

Missouri
Department of Transportation

FTA Section 5317
(49 USC 5317)

New Freedom Program



State Management Plan (SMP)
November 2010

Table of Contents

1. General Information.....3
2. Planning Requirements - Coordination 5
3. Project Requirements.....6
4. State's Role and Responsibilities..... 10
5. Subrecipients Roles and Responsibilities 11
6. Compliance with Federal Requirements..... 13
7. Revisions to the SMP 19
Appendix a – Eligible 5317 activities 20
Appendix B – Application requirements 21
appendix C – Annual Inventory Form..... 23
Appendix D – On-site review 25
For Fixed route Service Only 29

1. GENERAL INFORMATION

1.1 Program Goals and Objectives - The New Freedom Program, also known as Section 5317, was created to support new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990. This program is codified at 49 U.S.C. 5317.

As much as possible, activities must be coordinated with other transportation activities offered by public transportation providers or social service agencies. This coordination is assured by the development of locally developed, coordinated public transit-human services transportation plan (the Local Plan). All projects funded under the Section 5317 program must be derived from strategies in one of these plans. Appendix A provides a listing of example activities under the Section 5317 program.

The Section 5317 program grew out of the New Freedom Initiative introduced by the Administration under Executive Order 13217, “Community Based Alternative for Individuals with Disabilities,” on June 18, 2001.

The New Freedom Program is intended to fill the gaps between human service and public transportation services previously available and to facilitate the integration of individuals with disabilities into the workforce and full participation of the community.

Under the New Freedom program, Congress has established three measures that MoDOT will track. These measures are:

1. Increases or enhancements related to geographic coverage, service quality and/or service times that impact availability of transportation services for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year
2. Additions or changes to the environmental infrastructure, technology, and vehicles that impact availability of transportation services as a result of the New Freedom projects implemented in the current reporting year; and
3. Actual or estimated number of rides (measured as one-way trips) provided for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year.

MoDOT completed a long-range plan (released April 11, 2007) that included transit issues. The plan was developed from stakeholder committees that met four times during the planning process. Transit issues discussed were the need for capital investment and continued operating support for the transit systems.

MoDOT works with local public officials through the regional planning commission and metropolitan planning organizations whose board members are local officials. Member of the Long-Range planning team attend both policy and technical committee meetings.

1.2 Roles and Responsibilities - The Governor of the State of Missouri has designated the Missouri Department of Transportation (MoDOT) as the agency

responsible for administering funds made available through Federal Transit Administration programs. The Transit Section of the Multimodal Operations Division is responsible for administering the New Freedom program for small-urbanized (50,000-199,999 population) areas and non-urbanized (less than 50,000) rural areas of Missouri.

The department also administers the state transit operating assistance and the state funded Missouri Elderly and Handicapped Transportation Assistance Program.

Additional support is provided by the Chief Counsel's office and General Services (Purchasing).

This State Management Plan (SMP) describes the State's policies and procedures for administering the Section 5317 program. The SMP further clarifies the requirements from the New Freedom circular and allows the State to tailor the program to their subrecipients needs.

1.3. Designated Recipient - The Missouri Department of Transportation (MoDOT) has been named the designated recipient for this program for the small urbanized and non-urbanized areas. Large urbanized areas (greater than 200,000 in population) have local designated recipients that administer their own funds. The responsibilities of the designated recipient are included in Section 4.

The Interagency Committee on Special Transportation acted as MoDOT's review committee for the development of the workshop training materials (see Section 4.2). The committee includes representatives from the departments of Elementary and Secondary Education, Social Services-Family Support (Medicaid), Mental Health, and Social Services, and the Governor's Council on Disability.

1.4 Other Information

1.4.1 Definitions - The following definitions will apply to the SMP:

New Freedom Circular: Circular 9045.1 issued by the Federal Transit Administration containing program guidance and application instructions.

Metropolitan Planning Organization (MPO): an organization located in a small or large urbanized area that is responsible for highway and transit planning.

Non-urbanized area: Any area not included in a small or large urbanized area of 50,000 persons or more that meets the density requirements of the last decennial census.

Public Transportation Services – consists of a variety of services, including buses, light rail, and paratransit transportation for seniors and the disabled.

Regional Planning Commission (RPC): one of 19 quasi-public entities that conducts

planning and grant administration for its member municipalities and counties.

Small urbanized area: an area with a population of 50,000-199,999 persons and that meets the density requirement of the last decennial census.

Subrecipient: an entity that receives a New Freedom grant through MoDOT. An "applicant" becomes a subrecipient upon being awarded funds.

1.4.2 Transfer of Funds - The State may transfer New Freedom funds to the small urbanized (Section 5307) or non-urbanized (Section 5311) programs. However, the funds must be used for New Freedom eligible activities.

1.4.3 Private Sector Participation - Private for-profit entities are not eligible to apply for New Freedom funding unless they are operators of public transportation services. However, subrecipients (mostly non-profit entities) may contract with the private-for-profit operators for service. All applicants should have procedures for providing for the maximum feasible participation by private-for-profit providers.

1.4.4 Conflict of Interest - All subrecipients are required to develop and implement policies that ensure proper use of project funds, facilities, and equipment including policies on personal gain by staff or board members, employment of relatives, or preferential operation of project services.

2. PLANNING REQUIREMENTS - COORDINATION

All projects must be derived from a locally developed, coordinated public transit-human services plan (the Local Plan). MoDOT will assist local agencies in developing the plan (see MoDOT's activities in Section 4). This scope of the plan must address the needs of the elderly and disabled as well as those with low incomes.

2.1 Local Plan Criteria - For the New Freedom program, the Local Plan must meet the following criteria:

2.1.1 An assessment of available services that identifies current transportation providers - public, private, and not-for-profit. The assessment should include the number of vehicles (both accessible and non-accessible), service area, and days and times of operation.

2.1.2 An assessment of the transportation needs of people with low incomes. The assessment can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts. Gaps in service should be identified.

2.1.3 Strategies and activities that would address the identified gaps in service. Applicants are urged to not include specific projects in the plan, as the plan should be based on a higher level of need. Including only strategies and activities will

allow the subrecipients to have more flexibility to meet the changing transportation needs of their riders.

2.1.4 Priorities of implementation based on resources. Prioritizing strategies will assist the subrecipients to select the most important projects to apply for as funding becomes available. MoDOT recognizes that the highest priority activities may not be the projects that are implemented due to the small amount of federal funding available and/or the availability of local match.

2.2 *Lead Agency* - The lead agency in the planning process (in Missouri, this will be the MPOs and the RPCs) must develop a process for adoption of the plan. All plans must be submitted to and reviewed by MoDOT's Transit Section before any funding will be allocated.

2.3 *Public Participation* - Development of the plan must include an opportunity for all interested parties to participate. The planning process should include human service agencies, local governments, private and public transit providers, and potential riders as well as members of the general public. There should be specific methods for outreach to those individuals with disabilities who are not part of the human services delivery system. The Local Plan should document how public participation was solicited, i.e. newspaper ads, public service announcements, direct mail, etc. A lack of public interest in the project will not count against the project if adequate outreach was conducted.

2.4 *Inclusion in MPO Plans and TIPs* – All projects in small-urbanized areas or nonurban areas that lie within the planning area of an adjacent Metropolitan Planning Organization (MPO) must be included in the MPO's transportation improvement plan. All non-urban projects will be described at the program level in the Statewide Transportation Improvement Program (STIP).

2.5 *Interagency Committee on Special Transportation* - The Interagency Committee on Special Transportation acted as MoDOT's review committee for the development of the workshop training materials (see Section 4.2). The committee includes representatives from the departments of Elementary and Secondary Education, Social Services-Family Support (Medicaid), Mental Health, and Social Services, and the Governor's Council on Disability.

3. PROJECT REQUIREMENTS

Projects will be awarded funding on a competitive basis. For evaluation purposes, the applicants must submit information that can be evaluated on a quantitative basis as well as general information about the project itself.

3.1 *Local Plan Requirement* - The project must be derived from a strategy in the submitted and adopted Local Plan as discussed in Section 2.

3.2 Service Area - The area served by each project must be defined. No more than one project will be funded in any given service area at any given time except under special circumstances as determined by MoDOT. If multiple applications are received for the same service area, the applicants will be permitted to combine their applications and coordinate the planned services.

The New Freedom funding administered by MoDOT has two categories, small urbanized and nonurban.

3.2.1 Funding for small-urbanized areas is very limited, and will be used to fund the project(s) that MoDOT determines will utilize the money the most. For FFY 2006, the amount of money for the small-urbanized areas *was* \$157,112 for FFY 2007 the amount *was* \$169,381 for FFY 2008 the amount *was* \$182,973 for FFY 2009 the amount *was* \$210,910 and for FFY 2010 the amount *was* \$206,995.

3.2.2 Funding for nonurban areas is very limited, and will be used to fund the project(s) that MoDOT determines will utilize the money the most. For FFY 2006, the amount of money for the nonurban areas *was* \$422,493, for FFY 2007 the amount *was* \$453,812 for FFY 2008 the amount *was* \$490,229 for FFY 2009 the amount *was* \$565,078 and for FFY 2010 the amount *was* \$554,590.

3.3 Eligible Subrecipients - Eligible subrecipients are local public bodies and their agencies, private not-for-profit organizations, and operators of public transportation services. Private for-profit operators may participate under contract with an eligible recipient with the approval of MoDOT.

3.4 Eligible Activities – New Freedom Program funds are available for capital and operating expenses that support new public transportation services beyond those required by the ADA of 1990, and new transportation alternatives beyond those required by the ADA. For “new” services, the definition of new is those services/activities that were not operational on August 10, 2005, that date that SAFETEA-LU legislation was signed into law. See Appendix A for a more detailed list of eligible activities.

3.5 Local Share Requirements - Local share can come from a variety of sources. The only funding source that cannot be used as match is funding received through another U. S. Department of Transportation program. For local share, MoDOT will NOT allow bank liens for capital purchases

3.5.1 Operating Grants – New Freedom funding for an operating project cannot exceed 50% of the total net eligible project cost. Total project cost is determined by calculating the total operating costs of the project including any in-kind expenses (salaries paid by another entity or office space provided at no cost) and subtracting any fares paid by the riders.

3.5.2 Capital Grants – New Freedom funding for capital acquisitions cannot exceed 80% of the total cost of vehicles and/or equipment. ADA related

improvements and bicycle access improvements could be funded at a 90/10 ratios if funding permits. The applicant must verify that sufficient funds from non-operating sources are available ***at the time of application***. Capital funding will take precedence in project selection over operating funding.

3.6 *Project Selection Criteria* - If funding requests exceed the amount of funding available, the application will be evaluated based on the following criteria:

- 3.6.1** Is the project a capital project? - 50 points
- 3.6.2** What is the percentage of individuals with disabilities in the service area as compared to the State of Missouri as a whole? - 15 points
- 3.6.3** Has local funding for the project been secured at the time of application? - 10 points
- 3.6.4** Will be project be integrated with existing transportation? - 10 points
- 3.6.5** Is the strategy for the project listed as a high priority in the Local Plan? - 10 points
- 3.6.6** Estimated number of persons to be served (methodology must be submitted with the application) - 5 points

3.7 *Supporting documentation* - Documentation must be submitted to address the questions listed in Section 3.6. At a minimum, the following information must be provided:

- 3.7.1** The start date of the project or the proposed starting date of the project if it is a new project.
- 3.7.2** Demographic information on the percentage of individuals with disabilities in the service area
- 3.7.3** A project budget, including a description of the source and amount of local funding available. If cash is not in hand, submit written letter of commitment from the funding sources.
- 3.7.4** A list of all transportation providers participating in the project.
- 3.7.5** Either a copy of the Local Plan or reference to the section and page of the Local Plan strategy from which the project was derived.

3.8 FAIR AND EQUITABLE DISTRIBUTION – Before grant awards are made based on the above criteria, MoDOT will review the geographic and demographic distribution of the grants. While some may not receive funding in any one grant cycle, MoDOT will distribute the grants as evenly as possible. As historical data is made available, the selection criteria may be revised to address this issue.

3.9 GRANT CYCLE - The funding cycle will be based on the State fiscal year, July 1 to June 30. Applications may be submitted for multiple years.

3.9.1 Special funding cycles for awards made under SAFETEA-LU. - Funding for Federal Fiscal Years 2006 and 2007 will be awarded up to 24 months in duration in an award cycle. Funding for Federal Fiscal Years 2008 and 2009 will be awarded up to 24 months in duration in an award cycle. For federal fiscal years 2010 and 2011, applications will be accepted by February 15, 2011, and will be awarded by December 31, 2011.

3.10 APPLICATION PROCESS - Biannually, MoDOT will notify current subrecipients, the RPCs, transit systems, MPOs in small-urbanized areas, and boards and/or organizations formed to develop the Local Plan of the availability of funds.

3.10.1 Applications - The application will be available on MoDOT's website or interested parties may contact MoDOT's Transit Section for applications. MoDOT plans to allocate funds in two-year cycles. In a funding year, all applications will be due February 15th of that year for the fiscal year beginning July 1. Grants will be awarded on or before December 31.

All awards are dependent on the funding being allocated by the FTA and published in the Federal Register and the Local Plans having been submitted to and approved by MoDOT

3.10.2 Technical Assistance - Technical assistance will be available for the development and evaluation of projects. First time applicants are urged to contract MoDOT's Transit Section as early in the project development phase as possible. In the Spring of 2007, MoDOT conducted 11 workshops across the state, to discuss the new SAFETEA-LU regulations, and to help with the coordination process. In the fall of 2008, MoDOT conducted 7 workshops across the state to provide technical assistance with each program (5317, 5311, 5316 and 5317). Seven (7) more workshops were conducted in early 2010. This workshop will become an annual event.

3.11 GRANT MANAGEMENT – Subrecipients must have the financial resources

available to manage the project. The New Freedom grant program, if an operating grant, is a “reimbursement” program, i.e. funds can be requested only after the expenses have been paid. Requests may be made monthly or quarterly.

If the subrecipient provides services other than transportation, the accounting system must be capable of identifying the New Freedom expenses and revenues separately from other operations.

3.11.1 Requests for Reimbursement – All subrecipients will be issued reimbursement forms to be used when requesting grant funds. The following information must be submitted:

Number of Rides Provided during the time period
Number of Individuals Served
Mileage
Detail of Expense
Detail of Fares, Local Match and Other Revenues

The request for reimbursement must include an original signature of an officer or director of the subrecipient. Faxed requests will not be honored except under special circumstances.

The number of rides provided is one of the performance measures that will be reported to the FTA. Recipients will be expected to send in requests for reimbursement in a timely manner so this information can be forwarded to the FTA annually.

3.11.2 Audit – All subrecipients whose total transportation budget exceeds \$50,000, must have an independent audit annually. Entities who expend more than \$500,000 annually in federal funds from all sources are subject to an OMB A-133 audit. A copy of the audit must be submitted to MoDOT for review within nine (9) months of the end of the entities fiscal year. For those subrecipients with a transportation budget less than \$50,000 annually, the Section 5317 program manager will conduct a field audit each year.

4. STATE'S ROLE AND RESPONSIBILITIES

As the state agency designated by the Governor to administer New Freedom funding, MoDOT will provide planning and technical assistance to all applicants.

4.1 State Administrative Costs - The State is permitted to reserve up to 10% of New Freedom funding for costs incurred administering the grant. These funds will be used to assist the RPCs in completing the Local Plans and to provide continuing assistance to the RPCs and subrecipients.

4.2 Planning Workshops - With the inception of the planning requirements outlined in Section 2, MoDOT conducted 11 workshops (in 2007) statewide to familiarize the RPCs and other interested parties in the planning process. A CD was also distributed with the workshop presentation and other information to all attendees. MoDOT will continue to work with the RPCs in updating the Local Plans required and conducting other workshops, as needed. These workshops were conducted using planning funds made available through the FTA.

4.3 Compliance with FTA Requirements - MoDOT will comply with all federal requirements as contained in the FTA Master Agreement. These requirements are outlined in Section 6.

4.4 TEAM Grant Management – The Section 5317 Program Manager will apply for federal funds through FTA’s TEAM software system. A program of projects will be developed that includes the following information for each subrecipient:

- Location
- Service Area
- Status as Public or Non-Profit Agency
- Status of Small Urbanized Area or Nonurban Area
- Federal Share
- Total Cost
- Congressional District
- Description of Project

4.5 SAM II Accounting System – MoDOT uses the State Office of Administration’s SAM II accounting system to track grant payments. The Multimodal Operations division has two full-time employees who enter all transactions in the system.

5. SUBRECIPIENTS ROLES AND RESPONSIBILITIES

Applicants who are awarded funds must demonstrate they are financially and technically capable of carrying out the project.

5.1 Compliance with FTA Requirements - Applicants must agree to comply with all federal requirements as listed in the Master Agreements. The application contains the required certifications and assurances that must be completed and signed before any funding will be allocated. The certifications and assurances are also part of the agreement between the subrecipient and the Missouri Highways and Transportation Commission. This agreement is reviewed by the Chief Counsel's office annually.

5.2 Financial Capability - Subrecipients are required to have the

financial capability to fund the project. The grant program is a reimbursement program so subrecipients must have financial resources available to expend funds and then be reimbursed for the federal portion of the expense.

5.2.1 Technical Capacity - Applicants must demonstrate they have the technical capacity to carry out the project. Technical capacity means an organization has:

1. A structure of policies and procedures that allows them to function in an efficient and effective manner;
2. A staff of trained employees who are capable of following the policies and procedures;
3. An accounting system and other tracking methods that ensure financial responsibility and asset control; and
4. The knowledge and ability to comply with federal, state, and local laws, regulations, and/or requirements.

5.3 Property Management - Vehicles and equipment purchased with New Freedom funds are subject to the following requirements:

5.3.1 Annual Inventory - All subrecipients must submit an annual inventory listing of all vehicles and equipment purchased with New Freedom funds. A current odometer reading for vehicles is required. Subrecipients will also be required to submit a signed certification stating the vehicle and/or equipment is being used for the purpose intended (see APPENDIX C).

5.3.2 Insurance - Subrecipients must insure the vehicle(s) for accident liability and general collision. Replacement insurance must be carried on all equipment.

5.3.3 Transfer of Equipment - Capital equipment may be transferred from one New Freedom subrecipient to another upon MoDOT's approval. Vehicles must meet a useful life requirement before they can be disposed.

Minimum standards for vehicle useful life are:

- Vans, straight or modified - 100,000 miles
- Minibuses (body on chassis) - 100,000 miles
- Larger vehicles - as determined by Altoona test report

A subrecipient, who owns equipment that has not met its useful life, and who discontinues their New Freedom project, will be required to either

transfer the property to another New Freedom recipient or reimburse MoDOT for 80% of the fair market value.

5.3.4 Records - Records must be maintained for all capital purchases. At a minimum, the following information must be included: maintenance records, agreements with MoDOT, documentation of lowest price, and invoices for equipment other than vehicles.

5.3.5 Restrictions on Vehicle Use - Vehicles must be used for New Freedom transportation only. Personal or administrative use of vehicles is not permitted.

5.3.6 Compliance with Federal Motor Carrier Regulations – It is the subrecipients' responsibility to comply with all Federal Motor Carrier Regulations as they may apply to their operations. MoDOT's Division of Motor Carrier Services provides technical assistance through workshops and a help desk.

6. COMPLIANCE WITH FEDERAL REQUIREMENTS

To receive federal funds, MoDOT (the recipient) and all subrecipients must agree to comply with all federal requirements. If subrecipients contract with private for-profit or non-profit providers, these requirements will apply. All contracts or agreements must include the certifications and assurances listed below.

6.1 Civil Rights - All recipients/subrecipients are required to comply with all civil rights statutes and implementing regulations. Subrecipients of Section 5317 assistance are monitored for civil rights compliance during the on-site review (see Appendix D). Copies of civil rights complaints must be submitted in writing to the Section 5317 project manager. Complaints must be signed by the complainant and shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination. Complaints that are not resolved at the local level will be referred to MoDOT within 30 days. MoDOT's Civil Rights Office will investigate the complaint and, with FTA's concurrence, may withhold Section 5317 funds from any grantee whose policies and actions are deemed to be noncompliant. Any legal action filed against the subrecipient must be reported to MoDOT within 30 days.

6.1.1 Equal Employment Opportunity - All applicants must agree to Federal Transit Administration equal employment requirements that are made a part of the Section 5317 Agreement. MoDOT requires an Equal Employment Opportunity program plan prepared in accordance with FTA Circular 4704.1 to be submitted

by Section 5317 recipients with 50 or more employees and who have received capital or operating assistance grants, or a combination thereof, in excess of \$1,000,000 in annual federal transit (FTA) funding, or in excess of \$250,000 of FTA planning funds, in the previous federal fiscal year. Recipients are monitored for compliance during field inspections.

6.1.2 Section 504 and ADA - All subrecipients will be required to comply with all regulations concerning equivalent service and access by individuals with disabilities as defined by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1991.

All subrecipients are required to annually certify they have sufficient accessible vehicles to meet the ADA requirements for equivalent service. The certificate is included in the Section 5317 funding application.

Not-for-profits and other Private Providers Operating Fixed Route Systems Not-for-profit providers operating fixed route systems must acquire accessible vehicles if the vehicles acquired are other than automobiles, vans seating less than 8 persons, or over-the-road buses (see 49 CFR 37.103 (b)).

Not-for-profits and other Private Providers Operating Demand Response Systems Providers may acquire both accessible and non-accessible vehicles if they meet the requirements of 49 CFR Section 37.105 in providing equivalent service to individuals with disabilities. Evaluation of equivalent service will be based on the following criteria: 1) response time, 2) fares, 3) geographic area of service, 4) hours and days of service, 5) availability of information, 6) reservations capability, 7) constraints on capacity or service availability, and 8) restrictions priorities based on trip purpose.

The status of the lead agency in a transit project determines what service must be provided and what vehicles may be purchased, i.e. a public entity that contracts with a private not-for-profit to provide service must comply with the requirements for public entities.

6.1.3 Limited English Proficiency - Subrecipients whose service areas include populations with limited English proficiency must develop and implement strategies to make the service accessible to those populations. Translator services, language instruction for dispatchers and drivers, and bilingual advertising and signage are examples of those strategies.

6.1.4 Disadvantaged Business Enterprise (DBE) - All applicants must agree to FTA's DBE requirements that are made a part of the Section 5317 Agreement. Recipients are monitored for compliance during onsite reviews.

6.1.5 Title VI - All applicants are required to execute the standard Civil Rights Assurances that is referenced in the Section 5317 Application Guideline Booklet. The required Local Civil Rights Assurance is submitted to the department in the application and kept on file in the recipient's folder. Recipients of Section 5317 assistance are monitored for civil rights compliance during onsite reviews. Civil rights complaints must be submitted in writing, with copies sent to the Section 5317 program manager. Complaints must be signed by the complainant and shall state the facts and circumstances surrounding the alleged discrimination. Complaints that are not resolved at the local level will be referred to MoDOT within 30 days. MoDOT will investigate the complaint and, with FTA's concurrence, may deny funding or repossess equipment from any grantee whose policies and actions are deemed to be in non-compliance. Any legal action filed against the grantee must be reported to MoDOT within 30 days.

Title VI of the Civil Rights Act of 1964 is a Federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive Federal financial assistance. Reference to Title VI includes other civil right provisions of Federal statutes and related authorities to the extent they prohibit discrimination in programs and activities receiving Federal financial assistance.

Title VI compliance is defined as when the recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort has been made toward achieving this end. MoDOT and all Section 5317 program recipients must meet these requirements.

All programs conducted by MoDOT and the Section 5317 program recipients must meet the requirements. Education, training, work opportunities, benefits, and provision of services are examples of programs that must meet the Title VI requirements, whether provided directly by the recipient or its agents, contractors, or other vendors.

Discrimination is defined as: an act (action or inaction) whether intentional or unintentional, through which a person or group, solely because of race, color, national origin, disability, sex, age or

income status, has been otherwise subjected to unequal treatment or impact, under any program or activity receiving Federal financial assistance.

A complaint may be filed by any individual or group that believes they have been subjected to discrimination or retaliation based on their race, color, national origin, sex, age, disability or income status. The complaint may be filed by the affected party or a representative and must be in writing.

Section 5317 program recipients who feel they have been discriminated against by any MoDOT employee or its agent/contractor may contact MoDOT's External Civil Rights Office. A review will be made to determine if MoDOT has jurisdiction to investigate the issues raised. If MoDOT does not have jurisdiction, the complaint will be forwarded to the appropriate agency. If MoDOT does have jurisdiction, the allegations will be investigated and an attempt will be made to resolve the matter. If violations are found and negotiations to correct the violation are unsuccessful, enforcement proceedings may be initiated to attain compliance.

In addition, any individual or group who believes they have been discriminated against by an employee of a Section 5317 program recipient or its agent/contractor should first contact the Section 5317 recipient in writing. MoDOT should also be notified of the complaint within 5 working days.

MoDOT and the Section 5317 program recipients are prohibited from retaliating against any person because they reported an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI. If an individual or group believes they have been retaliated against, they should immediately contact MoDOT's External Civil Rights Office to report their allegation. Filing a complaint with MoDOT does not prevent an individual or group from seeking remedy through other resources.

Complaints should be addressed to:

External Civil Rights/Title VI Coordinator
P. O. Box 270
Jefferson City, MO 65102
573-526-2978

6.2 Buy America Regulations - The Buy America requirements apply to all FTA funded purchases of more than \$100,000, not just vehicles. Bidders are required to execute the Buy America certification at the time of bid submission. (For an RFP, the certification must be executed no later than the best and final offer submission.)

MoDOT conducts pre-award and post delivery vehicle audits on all vehicle procurements. All bidders must submit a statement of domestic content with their bids. The statements are evaluated before bids are awarded. Domestic content is also reviewed when 1) more than 20 vehicles are purchased from one manufacturer, MoDOT conducts an inspection at the factory, and 2) every vehicle is inspected just prior to delivery. In addition, vendors must submit a post-delivery statement of domestic content for all vehicles. Steel, iron and manufactured products must be manufactured in the United States from domestic components. For rolling stock, final assembly must occur in the United States and the cost of components made in the United States must be greater than 60% of the cost of all components.

6.3 Rolling Stock Audit and Inspection - MoDOT staff will conduct all rolling stock audits required by FTA. Subrecipients are required to maintain a log on each vehicle detailing repairs and preventive maintenance. Department staff will inspect vehicles for condition, cleanliness, presence of safety equipment including, but not limited to, first aid kits, blood borne pathogens kits, seat belt cutters, and fire extinguishers. Lift equipment and wheelchair restraints will also be inspected.

6.3.1 - Vehicle/Equipment Preventative Maintenance Requirements - Recipients must keep Section 5317 funded vehicles and equipment in good operating order. As a minimum, vehicles will be maintained in accordance with manufacturers suggested preventative maintenance schedule. All accessible vehicles covered by ADA requirements must be maintained in such a manner that ensures all lifts, securement devices, ramps, signage and systems that allow communications with hearing and vision impaired individuals is readily accessible to and usable by these individuals. Out of order equipment must be repaired promptly. When an accessibility feature is out of order, the 5317 recipient shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. Onsite reviews will ensure these requirements are being met.

6.4 Anti-Lobbying and Debarment and Suspension

6.4.1 Lobbying - MoDOT and all applicants will be required to abide by FTA's requirements regarding anti-lobbying restrictions. Subrecipients may not use federal funds for lobbying purposes. Grant subrecipients whose federal funds exceed \$100,000 in any one year are subject to reporting requirements if any non-federal funds are used for lobbying.

6.4.2 Debarment and Suspension - Subrecipients of federal funds may not transact business with anyone who has been debarred and/or suspended from doing business with the federal government. Subrecipients are responsible for researching that potential contractors and/or subrecipients are not debarred and/or suspended; a list of entities that have been debarred and/or suspended is available at <http://epls.arnet.gov> .

6.5 Substance Abuse Testing - Subrecipients who receive funding only through the Section 5310, 5316, or 5317-grant program are not required to have a Substance Abuse testing program as required by CFR 49, Parts 40 and 655. However, if the subrecipient receives funding through the Section 5307, 5309, or 5311 programs, the Substance Abuse testing program requirement will apply to all safety-sensitive employees, including those whose employment is funded through the Section 5311, 5316 or 5317 programs.

Subrecipients and their contractors who employ safety sensitive personnel (excluding safety sensitive contract maintenance personnel for recipients of Section 5317 funding) must have written drug and alcohol policies as required by FTA. Subrecipients and their contractors will allow MoDOT designated personnel review the drug and alcohol program records for compliance. Subrecipients are required to complete FTA's Management Information System (MIS) forms online annually. Reports are based on the calendar year.

Subrecipients who are exempt from the FTA's testing requirements may still have to comply with Federal Motor Carrier drug and alcohol program requirements if they have drivers who hold Commercial Drivers Licenses and drive commercial motor vehicles.

6.6 Additional Requirements - Each subrecipient is required to complete an application for each funding cycle (see Appendix A). MoDOT staff will be responsible for distributing up-to-date applications to each potential subrecipient and will make revisions to the agreements as necessary to comply with federal regulations, including, but not limited, to the following:

- Program Fraud
- Charter and School Bus Service
- Breaches & Disputes
- Clean Water
- Federal Changes
- Energy Conservation
- Incorporation of Federal Terms
- Termination Provisions
- Clean Air
- Privacy Act
- 3rd Party Obligations
- State & Local Law Disclaimer
- Acquisition of Private Mass Transportation Companies
- ITS Architectural Compatibility.

7. REVISIONS TO THE SMP

References to FTA and other federal and/or state regulations are current as of the date of the latest revision to this plan. MoDOT will administer the Section 5317 program according to the latest regulations. References to specific regulations will be considered revised accordingly without formal re-submission of the state management plan to FTA for approval. Any revisions will be listed in an appendix and sent to all Section 5317 providers.

FTA will be notified of minor revisions and, if major revisions are made, public comment will be solicited before FTA's approval is requested. Any public comments will be made available to FTA.

APPENDIX A – ELIGIBLE 5317 ACTIVITIES

New Public Transportation Alternatives Beyond the ADA

- 1). Supporting mobility management & coordination programs among public transportation providers and other human service agencies that provide transportation; activities include:
 - a. Promotion, enhancement and facilitation of access to transportation services
 - b. Support for short-term management activities to plan/implement coordinated services
 - c. Operation of transportation brokerages to coordinate providers, funding agencies and clients
 - d. Development and operation of one-stop transportation call centers
 - e. Acquisition of technology that enhances service to clients in support of mobility
- 2). Purchasing vehicles to support new accessible taxi, ride sharing and/or vanpooling programs
- 3). Supporting the administration and expenses related to new voucher programs for transportation services offered by human service providers.

New Public Transportation Services Beyond the ADA

- 1). Travel training – to provide individual users an awareness, knowledge and skills of public and alternative transportation options available.
- 2). Expanding paratransit routes beyond ADA minimum requirements
Going beyond the $\frac{3}{4}$ mile required by ADA
Expanding hours of service for ADA paratransit services
Acquisition of vehicles to accommodate mobility aids that exceed the “common” wheelchair under ADA
- 3). Establishing new feeder services

APPENDIX B – APPLICATION REQUIREMENTS

Attached are the narrative/descriptive requirements for the 5317 application. In addition to the narrative portion, please see the application booklet for a list of certifications/assurances that must be signed by the applicant.

**Section 5317 – New Freedom Application
Federal Fiscal Years 2006/2007**

Section A:

The following information is required:

Organization/Agency	Name of eligible applicant
Project contact:	Person responsible for submitted material
Title:	Contact person’s position
Address:	Mailing address, city, state and zip code
Phone:	Phone number of contact person
Fax:	Fax number for contact person
Email address:	Email address of contact person
Applicant Type:	Private not-for-profit, local public body , public transportation provider, or a private operator
Project Name	What is the project
Project Type	Operating, Capital or both
Primary Service Area	Small urban (50,000-199,999) or non-urban (<50,000)
List Specific Areas Served	Where will you be operating

Section B – Demonstration of Need and Projects Benefit

- Describe all activities included in the project:
 - For operating – include information on hours, miles, days per week, number of clients
 - For capital – how will this be utilized
- Identify the unmet transportation need addressed by the project
 - Identify local plan and strategy that is being addressed
- Explain how the project will overcome current transportation barriers and improve access
- Describe specific outcomes and benefits for your project
- Describe how your project will be coordinated with other service providers in your region

Section C – Budget, Financial Capacity and Technical Capacity

- Describe your organization’s ability to provide and manage the project.
- Demonstrate your ability to continue the project past the funding constraints
 - Attach a copy of your project’s budget, listing sources of funding
 - Provide a listing of all staff who will be assisting on the project

Section D – Attachments

- Sign and submit the following attached FTA assurances

- Letter of financial commitment from your board/organization
- Letters of support
- Letters to local area providers, stating your intent to apply for this grant through MoDOT
- Newspaper advertisements, allowing for a 30-day comment period, need Affidavit of publication signed by newspaper

APPENDIX C – ANNUAL INVENTORY FORM
(Capital Projects Only)

PLEASE NOTE

Reports not returned by XXXXX, will be considered delinquent. Your agency may not be considered for federal funding for FY XXXX year, and equipment may be transferred to other providers.

By signing below, you agree to the following as stated in the **New Freedom Program, 49 U.S.C. 5317 Annual Certification of Use of Project Equipment:**

- 1) The vehicle(s) acquired under 49 U.S.C. 5317 continues to be used for the purposes for which the grant was approved.
- 2) The vehicle(s) does not exceed that which is needed for the agency's transit operations under the approved application.
- 3) The vehicle(s) has not been sold, damaged or otherwise taken out of service as outlined in the approved application without prior written approval by the transit staff of the Missouri Department of Transportation.
- 4) Adequate insurance is maintained to protect the Federal interest of the fair market value of the vehicle(s).

Note: Include *either* 1) Copies of current insurance card(s) for the 5317 vehicles or 2) a copy of the Declaration Page from your current and in-force insurance policy for the vehicle(s).

AGENCY: _____

CONTACT: _____

TITLE: _____

DATE: _____

Signature

Total Number of Section 5317 vehicles operated by your agency _____

**Missouri Department of Transportation
Annual FTA Section 5317 Vehicle Usage Report
for the year XXXX**

(Page Two of Two)

Complete one sheet for each Section 5317 vehicle in your inventory during XXXX

1. Agency: _____
 2. Make, Model & Year: _____
 3. Vehicle Identification Number (VIN): _____
 4. Lift/Ramp Equipped: (Circle one) YES NO
 5. Vehicle Leased: (Circle one) YES NO
 - 5.a. If you answered Yes please provide the following information:
 - * Lessee Name/s: _____
 - * POC Name/Number: _____
 - * Location of Vehicle: _____
 - * Signed Lease Included with this report? YES NO
 6. Odometer Reading as of 12/31/2006: _____
 7. Miles This Vehicle Driven During calendar year 2006: _____
 8. Number of One-Way Disability Trips during calendar year 2006: _____
 9. Total Vehicle Expenses for THIS vehicle in calendar year 2006: _____
- (Note: Total vehicle expenses include maintenance, administration, fuels & lubricants, repairs, tires, etc.)
10. Funding Sources (% of vehicle expenses):
Fares/Contributions ____%, State/Local ____%, Human Services ____%
 11. List Names of Every County this vehicle served in CY XXXX:

APPENDIX D – ON-SITE REVIEW

**ANNUAL REVIEW OF SECTION 5317 RECIPIENTS
BY THE MISSOURI DEPARTMENT OF TRANSPORTATION**

Recipient’s Name: «Grantee»
Type of Organization: «Type_of_Org»
Address of Organization: «StreetBox», «City», «State» «Zip»
Phone Number: «Telephone»
Director of Organization: «First_Name» «Last_Name»
Email Address: «EMail»
Reviewer: Chris Brundin Date of Review: _____

Section One, Organization Overview:

1. Type(s) of transportation service provided
 fixed route with complementary paratransit _____
 deviated fixed route with complementary paratransit _____
 demand/response _____
 taxi coupon _____
 other _____

2. Days and hours of operations for transportation services
 Mon-Fri _____ Sat _____ Sun _____
 Hrs _____ Hrs _____ Hrs _____

3. Annual operating budget _____
 _____ % administration _____ % operating

4. List main sources of revenue
 _____ federal ___ state ___ local ___
 _____ federal ___ state ___ local ___
 _____ federal ___ state ___ local ___
 _____ federal ___ state ___ local ___

5. Insurance for federally funded equipment and/or facilities
 _____ insurance company
 _____ expiration date of policy
 Type(s) of insurance carried
 collision on vehicles _____ liability on vehicles _____

6. Specialty services provided (charter, tripper, package/meal delivery, etc.)

7. What finding, if any, did your organization have in the last A-133 audit? Did the organization expend \$500,000 in federal transit administration funds in one year? (Determine sufficiency of financial management and retrieve a copy of the annual OMB A-133 audit). _____.

Section Two, Operations

1. Transportation operating deficit for the most recent ended fiscal year _____ (Total expense minus all non-DOT revenue)

2. Number of one-way trips provided in the previous fiscal year _____

3. Average daily fare collection _____
Fare per ride _____
Are fares discounted for the elderly/disabled ? _____
If yes, list fare _____
What procedures are followed to ensure donations and fares are properly accounted for? _____

4. How long are trip sheets and other Section 5317 records retained?

5. When scheduling trips, do you require a 24-hour advance reservation?

6. What maintenance procedures do you follow for lift-equipped vehicles?

7. For what purposes does your organization use its federally funded vehicles?
passenger transportation _____
meal delivery _____
other _____

8. List organizations with whom you coordinate transportation _____

Do you ever coordinate transportation (such as long distance medical) with other Section 5317 or Section 5317 or Section 5311 providers?

9. What findings, if any, did your organization have in the last independent audit? Have these findings been resolved? _____

10. What provisions have you made to backup computerized records? Are backup records located in a separate location? _____

11. Describe procedures for assembling drivers and vehicles in case of emergency.

Section Three, Capital

1. What measures do you take to accurately track all inventory of capital items?

2. What federally funded procurements did your organization perform in the past fiscal year?

3. How does your organization provide full and open competition in procurement?

4. What real property did your organization acquire this year via FTA funds that flowed through MoDOT? _____

5. What does your organization do to insure cost effectiveness in all procurements?

6. Has your organization performed any vehicle procurement on its own? Provide supporting documentation that demonstrates all applicable federal laws were followed. How were Buy America provisions handled? _____

7. Did your organization receive more than \$250,000 in FTA funds in the past fiscal year? If so, what did your organization do to comply with FTA DBE requirements?

8. Did your organization receive more than \$1 Million in FTA funds (or \$250,000 in FTA planning funds) and employ 50 or more employees? If so, what did your organization do to comply with EEO program requirements?

9. Does your organization lease any vehicles? If so, who leases your vehicles and what is the cost?

10. Where does your organization derive local match for capital projects? How does your organization secure those dollars each year?

11. Does your organization know where to locate the list of federally suspended and debarred contractors?

<http://epls.arnet.gov>

12. What are the major capital needs for your organization in the next fiscal year? Five years?

13. What is your organization's largest barrier to capital?

14. Did your organization perform any lobbying activities in the last fiscal year? If so, what amount was paid to the lobbyist? What funds did your organization do to pay of the expense of the lobbyist?

15. What can MoDOT do to help your organization?

Section Four, Civil Rights and ADA Compliance

1. Has anyone has been refused service in the last 12 months? If yes, explain.
2. Does your organization have EEO and Title VI employment policies in place?
3. Has your organization received any Title VI or EEO complaints in the past year? If so, were they resolved?

4. Do you have written set of rider rules?

Do you have a written complaint procedure?

Are service animals and medical equipment (oxygen tanks) permitted on all vehicles?

Do rider brochures/schedules/other documents include this information?

5. How are ADA service issues handled by your organization? How many vehicles are wheelchair equipped?

6. If you have only one accessible vehicle, what policies or contracts do you have in place to insure an accessible vehicle is available during all service hours?

service is shut down

contract with another provider to furnish vehicle

other

For Fixed route Service Only

7. If multiple routes serve the same stops, is each vehicle clearly marked as to what route it serves?

8. Are all stops accessible? If not, how are inaccessible stops identified?

9. Do drivers announce all major stops verbally

Do drivers announce all stops if a passenger requests it?

10. Do new drivers receive ADA training before beginning work?

Do new drivers receive formal training in lift deployment and wheelchair securement before beginning work?

11. Does ADA training for drivers include the following:

a. service animals are permitted

b. standees allowed to use lift

c. allowing adequate time for boarding/alighting

12. Is the following information included in route schedules/other documents?

a. respirators and oxygen tanks are permitted

b. route maps with non-accessible stops labeled

c. qualifications for paratransit eligibility

13. Is recovery/slack time allowed for when scheduling routes to make up for additional time taken for wheelchair or other disabled riders boarding/alighting?1.

Reviewer's comments:

Reviewers Signature

Date

I concur that by affixing my signature below that all answers and comments given are true and accurate to the best of my knowledge.

Recipient Signature

Date