

Program Management and Recipient Coordination Plan  
for the Madison Urbanized Area's Section 5310 Enhanced  
Mobility of Seniors and Individuals with Disabilities Program

Madison Area Transportation Planning Board – a Metropolitan Planning Organization (MPO)

and

City of Madison, Metro Transit

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## Table of Contents

1. Introduction.....	1
2. Summary of the Section 5310 Enhanced Mobility Program .....	3
3. Roles and Responsibilities .....	6
4. Project Selection Criteria and Process.....	8
5. Private Sector Participation .....	12
6. Civil Rights.....	13
7. Maintenance.....	16
8. Section 5310 Program Management.....	17
9. Project Monitoring and Reporting.....	19
10. Other Provisions .....	21
Appendix A – Recipient Designation Letter.....	23
Appendix B – MPO Board Resolution .....	24
Appendix C – References.....	25
Appendix D – Index of Program Management Plan Requirements .....	26
Appendix E – Acronyms and Abbreviations.....	26



# 1. Introduction

## Mobility Programs for Seniors and People with Disabilities under SAFETEA-LU

Under the previous federal transportation authorization legislation – the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) – there were two programs that were designed to enhance mobility for seniors and people with disabilities.

These programs were:

**Transportation for Elderly Persons and Persons with Disabilities (Section 5310)**, which provided federal funds to help private non-profit agencies purchase vehicles and other capital items to transport seniors and people with disabilities. In Dane County, past funding was used to purchase vans for non-profit organizations used for transportation for seniors.

**New Freedom Program (Section 5317)**, which provided federal funds to expand transportation mobility options for people with disabilities. MPOs in large urbanized areas exceeding 200,000 in population such as Madison (called Transportation Management Areas or TMAs) received a direct allocation of funding under the program. These funds were also distributed by WisDOT through a competitive application process coordinated with the MPO, and the funds could be used by private non-profit agencies, state and local governments, and public and private transportation operators for capital purchases and operating expenses associated with new services that went beyond the requirements of the Americans with Disabilities Act (ADA). Section 5317 funds were used to fund mobility management services for Dane County specialized transportation services and for funding new accessible vans and training and financial incentives for Union Cab drivers providing accessible cab rides.

## Consolidation of Programs under MAP-21

In July of 2012, a new federal transportation authorization bill was signed into law. The new law – Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) – combined the two programs (Transportation for Elderly Persons and Persons with Disabilities and New Freedom Program) to create the **Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310 program)**. This new program continues to enhance mobility for seniors and people with disabilities, and the activities that were eligible for funds under the former New Freedom Program are now eligible for Section 5310 funding.

Under SAFETEA-LU and previous legislation, Section 5310 program funds were apportioned to states for distribution to subrecipients. Another significant change instituted by MAP-21 is that Section 5310 program funds are apportioned to rural, small urban, and large urban areas. In large MPO areas (TMAs) such as Madison, the designated recipient must be designated by the state and responsible local officials. As a result, a local administration process needed to be developed by the Madison Area Transportation Planning Board – a Metropolitan Planning Organization (MPO) to allow the funds associated with the new program to be distributed in the Madison area.

Although MAP-21 consolidated the former Section 5310 and 5317 programs, it specifies that at least 55% of program funds be used for traditional capital projects for seniors and people with disabilities, including mobility management. The remaining funds (up to 45%) may be used for similar projects with fewer restrictions.

## **Purpose of the Program Management and Recipient Coordination Plan**

The Program Management and Recipient Coordination Plan (PMRCP) is designed to identify the policies and procedures for administering the Section 5310 program in the Madison Urbanized Area. These policies and procedures are based on program requirements issued by the Federal Transit Administration (FTA).

Proposed Circular FTA C 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. The PMRCP serves as a local companion to FTA C 9070.1G, describing the roles and mechanisms for carrying out policies and procedures in the Madison Urbanized Area, satisfying the FTA requirement for a Program Management Plan.

## **Summary of Roles and Responsibilities for Section 5310 Program in the Madison Urban Area**

The City of Madison – Metro Transit (Metro Transit) is the largest provider of public transportation in Dane County and the second largest public transit agency in Wisconsin. Metro Transit is the direct recipient for Section 5310 program funds. Metro Transit is also the designated recipient for other federal funds, such as Urban Area Formula (Section 5307) grants, and has the legal, financial, and staffing capabilities to receive and administer federal funds. As the designated recipient, Metro Transit is responsible for administering grant agreements, with subrecipients applying for federal funds, and satisfying documentation and reporting requirements.

The Madison Area Transportation Planning Board – A Metropolitan Planning Organization (MPO) serves as the MPO for Madison Urbanized Area in central Dane County. With a population of about 407,000, the Madison Urban Area is a Transportation Management Area (TMA) as determined by the Federal Highway Administration (FHWA) and FTA. The MPO's role in the Section 5310 program is to select and prioritize projects for funding and prepare and maintain the PMRCP in cooperation with Metro Transit.

## 2. Summary of the Section 5310 Enhanced Mobility Program

The purpose of the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program is to:

...Enhance mobility for seniors and persons with disabilities by providing funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services.

– FTA Section 5310 Fact Sheet

### **Designated Recipient**

The governor of each state or an official designee must designate a public entity to be the recipient for Section 5310 funds. The designated agency must have the requisite legal, financial, and staffing capabilities to receive and administer federal funds under this program. In many cases it is appropriate for the designated recipient (DR) for the Section 5310 program to be the same as the DR for Urbanized Area Formula (Section 5307) funds. Alternatively, the DR for the former Section 5317 program, the MPO, the state, or another public agency may be a preferred choice based on local circumstances. Up to 10% of the recipient's total fiscal year apportionment may be used to fund program administration costs.

The DR is primarily responsible for applying to FTA for Section 5310 grants on behalf of itself and/or subrecipient(s). In addition, the DR 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 Madison Urbanized Area, the MPO will prepare the POP for submission to the FTA by the DR. In addition, the DR manages all aspects of grant distribution, including reporting to the FTA.

Metro Transit was identified as the most appropriate DR in the Madison Urbanized Area because of Metro staff's experience with similar federal funding programs, including the Urbanized Area Formula Program (Section 5307) and Bus and Bus Facilities Program (Section 5339). The State of Wisconsin designated Metro Transit as the recipient of Section 5310 program funds for the Madison Urbanized Area via a letter from Governor Walker to the FTA dated December 9, 2013.

### **Eligible Subrecipients**

Eligible subrecipients are entities that are allowed to apply for and receive funds through the Section 5310 program. The eligible subrecipients for this program are:

- State or local government authorities
  - To be eligible for "traditional 5310 capital projects", a state or local government authority must be approved by WisDOT to coordinate services for seniors and individuals with disabilities or certify that there are no non-profit organizations readily available in the area to provide the service.
- Private non-profit organizations
- Operators of public transportation that receive a grant indirectly through a recipient
  - Not eligible for "traditional 5310 capital projects"

## **Eligible Activities**

According to FTA requirements, at least 55% of the Section 5310 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 (“traditional Section 5310 capital projects”). It is not sufficient that seniors and individuals with disabilities are merely included (or assumed to be included) among the people who will benefit from the project. 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 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

Before a project can be awarded funds, the project must be certified by the DR that it is included in a locally developed coordinated public transit – human services transportation plan. The 2013 Coordinated Public Transit – Human Services Transportation Plan for Dane County, prepared and published by the MPO, serves as this document.

## **Section 5310 Program Goals and Objectives**

The following principles from the 2013 Coordinated Public Transit – Human Services Transportation Plan for Dane County summarize the goals and objectives for the use of Section 5310 program funds in the Madison Urban Area.

**Independence** – Promote and maintain the independence of older adults and people with disabilities by encouraging and supporting the use of transportation options that foster independence; provide training and resources to allow transit-dependent people the greatest possible access to the community.

**Accessibility** – Eliminate geographical inequity in availability of transportation options; provide access to transportation services throughout Dane County that are open to seniors and people with disabilities and not limited to a specific group of clients or customers; connect communities and their residents to transportation services that are integrated and open to the general public.

**Efficiency** – Develop cost effective solutions and avoid duplication; seek out cost-sharing opportunities and partnerships to extend the usefulness of transportation resources; evaluate services based on productivity and measures of cost effectiveness that exemplify good stewardship of public resources.

**Resourcefulness** – Use a mix of resources (human, monetary, equipment, contractual) to create and sustain services that meet different transportation needs; apply innovative thinking and cultivate community relationships to address issues.

Funding priorities and project selection criteria are listed in Section 4, Project Selection Criteria and Process.



## **Funding for Projects and Program Administration**

Section 5310 program funds are awarded on an annual calendar cycle. For example, Fiscal Year 2014 allocations are awarded in Calendar Year 2015.

The Section 5310 program can generally fund up to 80% of a project's capital costs (in some limited cases up to 90%) and up to 50% of a project's operating costs. Administrative costs (up to 10% of the federal apportionment) are funded at 100% federal share. The remaining costs 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.

Metro Transit and the MPO are 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 administrative costs will be used for activities described in Section 3, Roles and Responsibilities.

### 3. Roles and Responsibilities

Although Metro Transit is the DR for the Madison Urbanized Area's Section 5310 program, the program is co-administered by Metro Transit and the Madison Area Transportation Planning Board (MPO). Metro Transit may apply for funding for projects it conducts; therefore, in this document the word "subrecipient" applies to Metro Transit as well as other entities. Each entity's administrative roles and responsibilities are summarized below.

#### **Metro Transit Roles and Responsibilities**

- Develop, execute, manage, and amend grant agreements with subrecipients
- Apply for federal funds on behalf of eligible subrecipients as identified by the MPO and manage the program's federal grants
- Complete program grant reporting to the FTA on a quarterly and annual basis
- Work with subrecipients and WisDOT 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 (Section 504, ADA, etc.)
- Conduct on-site inspections of subrecipient projects, if needed
- Amend Metro Transit's Title VI Plan, Equal Employment Opportunity (EEO) Plan, Disadvantaged Business Enterprise (DBE) Goals, and other applicable documents to include the 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
- Participate in the roles and responsibilities of eligible subrecipients for project applications on behalf of Metro Transit

#### **MPO Roles and Responsibilities**

- Develop and revise the program's PMRCP
- Develop and approve the annual Program of Projects (POP) as part of the Transportation Improvement Program (TIP) process
- Develop and revise the Coordinated Public Transit – Human Services Transportation Plan for Dane County
- Notify potential subrecipients of application cycles; distribute project application materials
- Determine subrecipient and project eligibility; maintain a list of potential subrecipients
- Provide technical assistance to potential subrecipients
- Develop and conduct the project selection process, which includes:
  - Develop the application form to distribute to potential subrecipients

- Release a solicitation for project applications to potential subrecipients
- Develop project selection criteria
- Receive and review project applications from subrecipients
- Present project funding recommendations to the program’s advisory committee (the MPO Technical Coordinating Committee) and to the program’s decision-making body (MPO Board). Utilize the Transportation Improvement Program (TIP) process in the MPO’s Public Participation Plan for providing 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 requirement that at least 55% of the federal funding apportionment is used for “traditional 5310 capital projects”
- Provide demographic data to help subrecipients comply with Title VI requirements.

### **Subrecipient Roles and Responsibilities**

- Inform MPO staff of intention to apply for Section 5310 program funds, complete and submit application(s) and/or provide project description(s) and funding information, provide follow-up information, and participate in interviews and/or on-site visits if conducted
- Work with Metro Transit and WisDOT to procure capital items; assure the procurement regulations are met
- Develop and maintain a Maintenance Plan to be held on file with Metro Transit
- Inspect, insure, and maintain all vehicles funded through the program
- Complete and submit acceptance certifications to Metro Transit 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 non-Section 5310 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 Metro Transit
- Maintain a Title VI plan and comply with federal Title VI requirements
- Submit to on-site inspections as requested by Metro Transit and the Wisconsin State Patrol
- Comply with private sector participation requirements in Section 5
- Maintain a Data Universal Numbering System (DUNS) profile and provide the DUNS number to Metro Transit. DUNS numbers can be requested at no charge at [www.dnb.com](http://www.dnb.com).
- Comply with all additional applicable state and federal requirements

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<sup>1</sup> Not applicable unless the MPO uses a competitive selection process and solicits project applications.

## 4. Project Selection Criteria and Process

### Project Planning and Coordination

Medium-range planning for Section 5310 program projects is included in the five-year Coordinated Public Transit – Human Services Transportation Plan for Dane County, completed by the MPO. This planning process is conducted within the framework of the MPO’s long range transportation plan (currently the Regional Transportation Plan Update 2035) and the Transit Development Plan for the Madison Urban Area.

A competitive process is used to select and prioritize projects for Section 5310 program funding the Madison urban area. The MPO will solicit project applications from eligible subrecipients.

### Project Application Process

The application process will be led by the MPO. Specific tasks, deadlines, and meeting dates will be identified in the materials that are distributed to eligible subrecipients as appropriate.

- MPO staff informs eligible subrecipients of upcoming application cycle.
  - MPO staff will inform some or all eligible subrecipients on its potential subrecipient list based on transportation needs and whether or not a competitive process is used.
- Eligible subrecipients notify MPO staff of intention to apply.
- MPO staff distributes application materials to interested eligible subrecipients.
- Completed applications are due to MPO staff.
- MPO staff assembles an evaluation panel with objective individuals who do not represent any of the applicants, that scores the applications.
- MPO staff prepares a draft POP based on the scores, funding available, and requirements of the Section 5310 program.
- MPO staff distributes letters to applicants informing them of whether or not they are included in the draft POP. Appeals are due to the MPO staff contact one week prior to the scheduled adoption of the POP.
- MPO board approves the POP with any changes as part of approval of the TIP or a TIP amendment.
- Applicants work with Metro Transit to develop project agreements.
- Metro Transit applies to the FTA for funding for the projects on behalf of the subrecipients.

Project application materials are developed by WisDOT. MPO staff have the option of using these application materials as they are or developing alternative application materials to distribute. The benefit of using application materials developed by WisDOT is that applicants that do not immediately know whether they should apply for state-managed Section 5310 funds or MPO-managed Section 5310 funds can fill out one standard application.

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

## **Project Selection Criteria**

The projects that receive funds through the Madison Urbanized Area's Section 5310 program are selected by the MPO based on published criteria.

The evaluation criteria used by the evaluation panel to score project applications are as follows:

### 1. Demonstration of Need and Project Benefits (30 points)

- The project meets the eligibility requirements of the Section 5310 program.
- The application describes how the existing project or has been or the proposed project will be effective at meeting the transportation needs of seniors and people with disabilities.
- The project requires ongoing capital or operating assistance to maintain the current level of service.
- The application describes the demographics that the project will serve.
- The project overcomes a barrier to transportation and/or meets an unmet need.
- The project serves an appropriate number of individuals or trips given the project budget.
- Information includes specific examples or data.

### 2. Promotes the Development of a Coordinated Network (40 points)

- The project is consistent with the plan principles and funding priorities in the 2013 Coordinated Public Transit – Human Services Transportation Plan for Dane County.
- The project benefits correspond with the needs assessment in the 2013 Coordinated Public Transit – Human Services Transportation Plan for Dane County.
- The application identifies other transportation systems available and how the project complements them rather than duplicating them.
- The application identifies steps that will be taken to ensure a coordinated effort with other local agencies, including human service agencies, meal and shopping sites, employers, etc.
- The application identifies project partners and shows how the project will utilize resources to the maximum extent.

### 3. Budget/Financial and Technical Capacity (30 points)

- The project is a cost effective use of funds.
- The project has a reasonable level of administrative costs.
- The application identifies local match sources that are backed up with by budgets, support letters, and other documentation.
- The project sponsor has experience delivering similar projects.
- The project sponsor has the capacity to meet the reporting and project management functions of the Section 5310 program.

Once scored, projects will be selected by the MPO for inclusion in the POP based on their scores and the extent to which they fulfill the general funding priorities and address specific service needs identified in the coordinated public transit – human services transportation plan, including:

1. Maintain existing service levels of viable operations

Priority #1 supports existing transportation services and projects that:

- Have shown to be effective in meeting transportation needs of seniors, people with disabilities
  - Require ongoing capital and operating assistance to maintain the current level of service
  - Continue to demonstrate effective transportation operations within the county’s coordinated network
2. Respond to growth within existing services by allowing for measured increases where demand shows an unmet need within the current limits of the service

Priority #2 supports existing and new services and projects that:

- Require capital and operating assistance to meet growing demand for the service(s) within present boundaries
  - Are able to improve efficiency and functionality by building on existing infrastructure
  - Allow for growth, but not automatically add new service without a careful evaluation of transportation needs across populations and jurisdictions
3. Respond to emerging community needs by taking action on opportunities to coordinate and expand service, creating new partnerships and reacting to newly identified transportation needs and gaps

Priority #3 supports projects that:

- Are under development and bring new resources
- Address identified transportation needs and gaps and/or focus on underserved seniors and people with disabilities
- Improve the efficiency and effectiveness of the overall system
- Provide an added benefit to the transportation services network and riders
- Are innovative in their approach in reaching out to new users

Additionally, the MPO will select and prioritize projects based on their ability to satisfy the Section 5310 Program Goals and Objectives described in Section 2: independence, accessibility, efficiency, and resourcefulness.

## **Annual Program of Projects Development, Appeal, Approval, and Amendment Process**

The MPO is responsible for developing and amending the Program of Projects (POP) since it has the responsibility for selecting the projects and prepares the five-year Transportation Improvement Program (TIP). The POP must be consistent with the TIP and the federal share cannot exceed the allocation of Section 5310 program funds; however, it may include projects that do not yet have completed and accepted project applications. The requirements for the POP include:

- 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
- 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

MPO staff develops a draft POP after project applications are reviewed and scored by the evaluation panel. The draft POP and a description of any projects not selected for funding are presented to the project’s advisory committee (Technical Coordinating Committee).

MPO staff distributes letters to each applicant with the draft POP, informing them whether or not their project is included. Applicants may appeal the decision of MPO staff to include or not include any project in the draft POP. Applicants must submit their appeal in writing by one calendar week prior to the scheduled adoption of the POP. Appeals must be submitted to the MPO staff contact, who will be identified in the notice and is listed on page 22. Any appeals will be included in the meeting packet for the MPO board. The MPO board will make the final decision on which projects are included in the POP.

Following review and a recommendation by the MPO advisory committees, the MPO Policy Board may approve the project recommendations (with or without modifications), or direct staff to develop alternative proposals. The approved POP is then forwarded to Metro Transit, which forwards it to the FTA and carries it out. Amendments to the POP are conducted as needed using the same process.

## 5. Private Sector Participation

The FTA requires that local recipients provide private for-profit transit and paratransit operators a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of proposed transportation services. Therefore, each applicant for funds from the Madison Urbanized Area's Section 5310 program must make efforts to comply with this policy and provide documentation of these efforts in its application.

Applicants who utilize in-house resources or other methods to deliver projects must demonstrate that they made reasonable efforts to include participation by private for-profit operators if applicable.



## 6. Civil Rights

Recipients of the Madison Urban Area's Section 5310 program funds are required to meet civil rights requirements under Title VI, as well as Equal Employment Opportunity (EEO) and Disadvantaged Business Enterprise (DBE) regulations.

The MPO maintains a record of funding requests for the Section 5310 Program received from private non-profit organizations, state or local governmental authorities, and Indian tribes. The record identifies those applicants that would use grant program funds to provide assistance to predominantly minority and low income populations. The record shall also indicate which applications were rejected and accepted for funding.

Metro Transit, as a City of Madison utility, utilizes the City of Madison Department of Civil Rights to oversee civil rights issues. Metro Transit will be the liaison between subrecipients, the City of Madison Department of Civil Rights, and the FTA.

### Title VI

The elements of a Title VI Program are determined by FTA Circular 4702.1B (Appendix A) and include, but are not limited to:

- Title VI notice to the public, including a list of locations where the notice is posted
- Title VI complaint procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint) and Title VI complaint form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public participation plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program.

Metro Transit prepares a Title VI Program Update for submission to the FTA every three years.

Section 5310 Program subrecipients must submit their Title VI Programs to Metro Transit. Metro will develop a schedule that outlines the frequency with which subrecipients must submit their Title VI programs. A subrecipient's Title VI program must be approved by the subrecipient's appropriate governing entity or official(s) responsible for policy decisions (e.g., board of directors, mayor, tribal executive, city administrator, etc.). Subrecipients must submit a copy of the board resolution, meeting minutes, or similar documentation as evidence of approval.

Contractors and subcontractors are not required to submit a Title VI report. However, they are responsible for complying with the Title VI Program of the recipient with whom they are contracting. Recipients and subrecipients are responsible for ensuring that their contractors are complying with their Title VI Program and Title VI regulations.

Metro Transit, the MPO, and WisDOT are available to assist subrecipients with Title VI compliance. Metro Transit will provide sample notifications, forms, and program language to subrecipients upon request. The MPO will provide demographic data to assist subrecipients in conducting their analysis and subsequently developing their Title VI Program.

Metro Transit, in coordination with the City of Madison Department of Civil Rights, oversees subrecipient compliance with Title VI as follows:

- **Grant Agreements** – Through annual grant agreements, the subrecipient agrees to comply with applicable civil rights statutes and regulations, including Title VI of the Civil Rights Act, Equal Employment Opportunity (EEO), and Disadvantaged Business Enterprise (DBE). As subrecipients to Metro Transit, Section 5310 Program subrecipients must comply with the FTA’s Annual List of Certifications and Assurances signed annually by Metro Transit.
- **Review of Subrecipient’s Title VI Program** – Metro Transit reviews the contents of Title VI Program materials as submitted by subrecipients, including public notification language, LEP, complaint procedures and complaint form, and public participation and outreach. Metro provides sample materials and technical assistance to subrecipients in developing a compliant Title VI Program.
- **Investigation and Monitoring of Title VI Complaints (or potential complaints and/or lawsuits)** – As part of its annual application, Metro Transit requires subrecipients to report any Title VI complaints or lawsuits. Subrecipients may contact Metro Transit at any time during the year to report Title VI complaints, potential complaints, and/or lawsuits. Metro Transit may also receive complaints regarding subrecipients or their contractors directly from the public. When a complaint is determined to be a civil rights issue, Metro Transit staff will consult with the City of Madison Department of Civil Rights office as appropriate.
- **On-Site Visits** – Metro Transit and/or City of Madison Civil Rights Department staff may conduct on-site visits as necessary to monitor subrecipient compliance. During on-site visits, staff will verify the location of the public notification language as stated in the subrecipient’s Title VI Program. During this time, staff may also discuss with the subrecipient any new or potential opportunities for public participation and public outreach that may present themselves since the previous submission of the subrecipient’s Title VI Program.

### **Disadvantaged Business Enterprise (DBE)**

The objectives of the US Department of Transportation’s (DOT’s) DBE regulations, as specified in 49 CFR Part 26, are to:

- Ensure nondiscrimination in the award and administration of DOT-assisted contracts
- Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts
- Ensure that the DBE Program is narrowly tailored in accordance with applicable law
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs
- Help remove barriers to the participation of DBEs in DOT assisted contracts
- Assist the development of firms that can compete successfully in the market place outside the DBE Program

Metro Transit has developed and administers its DBE Program Plan. The plan outlines policies and procedures established to satisfy the DBE requirements. Metro Transit's DBE Program Plan is on file with the FTA. Any plan updates with significant changes are submitted to FTA. All DBE submissions to the FTA, including the DBE Program Plan and all required reporting, are completed by Metro Transit staff.

Metro Transit staff works closely with subrecipients to address DBE requirements. In goal setting, three-year goals are established based on anticipated FTA-funded contracting opportunities by both subrecipients and Metro Transit. Contract-specific goals may also be established, and these goals may require a greater amount of subrecipient technical assistance from Metro Transit and/or the MPO. Work with subrecipients also includes the ongoing collection of data for contract monitoring and reporting on FTA-funded contracts.

Prior to awarding Section 5310 Program funds, subrecipients may be asked to identify potential contracting and procurement opportunities and Metro Transit staff works with subrecipients to identify potential DBE participation. Metro Transit staff also ensures that subrecipients use appropriate DBE contract language in their solicitations. WisDOT's Office of Business Opportunity and Equity Compliance (OBOEC) provides assistance to potential DBEs to become certified and maintains the Unified Certification Program Directory. Subrecipients must report to Metro Transit as required on DBE goal achievement on all FTA-funded contracting.

### **Equal Employment Opportunity (EEO)**

Metro Transit and Section 5310 Program subrecipients must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to, discrimination in employment under any project, program, or activity receiving federal financial assistance under the federal transit laws.

Each Section 5310 Program contract between Metro Transit and a subrecipient for the provision of FTA funding shall contain language that requires the subrecipient to comply with FTA regulations related to EEO. In addition, private providers under contract with subrecipients are required to comply with these regulations.

If a subrecipient's transit-related staff reaches 15 or more and/or the dollar threshold for capital, operating, or planning assistance is met, Metro Transit will require the subrecipient to submit a formal Affirmative Action (AA) / EEO Plan to Metro Transit for review and approval. Metro will withhold the approval of future grants until it receives the AA / EEO Plan from the subrecipient. The Equal Employment Opportunity Act by definition explicitly exempts Indian tribes from its provisions.

### **Assurances**

Metro Transit annually signs the FTA Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements, which binds Metro Transit to all civil rights requirements.

Through annual grant agreements, subrecipients agree to comply with all applicable civil rights statutes and regulations. These include Title VI of the Civil Rights Act, Equal Employment Opportunity, and Americans with Disabilities Act. As subrecipients to Metro Transit, Section 5310 Program subrecipients must comply with the FTA's Annual List of Certifications and Assurances as stated in their grant agreements with Metro Transit.

## 7. Maintenance

Consistent with federal requirements, each subrecipient must maintain its facilities (and substantial facility components), vehicles, and other substantial assets.

Subrecipients are required to develop maintenance plans covering their federally-funded vehicles and facilities and to provide Metro Transit with a copy of their plan(s). Subrecipients must maintain all federally-funded property in good operating order and maintain ADA accessibility features.

Subrecipients are expected to develop their own maintenance plans, although WisDOT provides extensive written guidance on developing maintenance plans as well as sample plans upon request. Once adopted, subrecipients are monitored for adherence to the plans by Metro Transit staff for compliance during on-site visits.

Metro Transit requires subrecipients to design and operate maintenance programs that include:

- Preventative maintenance practices and schedules for vehicles
- Preventative maintenance practices for accessibility equipment
- Preventative maintenance practices for facilities
- A system for recording maintenance and repair activities
- A process for authorizing and controlling maintenance activities and costs
- Quality control for outsourced maintenance
- A procedure for pursuing warranty recoveries

Metro Transit must have an up-to-date maintenance plan on file from Section 5310 program subrecipients prior to applying for grants from the FTA. Subrecipients will not be required to resubmit maintenance plans with each application cycle, but are required to submit updated plans when necessary, e.g., when they have acquired new vehicles or other substantial assets not addressed in previously submitted plans or when the plan on file is out-of-date.

All transit vehicles are required to meet safety standards and undergo inspections based on program and/or vehicle capacity. WisDOT and Metro Transit require that all vehicles purchased with Section 5310 program funds be registered as human service vehicles (HSVs) or municipal vehicles, and be plated accordingly. All vehicles are considered HSVs and are subject to annual HSV inspections conducted by the Wisconsin State Patrol per Wisconsin State Statutes Section 110.05 and Wisconsin Administrative Code Trans 301. Upon request, State Patrol also will conduct initial inspections right after vehicle delivery. These inspections cover the integrity of vehicle safety and mechanical features.

Wisconsin Administrative Code Trans 301 addresses equipment and safety standards for HSVs. It adopts all federal regulations from 49 CFR 393 (Parts and Accessories Necessary for Safe Operation), 49 CFR 571 (Federal Motor Vehicle Safety Standards), and 36 CFR 1192 (Americans with Disabilities Act [ADA] Accessibility Guidelines for Transportation Vehicles). Trans 301 also provides additional equipment standards and requirements and provides inspection and enforcement standards.

## 8. Section 5310 Program Management

### Vehicle Procurement

Although Metro Transit is the DR for the Madison Urban Area's Section 5310 Program, all procurement activities are handled by the WisDOT Bureau of Transit through its statewide procurement process. Subrecipients will work with Metro Transit and WisDOT to arrange procurement of vehicles that meet the needs of the project. All grant agreements require subrecipients to comply with all relevant federal procurement laws and regulations and submit all third party contracts to Metro Transit for review.

WisDOT Transit procedures require staff to review all federally funded third party contracts to ensure federal contract clauses are included. WisDOT provides toolkits for assisting subrecipients with common procurements. Technical assistance for federal procurements is available from transit project managers or a WisDOT designated agent (e.g. a contractor). WisDOT maintains a subrecipient procurement assistance web page that contains links to:

- The WisDOT procurement manual.
- FTA-compliant toolkits for micro and small purchases.
- FTA-compliant toolkit for shared-ride taxi requests for proposals.
- System for Award Management (SAM).

WisDOT also has a toolkit for procuring architecture and engineering services according to Brooks Act requirements, and WisDOT Transit provides opportunities for training on federal procurement regulations.

### Buy America and Pre-award and Post-delivery Reviews

WisDOT's HSV procurement solicitations detail federal Buy America requirements and impose Buy America pre-award certification requirements on all vendors submitting bids. For each vehicle type a vendor bids on, it must submit a "Certification of Compliance with 49 U.S.C. 5323(j)." If a vendor is unsure whether an offered vehicle is compliant with Buy America requirements, it may submit a "Certification of Non-Compliance with 49 U.S.C. 5323(j)" with its bid; however, it must provide documentation of an FTA-approved exception before WisDOT will consider the bid.

In addition to the pre-award certification, the solicitations require bidders to provide certification and a detailed list of all major vehicle components and subassemblies and their respective calculated percentages of total manufacturer's cost made in the United States. WisDOT reviews the Buy America information submitted by bidders and provides a pre-award certification.

For each delivered FTA-funded vehicle, Metro Transit requires the vehicle recipient to complete a post-delivery Buy America compliance certification that declares it has received and reviewed appropriate Buy America documentation. Metro will not pay the vendor until it receives this certification.

WisDOT's procurement manual details Buy America requirements and provides instructions for completing pre-award and post-delivery certifications for FTA subrecipients conducting their own procurements. Metro Transit, with WisDOT's assistance, provides technical support to subrecipients needing assistance with this or other aspects of their procurements.

## **Financial Management**

Metro Transit is responsible for managing grants, contracts, and interagency agreements to ensure that expenditures comply with federal rules and regulations for all FTA grant programs. Financial management responsibilities include:

- Investigating and resolving accounting problems to ensure compliance with state and federal rules.
- Managing the documentation associated with individual grants, contracts, and interagency agreements.
- Submitting federal financial reports.
- Rectifying and closing out FTA grants when projects are completed.

Metro Transit uses the Electronic Clearing House Operation System (ECHO Web) process to request FTA grant awards so that transactions are processed in a timely manner and accounts are balanced and documented.

Metro Transit maintains records for vehicles, facilities, and other substantial assets purchased with Section 5310 Program funds. Metro Transit ensures that all equipment used by subrecipients that is purchased with federal funds through the Section 5310 Program is used for the program or project for which it was acquired. Records are updated and appropriate equipment use is assured through reporting by subrecipients and on-site reviews. See Section 9, Project Monitoring and Reporting.

## **Disposition of Assets**

In the event that a subrecipient no longer needs equipment purchased with federal funds through the Section 5310 Program and useful life remains, the equipment is transferred in accordance with Metro Transit, WisDOT, and FTA requirements and guidelines.

In the event a vehicle or other substantial asset has reached the end of its useful life, the subrecipient must receive approval from Metro Transit to dispose of the asset.

## **Accounting Systems**

Subrecipients establish a set of accounts in which all transit-related costs, revenues, and operating sources are recorded and clearly identified, easily traced, and substantially documented. Accounting practices and records must be in accordance with Generally Accepted Accounting Principles.

Metro Transit uses the same accounting system for the Section 5310 Enhanced Mobility Program that it uses for its other state and federal grant programs.

Metro uses the information contained in the quarterly reports to monitor subrecipients' fiscal and operational activities. Requests for reimbursement are approved by Metro Transit before being processed for payment.

## 9. Project Monitoring and Reporting

The goal for monitoring and reporting for Section 5310 program funds is to ensure effective use of program funds, provide useful information for the planning and prioritization of future projects, and fulfill federal requirements without placing an excessive burden on the designated recipient or subrecipients.

### **Metro Transit Reporting**

Metro Transit will submit required Section 5310 reports to the FTA by October 31 of each year, covering a 12-month period ending on September 30, as well as quarterly reports, as required by the FTA. Subrecipients are required to submit required information to Metro Transit so that Metro Transit can consolidate the information to include in the report to the FTA. Metro Transit will act as a liaison between the FTA and subrecipients during audits. Annual reports filed by Metro Transit will include:

- An updated POP (prepared by the MPO)
- Civil rights compliance issues (such as Title VI, EEO, or DBE complaints)
- A milestone activity report
- A Federal Financial Report
- Program measures, including:
  - Gaps in service filled by Section 5310 projects
  - Ridership
  - Physical improvements (such as sidewalks, transportation facilities, or technology)

In addition, Metro will fulfill National Transit Database (NTD) reporting requirements.

### **Reporting Requirements for Subrecipients**

**Quarterly Reports.** Quarterly reports are due to Metro Transit 10 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. The following data must be submitted to Metro Transit on a quarterly basis for each vehicle, transportation program, or other service funded through the Madison 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
- The number of individual clients served
- Physical improvements completed (such as sidewalks, transportation facilities, or technology)
- Quarterly revenues and sources of revenue for the project

(continued next page)

- 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, and relevant features
- Inventory of related facilities

**Annual Reports.** Metro Transit 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. Metro Transit 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 Metro Transit with information necessary for Metro Transit to file annual NTD reports. 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 Metro Transit to determine what is necessary. NTD information is due to Metro Transit by March 15 annually.

Metro Transit will use these reports to monitor subrecipient fiscal and operational management and to satisfy federal reporting requirements.

Metro Transit will schedule on-site visits with subrecipients on a triennial cycle to review operations and maintenance records. In addition, to improve subrecipient monitoring procedures, Metro 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.

### **Section 504 and ADA Reporting**

The annual Federal Certifications and Assurances for FTA Assistance, which is signed by all subrecipients, contains the ADA certification. Metro Transit staff verifies compliance with Section 504 and ADA requirements while reviewing annual grant applications and during on-site visits.



## 10. Other Provisions

### Environmental Protection

Most projects and activities funded through the Section 5310 Enhanced Mobility Program do not involve significant environmental impacts. Typically, projects are considered categorical exclusions because they are types of projects that have been “categorically” (i.e., previously) excluded in regulations from the requirements to conduct environmental reviews and prepare environmental documentation.

FTA classifies categorical exclusions (CE) into two groups:

- CE under 23 CFR 771.117(c) – activities and projects which have very limited or no environmental effects at all (e.g., planning studies, preliminary design work, program administration, operating assistance and the purchase of transit vehicles).
- CE under 23 CFR 771.117(d) – activities and projects involving construction and/or have a greater potential for off-site environmental impacts (e.g., construction of transit facilities, parking, etc.). These projects may be designated CE after review of documentation. In order to receive a documented CE, a subrecipient must complete a CE checklist, including an Environmental Justice (EJ) analysis. WisDOT will first review the completed checklist before sending it to FTA, which has final authority to grant the CE. For a copy of the checklist and more detail on the review process, see the WisDOT Transit Procedures and Oversight Manual.

Even if a project is determined to be a CE, there may be other relevant state and federal environmental protection requirements that must be satisfied (depending on the project’s type and location).

For projects with environmental impacts that are determined not to be a CE, FTA requires the preparation of an environmental assessment (EA) for public comment and FTA review. In the unlikely event that significant environmental impacts are identified with a project, an environmental impact statement (EIS) is required.

### School Transportation

Consistent with federal laws, Section 5310 program funds may not be used for exclusive school bus service. The Federal Certifications and Assurances for FTA grants require the subrecipient to certify compliance with each annual sub-grant agreement.

Metro Transit oversees compliance with the prohibition by monitoring route schedules submitted with application materials, on websites, and/or in promotional materials with route schedules. Metro staff also looks for signs that might indicate exclusive school bus service (e.g., a school route only) during vehicle inspections.

### Drug and Alcohol Testing

Subrecipients that receive Section 5310 program funds are not subject to FTA’s drug and alcohol testing rules. However, these subrecipients must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for employees who hold commercial driver’s licenses (49 CFR Part 382).

**Staff Contacts**

<b>Agency</b>	<b>Name</b>	<b>Phone</b>	<b>Email</b>
Madison Area Transportation Planning Board (MPO) Staff	Mike Cechvala	(608) 266-4518	mcechvala@cityofmadison.com
Metro Transit	Scott Korth	(608) 266-6538	skorth@cityofmadison.com
Wisconsin Department of Transportation (WisDOT)	Judy Foss	(608) 266-8968	judy.foss@dot.wi.gov

## Appendix A – Recipient Designation Letter



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

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December 9, 2013

Ms. Marisol Simon  
Regional Administrator  
Federal Transit Administration, Region V  
200 West Adams Street, Suite 320  
Chicago, IL 60606

Dear Ms. Simon:

I am pleased to notify you that pursuant to 49 U.S.C. Section 5310 I have appointed the following entities as Designated Recipients of Federal Transit Administration formula funds for the Transportation Management Areas (TMAs) listed below:

<u>Designated Recipient</u>	<u>TMA</u>
Valley Transit	Appleton, WI
Green Bay Metro	Green Bay, WI
Madison Metro	Madison, WI
Milwaukee County	Milwaukee, WI

Attached are the resolutions from each area's planning commission, identifying these entities as the Designated Recipients of 5310 funds for their respective TMA.

If you have any questions, please feel free to contact John Alley, transit section chief, Wisconsin Department of Transportation, at (608) 266-0189.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Walker".

Governor Scott Walker

Enclosures

## Appendix B – MPO Board Resolution

### Resolution TPB No. 94

#### **Amending the Program Management and Recipient Coordination Plan for the Madison Urbanized Area's Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program**

**WHEREAS**, the Madison Area Transportation Planning Board (TPB) – An MPO adopted Resolution TPB No. 84 on November 13, 2013, supporting designation of the City of Madison – Metro Transit as the recipient for federal Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funds with the Madison Area TPB responsible for preparing a Program Management Plan (PMP) in coordination with Metro Transit, prioritizing and selecting projects for Section 5310 program funding, and preparing the annual Program of Projects (POP) as part of the Transportation Improvement Program process; and

**WHEREAS**, Governor Walker designated the City of Madison – Metro Transit as the recipient of Section 5310 Program funds for the Madison Urbanized Area via letter to the Federal Transit Administration (FTA) on December 9, 2013; and

**WHEREAS**, a Program Management Plan that describes policies and procedures for administering the Section 5310 program in the Madison area, including the division of responsibilities between Metro Transit and the Madison Area Transportation Planning Board – an MPO, is required to be on file with the Federal Transit Administration; and

**WHEREAS**, the Madison Area TPB adopted Resolution TPB No. 85 on February 5, 2014 approving the *Program Management and Recipient Coordination Plan for the Madison Urbanized Area's Section 5310 Program*; and

**WHEREAS**, for 2015 and future years a competitive process will now be used to select the projects for funding under the Section 5310 program; and

**WHEREAS**, the Program Management Plan needs to be amended to reflect the project selection criteria and process, including the appeal process as required by FTA, as well as other minor editorial updates to the plan:

**NOW, THEREFORE BE IT RESOLVED** that the Madison Area Transportation Planning Board – an MPO approves an amendment to the *Program Management and Recipient Coordination Plan for the Madison Urban Area's Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program*, revising Section 4 to reflect the new project selection process and criteria and make other minor editorial changes to other sections of the document.

09/03/2014

\_\_\_\_\_  
Date Adopted



\_\_\_\_\_  
Al Matano, Chair,  
Madison Area Transportation Planning Board

## Appendix C – References

- [Fact Sheet - Enhanced Mobility of Seniors and Individuals with Disabilities Section 5310 \(FTA\)](#)
- [Proposed Circular FTA C 9070.1G Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions \(FTA\)](#)
- [Transit Procurement Procedures \(WisDOT\)](#), includes links to:
  - [Procurement Manual \(WisDOT\)](#)
  - [Best Practices Procurement Manual \(FTA\)](#)
  - Toolkits and other resources for procurement and contracting
- [Americans with Disabilities Act \(US Department of Justice\)](#)
- [Fiscal Year 2013 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements \(FTA\)](#)
- [Circular FTA 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients \(FTA\)](#)
- [Wisconsin State Statutes \(Legislative Reference Bureau\)](#)
- [Wisconsin Administrative Code \(Legislative Reference Bureau\)](#)
- Wisconsin state-wide [Elderly and Disabled Transportation Capital Assistance \(WisDOT\)](#)
- [Title VI of the Civil Rights Act of 1964 \(US Department of Justice\)](#)
- [49 CFR Part 26 Sample Disadvantaged Business Enterprise Program \(US DOT\)](#)
- [ECHO-Web User Manual \(FTA\)](#)

## Appendix D – Index of Program Management Plan Requirements

Proposed Circular FTA C 9070.1G Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions specifies that the Project Management Plan should address the following topics. The reference page numbers of the topics are shown at the right.

a. Program Goals and Objectives .....	4
b. Roles and Responsibilities .....	5
c. Coordination .....	8
d. Eligible Subrecipients .....	3
e. Local Share and Local Funding Requirements .....	4
f. Project Selection Criteria and Method of Distributing Funds .....	8
g. Annual Program of Projects Development and Approval Process .....	10
h. State Administration, Planning and Technical Assistance (use of administrative costs) .....	5
i. Transfer of Funds (applies to State Management Plans) .....	N/A
j. Private Sector Participation .....	11
k. Civil Rights .....	12
l. Section 504 and ADA Reporting .....	16
m. Program Measures (method for collecting and reporting data) .....	26
n. Program Management .....	16
o. Other Provisions .....	20

## Appendix E – Acronyms and Abbreviations

DR – Direct Recipient

ECHO Web – Electronic Clearing House Operation

FTA – Federal Transit Administration

LEP – Limited English Proficiency

MAP-21 – Moving Ahead for Progress in the 21<sup>st</sup> Century

MATPB – Madison Area Transportation Planning Board – a Metropolitan Planning Organization

Metro Transit – the City of Madison – Metro Transit

MPO – Madison Area Transportation Planning Board – a Metropolitan Planning Organization

PMRCP – Program Management and Recipient Coordination Plan

NTD – National Transit Database

POP – Program of Projects

SAFETEA-LU – Safe, Accountable, Flexible, Efficient Transportation Equity Act – a Legacy for Users

WisDOT – Wisconsin Department of Transportation

TEAM – Transportation Electronic Award and Management (online web reporting for the FTA)

TIP – Transportation Improvement Program