

Salem Area Mass Transit District

**Program Management Plan
for the Salem and Keizer Urbanized Area's
Section 5310 Enhanced Mobility of Seniors and
Individuals with Disabilities Program**

The Salem Area Mass Transit District's mission —“Connecting people with places through safe, friendly, and reliable public transportation services”



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List of Acronyms

ADA – Americans with Disabilities Act

BETC – Business Energy Tax Credit

C_9070.1G – Circular authored by the FTA detailing the Section 5310 program

CARTS – Chemeketa Area Regional Transportation System

CFR – Code of Federal Regulations

DBE – Disadvantaged Business Enterprise

DCE – Documented Categorical Exclusion

DOT – U.S. Department of Transportation

EEO – Equal Employment Opportunity

FMVSS – Federal Motor Vehicle Safety Standards

FTA – Federal Transit Administration

JARC – Job Access and Reverse Commute

MAP-21 – Moving Ahead for Progress in the 21st Century Act

MIS – Management Information System

MWVCOG – Mid-Willamette Valley Council of Governments

NTD – National Transit Database

ODOT – Oregon Department of Transportation

OMB – Office of Management and Budget

PMP – Program Management Plan

POP – Program of Projects

SAFETEA-LU – Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users

SAMTD – Salem Area Mass Transit District

Section 504 – Section 504 of the Rehabilitation Act of 1973 which protects qualified individuals from discrimination based on their disability

Section 5310 – Chapter 49 of the U.S. Code, Section 5310: grant program: “Enhanced Mobility of Seniors and Individuals with Disabilities Program”

SKT – Salem-Keizer Transit

STF – Special Transportation Fund

TAC – Technical Advisory Committee

TIP – Transportation Improvement Program

Title VI – Title VI of the Civil Rights Act of 1964

UZA – Urbanized Area

Introduction

This Program Management Plan (PMP) describes the Salem-Keizer Transit (SKT) policies and procedures for administering the Federal Transit Administration's (FTA) 49 U.S.C. 5310 (Section 5310) Enhanced Mobility of Seniors and Individuals with Disabilities program. Due to the fact that the Salem/Keizer urbanized area (UZA) population exceeds 200,000 people, Salem-Keizer Transit is a designated recipient of 5310 funds by FTA's rule. SKT also receives funds through the Oregon Department of Transportation (ODOT) 5310 program for urban and rural projects, but this PMP specifically addresses only the 5310 dollars obtained directly from FTA, and not passed through ODOT. The ODOT Rail and Public Transit Division State Management Plan should be consulted for the pass-through 5310 grant program.

This PMP articulates a vision for SKT's future with programs that focus on the maintenance of critical services, while strategically developing opportunities for the growth of services and facilities for the years to come. SKT has identified a growing need for public transportation in the Salem-Keizer area, especially to connect individuals with employment, education, and vital services. The focus of Section 5310 programs is to provide transportation for seniors and individuals with disabilities where public transportation is insufficient, inappropriate, or unavailable.

Successful implementation of this PMP will depend upon good planning, leadership, state and federal funding support and additional local revenues. SKT realizes this will only come with strong involvement and support from the people and businesses in the community. This document is intended to be a resource for all potential recipients of Section 5310 as well as local, state, and federal agencies amongst which coordination of programs is essential in meeting the region's transportation needs.

The current Federal Transportation Bill, also known as Moving Ahead for Progress in the 21st Century Act (MAP-21), merged the New Freedom program (49 U.S.C. 5317) into the Section 5310 program. As a result, activities eligible under the New Freedom program, including operating expenses, are now eligible under Section 5310. Consistent with Section 5317, funds are apportioned among large urbanized areas, small urbanized areas, and rural areas instead of only to states (see C_9070.1G, p.I-6 and II-1). Also new for MAP-21, the Job Access and Reverse Commute (JARC) program, under 49 U.S.C. 5316, has been merged with Section 5307 funds and is not covered under this PMP.

In order to make informed decisions about transportation for seniors and individuals with disabilities, the SKT Board of Directors appoints an advisory committee to work with SKT staff on these issues. This committee is called the STF Advisory Committee and was initially set up under a mandate from ODOT, which administers Oregon's Special Transportation Fund (STF). This fund comes from state sources and is allocated by the Legislature every two years to 42 jurisdictions around the state including Salem-Keizer Transit. The STF is administered by ODOT and its main focus is for transportation for seniors and individuals with disabilities. Therefore, Salem-Keizer Transit has chosen many components of the STF grant selection and award process for the FTA-direct Section 5310 grant process.

The STF Advisory Committee is appointed by the Board and is made up of seniors, individuals with disabilities, and members of the public interested in improving transportation for these groups. It meets monthly and receives the applications for Section 5310 projects every two years. The STF Advisory Committee acts in an advisory function to the SKT Board of Directors, who have the final authority for making funding determinations for Section 5310 grants in Marion and Polk Counties.

A state administrative rule requires that STF Agencies prepare a plan to guide the investment of STF moneys to maximize the benefit to the elderly and individuals with disabilities within that area. In early 2007, the Oregon Department of Transportation (ODOT) issued guidance to STF agencies to indicate that STF and Section 5310 planning efforts would be combined into a single document, referred to as the Coordinated Public Transit – Human Services Transportation Plan for Polk and Marion Counties (“The Coordinated Plan”). This document is used for the FTA-direct 5310 grant, the ODOT pass-through 5310 grant, and the STF allocation.

The Coordinated Plan was developed to document and facilitate discussion about community transportation needs for seniors and individuals with disabilities in Marion and Polk Counties, which include the Salem/Keizer UZA. The Coordinated Plan builds on a previous planning effort completed in 2007, the Specialized Transportation Plan for Polk and Marion Counties. The latter document examined the ways special needs transportation services are delivered in the two counties (including the Salem/Keizer UZA), and recommended improvements to better coordinate services. While The Specialized Transportation Plan document serves as the foundation for The Coordinated Plan, some additions or revisions were necessary in order to meet current federal and state planning guidelines. The Coordinated Plan provides information about current services as well as identified needs in the community for new transportation services.

Eligible Activities

MAP-21 requires at least 55 percent of the Section 5310 Program funding apportionment must be:

- Used for capital expenses for public transportation projects that are planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities (i.e. traditional Section 5310 capital projects).
- Projects must directly serve and have a specific benefit to seniors and individuals with disabilities.
- Mobility management expenses, previously eligible under Section 5317, are eligible and qualify for this traditional Section 5310 project requirement.

The remaining 45 percent of the funds may be used for operating or capital expenses associated with:

- Public transportation projects (capital and operating) that exceed the requirements of the ADA

- Public transportation projects that improve access to fixed route transit service and decrease reliance by individuals with disabilities on complementary paratransit
- Alternatives to public transportation that assist seniors and individuals with disabilities

Funding for Projects and Program Administration

Section 5310 Program funds will be awarded on an annual cycle. The Section 5310 Program can generally fund up to 80 percent of a project's capital costs (in some limited cases up to 90 percent) and up to 50 percent of a project's operating costs. Administrative costs necessary for the designated recipient to coordinate the Section 5310 Program (up to 10 percent of the Federal apportionment to each urbanized area) are funded at 100 percent Federal share. Eligible administrative expenses include general overhead costs, planning, technical services, and other eligible costs described in the Office of Management and Budget (OMB) Circular 2 CFR 200.

The designated recipient is eligible to be reimbursed for Section 5310 administrative costs. Subrecipients will not be reimbursed for administrative costs related to application development, program reporting, or other activities.

The remaining costs (typically the required match for the Federal funds) can be covered by:

- Other Federal (non-DOT) transportation funding sources
- State and local funding sources
- Private funding sources

It is the responsibility of the subrecipient to secure and administer funds outside the 5310 program.

Purpose of the Program Management Plan

FTA Circular 9070.1G Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions provides guidance for Section 5310 projects. It covers project requirements, administration procedures, and other relevant components of the Federal Section 5310 Program. FTA Circular 9070.1G requires that a Program Management Plan (PMP) be designed to identify the policies and procedures for administering the Section 5310 Program in a large urbanized area. These policies and procedures are based on program requirements issued by the FTA. The PMP serves as a local companion to FTA Circular 9070.1G by describing the roles and mechanisms for carrying out policies and procedures in the Salem/Keizer UZA and meeting the FTA requirement for a Program Management Plan.

Roles and Responsibilities of the Designated Recipient and SKT for the Section 5310 Program

A significant change instituted by MAP-21 is that Section 5310 Program funds are apportioned to rural, small urbanized, and large urbanized areas, whereas under SAFETEA-LU Section 5310 Program funds were apportioned to states for distribution to subrecipients. As outlined in FTA Circular 9070.1G, the governor of each state or an

official designee and responsible local officials must designate a public entity in a large urbanized area with a population of 200,000 or more to be the recipient for Section 5310 funds. The designated recipient must have the requisite legal, financial, and staffing capabilities to receive and administer Federal funds under this program, which involves managing grant agreements with subrecipients, applying for Federal funds, ensuring compliance with all Federal and State requirements, and completing grant reporting to the FTA.

To distribute Section 5310 Program funds within the Salem/Keizer UZA, SKT staff will manage a competitive selection process. SKT staff is responsible for ensuring a fair distribution of Section 5310 Program funds to subrecipients throughout the Salem/Keizer UZA by managing a competitive process for selecting and prioritizing projects for funding. SKT staff will also prepare and maintain the PMP. The process for selecting projects is further described in Section 6 below.

The designated recipient is primarily responsible for applying to FTA for Section 5310 grants on behalf of itself and/or subrecipient(s). In addition, the designated recipient is responsible for the development of a Program of Projects (POP), which identifies the subrecipients and projects for which the recipient is applying for financial assistance. In the Salem/Keizer UZA, SKT staff will prepare the POP for submission to the FTA. In addition, the designated recipient manages all aspects of grant distribution, including reporting to the FTA.

Eligible Subrecipients

SKT as a designated recipient of Section 5310 funds, may allocate apportioned funds to eligible subrecipients which are limited to:

- a. A private non-profit organization; or
- b. A state or local governmental authority that:
 - 1) Is approved by a state to coordinate services for seniors and individuals with disabilities; or
 - 2) Certifies that there are no non-profit organizations readily available in the area to provide the service (C_9070.1G, p. II-1 & II-2).

In accordance with circular C_9070.1G, this Program Management Plan addresses SKT's approach to the following fifteen areas:

1. Program Goals and Objectives
2. Roles and Responsibilities
3. Coordination
4. Eligible Subrecipients
5. Local Share and Local Funding Requirements
6. Project Selection Criteria and Method of Distributing Funds
7. Annual Program of Projects Development and Approval Process
8. Administration, Planning, and Technical Assistance
9. Transfer of Funds
10. Private Sector Participation
11. Civil Rights
12. Section 504 and ADA Reporting
13. Program Measures
14. Program Management
15. Other Provisions

1. Program Goals and Objectives

This section includes SKT's goals and the Board of Director's guiding principles taken from the SKT Strategic Plan.

SKT Objectives and Guiding Principles

The seven-member Board of Directors of Salem-Keizer Transit is an elected board where each member represents a certain geographic area within the Salem-Keizer urban growth boundary. The Board has identified a set of guiding principles to assist staff in translating SKT's mission statement into specific actions and policies. They target strategic topics of system operation, and help define the steps that need to be taken to progress toward SKT's mission. Table 1 presents each element along with a brief synopsis of the Board's directions in each topic.

Table 1. Salem-Keizer Transit Board of Directors' Guiding Principles

STRATEGIC TOPIC	OVERVIEW
Service Levels	<ul style="list-style-type: none"> • Grow the service level significantly, but on a measured and reasonable basis • Coordinate growth with local jurisdictions' land use and transportation plans
Productivity and coverage	<ul style="list-style-type: none"> • Provide service in all areas where there is sufficient demand • Dedicate new resources, 75% to improve productivity of service (ridership), 25% to coverage of low-density areas
Funding Options	<ul style="list-style-type: none"> • Seek to diversify transit's funding base • Work with partners to leverage and coordinate transit funding
Land Use / Transportation Infrastructure	<ul style="list-style-type: none"> • Focus service improvements in areas that support transit friendly development • Promote the importance of the interconnections of land use and transit planning
Efficiency	<ul style="list-style-type: none"> • Make efficiency a key organizational value • Identify internal efforts to manage costs and promote innovative solutions
Fare Policies	<ul style="list-style-type: none"> • Review fares every two years, and link them to an expected rate of farebox return • Keep fare increases as small as possible, linked to an inflationary index • Maintain deep discounted bus passes
Regional Development	<ul style="list-style-type: none"> • Take a leadership role in facilitating development of regional public transit services • Seek opportunities to expand services cooperatively to outlying areas • Support and encourage local jurisdictions in developing transit services
Technology	<ul style="list-style-type: none"> • Distinguish between organization technologies and enhancement technologies, and establish appropriate priorities • Develop a budgeted technology fund

Policies and Action Statements

Based on the Board's mission and guiding principles, the seven "action statements" below establish the backbone of the PMP. Although not specifically stated in each policy and action statement below, these pertain directly to transportation services for seniors and individuals with disabilities funded through the Section 5310 grant as well as the general customer riding transit.

A. Build Transit's Capacity

Policy Statement:

Salem-Keizer Transit will seek to...

- Plan, develop, and phase implementation of a 3C route structure and mode of operation, focused on transit centers, circulators, and corridors
- Provide a range of services designed to meet the public's needs (e.g. bus, carpool, and TripLink services to seniors, the disabled and low-income persons)
- Aspire to provide no less than 30-minute service frequency as a minimum standard to all areas of SKT
- Provide 15-minute frequency of service in peak hours on major transit corridors
- Ensure that major investments in public transit respond to customer needs and maximize customer value
- Develop transit's maintenance and supportive infrastructure to enable growth in fleet, routes, and services

Building capacity means more service and a greater range of services, accessible to more people, over a greater span of time. In this context, capacity can be added in several ways, including greater frequency of service, larger buses to accommodate more riders, longer hours in the service day, greater variety of service, or more days of service, specifically Saturdays, Sundays, and Holidays.

B. Increase Service Convenience

Policy Statement:

Salem- Keizer Transit will seek to...

- Promote and continue to increase bus pass usage, through pass programs and deep discounts on passes
- Promote services and programs which will make transit travel times more competitive with the automobile
- Ensure that CherryLift services offer comparable access, quality, and service convenience as offered by fixed route services
- Advocate for one-quarter mile walking access to infrequent routes from all major residential areas that will not be served directly by fixed-route bus service; one-half mile walking distance is the standard for frequent bus service running every 15 minutes or less

- Program and implement high-priority transportation corridor treatments on major transit corridors within SKT
- Provide service quality and facilities that will attract new riders
- Ensure that major investments in public transit are customer-driven
- Increase availability and timeliness of scheduled route information

The fixed-route bus service provided within the Salem-Keizer urban growth boundary is named “Cherriots.” About 70% of Cherriots riders are people who do not have other transportation options available to them. The other 30% have an option—perhaps it is a driving, biking, or walking—but they choose to use the bus. If public transit is to succeed at carrying more people and accomplishing the goals of relieving traffic congestion, it needs to attract more people who are currently in cars. To do this, public transit’s image needs to improve in the eyes of the public. Cherriots needs to provide the capacity to carry more riders, but also provide the incentives that will retain current patrons and enhance the attractiveness of the system to a broader range of users.

Often overlooked in the efforts to upgrade public transit are the service needs of the community’s disabled transit patrons who utilize the CherryLift system. Many of these people have few transportation options available, and any transit plans being undertaken must provide for improved paratransit capacity and convenience measures that mirror the efforts being taken to improve fixed route services.

C. Enhance Mobility

Policy Statement:

Salem- Keizer Transit will seek to...

- Develop a Weekend/Holiday and Evening service plan and funding proposal to place before the public
- Provide a service level that enables most residents inside the urban growth boundary to fully access their community and the basic activities and opportunities it offers, without the necessity of using an automobile
- Provide increased mobility options to seniors and individuals with disabilities
- Establish transit service in areas which are currently unserved, subject to objective performance standards and expectations
- Develop a pilot project for flexible transit service in low-density areas such as West Salem or South Salem that offer more coverage of an area compared to a traditional fixed-route bus

Mobility is the product that public transit provides to the community. It is the mix of services that enable people to get from where they are to where they want to go, at the times they need to go and at a cost they can afford.

It has been SKT’s experience that enhancements in transit service have been consistently met by increased ridership. The introduction of night service in 1996

brought a 15% increase in patronage. Improvement to 15-minute frequency on routes 2 and 5 set the stage for record transit ridership between 1996 and 2003. New intercity commuter trips to and from Wilsonville carry standing-room only passengers. New routes, park & ride services, improved frequencies—all have enhanced mobility for Salem/Keizer residents, and have contributed to a record five million riders for SKT in 2003.

Since the economic downturn in 2008, many funding sources such as a school bus pass program funded through the Business Energy Tax Credit (BETC) program and a State-worker bus pass program have been eliminated. The effect was that ridership dropped by over 1.5 million boardings per year. Saturday service had to be eliminated in 2009 due to budget cuts, which also took a toll on ridership.

There are significant ridership gains that can be realized from new transit enhancements. A current planning effort for Cherriots called “Moving Forward” calls for more service on the productive corridor routes, and less in the low-density neighborhoods. The Moving Forward Phase I plan will be implemented using existing revenue streams. An increase of 1,000 riders per day is anticipated for customers who live or work within one-half mile of frequent service. The Board of Directors is also currently planning to go to the voters to ask for additional tax revenue to provide weekend/holiday and evening service. This increase in service will bring better service to community centers, improved connections to areas outside the downtown, and set up the agency for long-term growth targeted to the needs of area residents. Each of these improvements will put more riders on Cherriots, improve mobility, and can help reduce congestion on the Salem/Keizer urban street system.

D. Lead Transit’s Development

Policy Statement:

Salem- Keizer Transit will seek to...

- Take the lead role in defining transit policy and advocate for the development of public transportation in the Salem/Keizer urbanized area
- Participate actively in the transportation planning processes carried on by local jurisdictions and official advisory bodies
- Support and coordinate with the City of Salem, City of Keizer, and Marion and Polk Counties (unincorporated areas within the urban growth boundary) in the development and implementation of transit-supportive transportation and land use decisions
- Seek to develop TripLink (SKT’s call center for complementary paratransit, the RED Line shopper shuttle and dial-a-ride, and Medicaid non-emergent medical trips,) to its fullest potential
- Develop and maintain a skilled, well-trained workforce that has the resources and leadership to accomplish SKT’s goals

Oregon State Statutes provide SKT the responsibility and authority to develop public transit services in the Salem/Keizer urbanized area. Today more than ever, the future success of transit services depends upon the coordinated actions of many other participants in the public policy realm. It is up to SKT—board and staff—to take a leadership role in educating the community about transit’s benefits, pledging and delivering transit’s support in cooperatively addressing transportation challenges, and being accountable to our partners and the public in the services we provide.

E. Increase Efficiency

Policy Statement:
Salem- Keizer Transit will seek to...

- Target transit investments to areas in the community where land uses, zoning, and transportation policies are supportive of public transit
- Base service decisions on objective monitoring and evaluation of transit services
- Acquire transit vehicles that are suited to the varying service patterns of the operation
- Invest in system improvements that convey travel time advantages to transit
- Generate a minimum of \$100,000 per year in operating savings through internal innovation and cost saving actions
- Where appropriate, contract out and out-source functions and services

Funding for public services in Oregon is tight and competitive, and the public expects a high level of organizational and operational efficiency for its tax dollar. One of the primary areas of emphasis in this management plan is in increasing the efficiency and effectiveness of the service provided to the Salem/Keizer area.

The plan also calls for a system of measuring and evaluating progress, and reviewing SKT’s performance over time, and in comparison with the job being done by other Northwest transit operators. Quarterly and annual evaluations of service will help SKT make practical and timely decisions about the services it provides.

F. Enhance Revenues

Policy Statement:
Salem-Keizer Transit will seek to...

- Diversify and expand transit’s funding base
- Adopt fare policies which ensure that transit users pay an equitable share of the system’s operating costs
- Coordinate with local jurisdictions to optimize the allocation of tax resources
- Actively pursue grant opportunities for all eligible Cherriots programs

Only two significant sources of local revenue are subject to SKT control: property taxes and passenger fares. Other major sources include State funding, Federal funds, and revenues. The size of SKT's reserve fund is diminishing. Federal funding has shown reasonable increases over the years, but is at the discretion of governmental budgeting policy. State funding has been reasonably consistent and has grown, but it too is at the discretion of the governor and legislature.

G. Ensure Safety and Security

Policy Statement:

Salem-Keizer Transit will...

- Ensure safe and secure transit facilities
- Continuously monitor and evaluate the safety of transit patrons
- Provide appropriate safety training to all SKT staff

The safety of passengers in Cherriot's buses and facilities is as fundamental a concern for SKT as providing mobility. The public has indicated that security is a major issue. Any subrecipient receiving Section 5310 grant funds would also be expected to provide similar levels of security.

A Coordinated Planning Process

The goal of the FTA Section 5310 Program administered by SKT falls in line with federal guidelines. This goal is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the transportation mobility options available in the Salem-Keizer UZA. A complementary State-run program called the Special Transportation Fund also provides funding for seniors and individuals with disabilities. As mentioned in the introductory remarks above, many of the processes of administering the 5310 Program follow the same process as the STF Program since the goals and objectives of the two programs are very similar and the Board of Directors have established this process which has proved successful for over 30 years.

Before a project can be awarded funds, the project must be certified by the Salem-Keizer Transit Board of Directors that it is included in a locally developed Coordinated Plan. The Coordinated Plan was developed in 2009 to establish long-term goals for providing transportation services to seniors and individuals with disabilities, including the process for long-range planning and consultation with elected officials. This document builds on a previous planning effort completed in 2007, the *Specialized Transportation Plan for Polk and Marion Counties*. The Coordinated Plan lists several strategies which articulate the regional goals and objectives of the Section 5310 Program. Table 2 lists eligible project strategies to meet these identified needs:

Table 2. List of Potential Projects or Service Improvements Intended to Mitigate the Gaps or Unmet Needs of Seniors and Individuals with Disabilities in the Salem/Keizer UZA

Unmet Transportation Need	Strategy
Seniors need an inexpensive way to get groceries	Maintain current RED Line shopper shuttles
Lack of sidewalk infrastructure and challenging geography limit mobility of seniors and individuals with disabilities	Maintain current RED line dial-a-ride service
Access to and availability of information, education, and outreach about the range of transportation providers and services	Produce a coordinated marketing plan to identify the key regional transit markets and develop strategies to reach them
Training of social service agencies and hospitals about local transportation options	Mobility management coordination between SKT and organizations serving seniors and individuals with disabilities
Maintain and enhance service connectivity among local operators	Develop and implement connectivity improvements, such as shared marketing, information sharing, signage, coordinated transfers, etc.
Old worn-out vehicles should be replaced	Replace vehicles that have reached the end of their reasonable service life
Increase non-urgent medical transportation options	Work with hospitals to determine mobility management needs to serve seniors and individuals with disabilities who currently identify transportation as a barrier to getting to their appointments

2. Roles and Responsibilities

Salem-Keizer Transit serves as the designated recipient for FTA Section 5310 funds for the Salem/Keizer UZA. As the designated recipient of these funds, SKT conducts a selection process to determine the use of the funds, and to certify that projects were derived from the Coordinated Plan. SKT separates the selection process for FTA-direct 5310 dollars with the process for selecting ODOT pass-through 5310 dollars, but the procedures for selecting projects for the two programs are the same. These procedures involve the Special Transportation Fund (STF) Advisory Committee, a Board-appointed committee which acts in an advisory function to the SKT Board of Directors who have the final authority for making funding determinations. If selected by the SKT Board of Directors for a grant, the subrecipient, as defined in Section 4 “Eligibility requirements,” enters into a formal contract with SKT ensuring that all state and federal laws and regulations are followed.

The Oregon Department of Transportation (ODOT) administers Oregon's Special Transportation Fund, which designates the counties, transportation districts and Indian tribes as STF Agencies to administer STF in their respective jurisdictions. SKT is one such designated STF Agency in the state. The STF has a similar mission to the federal 5310 grant program since it was established to support seniors and individuals with disabilities. An administrative rule requires that all STF Agencies prepare a plan to guide the investment of STF moneys to maximize the benefit to the elderly and individuals with disabilities within that area. In early 2007, ODOT issued guidance to STF agencies to indicate that the two planning efforts would be combined into a single document, referred to as a "Coordinated Plan."

STF Advisory Committee Roles and Responsibilities:

- Conduct the screening and selection process for 5310 grant applications;
- Determine subrecipient and project eligibility including determination of whether the project is listed in the current Coordinated Plan; and
- Develop and approve the annual Program of Projects (POP) to send to the Mid-Willamette Valley Council of Governments (MWVCOG) for inclusion in the regional Transportation Improvement Program (TIP).

MWVCOG Roles and Responsibilities:

- Ensure that the regional TIP is amended to include the approved POP;
- Ensure the planning process to develop the Coordinated Plan is conducted within the framework of the Salem Keizer Area Transportation Study (SKATS)'s 2015-2035 Regional Transportation System Plan (RTSP), the Unified Planning Work Plan (UPWP), and the TIP.

Salem-Keizer Transit Roles and Responsibilities:

- Develop and revise the Public Transit – Human Services Transportation Coordinated Plan for Marion and Polk Counties at least every three years in partnership with ODOT;
- Develop, execute, manage, and amend grant agreements with subrecipients;
- Apply for Federal funds on behalf of eligible subrecipients as identified by SKT and manage the program's Federal grants;
- Complete program grant reporting to the FTA on a quarterly and annual basis;
- Work with subrecipients to procure capital items and ensure compliance with all applicable State and Federal requirements;
- Process payments, draw down federal funds, complete financial audits, and complete grant closeouts;
- Collect and maintain financial reports, operating statistics, and vehicle data from subrecipients;

- Monitor subrecipient compliance with Federal requirements (Title VI, Section 504, ADA, etc.);
- Conduct on-site inspections of subrecipient projects;
- Amend the Salem-Keizer Transit System's Title VI Program, Equal Employment Opportunity (EEO) Plan, Disadvantaged Business Enterprise (DBE) Goals, and other applicable documents to include the FTA-Direct Section 5310 Program;
- Review subrecipients' Title VI, EEO, and DBE programs;
- Investigate and address Title VI, EEO, and DBE complaints;
- Monitor subrecipients' adherence to maintenance plans and safety standards;
- Develop and revise the program's Program Management Plan (PMP);
- Notify eligible subrecipients of application cycles and distribute project application materials;
- Maintain a list of eligible subrecipients;
- Provide technical assistance to eligible subrecipients;
- Develop and conduct the project selection process, which includes:
 - Develop the application form to distribute to eligible subrecipients;
 - Create a Technical Advisory Committee (TAC) to score and select projects for funding;
 - Release a solicitation for project applications to eligible subrecipients;
 - Develop project selection criteria;
 - Receive and review project applications from subrecipients;
 - Present project funding recommendations to the STF Advisory Committee). Advertise TAC and STF Advisory Committee meetings on the cherriots.org website to provide the public and private transportation providers with notice and an opportunity to comment on projects selected for funding;
 - Notify successful subrecipients of their award amounts and reporting requirements;
- Ensure compliance with Section 5310 Program requirements that at least 55 percent of the Federal funding apportionment is used for traditional 5310 capital projects;
- The Coordinated Plan is a living document and updates shall be made continuously. Coordination of projects to ensure compliance shall be an annual review and solicitation of projects to ensure at least 55 percent is used for traditional 5310 projects; and
- Provide demographic data to help subrecipients comply with Title VI requirements.

Subrecipient Roles and Responsibilities

- Inform SKT staff of intention to apply for Section 5310 Program funds, complete and submit application(s), provide project description(s) and funding information, provide follow-up information, and participate in interviews and/or on-site visits if conducted;
- Work with SKT staff to procure capital items; assure the procurement regulations are met;
- Develop and maintain a Maintenance Plan to be held on file with Salem-Keizer Transit;
- Inspect, insure, and maintain all vehicles funded through the program;

- Complete and submit acceptance certifications to SKT upon vehicle delivery;
- Deliver the project as described in the grant project application, including local management and administration;
- Provide financial management of the project, including provision of matching funds and assurance that Section 5310 funds are used for the project identified in the project application;
- Submit financial reports, operating statistics, and vehicle data to SKT on a quarterly basis;
- Maintain a Title VI program and comply with Federal Title VI requirements;
- Submit to on-site inspections as requested by SKT;
- Comply with private sector participation requirements in Section 10 of this document; and
- Comply with all applicable State and Federal requirements.

3. Coordination

Coordination is an ongoing process that parallels the process for STF allocations, involves a public input process through the STF Advisory Committee and the development of the Transportation Improvement Program (TIP) by the MWVCOG, and eventually the Board of Directors comprised of Elected Officials make final funding decisions based on input from SKT staff, the STF Advisory Committee, and the general public.

Public Participation Process

Coordination with MWVCOG staff ensures that all 5310 projects are listed in the Transportation Improvement Program (TIP), which lists all federally funded transportation projects in the region. For public transportation projects, the public participation process for the TIP satisfies the public participation process and timing for the Program of Projects. All projects considered for funding must be reviewed by the STF Advisory Committee, which is aware of all funding for projects serving seniors and individuals with disabilities. The STF Advisory Committee uses the Coordinated Plan as a guide for the coordination of projects. This prevents the duplication of services to any target group.

For example, the following non-profit organizations work with SKT on a regular basis SKT's ongoing relationships with local non-profit agencies include the United Way of the Mid-Willamette Valley, the Mid-Willamette Community Action Agency, Northwest Senior and Disability Services, The Garten Foundation, Rockwest Industries, Shangri La Corporation, The Tribal Governments involved with the Chemawa Indian School, and Catholic Community Services.

In developing the Coordinated Plan, SKT integrated information from local and regional demographics and residential/employment growth trends, ridership and productivity of existing services, intra-county and inter-county commute data, land use patterns with data gathered from stakeholders through interviews, surveys and focus groups. Stakeholder

groups included the members of the Technical Advisory Committee, drivers, dispatchers, passengers, SKT staff and the staff from human services agencies whose service to clients dovetail with transit services. The parent document, known as The Specialized Transportation Plan for Polk and Marion Counties, contains three consistent themes:

1. Improved access to and availability of information, education, and outreach about the range of transportation providers and services is needed in both the urban and rural areas.
2. Enhanced coordination among the existing transit service providers, along with limited participation by human service providers, is required to enhance regional mobility.
3. Transit service improvements are needed in the urban and rural areas, primarily through enhanced frequencies and route timing corrections, but also through some restructuring of current CARTS service. Additional funding would be required to increase frequencies of CARTS buses.

4. Eligible Subrecipients

SKT as a designated recipient of Section 5310 funds, may allocate apportioned funds to eligible subrecipients which are limited to:

- a. A private non-profit organization; or
- b. A state or local governmental authority that:
 - 1) Is approved by a state to coordinate services for seniors and individuals with disabilities; or
 - 2) Certifies that there are no non-profit organizations readily available in the area to provide the service (C_9070.1G, p. II-1 & II-2).

At this time, SKT does not have any eligibility requirements more restrictive than the Federal guidance.

The eligible subrecipients within the Salem/Keizer UZA for traditional Section 5310 projects are:

- State, County, tribal, or local government authorities who are approved by SKT to coordinate services for seniors and individuals with disabilities;
- Private non-profit organizations that provide transportation services targeted to seniors and people with disabilities and:
 - Services provided are not duplications of existing public transportation and the non-profit organization must demonstrate that the investment of grant funds benefits the community's overall transportation program, including meeting needs otherwise not met.
 - Non-profit agency applicants must submit documentation of non-profit status when submitting an application for funding. The Oregon Secretary of State maintains a website listing all non-profit agencies with current business

registrations. SKT checks the status of non-profit applicants prior to completing agreements and amendments, at a minimum.

- A plan for sharing vehicles must be provided with applications for agencies providing transportation services to clients only (service is not open to the public or non-client seniors or individuals with disabilities).

5. Local Share and Local Funding Requirements

The requirements for local match of federal funds are detailed in Chapter III, item 16 of the C.9070.1G document (p. III-16 and III-17). SKT does not require a local funding match greater than the Federal requirement. In general, a 20 percent local match is required for capital projects and a 50 percent local match for operating costs. The Special Transportation Fund (STF) Formula Program administered by the ODOT Rail and Public Transit Division is usually used for the local match of Section 5310 projects. STF dollars are entitlement funds appropriated by the legislature each biennium based on population, application, and administrative cost allocation. STF funds come from State cigarette, photo ID card, and non-highway gasoline taxes, and are allocated to the agencies based on population.

6. Project Selection Criteria and Method of Distributing Funds

Planning for Section 5310 projects is included in the three-year Marion and Polk Counties Coordinated Public Transit – Human Services Transportation Plan (The Coordinated Plan). This planning process is conducted within the framework of the Salem Keizer Area Transportation Study (SKATS)'s 2015-2035 Regional Transportation System Plan, the Mid-Willamette Valley Council of Governments (MWVCOG) Unified Planning Work Plan (UPWP), Transportation Improvement Program (TIP), and the SKT Strategic Plan.

Annual program funding will use a competitive process as outlined below. SKT will solicit project applications from eligible subrecipients based on a timeline that is established each year by SKT staff.

There are four major criteria used to select and distribute Section 5310 dollars:

1. An assessment of current transportation services
2. An assessment of transportation needs
3. Identification of strategies, activities and/or projects to address the identified transportation needs (as well as ways to improve efficiencies)
4. Implementation of priorities based on funding, feasibility, time, etc.

Projects funded through the Section 5310 program are derived from The Coordinated Plan and meet the intent of the program. Proposed projects are brought forward through the SKT's Special Transportation Fund Advisory Committee.

Projects selected using the four criteria defined above reflect an evaluation of program needs and the potential to match the need with projected funding, the number of constituents to be served, staffing resources, and potential coordination with other community services. A Technical Advisory Committee (TAC) composed of members of the public and the Mid-Willamette Valley Council of Governments (MWVCOG) receives the applications and hears presentations given by applicants to make informed recommendations for proposed projects on an annual basis. The TAC recommends a project list to the STF Advisory Committee, which makes the final recommendation to the

SKT Board of Directors, who ultimately have final authority for deciding which projects will be funded.

Applications are solicited on the cherriots.org website, by publishing a public notice in the Statesman Journal newspaper, and by sending e-mail solicitations to known providers and via Facebook and other social media channels. The application process is used for all projects. The outline that follows provides a step-by-step process used by the SKT Planning Analyst who coordinates the solicitation process:

- Advertisements for applications are placed on the cherriots.org website, by publishing a public notice in the Statesman Journal newspaper, and by sending e-mail solicitations to known providers;
- A list of every provider receiving the application solicitation is maintained;
- Should addenda be required, copies are issued to all receiving the applications
- SKT staff document date and time applications are received by the published closing date;
- Responses are reviewed for completeness including:
 - Required forms, etc.
 - Listing of references, qualifications, other documents
 - Original copy is identified as the document of record
- Application review by Technical Advisory Committee (TAC) composed of at least four voting members of the STF Advisory Committee and three members of the public including one representative from the Mid-Willamette Valley Council of Governments (MWVCOG);
 - Copies of applications are provided to each TAC member, along with evaluation sheets;
 - One evaluation meeting is conducted where applicants are requested to give a short oral presentation on their proposed project and answer any questions that TAC members have;
 - Evaluation sheets are scored, recorded and tabulated for consensus;
 - References are checked to verify projects given as samples;
 - A recommended Program of Projects is forwarded to the STF Advisory Committee from the TAC;
 - The STF Advisory Committee develops the final recommendation for a Program of Projects (POP) to go to the SKT Board of Directors for approval;
 - The SKT Board of Directors vote on the final project recommendation from the STF Advisory Committee, and the approved list is funded.
- Follow-up to provider selection:
 - Notification letter is mailed to all responders indicating approved projects;
 - Response is made to protests, should any arise, along with documented findings;
 - Board action request is written for approval of contract writing;
- Contract with approved provider is developed;
 - Signed contract is mailed with request for insurance certificates;
 - Receipt of contract with all necessary attachments;

- Notification is mailed to proceed with timeline of contract activities;

7. Annual Program of Projects Development and Approval Process

SKT is responsible for conducting a local public process to solicit, review and prioritize projects for funding. The review includes evaluation of applicant eligibility, project type and justification, merit, coordination efforts, public involvement, and environmental justice. SKT may establish other review criteria as well, such as local priorities, project planning, efficiency and effectiveness. The SKT Board of Directors' review utilizing the STF Advisory Committee as a resource assures that projects are derived from The Coordinated Plan.

The application process will be led by SKT staff. Each application cycle will have guidance, application forms, and specific tasks, deadlines, and meeting dates that will be identified in the materials that are distributed to eligible subrecipients as appropriate.

1. SKT staff informs eligible subrecipients of the upcoming application cycle. Along with a public notice published in the local newspaper (The Statesman Journal), the notice of availability is posted on SKT's website and through its chosen social media channels such as Facebook and Twitter. SKT's non-profit organization contacts such as the United Way, Catholic Community Services, and Garten Services are also notified of the available funds when the notice is published in order to maximize feasible participation by private providers of public transportation.
2. Eligible subrecipients notify SKT staff of intention to apply;
3. Completed applications are due to SKT staff;
4. The Technical Advisory Committee reviews and scores the eligible projects to determine which projects receive funding;
5. SKT staff prepares a draft POP for review by the STF Advisory Committee;
6. The SKT Board of Directors considers the STF Advisory Committee's POP for Section 5310 Program funding;
7. SKT staff notifies applicants of the Board's approval of projects for Section 5310 Program funding;
8. Applicants receiving Section 5310 funding work with SKT staff to develop project agreements;
9. SKT staff apply to the FTA for funding for the projects on behalf of the subrecipients.

Applicants that are approved for capital funds should contact SKT staff as soon as possible to begin the procurement process. Applicants that are approved for operating funds should contact SKT staff as soon as possible to develop project agreements.

Applications received from eligible subrecipients are reviewed by SKT staff and the Technical Advisory Committee (TAC). The TAC organized by the STF Advisory Committee will review and score eligible projects based on the criteria outlined in Section 6 above and will forward a recommended POP to the Board of Directors for review and approval. Upon approval by the SKT Board of Directors, the Board will direct SKT staff to

forward the POP to the Mid-Willamette Valley Council of Governments (MWVCOG) for incorporation into the Transportation Improvement Program (TIP). The POP must be consistent with the TIP in that all the projects in the POP must also be included in the TIP. The total Section 5310 Program funding programmed in the TIP in each year cannot exceed the annual allocation of Section 5310 Program funds for that year. The requirements for the POP include:

- The total number of subrecipients;
- Identification of each subrecipient, including whether they are governmental authorities, private non-profit agencies, or Indian tribal governments or tribal transit agencies;
- A description of each project;
- The total project cost and the Federal share; and
- Whether each project is a capital or an operating expense and whether or not it meets the requirements for a “traditional Section 5310 capital” project.

The STF Advisory Committee may recommend that a project receive only part of the funding requested in an application due to limited Section 5310 Program funding available. This may result in a reduced Federal share for a project, or only part of the project being implemented.

Following review by the STF Advisory Committee and the SKT Board of Directors, applicants are notified of the action by SKT staff. The approved POP is then forwarded to the MWVCOG, which enters the projects into the TIP. SKT staff then forwards the POP to the FTA and works with subrecipients to implement. Amendments to the POP are conducted as needed using the same process. A chronological summary of the application schedule process is shown in Table 3:

Table 3. Typical Annual Application Process Schedule

Date	Event Description
Early December	SKT issues the notice of funding availability including posting applications on the cherriots.org website
Early January	Application deadline
Late January	<ul style="list-style-type: none"> • Applications processed by SKT staff and submitted to TAC • TAC reviews applications and makes recommendation of a POP to the STF Advisory Committee
Early February	STF Advisory Committee receives TAC’s recommended POP and makes their own recommendation to the SKT Board of Directors
Late February	SKT Board of Directors receives recommendation from the STF Advisory Committee and makes final ruling on funding
April	Applications submitted in TEAM

Appeals of Project Selection Process

Should an applicant feel that the project selection process was unfair or inappropriate, they can submit a formal appeal of the process to the Section 5310 Program Manager at the following address:

Salem-Keizer Transit
c/o Section 5310 Program Manager
555 Court St. SE, Ste. 5230
Salem, OR 97301

A review of the process will be completed within two weeks of the receipt of the appeal, and the applicant will be contacted with the results of the appeal.

8. Administration, Planning, and Technical Assistance

SKT documents the procedures for administering the FTA-direct Section 5310 grant in this Program Management Plan. Future transportation needs will be identified through the updating process of The Coordinated Plan, which shall be updated every three years. As stated in FTA Circular 9070.1G, and in accordance with Section 6 above, SKT will:

- a. Develop project selection criteria consistent with the coordinated planning process;
- b. Notify eligible local entities of funding availability;
- c. Solicit applications from potential subrecipients;
- d. Determine applicant and project eligibility;
- e. Certify that allocations of funds to subrecipients are made on a fair and equitable basis;
- f. Submit an annual POP and grant application to FTA;
- g. Ensure subrecipients comply with federal requirements;
- h. Certify that all projects are included in a locally developed, coordinated public transit-human service transportation plan developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public;
- i. Certify that to the maximum extent feasible, services funded under Section 5310 are coordinated with transportation services assisted by other federal departments and agencies;
- j. Ensure that at least 55 percent of the area's apportionment is used for traditional Section 5310 projects carried out by the eligible subrecipients as described in Section 5 of Chapter III of this circular; and
- k. Oversee project audit and closeout.

SKT has the option to reserve ten percent of the total Section 5310 apportioned to SKT to cover administrative costs of the grant. This will cover SKT's internal costs for administering the grant. Technical assistance is provided to subrecipients of Section 5310 grants to ensure compliance with federal and State regulations including Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO), and Title VI provisions.

9. Transfer of Funds

In accordance with FTA circular 9070.1G, page III-6, #10a and 10b, funds apportioned to large urbanized areas may not be transferred to other FTA programs or to other areas of the state.

10. Private Sector Participation

In order to meet the 55 percent traditional projects goal, private non-profits must be solicited for participation in the program. The other 45 percent of the program is geared towards the for-profit private sector. Along with a public notice published in the local newspaper (The Statesman Journal), the notice of availability is posted on SKT's website and through its chosen social media channels such as Facebook and Twitter. SKT's non-profit organization contacts such as the United Way, Catholic Community Services, and Garten Services are also notified of the available funds when the notice is published in order to maximize feasible participation by private providers of public transportation.

Contacts at the Salem and Keizer Chambers of Commerce also post notices of funding availability. Two other channels for outreach are the Salem-Keizer Transit Board of Directors who are elected officials with many contacts with local organizations and a list of minority-based organizations such as the Latino Business Alliance.

11. Civil Rights

SKT adopted its current Title VI Program in May 2014 using the most recent federal guidelines. This program details how SKT meets federal civil rights requirements and includes the policies that prevent discrimination against populations of racial minorities, people of other national origins, and people of color. The adopted Program includes clauses that require SKT to monitor its subrecipients of Section 5310 funds for Title VI compliance. All subrecipients must comply with Title VI regulations (as well as Equal Employment Opportunity (EEO) and Disadvantaged Business Enterprise (DBE) requirements), or risk federal funding cancellation and withdrawal. SKT holds regular consultations with its subrecipients and offers technical assistance for complying with these requirements. Each contract signed between SKT and its subrecipients includes provisions for compliance with the Title VI, EEO, and DBE federal laws. The details of procedures and methods for monitoring the subrecipients are as follows:

SKT Responsibilities:

- a. Obtain a signed certification of compliance from all subrecipients each year;
- b. Include non-discrimination clauses in all grant agreements;
- c. Maintain a list of all 5310 funding applications and ensure those projects serving minority populations have equal opportunity for funding;
- d. Ensure SKT's project evaluation and selection processes are non-discriminatory;
- e. Review all informal complaints received by SKT that may be a "civil rights" issue and provide technical assistance to agencies or individuals;
- f. Refer information on active lawsuits or complaints to SKT's Civil Rights Officer;

- g. Review Civil Rights compliance during on-site program reviews;
- h. Review Title VI compliance during on-site program reviews; and
- i. Notify the public of SKT commitment to providing non-discriminatory programs, and inform the public how to find more information and file a discrimination complaint.

Subrecipient Responsibilities:

- a. Provide annual Title VI assurances. First time applicants, in addition to assurances, shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency.
- b. Develop a Title VI complaint form and procedures;
- c. Record and report Title VI investigations, complaints, and lawsuits. Report to SKT a concise description of active lawsuits or complaints alleging discrimination in service delivery in the past three years. The report must disclose the status or outcome of lawsuits or complaints, and summarize all civil rights compliance review activities conducted during the three-year period.
- d. Provide meaningful access to Limited English Proficiency (LEP) Persons;
- e. Provide information to the public. Post information on website, buses, brochures, etc.
- f. Provide additional information upon request;
- g. Prepare and submit a Title VI Program/Report to SKT. Submit general information to determine compliance with Title VI. Submission shall include:
 - A summary of public outreach and involvement activities and the steps taken to ensure minority and low-income people had meaningful access to these activities;
 - A copy of the agency's plan for providing language assistance for persons with limited English proficiency;
 - A copy of agency's procedures for tracking and investigating Title VI complaints;
 - A list of Title VI investigations, complaints, or lawsuits filed with the agency since the last submission. The list should include only those that pertain to public transportation; and
 - A copy of the agency's notice to the public that it complies with Title VI and instructions to the public on how to file a complaint.
- h. Integrate environmental justice analysis; and
- i. Seek out and consider viewpoints of minority, low-income and LEP populations.

Civil Rights assurances are submitted to FTA with every application of Section 5310 funds. Civil Rights assurances extend to the subrecipient's entire facility and services. Subrecipients are required to keep a record of all complaints and are required to report to SKT any formal (written) complaints of discrimination in the provision of transportation-related services or benefits.

Environmental Justice

Agencies receiving federal grant funds are required to assure nondiscrimination under Title VI of the Civil Rights and other related laws. Environmental justice specifically addresses minority and low income populations: a 1994 Presidential Executive Order directed every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on “minority populations and low-income populations.”

Subrecipients support Title VI and environmental justice when they:

- a. Assure new investments and changes in transit facilities, services, maintenance and vehicle replacement deliver equitable levels of service and benefits to minority and low-income populations.
- b. Avoid, minimize or mitigate disproportionately high and adverse effects on minority and low-income populations.
- c. Assure that public involvement activities identify and involve minority and low-income populations when making transportation decisions.
- d. Engage in planning related to development of transit services and capital purchases, they are expected to include consideration of “environmental justice.”

SKT Responsibilities:

- a. Provide technical assistance to help subrecipients with outreach to minority and low income populations.

Subrecipient responsibilities:

- a. Consider transportation needs of minority and low-income populations, as well as others, in all planning processes, including mobility issues, access to jobs and services, level of service and service equity.

Disadvantaged Business Enterprise Program

As a recipient of FTA funds, SKT is required to implement a program that provides the maximum opportunity for Disadvantaged Business Enterprises (DBEs) to compete for contracts financed by Federal funds. It is the policy and intent of SKT to practice nondiscrimination and to create a level playing field on which DBEs can compete fairly for contracts. The DBE program affects all of SKT's federally funded projects. Regulations are found at 49 CFR, Parts 23 and 26.

SKT Roles and Responsibilities

- a. Assure that provisions of the DBE Program are adhered to by SKT, FTA grant subrecipients and contractors; and initiate and maintain efforts to increase DBE Program participation by disadvantaged businesses;
- b. Include DBE requirements in all grant agreements;
- c. Assist subrecipients to obtain information on DBE businesses in their geographic areas; and
- d. Require subrecipients to submit semiannual DBE reports on capital, materials and supplies, and professional services expenses and quarterly ARRA DBE reports on the same.

Equal Employment Opportunity

SKT is responsible both for its own compliance and for ensuring that local subrecipients are in compliance with the Equal Employment Opportunity Act (EEO). The threshold for compliance is receipt in the previous fiscal year of \$1 million or more in FTA assistance, and 50 or more mass transit-related employees. SKT has an EEO plan covering its employees.

In addition, SKT may require documentation from any subrecipient as it deems necessary to assure that there is no discrimination on the basis of race, color, creed, national origin, sex, age or disability. Reference is found at FTA C 9070.1.G. SKT will post EEO information in a place readily accessible by employees; will include an EEO statement in all job advertisements, and will review EEO practices by subrecipients during on-site reviews.

12. Section 504 and ADA Reporting

Section 504 of the Rehabilitation Act of 1973 preceded the Americans with Disabilities Act (ADA). Section 504 prohibits discrimination on the basis of handicap by recipients of federal financial assistance. US DOT's Section 504 regulations remain in effect. The USDOT issued regulations to implement the ADA effective January 26, 1992.

The Americans with Disabilities Act (ADA) is a civil rights law enacted by the U.S. Congress in 1990. The FTA enacted regulations in support of the ADA that define the delivery of transportation services. The regulations require specific actions on the part of transit providers. The FTA regulations are found in the U.S. Department of Transportation 49 CFR Parts 27, 37 and 38: Transportation for Individuals With Disabilities; Final Rule, Friday September 6, 1991. These regulations apply to all providers of public or private transportation services whether or not they receive state or federal funding assistance. These rules are available on the Federal Transit Administration's website http://www.fta.dot.gov/civilrights/civil_rights_2360.html.

As a condition of grant funding, subrecipients must demonstrate compliance with the ADA and the FTA's implementing regulations. Agencies will demonstrate compliance through their day-to-day operating procedures, their planning and management of transit services, public involvement and information, vehicle procurement and other activities.

Each transit agency will have written policies and procedures designed to meet the requirements. For example, the vehicle maintenance policy will include maintenance of the ADA accessible features (the lift, etc.); the employee-training plan will include ADA topics. If the agency contracts out any or all of the service, the agency must be knowledgeable about how the contractor maintains compliance. ADA compliance is not a one-time effort and compliance must be consistently maintained by the agency over time. New employees or changing services are not an excuse for lack of compliance.

SKT staff will routinely evaluate each subrecipient program for compliance to the ADA. Oversight will include site reviews, desk audits, review of policies and procedures,

information from substantive complaints, and other means. SKT will also provide technical assistance upon request.

Summary of ADA Requirements

The regulation is divided into compliance areas primarily associated with the following terms: Public, Private, Fixed-route and Demand-response. There are other related terms. Review the definitions at 49 CFR Part 37 subpart A §37.3.

- a. Public means any state or local government and any department, agency, special purpose district, or other instrumentality of one or more state or local governments;
- b. Private means any entity other than a public entity;
- c. Fixed route system means a system of transporting individuals on which a vehicle is operated along a prescribed route according to a fixed schedule;
- d. Demand responsive system means a system of transporting individuals that is not a fixed route.

Compliance to the ADA requires that subrecipients comply with “stand-in-the-shoes” relationships. Generally, stand-in-the-shoes means that the subrecipient must follow the same regulations as the contracting agency. For example, if a private entity is operating under contract to a public entity, then a stand-in-the-shoes relationship exists and the contracted service must conform to those required of a public entity. There are instances where a public entity receives funds on behalf of a private non-profit entity. When the public entity on its own would not operate the transit service, and the service design, implementation and management is entirely the responsibility of the other entity, then the relationship between the two is defined as “pass-through” and the stand-in-the shoes definition does not apply. SKT staff must be knowledgeable and in agreement with how roles and responsibilities are defined.

13. Program Measures

SKT requires its subrecipients to collect and report data described in Chapters II and VI of FTA circular C_9070.1G. Reports are submitted quarterly with their claims for reimbursement and staff provides copies at the STF Advisory Committee meetings. If any questions arise, they can be handled promptly and with the least disturbance to the services provided. SKT staff reports subrecipients’ data such as ridership and mileage to FTA on a quarterly basis in accordance to FTA’s reporting requirements. Typically, subrecipient ridership and mileage data is reported by SKT staff to the National Transit Database (NTD) every quarter.

Quarterly Reports

Quarterly reports are due to SKT 20 business days following the end of each quarterly period – January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Data requested could include the following items, but would be listed on the report form. These reports must be submitted to SKT on a quarterly basis for each vehicle, transportation program, or other service funded through the Salem/Keizer Urbanized Area’s Section 5310 Program:

- A narrative describing accomplishments and/or problems and changes to milestones and budgets;
- A copy of all recorded civil rights or Title VI complaints;
- The actual or estimated number of one-way unlinked passenger trips (if applicable), and the categorical purpose of each trip (if known, optional);
- The actual or estimated statistics related to delivering mobility management, fixed-route orientation, client eligibility, or similar services; such as contacts through call centers, website visits, and training sessions;
- Physical improvements completed (such as sidewalks, transportation facilities, or technology);
- Quarterly revenues and sources of revenue for the project;
- Quarterly capital and operating costs (separated);
- Quarterly actual or estimated vehicle revenue miles (required) and hours (if known);
- Fleet summary including year, mileage, make/model, accident reports, and relevant features; and
- Inventory of related facilities.

Annual Reports

SKT will submit required annual Section 5310 reports to the FTA by October 31 of each year, covering a 12-month period ending on September 30. SKT will be responsible for consolidating this data from monthly reports and may request additional information from subrecipients.

National Transit Database (NTD) Reporting

Subrecipients must provide SKT with information necessary for SKT to file annual NTD reports, if and when applicable. The necessary information, which commonly includes vehicle miles and hours, passenger trips, and financial information, will vary depending on the project and subrecipients must coordinate with SKT to determine what is necessary. NTD information is due to SKT by March 15 annually.

SKT will use these reports to monitor subrecipient fiscal and operational management and to satisfy Federal reporting requirements. SKT will schedule on-site visits with subrecipients on a triennial cycle to review operations and maintenance records. In addition, to improve subrecipient monitoring procedures, SKT staff may request and review supporting documentation, including local match documentation, for one subrecipient's reimbursement request per quarter. Selection of the reimbursement request will be based on either a risk assessment or random selection.

Performance Measures

Consistent with federal guidelines and as incorporated in the subrecipient agreement, subrecipients will be asked to show (as applicable) all increased activity due to the grant funded project, such as:

- Actual annual number of rides (as measured by one-way trips) as a result of the implementation of 5310 program; and

- Annual increases or enhancements related to geographic coverage, service quality and/or service times that impact the availability of transportation services for individuals with disabilities.

The subrecipients will also work jointly with SKT to establish other performance indicators that are more specific to their projects to measure relevant outputs, service levels, and outcomes. Subrecipients will be required to report these performance measures on a quarterly basis as required by SKT and FTA.

14. Program Management

Salem-Keizer Transit complies with the federal Office of Management of Budget (OMB) regulations for the management and oversight of federal grant funds. These requirements are defined by the various OMB circulars. The requirements for the FTA further define the requirements as defined by 49 USC 53, and are detailed by the program circulars. A complete list of program references and requirements is found in each of the FTA circulars. A few of the relevant references are:

- 2 CFR 200 (previously 49 CFR 18 and 49 CFR 19);
- 49 USC Chapter 53: <http://uscode.house.gov/download/pls/49C53.txt>
- FTA grant circulars: http://fta.dot.gov/legislation_law/about_FTA_circulars_guidance.html
- FTA circular 5010.1D (grant management): http://fta.dot.gov/legislation_law/12349_8640.html
- FTA C 4220.1F (procurement): http://fta.dot.gov/legislation_law/12349_8641.html

Program management responsibilities, processes, and procedures including procurement, financial management, property management, vehicle use, maintenance and disposition, accounting systems, audit, and closeout are documented in SKT's Finance Manual. Furthermore, SKT follows and complies with the ODOT State Management Plan on all of the aforementioned topics. Procedures for management of financial reviews and project monitoring can also be found in the SKT Finance Manual.

Management of Subrecipients

The activities described below are part of the oversight and project management activities necessary to ensure that projects funded with 5310 funds are implemented in accordance to FTA 5310 Program guidelines and funding agreements. SKT's responsibilities are outlined below:

Monitoring and reporting

- Monitor expenses and reimbursements to subrecipients to ensure compliance with the federal grant award and the subrecipient agreement;
- Work with SKT's Finance Department to include project-related information in SKT's financial system, such as project grant number, amount, and funding sources. This information is needed for accounting and monitoring of project funding and expenses.

- Review subrecipient invoices for accuracy, ensure that the required documentation is on file and payments are made as approved;

Procurements Including Debarment and Suspension

- Compile and distribute FTA procurement guidelines to all subrecipients;
- Work with all subrecipients to analyze, evaluate, and answer any particular procurement questions they may have relevant to their project(s);

Financial Management Including FTA Electronic Grant Management System

- Prepare quarterly status progress reports and financial reports and report to FTA's Transportation Electronic Award and Management System (TEAM) prior to the deadlines; TEAM will be converted to FTA's new system, Transit Award Management System (TrAMS), sometime in the Fall, 2015;
- Analyze monthly or quarterly project expenses and reimbursements from the FTA and reconcile with FTA's TEAM (eventually TrAMS) system for accuracy;

Property Management and Vehicle Use

- Monitor, through yearly site visits, project implementation activities and ensure compliance with federal and contractual requirements;
- Analyze project activities and determine if any changes to the budget, scope, or schedule are required;

Vehicle Maintenance and Disposition

- Monitor subrecipients vehicle reports to ensure vehicles are maintained in good or better condition and are used for the purposes described in the grant agreement;
- Make necessary repairs to vehicles in a timely manner. Subrecipient must report when a vehicle is out of service for repairs;
- Subrecipients are required to contact SKT when vehicles have reached the end of their useful life and the subrecipient can no longer use them, the original purpose for the vehicle changes, the service is terminated, or the project ends.
- SKT will work with FTA for disposition guidance per 5010.1D or current version at the time of disposal.

Agreements, Accounting System, Closeout, and Audits

- Accordingly, initiate and prepare any needed grant and subrecipient agreement amendments prior to requesting FTA's approval to grant revisions;
- Prepare and file grant budget revisions;
- Evaluate, prepare and file grant and subrecipient agreement closeout documents; and
- Work with subrecipients to set performance measures through the life of the project to track its effectiveness and progress, as described in the Performance Measures section below and in the subrecipient agreement.

As part of the oversight and project management activities, each project will be assigned an agreement number that will be linked to the FTA grant funding the project.

15. Other Provisions

Salem-Keizer Transit complies with other Federal requirements such as environmental protection, Buy America provisions, pre-award and post-delivery reviews, restrictions on lobbying, prohibition of exclusive school bus transportation, and drug and alcohol testing, including the State's procedures for monitoring compliance by subrecipients. Moreover, subrecipients of 5310 funds will be monitored by SKT staff for compliance in all of the above mentioned areas. The following describes SKT's and subrecipients' responsibilities for complying with each provision:

Environmental Protection

FTA's environmental protection process is based on compliance with the National Environmental Policy Act (NEPA) and rules adopted by FTA to comply with the Act in transportation-related projects. The FTA's regulation requires different levels of analysis and documentation for the various types of funding.

Most projects funded with federal funding are excluded from FTA environmental regulations because they fall into the "categorical exclusion" definition. The FTA classifies two groups of projects which are "categorically excluded":

- a. The first are activities and projects which have very limited or no environmental effects, such as planning, design, administration and operation of transit programs, and vehicle purchases. For these activities, no environmental documentation is required and subrecipients do not have to fill out a Documented Categorical Worksheet (DCE) form.
- b. The second group includes construction projects with potential for environmental impacts: passenger shelters, bus barns, new construction or expansion of transit service facilities, offices and parking facilities.

FTA determines whether projects meet the requirements for a categorical exclusion.

SKT Responsibilities:

- a. Review projects to determine those that must have DCE approval, ensure the required documents are provided, and submit the DCE packet to FTA on behalf of the subrecipient;
- b. Provide technical assistance as needed to help subrecipients prepare the required DCE information for FTA; and
- c. Assure a DCE approval for a project has been obtained from FTA prior to finalizing a grant agreement.

Subrecipient Responsibilities for Categorical Exclusions:

When a subrecipient's project requires FTA approval, in category 'b' above, these are the steps required to obtain a DCE for the project:

- a. Review the "Construction Project Environmental Requirements Flow Chart:"
<http://www.oregon.gov/ODOT/PT/PROGRAMS/CAPITAL/SheltersFacilitiesGrants.pdf>
- b. Fill out a Documented Categorical Exclusion form (Access the DCE worksheet from FTA Region 10's Web site at:
http://www.fta.dot.gov/documents/DCE_Worksheet_FTA_2008.12.10.doc and submit the form with appropriate attachments to SKT for processing; and

- c. Do not start work on a construction project until approval of the DCE for the project has been obtained from FTA. Ensure a copy is forwarded to SKT, and that the signed grant agreement with SKT has been received.

Buy America Provisions, Pre-Award/Post-Delivery Certifications, and New Model Bus Testing

Buy America provisions are federal “domestic content” regulations. Buy America affects vehicle and equipment purchases and construction contracts valued at \$100,000 or more. It provides, with exceptions, that federal funds may not be obligated for transportation projects unless the steel and manufactured products used in them are produced in the United States. FTA makes exceptions to the Buy America requirement in four situations (see references: 49 CFR Part 661; 49 CFR Part 663).

FTA reviews requests for waiver of the Buy America requirements on a case-by-case basis. If a waiver is required, the appropriate time for a subrecipient to seek FTA approval is after bids have been accepted, but before the bid has been awarded. SKT will receive requests for Buy America waivers and forward them to FTA.

Requirements in effect as of October 24, 1991: Assure that all vehicles meet the Buy America requirements, Federal Motor Vehicle Safety Standards (FMVSS) and the subrecipient's specifications.

Pre-award and post-delivery certifications: Procurements for vehicles must be in accordance with “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases” (49 CFR Part 633; Federal Register March 31, 1992). The rule requires that any subrecipient who purchases rolling stock certify to the FTA that it has conducted a pre-award and post-delivery audit to assure compliance with its bid specifications, Buy America requirements and Federal Motor Vehicle Safety Standards. Visual inspection and road testing are required when purchasing unmodified vans, cars, or 20 or fewer buses. Resident inspection is required when purchasing more than 20 buses or modified vans from a single manufacturer.

New model bus testing: New bus models must be tested at the FTA sponsored test facility in Altoona, PA before FTA funds can be expended to purchase them. The FTA rule exempts certain vehicles from testing (usually sedans and vans). The primary purpose of the testing program is to determine the strengths and weaknesses inherent in the particular model for typical operating conditions. Ideally, subrecipients use the bus-testing report as one of the criteria used to select the vehicle for purchase.

Subrecipients purchasing equipment with federal funds are currently required to receive the Altoona/STURAA bus test report for each vehicle model purchased and include it in procurement files when the test is required. The report should be provided by the vendor prior to subrecipients signing off on post-delivery certification forms and acceptance of the vehicle(s) from the vendor.

SKT Responsibilities:

- a. Include Buy America, pre-award and post-delivery certifications and New Model Testing requirements in applicable grant agreements;
- b. Review requests for waivers to Buy America requirements and forward them to FTA;
- c. Review agency procedures regarding Buy America, pre-and post-delivery certifications and bus testing requirements during on-site program reviews; and
- d. Review and approve all documentation and certifications provided by the subrecipients prior to making reimbursements on grant agreements.

Subrecipient Responsibilities:

- a. Review the manufacturer's Buy America certification and supporting documentation before a contract is awarded to purchase vehicles (pre-award audit). The documentation review should include vehicle sub-components (place of origin, cost and place of final assembly). Subrecipients must determine to their own satisfaction that the manufacturer can meet the Buy America requirements.
- b. Perform a post-delivery audit after vehicles have been delivered. This post-delivery audit Assures that the manufacturer complied with Buy America, the Federal Motor Vehicle Safety Standards, and the subrecipient's specifications. Subrecipients must complete the post-delivery audits before they accept the vehicles and pay the vendor.
- c. Submit all documentation and certifications to SKT. Documentation must be received by SKT prior to final payment to the subrecipient.
- d. Contact SKT for technical assistance if needed.

Lobbying

Recipients and subrecipients of federal grants from any source exceeding \$100,000 annually must certify that they have not and will not use federally appropriated funds for lobbying. State agencies administering federal programs certify to FTA; subrecipients certify to the state. State agencies and subrecipients must impose lobbying restrictions on their third-party contractors and must obtain certifications. The regulations are found in 31 U.S.C. 1352 and 49 CFR Part 20.

Contracts, grants and cooperative agreements are actions covered by the restrictions on lobbying. For example, activities such as submitting grant applications, status inquiries, and professional and technical services are not lobbying and do not need to be disclosed. Efforts to influence federal officials about specific grants and contracts or to ask congressional representatives for support of a particular application must be disclosed. Lobbying restrictions do not apply to activities that might influence policy issues.

SKT Responsibilities:

- a. Assure that subrecipients have signed current year annual certification and assurances and have documentation on file pertaining to lobbying activities as required by 49 CFR Part 20;
- b. For each quarter that SKT conducts a lobbying activity, complete Standard Form – LLL. <http://www.whitehouse.gov/sites/default/files/omb/grants/sflll.pdf> -- (Oregon state law prohibits use of state funds for lobbying. SKT does not participate in lobby

activity. SKT would submit form LLL if for some reason this activity became part of approved work).

- c. Obtain Standard Form-LLL from any subrecipient and/or its subcontractor(s) who used non-federal funds to support lobbying
- d. Send forms within 30 days of the calendar quarter in which the activities were conducted to ODOT Governmental Affairs office, who prepares the quarterly reports to FTA; and
- e. Assure ODOT Governmental Affairs submits Standard Form-LLL to FTA, as required.

Subrecipient Responsibilities:

- a. Sign annual certification of compliance pertaining to lobbying activities;
- b. Where third party contractors are involved, subrecipients must obtain a signed certification of compliance from the contractor;
- c. For each calendar quarter that non-federal funds have been used to support lobbying activities in connection with a grant from SKT, and the subrecipient receives federal grants exceeding \$100,000, fill out Standard Form-LLL and submit the form within 30 days of the end of the quarter to SKT; and
- d. If contractors received more than \$100,000 in federal funds and used non-federal funds to support lobbying, subrecipients must obtain the completed Standard Form-LLL from the contractor and submit it to SKT within 30 days of the quarter in which the lobbying activity was conducted.

Prohibition of Exclusive School Transportation

Section 5310 subrecipients are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally-funded equipment or facilities may never be used to provide exclusive school bus service. Head Start transportation is considered human service transportation and not school bus service. Regulations are found in 49 CFR Part 605; 49 USC 5323 (f).

Subrecipients are encouraged to identify ways to coordinate with schools. Subrecipients may carry children to school as part of a public transportation program, including services provided before and after school, if provided as part of regularly scheduled service open to the general public and when the service is identified in the published schedule. Such services are commonly called “Tripper Service”.

SKT does not allow subscription programs for carrying school children on general public systems, if by doing so the general public is excluded.

SKT Responsibilities:

- a. Obtain certifications of compliance from all subrecipients;
- b. Review service descriptions in applications for funding;
- c. Review service delivery during on-site reviews to assess compliance; and
- d. Provide technical assistance as needed to subrecipients.

Subrecipient Responsibilities:

- a. Sign a certification of compliance pertaining to School Bus regulations;
- b. Report on tripper services as requested by SKT staff;
- c. Redesign service if required to meet the definition of “tripper service;” and
- d. Read and understand the School Bus regulations if exploring opportunities to share vehicles and resources in local communities.

Drug and Alcohol Testing Regulations

In accordance to FTA circular C_9070.1G, subrecipients that receive only Section 5310 program assistance are not subject to FTA’s drug and alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver’s licenses (49 CFR part 382). Section 5310 recipients and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program.

“Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” 49 CFR Part 655, revised by the FTA August, 2002, implement the omnibus USDOT drug and alcohol testing act. This part and 49 CFR Part 40, “Procedures for Transportation Workplace Drug and Alcohol Testing Programs” describes policy development and testing procedures required of any agency in receipt of FTA funds.

Subrecipients affected by this requirement are expected to establish and manage an ongoing Drug and Alcohol testing program in compliance with the regulations. They must submit a current drug and alcohol policy and any changes or updates to the policy. They must also submit Management Information System (MIS) forms annually to FTA.

SKT Responsibilities For FTA Drug and Alcohol Testing:

- a. Conduct review of program policies and procedures periodically, including during site reviews;
- b. Provide regular drug and alcohol testing training for subrecipients and others who have a role in implementing the program; and
- c. Provide MIS reporting information to subrecipients as necessary; assure subrecipients submit annual MIS reporting data as required.

Subrecipient Responsibilities:

- a. Develop an anti-drug use and alcohol abuse policy statement and program in accordance with FTA regulations, “Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” 49 CFR Part 655, and require subrecipients to develop a program;
- b. Assure that agreements include the requirement as appropriate to the purpose of the work;

- c. Sign a certification of compliance to drug and alcohol programs, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655, and testing for year of funding;
- d. Send policy to SKT upon request; and
- e. Submit MIS data for the previous year (January 1 to December 31) by deadline specified by SKT each year. This is typically at the end of February.