant them. Trainings may be in-house, in-state or out-of-state.

The objectives of the RTAP Program are:

- To promote the safe and effective delivery of public transportation in non-urbanized (rural and small urban) areas and to make more efficient use of public and private resources
- To foster the development of State and local capacity for addressing the training and technical assistance needs of the rural and small urban transportation community
- To improve the quality of information and technical assistance available through the development of training and technical assistance resource materials
- To facilitate peer-to-peer self-help through the development of local networks of transit professionals
- To support the coordination of public, private, specialized and human service transportation services
- To build a national database on the non-urbanized segment of the public transportation industry
- There are two components to the RTAP Program; however, this State Management Program addresses only the first component:
  - State Program: RTAP funds are allocated to the states annually. States may apply for these funds to develop and implement training and technical assistance programs and other support services for rural public transportation. This component of the program is administered as an element of ODOT's annual Section 5311 Program grant application
  - National Program: This portion of the program is managed at FTA headquarters and consists of the development of training and technical assistance materials for use by states and local operators, a national information clearinghouse function and other research and coordination activities carried out through contractual arrangements

FTA's guidance and instructions for this program is located in Chapter IX of FTA C 9040.1G Formula Grants for Rural Areas: Program Guidance and Instructions

### **Section 5339 - Bus and Bus Facilities Formula Program:**

Pursuant to 49 U.S.C. 5339, Federal Transit Administration (FTA) awards grants under this section to the designated recipients in the large urbanized areas (UZAs) and States for the purpose of financing capital bus and bus-related projects that will support the continuation and expansion of public transportation services in the United States.

FTA's guidance and instructions for this program is located in FTA C 5100.1 Bus and Bus Facilities Formula Program: Guidance and Application Instructions.

### **D. ELIGIBILITY**

#### **Section 5303 – Metropolitan Planning Program & Section 5304 – State Planning & Research Program:**

Eligible recipients of Section 5303 and 5304 funds include States and Metropolitan Planning Organizations (MPOs). A MPO is the policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all urbanized areas (UZAs) with populations over 50,000, as determined by the U.S. Census. MPOs are designated by agreement between the governor and local governments that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population) or in accordance with procedures established by applicable state or local law. When submitting a transportation improvement program to the state for inclusion in the statewide program, MPOs self-certify that they have met all federal requirements.

#### **Section 5311 – Formula Grants for Rural Areas Program:**

The Section 5311 program provides capital, administrative, planning and operating assistance to States and federally recognized Indian tribes in rural areas with populations less than 50,000. The State may use up to 10 percent of its Section 5311 program funds to administer the program and provide technical assistance to subrecipients. Technical assistance includes project planning, program and management development, public transportation coordination activities, and research the state considers appropriate to promote effective delivery of public transportation in rural areas. The purpose of the program is to support public transportation for people living in any area outside of a UZA as designated by the Bureau of the Census. A UZA consists of a core area and the surrounding densely populated area with a total population of fifty thousand or more, with boundaries fixed by the Bureau of the Census. Areas not within a UZA as of the 2010 Census are eligible for Section 5311 funding even if they are included within the metropolitan area planning boundary, which includes the surrounding area expected to be urbanized within twenty years and/or the air quality nonattainment boundary.

For the complete list of eligible activities please see chapter III of FTA C 9040.1G Formula Grants for Rural Areas: Program Guidance and Instructions.

Eligible subrecipients of Section 5311 program funds through ODOT include State agencies, local governmental authorities such as counties and cities, non-profit organizations, and operators of public transportation. Private for profit providers of transit services or intercity bus services may participate through third party contracts with eligible local recipients. For the purpose of this program, "public transportation" is defined as regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age (older adults), disability, or

low income; and does not include: intercity passenger rail transportation provided by the entity described in Chapter 243 (Amtrak) (or a successor to such entity); intercity bus service; charter bus service; school bus service; sightseeing service; courtesy shuttle service for patrons of one or more specific establishments; or intraterminal or intrafacility shuttle services. For the purpose of this program, subrecipient, transit provider and contractor are used synonymously.

Federally recognized Indian Tribes are eligible recipients of Section 5311 funds under 49 U.S.C. 5311 and as such, can receive funds as direct recipients of FTA or as subrecipients of ODOT. A declaration must be made by the tribes during the application process. In either case the terms and conditions of the ODOT application process and subsequent ODOT/FTA Section 5311 standard grant administration agreements will apply. The special terms and conditions that FTA developed for tribes receiving funding under the Tribal Transit Program are applicable only to that program.

ODOT uses the following criteria to determine if a transit provider is eligible to apply for Section 5311 funding:

- The continuation of existing public transportation within the proposed service area
- The lack of existing public transportation within the proposed service area
- Effort to coordinate with other public transportation providers and inclusion of community efforts for human service transportation planning
- The transportation provider's proposed scope
- Managerial and operational capacity of the potential applicant with regard to operating an open to the public transportation system
- Willingness to serve the general public's needs

ODOT may limit subrecipient eligibility requirements in order to comply with state laws or to further program goals

**Section 5311 (f) - Intercity Bus Program:**

ODOT allocates fifteen percent (15%) of its annual Section 5311 Program apportionment for intercity bus service. This money may be spent for the development and support of intercity bus transportation. Each fiscal year that ODOT does not use fifteen percent of its Section 5311 apportionment for intercity bus service, ODOT will implement the FTA statutory provision for certification, and consult with intercity bus service providers to assess the intercity needs of the state before the Governor certifies to the Secretary that the State's intercity bus service needs are being adequately met.

Funding under the intercity bus transportation service requirement may support intercity bus service in rural and small urban areas. Eligible activities include:

- Capital operating assistance to non-profit organizations for the direct operation of intercity service after appropriate consideration of participation by private for-profit service providers.
- Feeder bus service (coordination of rural connections between small operations and intercity bus carriers).
- Planning and marketing for intercity bus transportation.

- Intercity bus shelters.
- Joint use stops and depots.
- Operating grants through purchase of service agreements.
- User subsidies and demonstration projects.

Capital assistance may also be provided to purchase vehicles or vehicle related equipment, such as wheelchair lifts, for exclusive use in intercity bus service. Eligible categories for line items are the same as those previously listed under the Section 5311 Program. For the purpose of this provision, intercity bus service is defined as regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, which has the capacity for transporting baggage carried by passengers, and makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available. Package express service may also be included, if incidental to passenger transportation. An urban area, as defined by the Federal Transit Act, is "any area that includes a municipality or other built-up place which is appropriate...for a public transportation system..." Commuter service (service designed primarily to provide daily work trips within the local commuting area) is excluded in this definition.

**Feeder bus service** is defined as the provision of service which acts as a feeder to intercity bus service and includes the coordination of rural connections between small transit operations and intercity bus carriers (by definition, most of Oklahoma's Section 5311 Rural Transit Providers will fall into this category). The feeder service is not required to have the same characteristics as the intercity service with which it connects. For example, feeder service may be demand responsive (see below for definition), while intercity bus service is by definition fixed route. Feeder service must make *meaningful connections* with an intercity carrier that provides services to more distant points. For the purpose of this program the term, a "meaningful connection", is defined as a publicly advertised transit operating scheduled trips that would permit the transit user access to intercity bus service within five hours of its arrival/departure time. Intercity feeder bus routes must make a direct connection to a bus station that is serviced by an intercity carrier. Where feasible, intercity bus feeder service may also provide access to intercity connections with rail or air service. Rural transit providers operating feeder service with destinations across State lines are required to comply with the Federal Motor Carrier Safety Administration (FMCSA) regulations.

While much of the public transportation service assisted under Section 5311 covers large distances because of the nature of the areas serviced, not all long distance trips are included in the definition of intercity feeder service. Service that only incidentally stops at an intercity bus facility among other destinations within the city at either end of a route that covers a long distance, without regard to scheduled connections, is eligible for Section 5311 assistance as public transportation, but is considered intercity feeder service.

For the purpose of this provision, demand response is defined as a transit mode comprised of vans or small buses operating in response to calls from passengers or their agents to the transit operator, who then dispatches a vehicle to pick up the passengers and transport them to their destinations.

- Proposed Intercity and feeder services must be identified in the schedule of routes and will be evaluated and approved during the Section 5311 application process.
- Approved schedule of routes and subsequent approved changes must go through the public awareness process, advertisement and posting for the general public as required by FTA. Routes or

services which are being discontinued must also be posted for the general public.

- An approved fixed or deviated fixed route feeder service need not have a paying passenger on board as long as there is a connection to an intercity carrier. Only the leg of the trip that connects to an intercity provider is an intercity trip. In demand response service there must be a “meaningful connection” which drops a passenger off at an intercity carrier station within five hours of its arrival/departure time, or picks up passenger up from an intercity carrier station within five hours of its arrival/departure time and the intercity carrier station is within the transit agency’s approved service area.
- Round-trip mileage can be reported for feeder services that are advertised and offered as demand response trips with meaningful connections.
- Subrecipients must record all Section 5311 activities including intercity and feeder service into an electronic dispatch software system that is capable of interfacing with ODOT’s web database system “MYLEO-net”. Other information, such as costs associated with intercity service, may also be required by ODOT.
- Public Entities operating or contracting for intercity bus service are not required to provide complementary paratransit service for individuals with disabilities who are unable to use the fixed route intercity bus service. Fixed route feeder service provided by a public entity must be evaluated on a case by case basis to determine if its characteristics are those of commuter service or of transit which would require complementary paratransit. The federal match for intercity projects is the same as for the Section 5311 Program.

ODOT may, if it regards it as appropriate, fund regional or statewide planning activities at one hundred percent, if included within the ten percent (10%) allowed State Administration. However, any planning expenses for intercity bus not included in the ten percent allowed for State Administration is funded at the current year's established Federal share for project administration.

ODOT uses the following criteria to determine if a transit provider is eligible to receive 5311(f) funding.

- Must be an approved 5311 provider
- Route must comply with intercity provider and/or intercity feeder service requirements

### **Section 5311(b)(3) - Rural Transit Assistance Program (RTAP):**

The Rural Transit Assistance Program (RTAP) (49 U.S.C. 5311(b)(3)) provides a source of funding to assist in the design and implementation of training and technical assistance projects and other support services tailored to meet the needs of transit operators in rural areas. The State should develop State RTAP activities through a process that provides maximum opportunity for the participation of rural transit operators, both public and private, in identifying and establishing priority areas of need for transportation research, technical assistance, training, and related support services in other than urbanized areas.

United States Code Section 5311 (b)(3) provides an annual allocation to each state to develop and implement training and technical assistance programs in conjunction with the State's administration of the Section 5311 Program. ODOT will provide each approved subrecipient with \$5,000.00 RTAP funds annually.

ODOT will be the state agency responsible for the administration of the RTAP program. ODOT will maintain broad discretion in deciding how best to provide assistance and implement projects under the RTAP program. ODOT, at its discretion, may develop a state RTAP Advisory Committee which may consist of, but not limited to: representatives of Section 5311 grant subrecipients consisting of small, medium, large transit agencies and small urban transit agency representatives along with federally recognized Indian Tribe representatives. Committee members will provide guidance in the development and implementation of training curriculum. The cost associated with implementing a state RTAP Advisory Committee will be funded with available RTAP funds.

Eligible recipients and subrecipients include States, local governments, and providers of rural transit services, including federally recognized Indian Tribes. States may use RTAP funds to support rural transit activities in four categories: training, technical assistance, research, and related support services. Any capital purchases using funds should be directly related to carrying out the intent of the RTAP as defined by FTA.

RTAP funds may not be interchanged with other Section 5311 Program funds. Furthermore, RTAP funds may not be used for ODOT's administration of the RTAP or for overhead expenses.

ODOT will use a wide range of mechanisms for program delivery based on the needs and resources available. These can include:

- Assistance by ODOT staff.
- Contracts with private consultants, universities, non-profit organizations, state transit associations or other organizations of transit operators, support of peer-to-peer networks of individuals to provide assistance to each other.
- Interagency agreements with other state agencies, both within the State and in other states; and
- Scholarships for reimbursements of tuition and expenses for individuals to attend training courses or workshops.

ODOT will use the following criteria to review each RTAP application and approving requested scholarships.

Criteria used will include but is not limited to:

- Justification in terms of financial need and anticipated value to the transit agency
- Relevance of training to the individual's job at the transit agency
- Amount of funds available to the transit agency
- Transit agency must be in good standings with the ODOT
  - “Good Standing” means:
    - Agency is in compliance with state and federal requirements
    - Agency is up to date on submission of monthly claims
    - Agency is responsive to communications and requests for information
    - Maintains adequate financial records that document and support all contractual expenditures
    - Submits monthly progress reports and invoices that are accurate and timely

- Submission of annual reports to ODOT to include audit documents, drug/alcohol monthly logs, etc.
- Compliance with all contractual obligations
- Satisfactory progress on contract-funded projects
- Compliance with state and federal reporting requirements
- Availability of remaining scholarship funds may determine if additional scholarships are awarded

**Section 5339 - Bus and Bus Facilities Formula Program:**

Eligible recipients are States, designated direct recipients and eligible tier II recipients. Section 5339 – Grants for Buses and Bus Facilities Program provides funding to replace, rehabilitate and purchase buses, related equipment and transit-related facilities. For the complete list of eligible capital projects, please see chapter III of circular FTA C 5100.1 Bus and Bus Facilities Formula Program: Guidance and Application Instructions.

Section 5339 Grant for Buses and Bus Facilities Program

- Section 5339(a) is a revolving capital grant where ODOT consolidates the annual federal capital funding distributed to the state, until all agencies can procure a single vehicle at minimum. ODOT will then send out the Notice of Proposed Rulemaking (NPRM) for the required 30 day commenting period. After the 30 day commenting period is over ODOT will review those comments and send out the Notice of Final Rulemaking and will begin the application process accordingly.
- Section 5339(b) is a discretionary grant for which FTA constructs the criteria. ODOT then notifies the agencies of the funding possibilities and will begin to construct a proposal application for the state on behalf of all interested agencies. Once FTA makes the decision on our state’s proposal, ODOT will begin the application process accordingly.

ODOT could include, but is not limited to, the following criteria to determine if a transit provider is eligible to apply for Section 5339(a) funding:

- State of good repair
- Program management of past competitive capital grants
- Agency is not on probation
- Agency is not a “new start”

**E. FUNDING REQUIREMENTS-FEDERAL/LOCAL MATCH RATIO**

**Section 5311 – Formula Grants for Rural Areas Program:**

Eligible costs and the level of federal participation for these expense categories are discussed in the following sections and follow the guidelines under FTA C 9040.1G (as amended) and the OMB “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part

200, as outlined below.

**Allowable Costs and Audit Requirements:**

Allowable costs shall be governed by the applicable cost principles as published in Office of Management and Budget (OMB) Circulars. OMB “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 200, supersedes and streamlines the former OMB Circulars on Uniform Administrative Guidance: A-102, and A-110, former OMB Circulars on Cost Principles, A-21, A-87 and A-122, and former OMB Circulars addressing Single Audit issues, A-133 on Single Audit Act administration and A-50 on Single Audit Act follow-up. ODOT follows the OMB Circular for guidance on allowable purchases using federal funds.

**State Administration:**

The Section 5311 Program allows states to use an amount not to exceed ten percent (10%) of its annual apportionment for administration, planning and technical activities.

**Capital:**

Capital expenses include transit related vehicles and the acquisition, construction and improvement of public transit facilities and equipment for a safe, efficient, and coordinated public transportation system. The amount of federal reimbursement for the allowable costs of the facilities and equipment shall not exceed eighty percent (80%) of the net project cost. There are, however, two exceptions:

- When vehicle related equipment or facilities is purchased for purposes of complying with or maintaining compliance with the Americans with Disabilities Act of 1990 (ADA) the reimbursement rate is 90%
- When vehicle related equipment or facilities is purchased for purposes of complying with or maintaining compliance with the Clean Air Act (CAA) the reimbursement rate is 90%.

Examples of eligible capital expenditures include, but are not limited to:

- buses
- vans
- paratransit vehicles
- communication equipment
- wheelchair lifts
- vehicle rehabilitation
- computer hardware and software

For the complete list of eligible capital expenses please see chapter III of FTA C 9040.1G Formula Grants for Rural Areas: Program Guidance and Instructions.

### **Project Administrative Expenses:**

The Section 5311 Program has the option of treating project administrative expenses as a separate category. This allows these expenses to be considered "non-operating" expenses and therefore reimbursable at a rate not to exceed eighty percent (80%) of the actual cost. Eligible project administrative costs may include, but are not limited to:

- General administrative expenses (e.g., salaries of the project director, secretary, and bookkeeper)
- Marketing expenses
- Insurance premiums or payments to a self-insurance reserve
- Office supplies
- Facilities and equipment rental
- Standard overhead rates
- Costs of administering drug and alcohol testing
- Interest on short-term loans for operating assistance is eligible as project administration if it is approved by the State
- Administrative costs for promoting and coordinating ridesharing are eligible as project administration if the activity is part of a coordinated public transportation program

### **Operating Expenses:**

Eligible operating expenses will be limited to the items listed below and reimbursable at the maximum rate of fifty percent (50%) of the net operating deficit. The net operating deficit is the amount that remains after the fare-box revenue is subtracted from eligible operating expenses. Fare-box revenue includes fares paid directly by riders and fares paid by riders who are later reimbursed by a human service agency or other user-side subsidy arrangements. Farebox revenues do not include payments made directly to the transportation provider by human service agencies to purchase service. However, purchase of transit passes or other fare media for clients would be considered farebox revenue. A voluntary or mandatory fee that a university or similar institution imposes on all its students for free or discounted transit service is not farebox revenue. Payments made directly to the transportation provider by human service agencies and university fees passed on to the transit provider would be considered "program income" and may be used to reduce the net operating cost of the service or may be used as local match on the existing grant. Fare-box revenue received by a Subrecipient must be reported as such via the ODOT MYLEO.net online reporting data base. Application of contract revenue is further defined in the "Local Share and Local Funding Requirements" section. Eligible operating expenses line items will be limited to the following categories:

- Building and maintenance repairs
- Clerk salary
- Dispatcher salary
- Driver salary

- Equipment maintenance repairs
- Equipment Service Agreements
- Fees and licensing
- Fringe, Operational
- Fuel
- Insurance, other
- Interest Expense
- Mechanic salary
- Miscellaneous Operating
- Office and garage space
- Operational support equipment
- Postage
- Printing
- Supervisor salary
- Supplies
- Telephone
- Transportation Service Agreements
- Travel, Operational
- Utilities
- Vehicle Insurance
- Vehicle maintenance and repairs
- Vehicle service agreements
- Indirect, operational

**Local Share and Requirements:**

At least one-half of the local match for net operating, capital and administrative expenses must be provided in cash or cash equivalent. Examples of local share funds are local appropriations, dedicated tax revenue, income generated from purchase of service contracts and the profit generated from incidental charter services. The remainder of the local share may include unrestricted federal funds other than FTA sources of funding, such as Community Service Block Grants and Community Development Block Grants. The applicant must identify and substantiate sources of local funding. Letters of commitment from these funding sources must be incorporated into the application. If the applicant plans to use unrestricted funds from other federal or state programs as part of the local match, it will be the responsibility of the applicant to contact

the funding agency and obtain, in writing, authorization to apply their funds as local match to the Section 5311 Program.

Examples of State funds eligible for use as a local match include, but are not limited to, the State Public Transit Revolving Fund and the Oklahoma Department of Commerce's Anti-poverty funds.

### **Section 5311(b)(3) – The Rural Transit Assistance Program (RTAP):**

There is no federal requirement for local match of RTAP funds however; the costs of travel scholarship requests and training typically exceed funding availability. ODOT has developed RTAP guidelines for reimbursement of eligible expenses which are outlined in the “OK RTAP Policies and Procedures Manual.” ODOT at its discretion may approve the purchase of equipment to support eligible RTAP activities. The procurement procedures of section 5311 will apply.

### **Section 5339 - Bus and Bus Facilities Formula Program:**

Administrative and Operational expenses are not allowable activities for reimbursement under this program. Under FTA C 5100.1 (as amended), eligible capital expenses include transit related vehicles, –the acquisition, construction and improvement of public transit facilities, and equipment for a safe, efficient and coordinated public transportation system. The amount of federal reimbursement for the allowable costs of the facilities and equipment shall not exceed eighty percent (80%) of the net project cost. There are, however, two exceptions:

- When vehicle related equipment or facilities purchased for purposes of complying with or maintaining compliance with the Americans with Disabilities Act of 1990 (ADA) the reimbursement rate is 90%
- When vehicle related equipment or facilities purchased for purposes of complying with or maintaining compliance with the Clean Air Act (CAA) the reimbursement rate is 90%

When either of these conditions exists, the federal reimbursed rate will be an amount not to exceed ninety percent (90%) of the net cost of the ADA or CAA vehicle related equipment or facilities. The cost of the basic vehicle is reimbursed at the rate of eighty percent (80%) of the cost balance or vehicle cost may be calculated for federal reimbursement at an amount not to exceed eighty-five percent (85%) of the total cost of the vehicle. This avoids the complication of determining which costs relate to the ADA or CAA vehicle related components and which costs relate to the basic vehicle.

## **F. PROGRAM COMPLAINT PROCEDURES**

### **Local Complaint Procedures**

Questions concerning the fairness of local procedures and decisions must first be addressed at the local level. Each subrecipient must develop a mechanism, preferably independent of the sponsoring agency, to address disputes from private providers or the general public arising from its public transportation service. This procedure must be addressed in the grant application as outlined in the Section 5311 Application Handbook.

## **State Complaint Procedures**

Complaints which cannot be resolved at the local level shall be forwarded, in writing, to the Office of Mobility and Public Transit within 5 business days. A meeting will be scheduled, not more than 10 working days after receipt of complaint, between the subrecipient and the complainant, at which time, the Office of Mobility and Public Transit will work with the parties in an attempt to resolve the conflict. If the conflict cannot be resolved at this level, the matter will be forwarded to the Deputy Director of ODOT who will review the proceedings and make a final decision.

The FTA Region VI Administrator will review complaints and only become involved if they are procedural in nature.

### **3. STATE PROGRAM MANAGEMENT**

#### **A. MINIMUM REQUIREMENTS FOR POTENTIAL APPLICANTS**

##### **Section 5311 – Formula Grants for Rural Areas Program:**

The following requirements must be met by applicants in order to apply for Section 5311 funding:

1. The proposed system must provide transportation service to the general public and must be a fixed route (with complementary paratransit), deviated fixed-route or demand response system. The applicant is subject to the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, both of which address what the system must do to provide transportation to individuals with disabilities (see ADA section of this SMP for additional guidance).
2. Must submit a Letter of Intent to apply for funds to ODOT by Jan 15th of every year. Letter of Intent requirements are as follows:
  - a. Letter must be on your agency's letterhead
  - b. Must have the date the letter was signed
  - c. Letter must be signed by a representative with signature authority
  - d. Letter must state your interest to apply for Section 5311 funds and for which fiscal year
3. Must ensure that adequate funds (local match) are available to match Section 5311 funds and to provide for ongoing operations.
4. Section 5311 applications must include (at a minimum) the following:
  - a. Type of service provided. This includes if the request is for startup of new services, maintaining service at the current level or expanding the existing service.
  - b. Inventory of all vehicles regardless of funding source
  - c. Project coordination with other transit services in the service area (if applicable)
  - d. Proposed budget (entered into MYLEO.net)
  - e. Schedule of proposed routes and a description of each route (entered into MYLEO.net)
  - f. The applicant must have a current/active DUNS in order to apply for Federal Transit Administration funding. Starting December, 2020, DUNS will be replaced by a unique

number assigned by the System for Award Management (SAM.gov).

5. The proposed system must display, at a minimum, on its vehicles used for Section 5311 service the following:
  - a. “Open to the Public” or “Public Transportation”
  - b. Telephone number
  - c. Vehicle number using ODOT’s naming convention, which is the first 3 letters of the agency name and the last 5 digits of the vehicle identification number. This number must be located on the top of the windshield on the passenger side. The decals should be black 2 inch stickers and should not extend more than 4 ½ inches from the top of the windshield. Vehicles purchased before December 7, 2017 are grandfathered in and can continue using the previous vehicle numbering system
  - d. International ADA symbol (on accessible vehicles) must be located on all sides of the vehicle
  - e. Agency name or logo

The application deadlines and required documents are as follows:

1. April 1st: The following items are due:
  - a. Executed Resolution from governing board pledging financial support of the project
  - b. Letter authorizing individual to execute documents
  - c. DRAFT Section 5311 Grant Application (Important: A completed Application form includes all associated items found in the checklist located at the beginning of the Application form.)
2. The following Legal Notices should be published at this time as well:
  - a. “Notice of an Opportunity for a Public Hearing” or “Notice of Public Hearing”
  - b. “Notice of Opportunity for Disadvantaged Business Enterprises”
3. May 1st: The FINAL Section 5311 Application is due as well as the completion of the Legal Notices.
4. June: ODOT Project Managers will begin scheduling meetings with applicants to review and finalize the grant applications.

ODOT receives the applications and reviews them for correctness of format and completeness. A proposed project is evaluated for content. The financial support listed by the agency is assessed to determine the applicant's ability to meet the local match requirement. A resolution of the governing body of the applicant pledging financial support of the project must accompany an application. Letters of commitment from potential funding agencies must be attached. It is the responsibility of the applicant to determine that funds from a certain source are eligible as match for federal Section 5311 Program funds.

Before executing a contract, representatives from ODOT's Operations Review and Evaluation (OR&E) Division will perform a pre-award audit. The purpose of this audit is to determine the applicant's capability to maintain records that meet generally accepted accounting standards and their ability to meet the program's fiscal requirements. If the applicant is an existing subrecipient and has a good record of having no audit findings for the previous periods, ODOT may consider a pre-award audit unnecessary.

### **Section 5311(b)(3) – The Rural Transit Assistance Program (RTAP):**

The following are the eligibility requirements for RTAP Scholarship funds:

- Recipients of FTA Section 5311 and/or 5311 (c) transit programs
- Small urban transit agencies (as long as activities are primarily designed and delivered to benefit non-urbanized transit providers)
- Federally recognized tribal transit agencies

Applicants who are applying for Rural Transit Assistance Program (RTAP) funds must submit a Letter of Interest by the deadline established by the Special Projects Coordinator annually to the Office of Mobility and Public Transit. The letter must include the following:

- a. Letter must be on your agency's letterhead
- b. Must have the date the letter was signed
- c. Letter must be signed by a representative with signature authority
- d. Letter must state your interest to apply for RTAP funds and for which fiscal year

Letters of Interest must be sent to the following address or e-mail designated by the Special Project Coordinator:

Attn: Special Projects Coordinator  
Oklahoma Department of Transportation  
Office of Mobility and Public Transit  
200 N. E. 21st Street, Room D1  
Oklahoma City, Oklahoma 73105-3204

### **Section 5339 - Bus and Bus Facilities Formula Program:**

Section 5339 funds will be limited to ODOT recognized Section 5311 Subrecipients not currently designated as a "New Start Program" or currently on probationary status with FTA or ODOT. At ODOT's discretion, projects eligible for funding will be limited to transit vehicles, and associated options/costs, and/or facility construction, rehabilitation or modification.

Vehicle purchase requirements will include the following:

- All purchased vehicles must be ADA compliant.
- Eligible cost will be limited to the cost of the vehicle and associated options/start-up expenses (such as vehicle signage, tag, tax and title etc.).
- Vehicle types and accessories are limited to those presently available on Oklahoma's statewide contract. A written request must be sent to OMPT for capital purchases not available on state contract. OMPT will review the agencies method of procurement to ensure it meets State and Federal requirements before approving the request.

Due dates for Section 5339 applications will be determined by ODOT as necessary. The following

requirements must be met by applicants in order to apply for Section 5339 funding:

1. The requested vehicles must provide transportation service to the general public and must be a fixed route (with complementary paratransit), deviated fixed-route or demand response system. The applicant is subject to the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, both of which address what the system must do to provide transportation to individuals with disabilities. All vehicles purchased with federal funds must be accessible.
2. Must submit a Letter of Intent to apply for funds to ODOT by a date determined by ODOT. Letter of Intent requirements are as follows:
  - a. Letter must be on letterhead
  - b. Must have the date you signed the letter
  - c. Letter must be signed by a representative with signature authority
  - d. Letter must state your interest to apply for Section 5339 funds and for which fiscal year
3. Must ensure that adequate funds (local match) are available to match Section 5339 funds
4. Section 5339 applications must include (at a minimum) the following:
  - a. Type of service provided with vehicles or purpose of facility. This includes if the request is for startup of new services, maintaining service at the current level or expanding the existing service.
  - b. Inventory of all vehicles, either funded by FTA or by other funds, which are used in the daily operation of the service.
  - c. Project coordination with other transit services in the service area (if applicable)
  - d. Proposed budget
  - e. Schedule of proposed routes and a description of each
  - f. The applicant must have a current/active DUNS in order to apply for Federal Transit Administration funding. Starting December, 2020, DUNS will be replaced by a unique number assigned by the System for Award Management (SAM.gov)
5. The proposed system must display, at a minimum, on its Section 5339 vehicles the following:
  - a. "Open to the Public" or "Public Transportation"
  - b. Telephone number
  - c. Vehicle number using ODOT's naming convention. Vehicles purchased before December 7, 2017 are grandfathered in and can continue using the previous vehicle numbering system.
  - d. International ADA symbol (on accessible vehicles)
  - e. Agency name or logo

## **B. STATE'S FTA GRANT APPLICATION PROCESS, TIMELINE, AND PROGRAM OF PROJECTS DEVELOPMENT**

### **Section 5311 – Formula Grants for Rural Areas Program:**

## **Application Process and Timeline:**

In the summer of each year, ODOT submits its Section 5311 Program of Projects to FTA for the succeeding program year. The program's fiscal year is October 1 through September 30. To be eligible for consideration of funding for the succeeding fiscal year, an applicant must submit the following to the Office of Mobility and Public Transit by the applicable deadline:

- A notice of intent letter indicating an applicant's interest in applying for available Section 5311 Program funds along with a resolution from the governing board pledging financial support of the project due - 4:00pm CST on January 15<sup>th</sup>.
- A draft application due - by 4:00pm CST on April 1st
- Final/completed application due - 4:00pm CST on May 1st

A draft application must be submitted to the Office of Mobility and Public Transit for review by April 1st. Draft documents will be reviewed in the order in which they are received. It is important that prospective applicants understand that the deadline to submit its completed application to the Office of Mobility and Public Transit is by 4:00pm CST on May 1<sup>st</sup> no late applications will be accepted for processed. Applicants should therefore submit their draft in a timely manner. This will allow for the review, possible rewrite and submission of the completed document by the May deadline. A completed application is defined as a document that clearly outlines the applicant's proposed transit services, contains all necessary information as outlined by the Section 5311 Application Handbook and does not require further revisions or editing by the Office of Mobility and Public Transit staff. This includes completion of the public hearing requirement.

Failure to submit a completed application will result in the applicant being considered ineligible for Section 5311 Program financial assistance for the succeeding fiscal year. It should be noted, however, that the completed application may not represent the final application document. The application will be subject to change as ODOT deems necessary. The completed application will not be considered final until ODOT advises the applicant that the application has been approved for funding.

Technical assistance in preparing an application is provided by the Office of Mobility and Public Transit. However, the development, preparation and timely submittal of the document is the sole responsibility of the applicant. Application instructions may be obtained by writing to:

Oklahoma Department of Transportation  
Office of Mobility and Public Transit  
200 N. E. 21st Street, Room D1  
Oklahoma City, Oklahoma 73105-3204

## **Program of Projects Development:**

Once ODOT receives the annual Section 5311 program apportionment from FTA, the total amount of the Section 5311 allocation that will be available for administration, intercity bus and subrecipient distribution is calculated.

ODOT may retain an amount of up to ten percent (10%) of Oklahoma's Annual Section 5311 Apportionment for the administration and technical assistance responsibilities related to the administration of the Section 5311 Program, as allowed by FTA regulations.

ODOT will set aside an amount equal to a minimum of fifteen percent (15%) of Oklahoma's annual Section 5311 apportionment for qualified Intercity Bus Services, as prescribed by FTA regulations. ODOT may limit the amount of intercity bus service funding, for a specific program year, to the required fifteen percent (15%) set-aside.

ODOT will compile the approved applications to implement qualifying intercity bus services from each subrecipient. For the purpose of establishing an intercity bus allotment related to the administrative and operating expenses for intercity services, subrecipients will be funded at an amount equal to the federal share of such expenses. If requested funds exceed the funds available, projects will be allocated a pro rata share. The methodology for calculating the allocation for administrative and operating intercity bus service expenses is as follows:

- The subrecipients' preceding two years annual average of intercity bus service miles multiplied by the federal share of the preceding two year's annual average cost per mile.
- The intercity bus service miles will be omitted from the revenue miles for the purpose of calculating the Statewide Allotment.
- Due to new federal requirements related to the Transit Asset Management program and investment prioritization, OMPT may reevaluate the methodology for calculating the 5311 allocation to comply with the TAM plan requirements.

After setting aside the annual apportionments for state administration, technical assistance, and Intercity Bus Services, \$500,000 will be set aside for Program Reserve. Eligible uses of this Program Reserve will include the following:

- New Starts:
  - New Start Transit Agency:
    - The establishment of a new public transportation agency/provider in a geographical area wherein no existing Section 5311 service presently exists.
  - New Start Service(s) Expansion:
    - The expansion of the geographical area of an existing subrecipient wherein no existing Section 5311 service presently exists. New start service(s) expansion cannot be claimed for an area which the agency currently has listed as their service area. (Subrecipients that are expanding its geographical area, please note; the first two (2) years of the New Start's statistical data will not be included when calculating that subrecipient's performance and incentive allocations).
  - ODOT requires twenty-four (24) months of complete performance data to determine federal funding allocation amounts. The performance data includes revenue miles, passenger miles and passenger trips of the proposed new service(s). For any first time applicant who does not have the required twenty-four months of complete data, ODOT will work with them to formulate a twenty-four month projection. ODOT will continue this estimating process until such time as they accrue twenty four months of data.
  - Funding for New Start/ New service(s) expansion will not exceed 35% of Program Reserve set-aside, and will be on a first-come-first-served basis.

- The maximum number of vehicles that the subrecipient will be allowed to purchase will be based on the population of the new service area (derived from census data) and is contingent upon available funds.
- Emergencies such as natural disasters, fires, etc.
  - Funding for emergencies will not exceed 65% of Program Reserve set-aside. An example project under this funding category would be the temporary lease of replacement vehicles and/or equipment lost resulting from an event such as a tornado, wherein a subrecipient may have lost its entire vehicle fleet. Events will be evaluated on a case-by-case basis by ODOT's Office of Mobility and Public Transit.

If a subrecipient wishes to begin new service during an ongoing program year, funds under this section may be eligible to finance the continuation of the service(s) under the following conditions.

- Written notice of intent to begin new service must be sent to ODOT prior to beginning the new service and approved by the Office of Mobility and Public Transit.
- The new service must have started within the immediate six month period preceding the application program year.
- The continuation of the new service(s) is contingent upon receiving New Start/New service(s) expansion funding.

Administrative, Operational, and Capital expenses, which are reimbursed with Program Reserve funds, are reimbursed at the same rate as specified in section E. FUNDING REQUIREMENTS-FEDERAL/LOCAL MATCH RATIO of this SMP.

Local match, to supplement Program Reserve funds, may be provided through the following: approved cash, service agreements, Public Transit Revolving Fund and approved in-kind contributions.

Any application submitted to establish a New Start Public Transportation System will be submitted annually but must describe the proposed service covering a two year period. If approved, appropriate funding available from the then current and subsequent year's Program Reserve will be committed to the subrecipient. After the initial two year's performance period is complete, all subsequent funding will be contingent upon the subrecipient's pro rata share in the program year allotment process as outlined below. All other applications will be funded as a single occurrence project. All funds not obligated from the Program Reserve will be combined with the subsequent year's Statewide Allotment for distribution to subrecipients.

After deducting for state administration and technical assistance, Intercity Bus Service, the Program Reserve, any unspent funds from the previous years (if applicable), and adding carryover funds from the previous year's Program Reserve (if applicable), the balance of Section 5311 funds will be referred to as the Statewide Allotment. This Statewide Allotment will be divided among subrecipients using the process illustrated below:

- Incentive Allotment: The first part of the process establishes the Incentive Allotments. The incentive Allotment consists of fare-box. Each subrecipient will receive an incentive amount equal to the preceding two years' annual average of fare-box revenue reported. For the purpose of administering this program fare-box is defined as: Cash payments made by an individual transit user

such as:

- Money paid into the fare-box as a passenger boards a vehicle.
- Payment made for a transit pass. The subsidized amount does not qualify.
- Performance Allotment: The second step is to determine the Performance Allotment. For the purpose of this program, performance allotment is defined as a procedure for dividing the annual allocation of Section 5311 funds among subrecipients using three performance indicators based on annual statistics (below). The amount available for distribution under the Performance Allotment is calculated by subtracting the cumulative totals of the Incentive Allotment plus the cumulative total for the Base Amounts from the Statewide Allotment. Each subrecipient is allocated a pro rata share based on their performance under the three performance measures. The Performance Allotment is calculated as follows:
  - Passenger miles: Thirty-five percent (35%) of the Performance Allotment is disbursed based on each subrecipient's pro rata share of the preceding 2 years annual average passenger miles reported statewide. The annual reporting period is October through September.
  - Revenue miles: Twenty percent (20%) of the Performance Allotment is disbursed based on each subrecipient's pro rata share of the preceding 2 years annual average revenue miles reported statewide. The annual reporting period is October through September.
  - Passenger trips: Forty-five percent (45%) of the Performance Allotment will be disbursed based on each subrecipient's pro rata share of the preceding 2 years annual average passenger trips reported statewide. The annual reporting period is October through September.
- Due to new Federal Requirements related to the Transit Asset Management program, OMPT may reevaluate the methodology for calculating the 5311 allocation.

### **Termination for Convenience.**

FTA or the recipient may terminate the award in whole or in part, when both parties agree that continuation of the award would not produce results commensurate with the further expenditure of federal assistance. By executing the award, the recipient agrees at the outset to a termination for convenience in the event FTA makes such a finding. Both parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portions of the award to be terminated. The recipient may not incur new obligations for the terminated portion of the award after the effective date of the termination and must cancel as many outstanding obligations as possible. FTA evaluates each obligation to determine its eligibility for inclusion in the costs of the award. Settlement is made in accordance with the terms and conditions of the Grant or Cooperative Agreement. FTA allows full credit to the recipient for the federal share of the obligations (that cannot be cancelled) properly incurred by the recipient before termination.

If a transit agency terminates their award and discontinues transit services, ODOT will develop criteria, based on FTA regulations, to select another transit agency to continue services in the affected area. Any transfer of assets will be done in accordance with FTA guidelines as outlined in FTA circulars C9040.1.G and C5010.1E, as amended.

## **Program Year Allotment**

The Program Year Allotment establishes the maximum amount of Section 5311 funds available to the subrecipients. The amount of Section 5311 funding that will be made available to each subrecipient will be determined by the cumulative amounts of their Intercity Bus Service Allotment, Incentive Allotment, Base Amount and Performance Allotment. Any funds not programmed or obligated by the subrecipient during the contracted program year ODOT will deem as lapsed and any such balance of funding will be carried forward for allocation within the subsequent year's Statewide Allotment.

All statistical data for the months of October through September must be submitted to the Office of Mobility and Public Transit by November 1. Any statistical data not submitted by this deadline will be deemed late and therefore may not be eligible for inclusion into the processes for calculating the Intercity Allotment, Incentive Allotment and Performance Allotment.

ODOT will monitor the status of federal transit funds available to the State. If the demand for funds in the rural areas exceeds the availability of Section 5311 Program funds, FTA Section 5307 funds may be transferred from the small urbanized areas to supplement the state's Section 5311 apportionment and vice-versa. ODOT has the option to transfer un-obligated Section 5307 funds or Section 5311 Program funds to the area with the greatest need. ODOT must advise the FTA of any such transfer of funds.

## **Section 5339 – Bus and Bus Facilities Formula Program:**

### **Application Process and Timeline:**

When ODOT applies for Section 5339 funding, ODOT submits its Section 5339 Program of Projects to FTA for the succeeding program year. The program's fiscal year is October 1 through September 30. To be eligible for consideration of funding for the succeeding fiscal year, an applicant must submit the following to the Office of Mobility and Public Transit by the applicable deadline:

- A notice of intent letter indicating an applicant's determination to apply for available Section 5339 Program funds along with a resolution from the governing board pledging financial support of the project due – due date for letter of intent will be determined by ODOT
- Final/completed application due – application deadlines to be determined by ODOT

A draft and final application must be submitted to the Office of Mobility and Public Transit for review by a date determined by ODOT. Documents will be reviewed in the order in which they are received. Applicants should submit their draft in a timely manner. This allows for the review, possible rewrite and submission of the completed document by the given deadline. A completed application is defined as a document that clearly outlines the applicant's proposed capital purchases, as well as its intended use, and does not require further revisions or editing by the Office of Mobility and Public Transit staff or the applicant.

Failure to submit a completed application will result in the applicant being considered ineligible for Section 5339 Program funds for the succeeding fiscal year. It should be noted, however, that the completed application may not represent the final application document. The application will be subject to change as ODOT deems necessary. The completed application will not be considered final until ODOT advises the

applicant that the application has been approved for funding.

Technical assistance in preparing an application is provided by the Office of Mobility and Public Transit. However, the development, preparation and timely submittal of the document are the sole responsibility of the applicant. Application instructions may be obtained by writing or e-mail designated by the OMPT to:

Oklahoma Department of Transportation  
Office of Mobility and Public Transit  
200 N. E. 21st Street, Room D1  
Oklahoma City, Oklahoma 73105-3204

**Program of Projects Development:**

After ODOT and the applicants for Section 5339 funding complete the applications, ODOT begins programming the projects using the available funding, including previous year's unobligated or unspent funds. A notice of proposed rule making for each grant will be issued that will outline the criteria used for grant award.

Any funds not programmed or obligated by the subrecipient during the contracted program year ODOT will deem as lapsed and such balance of funding will be carried forward for allocation within the subsequent year's Statewide Allotment.

All statistical data (collected through the Section 5311 Program) for the months of October through September must be submitted to the Office of Mobility and Public Transit by November 1 (see Section 5311 sections of this document for more information). Any statistical data not submitted by this deadline will be deemed late and therefore may not be eligible for inclusion into the processes for calculating the applicant's potential allocation.

**C. FINANCIAL MANAGEMENT**

**Audits (A-133)**

Each subrecipient who expends a cumulative amount of more than \$750,000 in Federal funds must conduct an annual agency-wide audit as outlined in 2 CFR Part 200. This annual audit must be submitted to ODOT in duplicate, for review and approval within thirty days after receipt of the auditor's report(s), or nine months after the close of the fiscal year.

If the subrecipient does not meet the \$750,000 threshold, an annual audit shall be submitted under the same time lines. ODOT will conduct program compliance audits as deemed necessary to aid in determining if the subrecipient is managing the project according to applicable laws and regulations.

If the audit is not received by ODOT or the Federal Audit Clearinghouse by the deadline, the subrecipient may be required to submit supporting documentation for each of the line item expenses of monthly claims until such time as the audit is received by ODOT, reviewed by the ODOT Operations and Review Division and found to contain no errors or areas of concern or compliance issues.

Audits of third party contractors are addressed in FTA Circular 4220.1, as amended, Chapter III. It may be desirable to perform an audit of one or more specific third party contracts as part of the management process.

## **Accounting System**

Personnel from ODOT's Operations Review and Evaluation Division will conduct pre-award audits on all newly funded subrecipients to determine if an applicant's accounting system conforms to generally accepted accounting procedures. The pre-award audit will also be used to help determine the subrecipient's ability to conform to the requirements of the State Auditor and Inspector's Office and with ODOT and Federal requirements.

## **Reimbursement of Eligible Expenses**

Reimbursement for allowable expenses, in accordance with 2 CFR Part 200.420 (previously Office of Management and Budget [OMB] Circular A-87), is submitted by the subrecipient and reviewed by ODOT to ensure compliance with project scope and the terms and conditions of the standard agreement. All claims for the entire fiscal year (including the 13th month claims, special claims, etc.) must be submitted by November 1st of every year. This is critical for end of year reporting. No late submissions will be accepted.

ODOT cannot advance Section 5311 Program funds to subrecipients. All payments are made on a cost reimbursement basis. Subrecipients must be able to finance their operations for a thirty to sixty day period and wait for reimbursement from ODOT. The estimated time for receiving payment is four to six weeks from the date a claim is received and accepted by the Office of Mobility and Public Transit. Subrecipients must be willing and able to make the necessary financial arrangements to avoid jeopardizing the fiscal stability of their project.

Important note: For accurately reporting true cost expenses for federally required reports, each expense shall be claimed in the federal fiscal year (October 1st to September 30th) in which the expenses are incurred, not when the expense are paid. Examples are as follows:

- Building maintenance was completed September 15, 2019 and invoiced on September 20, 2019. The subrecipient then pays the invoice on October 2, 2019. This expense must be claimed in federal fiscal year 2019.
- Vehicle was in the shop for repairs from August 25, 2019 to September 28, 2019 however, it was not invoiced until October 12, 2019. The subrecipient pays the invoice on December 3, 2019. This expense must be claimed in federal fiscal year 2019.
- Utility bill is paid in advance with an invoice date of September 15, 2019 for service provided in the following month for October 1, 2019 – October 30th, 2019. The subrecipient pays the invoice on September 30th, 2019. This expense must be claimed in federal fiscal year 2020.

Office of Mobility and Public Transit requires each subrecipient to use a web-based program called MYLEOnet ([odotmyleonet.net](http://odotmyleonet.net)) for the reimbursement of claims and various data collections. In order to approve reimbursement for each subrecipient's monthly claim, the following process must be followed at a minimum:

- Each subrecipient will set a true cost budget of which ODOT's Project Manager will approve.
- Each subrecipient will enter each line item expense into MYLEOnet.
- Each subrecipient will upload a file containing information for all monthly expense line items. It is mandatory that this file be in csv format. The file must contain a minimum of the following data:

- Can only have one header.
- Line item category (ex: “Vehicle Maintenance”, “Utilities”, etc.).
- Check numbers (if applicable).
- Date the item was paid.
- Line item description (ex: “Drug Screening”, “Roof Repair”, etc.).
- Name of company or payee the check was paid to.
- Amount of expense or credit.
- The file cannot have the following:
  - Any employee information (Employee Names, Salary, Insurance, Workers Comp, any Fringe items).
  - Totals or sub totals.
  - Any blank fields.
- MYLEOnet will then generate ten random line items in addition to any line items that exceed the minimum threshold of \$30,000. The minimum threshold can increase or decrease at ODOT’s discretion of which the Project Managers will approve. New Start agencies and any agency on probation will have all claim items reviewed by a Project Manager.
- Once the random selection is approved, each subrecipient will then upload into MYLEOnet the invoices for the ten random selections and any invoice that meets the minimum threshold. It is mandatory that the invoices uploaded are in pdf format.
- The subrecipients must highlight the claim amount, service date, and invoice date in green and late fees and non-reimbursable amounts in red on the invoices.
- The Project Managers will review the invoices and approve or reject the supporting documentation.
- Once the supporting documentation is reviewed and approved, the Project Managers will then evaluate and approve or reject line items as appropriate, and proceed with submitting the claim for reimbursement.

Reasonableness of each line item, such as overhead costs, miscellaneous items/services, etc. is evaluated by ODOT. Should an expense against any line item be deemed inappropriate, Office of Mobility and Public Transit personnel will correspond with the subrecipient to discuss and determine an “amount not to exceed” based on past performance and the other subrecipient’s data and costs of specific expenses of units of service delivered. ODOT personnel will work with the subrecipient to determine what steps might be taken to either cut costs or increase service. The Project Managers may, at any point, require the subrecipients to provide full supporting documentation for all expenses if deemed necessary.

### **Assignment of a Claim**

ODOT does recognize that a financial hardship could be placed on some subrecipients when they must pay for expenses such as the purchase of vehicles or payment for vehicle insurance. In these instances, the subrecipients may file an assignment of the claim. This process allows the subrecipient to pay to the vendor their required local share only and assign payment of the Federal balance directly to vendor. The Office of

Mobility and Public Transit has established the following procedure for the Assignment Claim:

- The assignment of a claim is limited to major single purchases with a minimum cost of \$5,000.00.
- Upon delivery and acceptance of the goods or services, the subrecipient pays directly to the vendor the required local share.
- The subrecipient will file an assigned claim for the federal share, which ODOT will pay directly to the vendor. The assigned claim must include:
  - an executed and notarized claim form.
  - the subrecipient's original invoice to ODOT.
  - a copy of the notification of award of bid and amount of award or a copy of the purchase order.
  - a copy of the vendor's invoice to the subrecipient.

ODOT will pay only the federal portion of the total claim (not to exceed the allocated federal amount). The subrecipient must pay the local match to the vendor prior to submitting an assigned claim to ODOT

### **Grant Closeout**

ODOT will begin grant closeout procedures within ninety days of having a zero balance on an FTA grant. All closeout documents will be reviewed in office by a second reviewer before being forwarded to the Office of the Comptroller for their review. Following the review and acceptance by Comptroller, Office of Mobility and Public Transit will submit the grant closeout to FTA within the required ninety days following initiation of a grant closeout. If the final audit is not available at the end of closeout procedures, it will be forwarded to FTA as soon as it is available.

FTA expects grants awarded for a specific program of projects to be completed within a reasonable, specified time frame, generally two to three years. If small amounts of funds remain in an inactive grant, the state should request that the funds be de-obligated and the project closed out. If the de-obligated funds are still within their period of availability, FTA can re-obligate the funds in a new grant to the state along with other currently available funds. Otherwise, the de-obligated funds lapse and are reapportioned by FTA among all the states in a subsequent year.

### **D. OVERSIGHT OF SUBRECIPIENTS**

FTA gives ODOT, to the extent permitted by law, maximum discretion in designing and managing the Section 5311 Program. FTA staff provides oversight; apportions the funds annually to the State; develops and implements financial management procedures; and conducts national program reviews and evaluations. FTA defers to ODOT, where possible, the development of specific program standards, criteria, procedures and policies in order to provide Oklahoma the flexibility to standardize its management of these federal programs and related state programs.

All participants in the formula grant programs in Oklahoma are required to complete and submit periodic forms designed to capture data that reflects key performance and utilization aspects of their efforts in rendering transportation services.

ODOT monitors projects through on-site reviews, equipment inspections, implementation of reporting requirements and other activities as necessary. Subrecipients are required to monitor and report on a variety of items, including ridership, revenues, expenses, vehicle and equipment management, drug and alcohol testing, DBE reports, and service coordination efforts as applicable.

ODOT collects operational data from each of its subrecipients on a monthly, quarterly, or annual basis. Data collection includes the number of miles, hours, and trips provided during the reporting period, as well as financial information such as expenses and revenues during the reporting period. These reports identify productivity and cost-effectiveness.

A continuous system of checks and balances is built into project monitoring through various means such as subrecipient reports, invoice processing, the generation of supplemental agreements and operating performance data review and data collection process. These methods are enhanced through regular communication between the subrecipients and ODOT staff, site visits, and a compliance review process. When an issue surfaces, ODOT staff will address the issue in a timely manner and will strive to benefit both the subrecipient's and ODOT's needs as much as possible.

### **Subrecipient Monitoring:**

ODOT is authorized to monitor all project activities, services, capital assets, project administration and management practices supported with federal funds, to ensure compliance with federal regulations. To that regard, ODOT has monitoring procedures in place that uses visual inspection of the subrecipients' site(s), equipment, advertised scheduled routes, websites etc. This verifies information about the subrecipients, such as contact name, address and location of the site(s); records the number, types and condition of vehicles being used in the program; and asks questions about the subrecipients' compliance with Federal and State regulations and procedures.

Periodic random reviews will also be conducted throughout the year as deemed necessary. During these reviews, Office of Mobility and Public Transit -staff will randomly select subrecipients to evaluate ongoing compliance. The analysis will include, but not limited to; Field assessments of actual route taken by drivers to evaluate time allowed at stops, location and condition of stops, whether deviated fixed-routes allow enough time between stops to permit adherence to advertised route timelines, civil rights compliance etc.

At the time of the reviews, any subrecipients found to be out of compliance with Federal and State regulations and procedures will be notified of such non-compliance and given time to remedy the situation. If the violation is not corrected in the time provided, FTA funding may be jeopardized, and/or federally funded vehicle(s) may have to be returned.

### **Subrecipient Management Reviews:**

At a minimum of every three years, or as circumstances warrant, ODOT will conduct on-site project evaluations and compliance reviews of each subrecipient's management and operations to ensure compliance with federal regulations. ODOT will send a packet containing material which will be covered during the monitoring process. The Subrecipient Oversight Checklist will be sent to the subrecipient to completed and returned to ODOT for a desk audit prior to the monitoring visit.

During the on-site monitoring visit, an entrance conference will be conducted at the discretion of the ODOT Project Manager. ODOT will review areas that include program and financial components through

observations, discussions and samples for the period(s) under review. Discussions with appropriate subrecipient staff will take place to provide more meaningful reporting. The exit conference will identify findings; provide corrective actions, guidance and recommendations based on ODOT and subrecipient observations and responses.

A written report of the monitor's findings will be prepared and presented to the subrecipient. This report denotes any administrative or operating services that are excellent and/or program weaknesses. On-site evaluations include but not limited to:

- Project Application Review – Review how the subrecipient is addressing key points of FTA's administrative and operational rules and regulations. The application review is typically conducted by one person during a one day visit.
- Subrecipient Oversight Checklist – Is the tool used to conduct in-depth review of the subrecipient's compliance in the areas; Program Management, Grant Administration, Program Management, Financial Management, Procurement, Disadvantaged Business Enterprise, Asset Management, Charter Bus (if applicable), School Bus, Americans with Disabilities Act, Title IV, Equal Employment Opportunity, and Drug Free Work Place/ Drug and Alcohol Programs. The reviews are typically conducted by two to three persons over two to three days, four days for large multi-county projects.

### **Subrecipient Reporting Requirements:**

#### **Daily Reporting:**

Each subrecipient must submit statistical and financial data electronically via MYLEOnet at [odotmyleonet.net](http://odotmyleonet.net). Each subrecipient is required to enter data from daily drivers' log sheets, as listed on ODOT's "Data Intake Forms 01 & 02" (Trip Sheets) and in Transit Assistant (or other approved scheduling/dispatching software). This data is used to compile statistical ridership data for each project.

#### **Monthly Reporting:**

Each subrecipient must submit monthly financial data which will be used by the Office of Mobility and Public Transit to generate the monthly reimbursement claims. This financial data will include all actual project expenses allowable under 5311 (true costs) and ten randomly selected invoices. Each subrecipient must report the amount of intercity bus service it provides. The process for identifying intercity bus service is described in the Section 5311 Application Handbook. All driver log sheets must be signed by the driver and retained by the subrecipient for a minimum of three (3) years after the end of the applicable program year. Failure to maintain such records will deem the report for the effective period as ineligible.

#### **Quarterly Reporting:**

Each subrecipient must submit Quarterly Reports to ODOT as applicable. These reports are submitted using MYLEO-net. The reports require data on the following:

- Narrative of the last quarter's activity with the subrecipient's operations, capital, etc.
- DBE contracting activity.

- Charter (if applicable).

### **Annual Reporting:**

Section 5311(b)(4) specifies that each Section 5311 recipient shall submit an annual report containing information on capital investment, operations, and services provided under Section 5311. This data is entered and updated throughout the year into MYLEO-net. The data includes the following:

- Total annual revenue.
- Sources of revenue.
- Total annual operating costs.
- Total annual capital costs.
- Fleet size and type, and related facilities.
- Revenue vehicle miles.
- Ridership.

Additionally, subrecipients must submit annually a Drug and Alcohol Management Information Systems report. ODOT's Drug and Alcohol Program is managed by a contractor overseen by ODOT. The annual MIS report will be submitted to ODOT's contractor who will verify the submitted information and forward it to the Office of Mobility and Public Transit for submittal to FTA.

### **E. FTA GRANT REPORTS**

ODOT will submit the following Section 5311 reports to FTA as follows:

**Annual Program of Projects (POP):** By October 31 each year, ODOT will submit to FTA the annual program of projects with the current Section 5311 award programming.

**Federal Financial Reports (FFR) and Milestone Progress Reports (MPR):** ODOT will submit quarterly, monthly and annual financial report as required by FTA for each active grant, as appropriate.

**Federal Funding Accountability & Transparency Act of 2006 (FFATA):** ODOT is required to report all sub-award information exceeding \$25,000 to the Federal Funding Accountability & Transparency Act Sub-award Reporting System (FSRS). ODOT Comptroller Division will submit the required reports no later than 30 days after the obligation of funds.

**Disadvantaged Business Enterprise (DBE) Reports:** ODOT will submit its DBE program goal to FTA by August 1 every three years. Subsequent uniform report of DBE awards or commitment of payments will be submitted semi- annually by June 1st and December 1st.

**National Transit Database (NTD):** The National Transit Database is the FTA's primary national database for statistics on the transit industry. Section 5311(b)(4) specifies that each recipient of Section 5311 Program funds shall submit an annual report containing information regarding capital investment, operations and service provided under Section 5311. Items to be reported include total annual revenue, sources of revenue, total annual operating costs, total annual capital costs, fleet size, type and related facilities, revenue vehicle miles and ridership.

ODOT is responsible for ensuring that the data is collected by each Section 5311 subrecipient and that the data complies with the NTD requirements. The Office of Mobility and Public Transit collects the data for the NTD Program through the monthly submission of uniform operating and financial reports from each subrecipient. The information is accumulated and compiled into the format required by the NTD Program. The deadline for submitting the annual report to the National Transit Database is January 31.

ODOT will set a date every year that each subrecipient will need to submit the RR-20 Reduced Reporting report, A-10 Stations and Maintenance Facilities report, A-30 Revenue Vehicle report, and any other report as applicable, as well as all required backup documentation. Reporting requirements are included in the NTD reporting instructions manual issued each year. Visit the NTD website at [www.ntdprogram.gov](http://www.ntdprogram.gov) for the most recent rural reporting manual.

**F. PROCUREMENT**

Except as permitted by Federal law or regulations, the Common Grant Rules require a Subrecipient of Federal assistance to use third party procurement procedures that provide full and open competition. The procedures used must comply with State and local law as well as with Federal requirements. Federal restrictions vary with the type of procurement method used.

FTA Required Clauses

FTA Required clauses (as amended) must be included in the procurement process, specifically at the time of bid to ensure compliance with federal regulations. See below, Federal Clauses Table for applicable clauses required.

**FEDERAL TRANSIT ADMINISTRATION REQUIRED CLAUSES**

It is the responsibility of the Subrecipient to ensure that all clauses applicable to the Work of the Agreement resultant from this Purchase Order are adhered to by the Contractor and its Sub-contractors when applicable.

Sec.	Contract Clause	Applicability to Type of Contract
1	Fly America Requirements	When Transportation Paid By FTA Funds
2	Buy America Requirements	Value > 100K for Construction, Goods, Rolling Stock
3	Charter Bus Requirements	Operational Service
4	School Bus Requirements	Operational Service
5	Cargo Preference Requirements	Equipment/Material/Commodities Transported By Ocean
6	Seismic Safety Requirements	New Construction/Additions
7	Special Department of Labor (DOL) Equal Employment Clause	Value > 10K for Construction
8	Energy Conservation Requirements	All
9	Clean Water Requirements	Value > 100K
10	Bus Testing	Rolling Stock Acquisition
11	Pre-Award and Post Delivery Audit Requirements	Rolling Stock Acquisition
12	Lobbying	All
13	Access to Records and Reports	All
14	Federal Changes	All
15	Bonding Requirements	Construction > 100K

16	Clean Air	Value > 100K
17	Recycled Products	Value > 10K In Fiscal Year
18	Davis-Bacon and Copeland Anti-Kickback Acts	Construction > \$2000
19	Contract Work Hours and Safety Standards Act	Construction > \$2000, Rolling Stock, Operational > \$2,500
20	No Government Obligation to Third Parties	All
21	Program Fraud and False or Fraudulent Statements and Related Acts	All
22	Termination	Value > 10K
23	Government-Wide Debarment and Suspension (Non-procurement)	Value > 25K
24	Privacy Act	All
25	Civil Rights Requirements	All
26	ADA Access Requirements	All
27	Breaches and Dispute Resolution	Value > 100K
28	Patent and Rights in Data	Research Projects Only
29	Transit Employee Protective Agreements	Transit Operations
30	Disadvantaged Business Enterprise (DBE)	All
31	Incorporation of FTA Terms	All
32	Drug and Alcohol Testing	Operational Service/Safety Sensitive
33	Transit Vehicle Manufacturer (TVM) Certifications	Rolling Stock, All Vehicle Procurements
34	Metric Requirements	Sealed Bid Procurements, Rolling Stock, Construction
35	Conformance with National ITS Architecture	Contracts and Solicitations for ITS projects only
36	Corridor Preservation	Right of Way Development
37	Veterans Employment	Capital Projects

All procurements and third party contracts shall meet FTA Circular 4220.1 (as amended) and other Federal and State laws pertaining to the expenditure of public funds. Prior to execution, subrecipients must submit to ODOT for approval, all third party contracts for the procurement of goods or services which involve the use of Section 5311 Program funds. Method uses to procure goods and services in excess of exceeding five thousand dollars (\$5,000) must be approved by ODOT. Failure to do so shall exclude the use of federal funds in the procurement of the goods and or services.

### **Procurement of Capital and Non-expendable Items**

The following procedures apply to the procurement of all capital and non-expendable equipment. It should be noted that all federal and state regulations, regardless of the amount of the purchase, apply to all procurements. This includes, but is not limited to, Pre-award and Post-delivery Audit of Rolling Stock Purchases, Bus Testing Program, Buy America Act, Equal Employment Opportunity Requirements, Disadvantaged Business Enterprise Program Requirements and Title VI Program Requirements. The FTA C 9040.1G and 5100.1 (as amended) applies to any purchase of capital equipment.

**BUY AMERICA.** Section 165 of the Surface Transportation Assistance Act of 1982 provides that, with exceptions, Federal funds may not be obligated for mass transportation projects unless the steel, iron and manufactured goods used in projects are produced in the United States. Section 5311 and 5339 Program recipients must conform to the FTA regulations CFR part 661 and any amendments thereto. Buy America

requirements apply to all purchases over \$150,000, including materials or supplies funded as operating costs. Requests for Buy America waivers must be submitted to the FTA for approval.

There are four exceptions to this basic requirement as follows:

- application of Buy America is inconsistent with the public interest;
- the steel, iron, and goods produced in the U.S. are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or
- including domestic material will increase the cost of the overall project by more than 25 percent for rolling stock.
- When procuring rolling stock, (which includes train control, communication, traction power equipment, and rolling stock prototypes), the cost of the components and subcomponents produced in the U.S. must be more than:
  - more than 60 percent for FY2016 and FY2017
  - more than 65 percent for FY2018 and FY2019
  - more than 70 percent for FY2020 and beyond

Final assembly for rolling stock also must occur in the U.S. Additionally, rolling stock procurements are subject to the pre-award and post-delivery Buy America audit provisions set forth in 49 U.S.C. § 5323(m) and 49 CFR part 663.

Each bid solicitation should include a Buy America Certificate for execution, and a properly executed Buy America Certificate must be obtained from each vendor that involves Federal funds. This certificate should be retained in the subrecipient's procurement files. If a vendor's product does not meet Buy America requirements, a waiver must be obtained from FTA prior to completing the purchase.

In general, capital eligibility is the same as for other FTA capital programs, where FTA allows certain costs to be capitalized or treated as operating expenses. Capital expenses include the acquisition, construction and improvement of public transit facilities and equipment needed for a safe, efficient and coordinated public transportation system. For clarification regarding a purchase that may be of question, refer to Section 5311 and 5339's FTA Circulars 9040.1 and 5100.1 (as amended), or contact the Office of Mobility and Public Transit office. A capital equipment purchase, which includes items with a per-unit cost of \$1,000 or greater, is programmed as a capital line item. Non-expendable equipment items with a cost of \$999.99 or less will be programmed as an administrative or operational line item. All purchases of capital and non-expendable equipment with a useful life of over one year, and a unit cost of \$1,000 or greater, must be reported to the Office of Mobility and Public Transit office using the inventory management data form, which Office of Mobility and Public Transit staff will provide.

### **Capital Equipment**

Prior to issuing a purchase order, the subrecipient must coordinate the procurement of capital items by notifying the Office of Mobility and Public Transit, in writing, of their intent to make a capital purchase. The notice of intent will include:

- A statement affirming that the item(s) are programmed under the subrecipient's currently approved

application for capital equipment.

- A description, quantity and estimated purchase price of the equipment to be purchased.
- A certification that the necessary local match has been deposited in the subrecipient's regular banking account and that these monies will be used exclusively to purchase the requested equipment. Refer to the example at the end of this section.
- If the request is for transit rolling stock and the vehicle(s) will not be equipped with a wheelchair lift, the subrecipient's notice of intent must also include a certification to ODOT that:
- The transportation services provided by the subrecipient is meeting the transportation needs of persons with disabilities within its service area and that the subrecipient is in compliance with all requirements of the Americans with Disabilities Act of 1990; and
- The vehicle(s) requested will not be used in a fixed route mode.

After the Office of Mobility and Public Transit has determined that the required documentation has been submitted and an appropriate amount of funds has been programmed, a notice to proceed will be sent to the subrecipient.

The following steps should be used to complete the procurement:

Equipment on state contract:

- A copy of the state contract pertaining to the equipment requested will be forwarded to the subrecipient.
- The subrecipient will deal directly with the vendor and all purchases will be shipped directly to the subrecipient.
- The subrecipient will issue its purchase order directly to the designated vendor. When issuing the purchase order, extra care should be taken to ensure that the equipment requested is clearly specified and that all related contract numbers are included.
- The subrecipient should also take extra care to ensure that FTA's Pre-award audit requirements and all the special provisions and assurances have been properly executed before finalizing the purchase.
- When the equipment is delivered, the subrecipient must initiate a general delivery inspection immediately followed with a notice to ODOT of the vehicle(s) delivery, with a copy of the purchase order. ODOT will then conduct a post-delivery audit to confirm that the items are delivered as specified.

Equipment not on state contract:

**a. Procurements more than \$10,000.00-**

- *Competitive bid process* through the Oklahoma Office of Management and Enterprise Services (OMES) must be used, unless otherwise authorized by ODOT in writing. This procedure will also apply to the procurement of any item(s) that vary from those available on state contract and is as follows.
- The subrecipient will make a request for bids through Central Purchasing.

- The subrecipient will develop specifications that clearly and precisely define the equipment that is being requested. This effort should be coordinated with the Office of Mobility and Public Transit.
- The subrecipient will prepare and submit a purchase requisition and equipment specifications to Central Purchasing.
- Central Purchasing will solicit and receive bids for the equipment requested and will advise the subrecipient as to the lowest and best bid.
- If the subrecipient is in agreement with the outcome of the bid solicitation, it will advise Central Purchasing to award the bid.
- If the subrecipient is not in agreement with the outcome of the bid solicitation, it should advise Central Purchasing to cancel the bid and start the process over.
- Authorized local bid process by ODOT, requires the subrecipient to develop specifications that clearly and precisely define the equipment that is being requested. This effort should be coordinated with the Office of Mobility and Public Transit as follows:
  - Advertise its request for bids using local newspaper and industry periodicals, as applicable. The subrecipient will purposely include publications directed to minorities.
  - Allow prospective bidders thirty calendar days to submit their bid; analyze each bid received by conducting a pre-award audit.
  - The subrecipient will award the bid to the lowest and best responsive bid based on a fair and comparative analysis of the bid proposals submitted.
  - The subrecipient must have, at a minimum, two responsive bids before it can make a decision to award the bid.
  - The subrecipient must follow all Federal, FTA, and State requirements and include all clauses and certifications.

**b. Micro-Purchasing procurements \$3,500 - \$10,000.00**

- Coordinate the procurement with the Office of Mobility and Public Transit.
- Develop specifications or standard requirements that clearly and precisely define the equipment or service that is being requested and submit to OMPT for review.
- Solicit written price quotes from at least three vendors via email or mail.
- Maintain a record of all bid solicitation activities.
- In a letter/email to OMPT, recommend award of the contract to the lowest and best bid based on a fair and comparative analysis of the bid proposals. The subrecipient must have, at a minimum, two responsive bids before it can make a decision to award the bid.
- Upon approval by OMPT, Issue a purchase order to the successful vendor using the subrecipient's procurement procedures.

FTA considers micro-purchases to be those purchases of \$3,500 or less.

This value is set by the Federal Acquisition Regulation (FAR) at 48 C.F.R. part 2, subpart 2.1 (Definitions)

and is periodically adjusted for inflation. These purchases may be made without obtaining competitive quotes if the recipient determines the price to be paid is fair and reasonable. These purchases should be distributed equitably among qualified suppliers in the local area and purchases should not be split to avoid the requirements for competition above the \$3,500 micro-purchase threshold.

Davis-Bacon prevailing wage requirements will apply to construction contracts exceeding \$2,000, even if the recipient uses micro-purchase procurement procedures.

The following procedures apply to micro-purchases:

- Competition. The recipient should distribute micro-purchases equitably among qualified suppliers.
- Prohibited Divisions. The recipient may not divide or reduce the size of its procurement merely to come within the micro-purchase limit.
- Documentation. FTA's only documentation requirement for micro-purchases is a determination that the price is fair and reasonable and a description of how the recipient made its determination. FTA does not require the recipient to provide its rationale for the procurement method used, selection of contract type, or reasons for contractor selection or rejection.

### **Sole Source Evaluation**

ODOT will determine whether or not there is a valid justification to obtain the product or service using the sole source method without risking the use of Federal funds for those purposes. FTA permits use of Federal funds for sole source procurements if at least one of the following circumstances are present:

- The item is available only from a single source. Unique capability or availability must be definitively established.
- The public exigency or emergency for the procurement will not permit a delay resulting from competitive solicitation. Health and safety issues may be an adequate basis for a public exigency or emergency.
- When the agency's need for the supplies or services is of such an unusual or compelling urgency that the agency would be seriously injured unless sole source procurements were utilized.
- Authorized by FTA or the pass-through entity, in response to a written request by the recipient.
- Single bid or single proposal. After solicitation of a number of sources, competition is determined inadequate. If the recipient is satisfied about the bidding environment and the reasons why it only received one bid, it can negotiate a sole source contract to arrive at a reasonably priced contract.

***NOTE:*** *It is the responsibility of the purchaser to ensure that all special provisions and assurances are properly executed before finalizing any purchase. The subrecipient is financially responsible for the*

*payment of all purchases.*

All equipment purchases are to be delivered directly to the agency unless otherwise designated. Office of Mobility and Public Transit personnel will oversee the bid process and delivery of all vehicles. They will assist the subrecipient during the bid review and delivery of the vehicles. They will ensure that all required certifications and assurances relative to the purchase have been executed. The ODOT reviewer will secure a copy of all documents relative to the procurement and bring them to the Division office for filing. Division personnel, who did not participate in the on-site post-delivery audit, will perform a secondary review by conducting a desk review of the documents to determine that all requirements had been met and that all documents relating to the purchase are on file at ODOT.

## **G. PROPERTY MANAGEMENT AND DISPOSITION**

### **Maintenance and Facilities:**

Both ODOT and the subrecipient are responsible for managing and maintaining various types of property purchased with FTA funds. It is important that vehicles, equipment and facilities be maintained in good working order. Subrecipients at a minimum should follow the manufacturer's recommended maintenance schedule for Section 5311 and Section 5339 (or any other federal grant) capital funded assets which include but are not limited to: facilities, equipment, vehicles, wheelchair lifts and other accessibility equipment. Subrecipients should have a documented maintenance policy and plan with specific goals and objectives which meets FTA requirements.

Vehicle maintenance involves two major components: preventive maintenance and the repair function, both of these should be monitored through a maintenance management system, which could range from a paper file on each vehicle to a computerized program utilizing specialized vehicle maintenance software. Preventive maintenance activities should include daily pre-trip inspections by the vehicle operators, including daily checks of wheelchair lifts and associated accessibility equipment to ensure proper and safe working conditions.

Subrecipients must submit a maintenance and facilities policy for approval during the application process. Developed policy templates are available upon request; it is however the responsibility of each Transit Agency to make modifications as deemed necessary for their specific operations. Transit Program Division representatives will conduct assessments of the Transit Agency's approved policy during site visits for compliance.

### **Warranty Recovery:**

Subrecipients are required to have a process in place to track warranty repairs as well as ensure that a person or contractor, certified by the applicable manufacturer, completes the repairs. If the repairs are made by a contractor/dealer that party will usually bill the manufacturer directly. However, subrecipient's employees make the repairs; approval from the manufacturer is required.

### **Title and Lien:**

Vehicle(s) acquired with Section 5311 or 5339 Program funds shall be titled in the name of the subrecipient. The subrecipient will, at the time of registering the vehicle, name the Oklahoma Department of Transportation as first lien holder. A scanned copy of the title showing ODOT is the lien holder shall be

submitted to OMPT within 5 business days of receiving the title.

**Inventory Management and Useful Life:**

ODOT Office of Mobility and Public Transit maintains an inventory of equipment purchased using FTA funds. If a subrecipient requests reimbursement for a non-expendable item greater than or equal to \$1,000, the agency must enter the item into MYLEO.net with all required information. The project manager will then review and approve the item was entered correctly in MYLEO.net.

**Useful Life of Vehicles:**

To ensure that vehicles are adequately maintained and remain in service for their normal service life, ODOT’s Office of Mobility and Public Transit has established minimum useful-life standards for vehicles funded with state or federal funds, identified below. These standards apply to all vehicles purchased with any federal or state funds and to all vehicles that will be replaced with federal or state funded vehicles, regardless of the initial funding source.

Useful life of rolling stock begins on the date the vehicle is placed into revenue service and continues as long as it is in service. If a vehicle is out of service more than 30 days, ODOT must be notified. The period of time that the vehicle is out of service does not count toward the minimum useful life. Incidental service mileage does not count toward the minimum useful life.

*NOTE: Mileage for charter services must be deducted when determining useful life.*

<b>CLASSIFICATION</b>	<b>LENGTH</b>	<b>USEFUL LIFE</b>
<b>Small Vehicles (6,000 - 14,000 GVWR):</b>		
Minivans, Accessible & Standard	< 20 ft.	4 years and/or 100,000 miles
Vans, Accessible & Standard	<20 ft.	
Light-Duty Bus	20 ft. - 22 ft.	
<b>Medium-Size Vehicles (10,000 – 16,000 GVWR):</b>		
Light-Duty Bus & Van Body on Chassis/Cutaway	20 ft. – 25 ft.	5 years and/or 150,000 miles
<b>Medium Size Vehicles (15,000 – 26,000 GVWR):</b>		
Medium-Duty Transit Bus Chassis/Cutaway	25 ft. – 30 ft.	7 years and/or 200,000 miles
<b>Medium Size Vehicles (26,000 – 33,000 GVWR):</b>		
Heavy-Duty Transit Bus	30 ft. – 35 ft.	10 years and/or 350,000 miles

### **Large Vehicles (33,000 – 40,000 GVWR):**

Heavy-Duty Transit Bus	35 ft. or greater	12 years and/or 500,000 miles
------------------------	----------------------	-------------------------------

Once a vehicle has reached the useful life threshold, it may be considered a backup or spare vehicle upon review and approval by ODOT. The vehicle is still subject to the lien and inventory requirements. The recommended minimum spare ratio for a subrecipient fleet is not to exceed 20%. If a vehicle is sold and the amount is greater than \$5,000, the subrecipient must use the funds to pay down the gross cost of the next approved eligible capital project. ODOT will track all insurance proceeds and the subrecipient will have to use these funds once they have been programmed and approved, before receiving additional capital funding.

### **Useful Life of Other Equipment:**

Office furnishings and other equipment shall follow the manufacturer's useful life. When the useful life has been reached, there is no longer a Federal interest in vehicles and equipment. The subrecipient may request, in writing, permission to dispose of vehicles and equipment, using the Request for Disposal of Equipment Form along with justification for its sale. Upon review and approval of the completed Request for Disposal of Equipment, ODOT may, at its discretion, permit the subrecipient to sell the vehicle or equipment using the Department of Central Services Surplus Auction process, or through the auspice of a public auction. All proceeds shall be retained by the subrecipient for the purpose of continuing and/or enhancing the program. Such funds may be used as local match for project expenses. If the subrecipient would like to maintain possession of the item after the useful life has been reached, the subrecipient will include a justification for continued possession on the Request for Disposal of Equipment Form. This process will be more often utilized for office furnishings and other equipment and only in special circumstances for rolling stock and real property items.

### **Transit Systems No Longer Participating in the Section 5311 Program:**

In the event that a subrecipient withdraws or is excluded from the Section 5311 Program, the following procedures (with prior approval from ODOT) will be used to dispose of all equipment acquired with Section 5311 Program funds:

- **If the equipment has not exceeded its useful life as defined above:**
  - The subrecipient may contact other subrecipients operating in the State and negotiate a fair market value for the equipment. The withdrawing agency will be paid its local share equity in the equipment by the receiving subrecipient; or
  - The subrecipient disposing of the equipment may sell the equipment at public auction. The subrecipient would retain the local share equity of the sale price and return the balance to FTA; or
  - The subrecipient may choose to retain the equipment by repaying to ODOT FTA's pro-rata share of the equipment's fair market value.
- **If the equipment has exceeded its useful life as defined above:**

- ODOT may permit the subrecipient to keep the equipment if it can demonstrate that the equipment will be used for other acceptable mass transit purposes; or
- ODOT may instruct the subrecipient to sell the equipment at public auction. The subrecipient would retain the local share equity of the sale price and return the balance to ODOT.

If ODOT determines that any piece of equipment is serviceable and another subrecipient is willing and able to buy the equipment, the withdrawing subrecipient will be directed to contact the other subrecipient and negotiate a fair market value for the equipment. The withdrawing subrecipient will be paid its local share equity in the equipment by the receiving subrecipient.

To establish the fair market value of the equipment, with the exception of vehicles, either the straight line depreciation method or a "statement of estimated value" from an industry vendor may be used. To establish the fair market value of vehicles, ODOT may use, at its discretion, the "average loan value" as stated by the National Automobile Dealers Association's Official Used Car Guide or other such industry periodical, a "statement of estimated value" from an industry vendor or the straight line depreciation method by applying the percentage of the vehicle's remaining useful life by mileage or years to the purchase price of the vehicle.

ODOT must give its approval regarding any action taken to dispose of any equipment purchased with funding passed through ODOT.

**Insurance Coverage:**

Subrecipients are required to secure liability, collision and comprehensive vehicle insurance upon receipt of the vehicle. Minimum amounts of coverage shall be:

<b>Liability</b>	Bodily injury	\$175,000 each person
	Property damage	\$25,000 each occurrence
	Single occurring accident	\$1,000,000 each occurrence

**Comprehensive** - Deductible to be determined by local operator

**Collision** - Deductible to be determined by local operator

**Insurance Proceeds:**

If a vehicle is withdrawn from service due to damage from an accident, theft, or vandalism, the agency must immediately notify ODOT. The following actions will be taken:

- If the damaged vehicle can be repaired, the agency is responsible to make necessary repairs to restore the vehicle to its original working condition. The cost of such repairs shall be borne by the agency, from local funds, and/or insurance proceeds.
- If the vehicle cannot be adequately repaired, is stolen, or otherwise unrecoverable, the following steps must be taken:
  - Insurance adjustor determines the Fair Market Value (FMV) of the vehicle at the time it was removed from service. The transit agency will need to provide the last mileage reading and condition.

- The transit agency will promptly file an insurance claim for damage or loss of vehicle. ODOT will be provided a copy of the insurance claim, and subsequent correspondence with the insurance carrier or agent.
- The preferred action is for the agency to use insurance proceeds, plus any additional local funds required, to replace the vehicle.
- ODOT will notify FTA for approval before the lien is released from the vehicle.
- Transit agency would request ODOT to release the vehicle title. The agency will request and submit the funds to be used for an eligible capital cost. Once programmed and approved the agency will spend the proceeds before receiving additional capital funding. If a new vehicle is purchased, ODOT must be the first security interest holder (lien holder) on the title of the new vehicle.
- If for some reason the agency determines that it can meet existing service levels without replacing the vehicle, or for some other reason does not plan to replace the vehicle, contact ODOT. The agency will be required to use the insurance proceeds to pay ODOT the grant share at the current FMV of the vehicle.
- ODOT will track all insurance proceeds and the subrecipient will have to use these funds to reduce the cost of their next capital project before receiving additional capital funds.

### **Intrastate Transporters:**

The Oklahoma Corporation Commission has jurisdiction, via 47 O.S. 230.22 and 230.23, over for-hire motor carriers of passengers not operating exclusively within the limits of an incorporated city or town.

However, cabs and bus companies are exempt from OCC's jurisdiction unless operating between 2 or more cities or towns and duly licensed by a municipal corporation in which they might be doing business. Also exempt from this jurisdiction are transports paid for by government contracts.

Intrastate transporters of persons or property not subject to authority requirements of the OCC are not required to file liability insurance certificates as set forth in OAC 165:30-3-11.

### **Protection of the Environment**

FTA's procedures allow the flexibility to categorically exclude most of the projects typically funded under the Section 5311 Program. ODOT will screen potential projects to make an initial determination as to which projects clearly meet the FTA criteria for categorical exclusions and which projects may require additional documentation. The latter projects will be coordinated with the FTA Regional Office early in the project development so that any necessary environmental analysis and review will not delay implementation. Those projects or activities with no environmental impact or minimal impact require no individual review by FTA.

However, a project involving new construction of a facility or substantial rehabilitation of an existing facility will be discussed with FTA to determine the need for information supporting a categorical exclusion and whether any additional environmental requirements apply.

Early coordination with FTA is also necessary to identify those projects for which an Environmental Assessment (EA) will have to be prepared. If an EA is required, further steps to develop the project (e.g., property acquisition, final design, and construction) will not be authorized until FTA makes a final environmental finding for the project. Any project listed in Category B of a Program of Projects that does

not qualify as a categorical exclusion will receive environmental clearance from FTA before being advanced to Category A.

### **Facility Construction and Renovation**

ODOT personnel or its representatives/consultants will monitor all phases of the construction and/or renovation of facilities that involve the use of FTA funds.

- Design Phase.
- ODOT must review and approve the process for solicitation of bids for project design, including award of bid and award of design contract.
- ODOT will participate in all pre-bid, pre-award and pre-design meetings.
- ODOT must review and approve all plans and documents related to the project.
- Construction Phase.
- ODOT must review and approve the process for solicitation of bids for a project, contractor, including award of contracts.
- ODOT will participate in all pre-bid, pre-award and pre-construction meetings.
- ODOT must review and approve expenses claimed by the subrecipient before reimbursement will be made.
- Inspections will be made by ODOT personnel at prescribed stages of the project.

This policy statement may be supplemented as necessary to respond to changed conditions or additional regulations which may be forthcoming.

### **4. STATE ADMINISTRATION AND TECHNICAL ASSISTANCE**

The Office of Mobility and Public Transit routinely distributes information concerning the Section 5311 and 5339 Programs. It maintains communications with public transportation providers throughout the nation through its participation in transit associations. Department personnel also meet with local and national organizations to inform them about the Section 5311 and 5339 Programs.

Office of Mobility and Public Transit staff are available to answer questions and provide technical assistance. Various transit related studies such as needs assessments are conducted as needed. The services of Consultant Firms and Transit Specialists are routinely acquired for extensive studies and workshops.

The activities described in this section are funded for an amount not to exceed 10% of the annual allocation of Section 5311 Program funds. The federal share is 100%. ODOT may not use FTA Rural Transit Assistance Program (RTAP) Funds for the administration of the RTAP Program or for overhead expenses. However, administrative expenses incurred by ODOT in administering the RTAP Program may be covered by the Section 5311 Program formula allocation available for administrative purposes.

### **5. TRANSIT ASSET MANAGEMENT (TAM)**

#### **PROGRAM OVERVIEW**

Transit Asset Management (TAM) is a model that uses asset condition to help prioritize funding to achieve or maintain transit networks in a state of good repair. The FTA has established a National Transit Asset Management (TAM) System in accordance with section 20019 of the Moving Ahead for Progress in the 21st Century Act (MAP-21; Pub. L. 112-141 (2012), codified at 49 U.S.C. 5326). *Note: The FAST Act supersedes MAP-21; however, no amendment was made to the TAM statute 49 U.S.C. 5326.* A transit asset management system is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.”

Critical to the safety and performance of a public transportation system is the condition of its capital assets—most notably, its equipment, rolling stock, infrastructure, and facilities. When transit assets are not in a state of good repair, the consequences include increased safety risks, decreased system reliability, higher maintenance costs, and lower system performance.

The FTA has structured the TAM system using five pillars:

1. The definition of “state of good repair,”
2. A requirement that recipients and subrecipients develop TAM plans
3. SGR performance measures, and a requirement that recipients and subrecipients set performance targets based on the measures
4. Annual reporting requirements for recipients and subrecipients
5. Technical assistance from FTA

Together, these requirements allow transit providers to better assess their SGR needs, and in turn make more informed investment decisions. The coordination amongst transit providers, States and MPOs should influence MPO and State transportation funding investment decisions and is intended to increase the likelihood that transit SGR needs are programmed, committed to, and funded as part of the planning process.

## **6. CIVIL RIGHTS:**

The Office of Mobility and Public Transit will coordinate all civil rights issues with ODOT’s Civil Rights Division. The Civil Rights Division has agency-wide responsibility for ensuring the compliance of Title VI, Equal Employment Opportunity (EEO), Americans with Disabilities Act (ADA) and Disadvantaged Business Enterprises (DBE). ODOT and its subrecipients will comply with all applicable civil rights regulations and the implementation of regulations.

As a condition for funding, ODOT will require subrecipients to provide Title VI, ADA and EEO plans (those meeting the threshold requirements) to ODOT every three years, at minimum. ODOT has developed Title VI, ADA and EEO plan templates which are available to subrecipient upon request. It is the responsibility of subrecipients to ensure that submitted plans are in compliance with FTA guidelines (as further described in this section).

### **A. TITLE VI:**

Title VI of the Civil Rights Act of 1964 (as amended), provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

FTA Circular 4702.1B (as amended) requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available “racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.”

### **Title VI Requirements for ODOT:**

ODOT’s Title VI plan is due to the FTA every three (3) years. Primary recipients shall collect Title VI assurances and Title VI plans from subrecipients prior to passing through federal funds. The FTA authorizes that ODOT may store plans electronically and may request the plans from subrecipients at an interval of its choosing.

### **Title VI Requirements for Subrecipients:**

Subrecipients may choose to adopt the primary recipient’s (ODOT) notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. ODOT Title VI Program with these components can be found at <https://www.ok.gov/odot/>. Operational differences between the primary recipient and subrecipient may require, in some instances, that the subrecipient tailor its language assistance plan. Office of Mobility and Public Transit personnel will provide the Title VI Plan Adoption Certification upon request.

To ensure compliance with FTA C 4702.1B (as amended), subrecipient’s Title VI Programs shall include the following at a minimum and must be provided every three years:

1. A copy of the recipient’s Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted. If the subrecipient has a website, it must be listed on the website. The notices should include:
  - A statement that the agency operates programs without regard to race, color, or national origin.
  - A description of the procedures that members of the public should follow in order to request additional information on the recipient’s Title VI obligations.
  - A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.

***NOTE:** In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI Notice developed by the primary recipient; however, subrecipients shall notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.*

2. A copy of the recipient’s instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form.
3. A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting

the report, not necessarily the larger agency or department of which the recipient is a part. If no investigations, complaints, or lawsuits have been filed in the previous three year period, then a document stating so is required.

4. A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.
5. A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.
6. Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.

## **B. EQUAL EMPLOYMENT OPPORTUNITY (EEO):**

Section 19 of the Federal Transit Act states that "No person in the United States shall on the grounds of race, color, creed, national origin, gender or age be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program or activity funded in whole or in part through financial assistance under this Act. The provisions of this section shall apply to employment and business opportunities, and shall be considered to be in addition to and not in lieu of the provisions of Title VI of the Civil Rights Act of 1964."

### **EEO Requirements for ODOT and Subrecipients:**

The FTA Master Agreement and FTA C 4704.1A (as amended) requires all applicants, recipients, subrecipients, and contractors receiving FTA funding (including Section 5311 and 5339) who meet both of the following threshold requirements must implement all of the EEO Program elements:

1. Employs 100 or more transit-related employees, and
2. Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year.

Subrecipients who meet the above EEO Program thresholds must submit their EEO programs to ODOT every three years.

FTA requires an EEO Program to contain the following seven elements and must be submitted to the FTA every four (4) years:

1. Statement of Policy
2. Plan for dissemination both internally and externally
3. Designation of appropriate personnel responsible for carrying out the EEO Program, including the designation of an EEO Officer

4. Utilization analysis
5. Goals and timetables to correct identified areas of underutilization or concentration
6. Assessment of an agency's employment practices
7. Plan for monitoring and reporting on the EEO Program

Agencies between 50–99 transit-related employees are required to prepare and maintain an EEO Program that includes the following:

1. the Statement of Policy,
2. dissemination plan,
3. designation of personnel,
4. assessment of employment practices, and
5. a monitoring and reporting system.

These smaller agencies (50-99 employees) are not required to conduct a utilization analysis with goals and timetables or to submit the EEO Program to FTA every four years. Instead, these agencies will be required to provide the EEO Program to the FTA or ODOT upon request.

### **C. DISADVANTAGED BUSINESS ENTERPRISE (DBE):**

The FTA and ODOT have a policy of helping small businesses owned and controlled by socially and economically disadvantaged individuals, including minorities and women, to participate in contracting opportunities created by DOT financial assistance programs, as required by 49 CFR Part 26. The FTA's DBE regulations require recipients of federal financial assistance to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts. It is the policy of ODOT to implement the provisions of 49 CFR Part 26 with the following objectives:

1. To ensure nondiscrimination in the award and administration of federally assisted contracts;
2. to create a level playing field on which DBEs can fairly compete for federally assisted contracts;
3. to ensure that only firms that fully meet the eligibility standards specified in 49 CFR Part 26 are permitted to participate as DBEs;
4. to help remove barriers to the participation of DBEs in federally assisted contracts;
5. to assist the development of firms that can compete successfully in the marketplace outside the DBE Program;

### **DBE Requirements for ODOT:**

ODOT and its subrecipients will comply and assures that it shall not discriminate on the basis of race, color, sex, or national origin, in the award and performance of any third party contract, or sub-agreement supported with Federal assistance derived from DOT, or in the administration of its DBE Program, and will comply with the requirements of 49 CFR part 26. The recipient agrees to take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of all third party contracts and sub-agreements

supported with Federal assistance derived from DOT. As required by 49 CFR part 26, the recipient's DBE Program is incorporated by reference and made part of the Grant Agreement or Cooperative Agreement. The recipient agrees that implementation of this DBE Program is a legal obligation, and that failure to carry out its terms shall be treated as a violation of the Grant Agreement or Cooperative Agreement.

#### **OUTREACH:**

ODOT's Civil Rights Division will provide events to disseminate DBE information, conduct training, and discuss contracting opportunities. The Office of Mobility and Public Transit will assist the Civil Rights Division with outreach to minority and Tribal organizations to provide awareness and encourage participation. Civil Rights Division conducts various outreach efforts, listed on ODOT's website at <https://ok.gov/odot/>, to train, inform and provide networking opportunities which are available to all disadvantaged businesses. Newsletters and other materials are also made available to the public to support ODOT's outreach efforts. ODOT's website also contains instructions and information on how to become DBE certified through the State of Oklahoma.

Additionally, ODOT attends Tribal Transit meetings and conferences to inform the community of the opportunities available through various federal programs. Program information, application announcement and newsletters are sent out through the Tribal Transit Assistance Program (TTAP).

#### **DBE Requirements for Subrecipients:**

ODOT's Office of Mobility and Public Transit requires subrecipients to publish DBE notices of opportunity in local media outlets for outreach as a required part of the application process for federal funding. Additionally, subrecipients must enter monthly claim/financial data for Office of Mobility and Public Transit's review, which includes a vendor database. This helps ensure that ODOT tracks federal activity to DBE's which helps ODOT fulfill its semi-annual DBE reporting requirements, as well as helps ODOT's Civil Rights Division develop its three (3) year DBE goal methodology.

Subrecipients who intend to receive Section 5311 Program funds must have an approved DBE Program as directed by 49 CFR Part 26, as amended. Subrecipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$250,000 in FTA funds in a Federal fiscal year are required to develop a DBE Program upon request. The Office of Mobility and Public Transit will assist all subrecipients who are seeking Section 5311 Program financial assistance in obtaining technical assistance from the Civil Rights Division in establishing DBE plans, as necessary.

Subrecipients are required to submit monthly claims which must include vendor data. The Office of Mobility and Public Transit will then review vendor data for DBE activity to assist the Civil Rights Division with DBE monitoring and data collection. Compliance of subrecipients will be evaluated during periodic on-site monitoring visits, desk audits, and on-going as necessary by Office of Mobility and Public Transit staff.

#### **D. SECTION 504 AND AMERICANS WITH DISABILITIES ACT (ADA):**

Pursuant to 49 CFR Part 37, the Americans with Disabilities Act of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law and regulations set forth specific requirements for vehicle and facility accessibility and the

provision of service (including reasonable modifications as defined by 49 CFR Part 37) to providers' transportation service procedures. This service must include employment (applicants, hiring, advancement, or discharge of employees, compensation, job training, and other terms conditions, and privileges of employment), providing accessibility to public facilities (constructing or acquiring accessible facilities), and providing accessible vehicles to potential riders regardless of their impairment.

Each public entity operating a fixed route system shall provide a paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system. To be deemed comparable to fixed route service, a complementary paratransit system shall meet the requirements beginning at 49 CFR 37.121. Requirements for a fixed route with complementary paratransit service include (but are not limited to):

1. The complementary paratransit component of the fixed route must provide accessible service to any origin or destination point within fixed route corridor up to  $\frac{3}{4}$  of a mile of the route,
2. Subrecipient must develop a paratransit plan,
3. Subrecipient must develop a paratransit eligibility application for individuals seeking to use the service, and
4. Subrecipient must advertise to the public instructions on how to apply for and access the service.

Subrecipients operating a route deviation service (a.k.a. deviated-fixed route) must ensure that the route deviation service has the characteristics of demand-responsive service for the general public, including those with disabilities, including:

1. Response time;
2. Fares;
3. Geographic area of service;
4. Hours and days of service;
5. Restrictions or priorities based on trip purpose;
6. Availability of information and reservations capability; and
7. Any constraints on capacity or service availability.

To be considered demand responsive, the service must deviate up to  $\frac{3}{4}$  of a mile within the routes corridor (for deviated fixed routes) for the general public, not just persons with disabilities. The vehicle should be able to deviate to pick up a passenger and return to its originally scheduled route. If demand response services, including route deviations, are restricted to a particular group, the service ceases to be a form of demand-responsive service for the general public.

### **USDOT Section 504 Requirements**

Prior to the passage of the ADA in 1990, the Rehabilitation Act of 1973 — and Section 504 of that act — were implemented to prohibit discrimination against individuals with disabilities by entities that receive federal funds. The purpose of the Rehabilitation Act is to ensure that individuals with disabilities are not excluded from, denied the benefits of, or subject to discrimination in any programs or activities receiving federal financial assistance. The DOT regulations implementing Section 504 are found at 49 CFR Part 27.

In order to receive federal financial assistance, grantees must comply with Section 504; in order to comply with DOT's Section 504 regulations, grantees must comply with the DOT ADA regulations. Subrecipients agree to Section 504 regulations as part of annual certifications and assurances during the application process for federal funds.

ODOT will collect Section 504/ADA assurances from subrecipients prior to passing through FTA funds. These Section 504/ADA assurances will be submitted as part of a standard list of assurances provided by subrecipients to ODOT.

### **Monitoring ADA Compliance**

Subrecipients will report all ADA complaints to ODOT outlining nature of complaint and proposed corrective action plan within five business days of the complaint. ODOT will monitor subrecipient's complaint process until compliant process is closed.

ODOT will review all subrecipient's services for ADA requirements during its triennial assessment as well as during on-going route monitoring through ODOT's online database management system MYLEOnet. The assessments will include evaluations of complementary paratransit and route deviation services, as appropriate. Subrecipients must agree to the ADA certifications and assurances during any application for federal funding through ODOT.

As part of the triennial assessment, ODOT will review (at a minimum) items such as the following Section 504/ADA requirements:

1. Agency's ADA policy
2. Agency's maintenance preventative maintenance schedule for wheelchair lifts/ramps and related equipment.
3. A list of any Section 504/ADA investigations, complaints, or lawsuits filed with the agency since the time of the last submission.
4. If the agency continue to provide equivalent services to persons with disabilities
5. Does the grantee have procedures for investigating and tracking ADA complaints filed against them and making their procedures for filing a complaint available to members of the public upon request?
6. Policies regarding transporting of service animals, personal care attendants, and portable oxygen?
7. How does the agency advertise ADA services?
8. ADA training for staff

### **ADA Vehicles and Facilities and Other Provisions**

Department of Transportation (DOT) regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37 and 38. The regulations specify accessibility requirements for the design and construction of new transportation facilities and the remodeling of current facilities. All vehicles acquired (with limited exceptions) be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; require public entities (including private entities "standing in the shoes" of a public entity as a subrecipient or under a contract or other arrangement) providing fixed-route service to provide complementary paratransit service to individuals with disabilities who cannot use the fixed-route service;

and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems.

Providers of fixed route service must generally utilize accessible vehicles. Private entities may utilize non-accessible vehicles if they can provide equivalent service in terms of schedules and headways, in addition to the equivalent service requirements described above for demand responsive service.

Providers of demand responsive service must utilize accessible vehicles, as defined at 49 CFR 37.7 or meet the applicable equivalent service standard.

In addition, recipients of any FTA funds should be aware that they also have responsibilities under Titles I, II, III, IV, and V of the ADA in the areas of employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other Federal agencies.

## **7. OTHER PROVISIONS**

The U.S. Department of Transportation imposes certain compliance provisions on recipients of Section 5311 and 5339 Program funds. FTA does not review assurances made by individual applicants but requires ODOT to assure that certain requirements have been met. In order to make these assurances, ODOT requires that all subrecipients sign assurances relating to compliance with Civil Rights, Disadvantaged Business Enterprises, Disabled Accessibility, Labor Protection, Drug and Alcohol Testing Program and other assurances.

### **A. ANNUAL CERTIFICATIONS AND ASSURANCES:**

Subrecipients must submit the applicable certification and assurances with all applications for federal funds. Office of Mobility and Public Transit staff will provide the appropriate fiscal year's certifications and assurances with each application. For specific information regarding these requirements, the applicant should refer to FTA Circular 9040.1 (as amended) for Section 5311 and FTA Circular 5100.1 (as amended) for Section 5339. The circular contains, in general, which certifications and assurances are required of the applicant for assistance from the Section 5311 program. Note, however, that this will be superseded by the most current version of FTA's certifications and assurances, which are published annually. The applicant should check the FTA website <http://www.fta.dot.gov> to confirm that they have the most recent documentation.

### **B. DRUG AND ALCOHOL TESTING PROGRAM:**

Implementing a drug and alcohol program is a significant undertaking as it involves planning, contracting, administrative, legal and monitoring efforts. In order to reduce program burdens and associated costs experienced in complying with the regulations, Oklahoma's Statewide Rural Transit Drug and Alcohol Testing Consortium was established. ODOT Office of Mobility and Public Transit uses State Administration funds to finance the activities of the consortia.

ODOT contracts with a technical administrator who will act as ODOT's liaison to ensure the program is staffed and operated as outlined in the consortium Third Party Administrator's proposal.

All employees performing safety-sensitive functions are placed in a statewide pool and will have an equal

chance of being selected for testing during each testing cycle. The actual “drawing” of the names of the safety-sensitive employees to be randomly tested is done by the Third Party Administrator. No personnel from ODOT, ODOT’s technical administrator or the subrecipients are involved in this drawing of names. The FTA regulations require that recipients and subrecipients of FTA funds implement the following elements in their policies and programs:

- A policy statement on prohibited drug use and alcohol misuse in the workplace.
- An employee and supervisor education program and training program.
- A prohibited drug and alcohol testing program for employees and applicants for
- Employment in safety-sensitive positions to include functions performed by those who.
- Operate revenue service vehicles including when not in revenue service.
- Operate non-revenue service vehicles that require drivers to hold a Commercial Driver’s License (CDL).
- Dispatch or control revenue service vehicles.
- Maintain revenue service vehicles or equipment used in revenue service, except for those vendors who contract with the subrecipients for such service.
- Provide security and carry a firearm.

*NOTE: These categories include supervisors who perform these functions, but exclude supervisors of employees in these categories who do not themselves perform these functions.*

- Evaluation of the employee who has violated the drug and alcohol regulations;
- Administrative procedures for record-keeping, reporting, releasing information, and certifying compliance.

The drug and alcohol rules require six types of testing:

1. Pre-employment
2. Reasonable suspicion
3. Post-accident
4. Random
5. Return to duty
6. Follow-up

The FTA has published regulations prohibiting drug use and alcohol misuse by transit employees and requiring transit agencies to test for prohibited drug use and alcohol misuse. Setting up the FTA required drug and alcohol program may require modifying a subrecipient's existing substance abuse policies and programs or may require developing an entirely new program. The critical program elements will be drug and alcohol testing of employees and applicants for employment in positions that require the performance of safety-sensitive functions. The FTA regulations require that recipients and subrecipients of FTA funds implement the following elements in their policies and programs.

Subrecipients must comply with the FTA regulations to be eligible for FTA funding. Furthermore, subrecipients who contract with a third party as a provider of transportation services must make sure that such a subcontractor complies with the provision of the published regulations prohibiting drug use and alcohol misuse. The subrecipient must pass these requirements on to its subcontractor and monitor their performance.

The subcontractor will be responsible to pay for any drug and alcohol testing associated with their own employees performing safety sensitive functions. These safety sensitive employees must be placed in a testing pool as part of a drug and alcohol testing program that meets the requirements as set out by FTA. This pool will be separate from the State's drug and alcohol testing consortium pool.

### **C. CHARTER RULE:**

Title 49 U.S.C. 5323(d) (as amended) limits charter service provided by federally assisted public transportation operators. FTA regulations specify these limitations in 49 CFR part 604, as amended. Subrecipients are allowed to operate community based charter services exempted under the regulations; some irregular or limited duration services; and those that are covered by the exceptions. Before an agency conducts any form of charter, a written request must be provided to ODOT 45 days prior outlining the purpose of providing charter. Each request will be evaluated on a case by case basis. If the request is approved, OMPT will work with the agency to ensure all FTA requirements are met.

***Exemptions:*** The charter service regulations provide for the following six exemptions:

1. Transportation of Employees, Contractors and Government Officials: Grantees are allowed to transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review,
2. Private Charter Operators: Private charter operators that receive, directly or indirectly, Federal financial assistance under section 3038 of TEA 21, as amended, or to non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance under any of the programs: Sections 5307, 5309, 5310, 5311, etc.
3. Emergency Preparedness Planning and Operation: Grantees are allowed to transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, for emergency preparedness planning and operations.
4. Recipients of Funds Under Sections 5310, 5311, 5316 and 5317: Grantees that use Federal financial assistance from FTA, for program purposes only, under Section 5310, 5311, etc.
5. Emergency Response: Grantees are allowed to provide service, up to 45 days, for actions directly responding to an emergency declared by the President, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration.
6. Recipients in Non-Urbanized Areas: Grantees in non-urbanized areas for transporting its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

#### **D. SCHOOL BUS OPERATIONS:**

Subrecipients may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operations, as stated in Title 49 U.S.C. 5323(f). This does not preclude providing normal public transit services to school children. Each application must include a signed assurance concerning charter and school bus operations. The implementing regulation (49 CFR part 605) does permit regular service to be modified to accommodate school students along with the general public (“tripper service”). For the purpose of FTA’s school bus regulation, Head Start is considered a social service, not a school program. Rules for the Head Start Program limit the types of vehicles which may be used to transport children participating in a Head Start Program. FTA recipients may operate multifunctional school activity vehicles that meet the safety requirements for school transportation, but may not provide exclusive school service.

#### **E. PRIVATE SECTOR PARTICIPATION:**

Private providers will be afforded the opportunity to participate in the planning and development of the proposed Section 5311 Program services, as well as an opportunity to provide the proposed transportation services. Applicants are required to provide documentation of their efforts to include private providers. If there are any private providers in the area, ODOT requires the applicant to invite them to participate in planning the system.

#### **F. GRIEVANCE PROCEDURES:**

Questions concerning the fairness of local procedures and decisions must first be addressed at the local level. Each subrecipient must develop a mechanism, preferably independent of the sponsoring agency, to address disputes from private providers or the general public arising from its public transportation service. This procedure must be addressed in the grant application as outlined in the Section 5311 Application Handbook.

Complaints which cannot be resolved at the local level shall be forwarded, in writing, to the Office of Mobility and Public Transit. A meeting will be scheduled (not more than ten working days after receipt of complaint) between the subrecipient and the complainant, at which, the Office of Mobility and Public Transit will work with the parties in an attempt to resolve the conflict. If the conflict cannot be resolved at this level, the matter will be forwarded to the Deputy Director of ODOT who will review the proceedings and make a final decision.

The FTA Region VI Administrator will review complaints and only become involved if they are procedural in nature.

#### **G. ADDITIONAL PROVISIONS:**

The following policies have been adopted by ODOT:

##### **Transit Driver’s License Requirements:**

- Knowledge of and compliance with all applicable laws and regulations governing the

transportation of passengers is a critical part of an agency's ability to manage a transportation program. The grant application requires a description of how the agency's drivers and staff will be utilized and a description of the applicant's training programs.

- If a transit vehicle requires a Commercial Driver License (CDL), all drivers of the vehicle will be regulated by the requirements of Oklahoma and those of any other state wherein the vehicle is operated.
- Commercial Driver's License (CDL): All drivers of motor vehicles designed or used to transport more than fifteen passengers (including the driver) or of vehicles which have a gross combination weight rating of 26,001 pounds or more must have a CDL. Mechanics that drive the vehicles must also have a CDL.

### **Communications Equipment:**

- Installation charges for mobile communications and data devices will be considered as part of the procurement cost.

### **In-Kind Contributions:**

- The value of donated personal services, materials, equipment and building space must be clearly identified, documented, and approved by ODOT.

### **Real Property:**

- Real Property acquisition standards are included in the FTA Circular 5010.1E, as amended. Any agency wishing to use office, warehouse or garage space as a program cost or local match must request, in writing, an appraisal of the space from ODOT. The request must indicate the exact location(s) and describe the Section 5311 Program activities for which the space will be utilized. Requests for appraisal must include a drawing with dimensions of each office area the subrecipient would like appraised. ODOT appraisers will prepare a market analysis and determine a fair market value for the space. If the area(s) are shared by other agency programs, a methodology showing the division of the space cost and how much will be charged to the subrecipient must be provided. If the subrecipient will occupy real property acquired from a third party, either by donation (in-kind) or actual rental, ODOT's appraised value will set the maximum amount eligible as an expense to the project.
- Real property owned by the contracting agency is not considered donated (in-kind) space. The contracting agency may claim actual cost for real property that is used by the subrecipient. The method for determining actual cost must be submitted to ODOT for approval. Depreciation is not allowable for calculating actual cost for properties acquired with federal funds. If the structure occupied by the subrecipient was originally built with federal funds, the cost to occupy the space is not an eligible expense the Section 5311 Program.

### **Contract Revenue:**

- Revenue generated through contracts with social service agencies and businesses for the express purpose of transporting their clients and/or employees, even if the client(s) are listed by name within the contract, need not be reported as "fare-box revenue," but may be counted as contract services

and used as local match for Section 5311 Program funds. Charter trips in which the vehicle is traveling in a "closed door" mode must be accounted for separately from the other types of Section 5311 Program activities. All Section 5311 Program charter regulations apply, and no operational deficits may be reimbursed with Section 5311 Program funds.

- All profits earned from charter service must be applied to the promotion and development of the transit service.
- All profits earned from advertising services provided by the subrecipient, such as signs on the vehicles and bus benches, must be applied to the promotion and development of the subrecipient.
- All revenue generated through contracts with the populace, for transportation services performed on behalf of an individual shall be regarded as fare box revenue and shall be reported as such by deducting the amount received from the project's gross operating expenses.

### **Three Year Plan:**

- Each subrecipient must involve the general public in developing a "Three Year Plan." Public planning meetings should be held and minutes of the meetings retained for documentation. A sign-in sheet should be a part of the minutes. The plan must include efforts to coordinate transportation services with other Federal, State and local agencies.

As the costs associated with the operations of the subrecipient increase, financial planning for the program must extend beyond a single year. An increasing demand for new vehicles, expansion of services and requests for technical and administrative assistance is already evident. It is in the best interest of rural public transportation to plan for the future now. At a minimum, the "Three Year Plan" should include:

- An outline of proposed transit activities, including additions to services or service area.
- Requests for new vehicles by type.
- Major changes in administration, or an annual program budget.

The "Three Year Plan" will be a continuing planning document and will be required with a program's second year and each subsequent year's application/proposal. The "Three Year Plan" should be prepared for the three program years following the year funds are being applied for (i.e., Plan for FY-2014 program year should reflect program years 2015, 2016 and 2017). Plan should be submitted as a separate document. Like all planning tools, this document should be flexible enough to adapt to changes that may occur.

### **Training Program:**

- In addition to RTAP training, local transit personnel are given the opportunity to attend in-state and out-of-state seminars, workshops and training classes dealing with topics such as public transit management and operations. Training is provided on program requirements such as Title VI, EEO, DBE, ADA, and Drug and Alcohol Testing. Various driver training and passenger safety courses are also provided. Eligible expenses include only those costs that are directly associated with transit operations and administrative functions.

### **Dependent Insurance Coverage:**

- Dependent insurance cost is not an eligible program cost.

**Volunteer Labor:**

- The value of volunteer labor will be based on the rate approved in the budget for that service. Personnel services will be reimbursed limited to the value of the services rendered, and not at the value of the expertise of the person performing the service or on the basis of duties performed in another capacity. (Example: The local school superintendent drives the bus in the summer. The value of that work is based on the hourly wage of other drivers in the transit program, and not on his/her regular salary as a school official).

**Shared Employee:**

- If a paid employee works for more than one program operated by the subrecipient, the pay rate for the transit service employee will reflect only the value of like or similar service performed for the transit service. (Example: If the employee works half time as a foreman in the weatherization program and half time as a dispatcher for the transit service, the rate for the time spent dispatching should be comparable to other dispatchers. The rate for dispatcher will be set in the line item justification of the program budget).

**Non-Expendable Equipment:**

When purchasing non-expendable equipment, the subrecipient must follow the same procedures as outlined for capital procurements with the exception that they do not need to obtain a notice to proceed from the Office of Mobility and Public Transit. Subrecipients purchase for non-expendable equipment cannot exceed \$5,000.00 for a single vendor within a given fiscal year. Non-expendable equipment is defined in ODOT policy as "...items costing less than \$500.00 and not immediately consumed when placed in use. May also include inexpensive office equipment and furniture type items costing less than the above limit..." Examples of non-expendable equipment are letter trays, waste baskets, staplers, etc.

**Reimbursement of Claims:**

- Claims for previous fiscal year must be submitted and approved by ODOT within 30 days after the close of the program fiscal year.
- No new fiscal year claims shall be submitted until all previous fiscal year claims are processed by ODOT.
- Monthly claims must be submitted into MYLEO-net no later than 30 days after each claim month.
- ODOT may delay reimbursement of claims, if the subrecipient is not in compliance with all mandatory requirements.
- Previous fiscal year's expenses cannot be claimed in current fiscal year.

**Nondiscrimination on the Basis of Sex:**

ODOT and its subrecipients will comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. 1681 et seq.), with DOT implementing regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial

Assistance,” 49 CFR part 25.

### **Nondiscrimination on the Basis of Age:**

ODOT and its subrecipients will comply with all applicable requirements of the Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 *et seq.*), and Department of Health and Human Services’ (DHHS’) implementing regulations, “Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance,” (45 CFR part 90), which prohibit discrimination against individuals on the basis of age. In addition, the recipient agrees to comply with all applicable requirements of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 through 634, and Equal Employment Opportunity Commission (EEOC) implementing regulations, “Age Discrimination in Employment Act” (29 CFR part 1625), which prohibit employment discrimination against individuals on the basis of age.

### **Drug-Free Workplace:**

In accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*), and 49 CFR part 32, each recipient is required to maintain a Drug-Free Workplace for all employees and to have an anti-drug policy and awareness program. The recipient must agree that it will provide a Drug-Free Workplace and comply with all requirements of 49 CFR part 32. These provisions apply only to FTA’s direct recipients and do not extend to subrecipients.

The recipient is required to provide a written Drug-Free Workplace policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and stating specific actions that will be taken for violations. The ongoing Drug-Free Awareness Program must inform employees about the dangers of drug abuse; about any available drug counseling, rehabilitation, and employee assistance programs; about penalties that may be imposed; and that employees are to be aware that the recipient operates a Drug-Free Workplace.

An employee of an FTA recipient is required to report in writing any conviction for a violation of a criminal drug statute occurring in the workplace, and the recipient/employer is required to provide written notice to FTA within 10 days of having received the notice. Within 30 days of receiving the notice of a conviction, the recipient/employer must have taken appropriate action against the employee or have required participation in a drug abuse assistance or rehabilitation program.

Technical assistance materials and training information to help recipients implement the Drug-Free Workplace and Drug and Alcohol Testing rules are available on FTA’s website <http://www.fta.dot.gov> or by contacting FTA’s Office of Safety and Oversight, FTA Headquarters, 1200 New Jersey Ave. SE. Washington, DC 20590.

### **Employee Political Activity:**

To the extent applicable, the recipient agrees to comply with the provisions of the Hatch Act, 5 U.S.C. Sections 1501–1508, and Sections 7324–7326, and U.S. Office of Personnel Management regulations, “Political Activity of State or Local Officers or Employees,” 5 CFR part 151. The Hatch Act limits the political activities of State and local agencies and their officers and employees, whose principal employment activities are financed in whole or part with Federal funds including a Federal grant, cooperative agreement, or loan. Nevertheless, in accordance with 49 U.S.C. 5323(1)(2) and 23 U.S.C. 142(g), the Hatch Act does not apply to a nonsupervisory employee of a public transportation system (or of other agencies or entities

performing related functions) receiving FTA assistance to whom the Hatch Act would otherwise apply.

### **Environmental Justice:**

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requires the U.S. DOT and the FTA, to make environmental justice (EJ) part of our mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on our programs, policies, and activities on minority populations and/or low-income populations. Environmental justice at FTA includes incorporating environmental justice and non-discrimination principles into transportation planning and decision-making processes as well as project-specific environmental reviews. FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients” provides FTA recipients and subrecipients with guidance and instructions necessary to carry out the executive order.

### **Labor Protections:**

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

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

Questions concerning employee protective arrangements and related matters pertaining to transit employees should be addressed to the Division of Statutory Programs, Employment Standards Administration, U.S. Department of Labor, Room N-1519, 200 Constitution Avenue NW, Washington, DC 20210; telephone (202)-693-1193; fax (202)-693-1344.

**EXHIBIT “A”**  
**OKLAHOMA RURAL COMMUNITY TRANSIT SYSTEMS**

REVISED: SEPT, 2016

**TOWN OF BEAVER**

*Beaver City Transit*

**PONTOTOC COUNTY PUBLIC TRANSIT AUTHORITY**

*Call-A-Ride Public Transit*

**CENTRAL OKLAHOMA COMMUNITY ACTION AGENCY**

*Central Oklahoma Transit System*

**NORTHERN OKLAHOMA DEVELOPMENT AUTHORITY**

*Cherokee Strip Transit*

**UNITED COMMUNITY ACTION PROGRAM, INC.**

*Cimarron Public Transit System*

**DELTA COMMUNITY ACTION FOUNDATION, INC.**

*Delta Public Transit*

**ENID PUBLIC TRANSPORTATION AUTHORITY**

*The Transit*

**LOGAN COUNTY HISTORICAL SOCIETY, INC.**

*First Capital Trolley*

**CITY OF GUYMON**

*The Ride*

**INCA COMMUNITY SERVICES**

*JAMM Transit*

**KI BOIS COMMUNITY ACTION FOUNDATION, INC.**

*Ki Bois Area Transit System*

**LITTLE DIXIE COMMUNITY ACTION AGENCY, INC.**

*Little Dixie Transit*

**MAGB TRANSPORTATION, INC.**

*MAGB*

**MUSKOGEE COUNTY PUBLIC TRANSIT AUTHORITY**

*Muskogee County Transit*

**DEPARTMENT OF PARKING AND TRANSIT SERVICES**

*OSU/Stillwater Community Transit*

**GRAND GATEWAY ECONOMIC DEVELOPMENT ASSOCIATION, INC.**

*Pelivan Transit*

**COMMUNITY ACTION DEVELOPMENT CORPORATION**

*Red River Transportation Service*

**BIG FIVE COMMUNITY SERVICES, INC.**

*Southern Oklahoma Rural Transportation System*

**SOUTHWEST OKLAHOMA COMMUNITY ACTION GROUP, INC.**

*Southwest Transit*

**WASHITA VALLEY COMMUNITY ACTION COUNCIL**

*Washita Valley Transit*