

# **STATE MANAGEMENT PLAN**

## **SECTION 5339**

### **BUS AND BUS FACILITIES FORMULA PROGRAM**

October 21, 2019

Arkansas Department of Transportation  
Transportation Planning and Policy Division  
Public Transportation Programs Section

In cooperation with

U.S. Department of Transportation  
Federal Transit Administration

TPP:PTPS:10/10/2019

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This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille. Free language assistance for Limited English Proficient individuals is available upon request.

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Subrecipients should be aware that Federal Transit Administration (FTA) programs are governed by various laws and regulations. Therefore, FTA develops program circulars as guidelines to administer the programs. The FTA Circular 5100 is developed specifically for the Bus and Bus Facilities Formula Program (Section 5339).

On July 6, 2012, President Obama signed Moving Ahead for Progress in the 21st Century (MAP-21), reauthorizing surface transportation programs through fiscal year 2014. MAP-21 took effect on October 1, 2012.

## **PROGRAM GOAL AND OBJECTIVES**

To ensure that Section 5339 funds are utilized in the most responsible manner possible, the Arkansas Department of Transportation (Department) maintains the goal of encouraging public transit systems to be as cost effective and efficient as possible. The objectives for accomplishing the goal are as follows:

- Promoting better use of existing fleets and the most economical vehicle for future routes.
- Utilize all funds that are available for capital projects.
- Maintain existing levels of service by purchasing replacement vehicles and facility rehabilitation prior to consideration of expansion vehicles or other capital projects.
- Equitably allocate funds among all public transit systems.

## **ROLES AND RESPONSIBILITIES OF THE DEPARTMENT**

The Governor of Arkansas has designated the Department as the recipient of all FTA programs and funding for the purpose of administering those funds in accordance with State and Federal laws, statutes, and regulations. Within the Department's Transportation Planning and Policy Division, the Public Transportation Programs Section (PTPS) has the following roles and responsibilities to:

- Document the State's procedures in a State Management Plan (SMP);
- Notify eligible local entities of the availability of the program;
- Plan for future transportation needs, and ensure integration and coordination among diverse transportation modes and providers;
- Solicit applications;
- Develop project selection criteria;
- Review and select projects for approval;
- Forward an annual program of projects and grant application to FTA;

- Certify eligibility of applicants and project activities;
- Ensure compliance with Federal requirements by all subrecipients;
- Monitor local project activity;
- Oversee project audit and closeout; and
- File a National Transit Database (NTD) each year and report Federal Funding Accountability and Transparency Act (FFATA) data as required.

## **STATE ADMINISTRATION OF PROJECTS**

The Department must exercise adequate oversight to ensure that only eligible activities receive Federal assistance and that subrecipients meet Federal requirements. In administering the project, the Department must:

- Provide for appropriate technical assistance for rural areas and urban areas, if requested;
- Ensure that there is a fair and equitable distribution of program funds within the State, including funds to Indian tribes;
- Ensure a process whereby private transit operators are provided an opportunity to participate, including private providers of public transportation services through service agreements with operators of public transportation services or as subrecipients;

## **ELIGIBLE SUBRECIPIENTS**

The Department's policy regarding subrecipients eligible to receive Section 5339 funds within the State of Arkansas is consistent with Federal program guidelines. The Department, as a designated recipient, receives a grant under this section may allocate amounts of the grant to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation, including those providing services open to a segment of the general public, as defined by age, disability, or low income. The FTA definition of "public transportation" explicitly excludes intercity rail or bus service.

## **ELIGIBLE SERVICES AND SERVICE AREAS**

### **Eligible Expenses**

The Section 5339 Program provides funding for capital projects. The Department places priority on these projects as follows:

- Vehicle replacement

- Facility repair
- Vehicle expansion
- Vehicle related equipment
- Construction of bus related facilities

## **ELIGIBLE ASSISTANCE CATEGORIES**

### **Capital Expenses**

Eligible capital expenses include projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities needed for a safe, efficient, and coordinated public transportation system as well as certain other.

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

- The acquisition of buses for fleet and service expansion;
- Bus maintenance and administrative facilities;
- Transfer facilities;
- Bus malls;
- Transportation centers;
- Intermodal terminals;
- Park-and ride stations;
- Acquisition of replacement vehicles;
- Bus rehabilitation;
- Passenger amenities such as passenger shelters and bus stop signs;
- Accessory and miscellaneous equipment such as:
  - Mobile radio units;
  - Fare boxes;
  - Hardware and software, except for annual maintenance/service fees;
  - Computers; and
  - Shop and garage equipment.

- Construction or rehabilitation of transit facilities including design, engineering, and land acquisition;
- Costs associated with environmental compliance including engineering and design activities are eligible capital expenses. This includes the preparation of environmental documents.

NOTE: Planning activities, Preventive Maintenance, and Mobility Management are not an eligible activity under the 5339 Program.

- Lease of equipment or facilities when lease is more cost effective than purchase. Note that when lease of equipment or facilities is treated as a capital expense, the State must establish criteria for determining cost effectiveness, in accordance with FTA Regulations, "Capital Leases," 49 CFR part 639;
- The capital portion of costs for service provided under contract.
- Joint development improvements "Joint development improvements" are an eligible capital expense under 49 U.S.C. 5302(3)(G), and the term commonly refers to the coordinated development of public transportation facilities with other, non-transit development, including commercial and residential development. Coordinated development often involves private and public entities, and is supportive of the private sector participation provisions of 49 U.S.C. § 5315.
- The introduction of new technology, through innovative and improved products, into public transportation;
- Crime prevention and security; including projects to refine and develop security and emergency response plans; projects aimed at detecting chemical and biological agents in public transportation; the conduct of emergency response drills with public transportation agencies and local first response agencies; and security training for public transportation employees; but excluding all expenses related to operations, other than such expenses incurred in conducting activities described above;
- Transit-related Intelligent Transportation Systems (ITS); and
- Clean Fuels Projects. Purchases under this category are passenger vehicles used to provide public transportation and powered by compressed natural gas (CNG), liquefied natural gas (LNG), biodiesel fuels, batteries, alcohol-based fuels, hybrid electric, fuel cell, clean diesel (ultra-low sulfur content), or other low or zero emissions technology. Eligible activities also include constructing or leasing clean fuel buses, constructing electrical recharging facilities for such buses, and constructing new or improving existing public transportation facilities to accommodate clean fuel buses.
- Introduction of New Technology. Section 5339 funds may be used for transit- related technology, such as innovative and improved products that provide benefits to transit, including Intelligent Transportation Systems (ITS). ITS refers to the use of electronics, communications, or information processing used as a single component or in combination to improve efficiency or safety of a transit system.

- Capital projects exclude intercity passenger rail provided by Amtrak, intercity bus service, charter bus service, school bus service, sightseeing services, courtesy shuttle services provided by individual businesses and intra-terminal or intra-facility shuttle services.

The Department strongly encourages subrecipients to purchase non-rolling stock capital projects within six months of project award or authorization to proceed.

## **FEDERAL MATCHING REQUIREMENTS**

### **Capital Projects**

The Department limits the Federal share to 80 percent of the net cost of the project for capital projects. There are three exceptions that may be applied to the percentage match for capital projects purchased by the subrecipients.

- (1) Vehicles. The federal share is 85 percent for the acquisition of vehicles for purposes of complying with or maintaining compliance with the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 *et seq*) or the Clean Air Act (CAA), 42 U.S.C. 7401 *et seq*).
- (2) Vehicle-Related Equipment and Facilities. The federal share for project costs for acquiring vehicle-related equipment or facilities (including clean-fuel or alternative-fuel vehicle-related equipment or facilities) for purposes of complying or maintaining compliance with the CAA, or for meeting the requirements of the ADA, is 90 percent.

FTA considers vehicle-related equipment to be equipment on and attached to the vehicle.

- (3) Bicycle Facilities. As provided by 49 U.S.C. 5319, the federal share is 90 percent for those bicycle access projects or portions of bicycle access projects designed to:
  - (a) provide access for bicycles to public transportation facilities;
  - (b) provide shelters and parking facilities for bicycles in or around public transportation facilities; or
  - (c) install equipment for transporting bicycles on public transportation vehicles.

NOTE: Bicycles themselves are not an eligible capital expense under the Bus and Bus Facilities program, only bicycle access related infrastructure.

## **LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS**

### **Local Share of Projects**

After the appropriate federal share is established, the applicant must provide the local share of the net project cost in cash (or in-kind) and must document in its grant application the source of the local match.



Title 49 CFR part 18, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government,” (the common grant rule) at Section 18.24, “Matching or Cost Sharing,” describes detailed rules for eligibility, valuation, and accounting for the local matching share.

- Cash from non-governmental sources other than revenues from providing public transportation services;
- Non-farebox revenues from the operation of public transportation service, such as the sale of advertising and concession revenues. A voluntary or mandatory fee that a college, university, or similar institution imposes on all its students for free or discounted transit service is not farebox revenue;
- Amounts received under a service agreement with a State or local social service agency or private social service organization;
- Undistributed cash surpluses, replacement or depreciation cash funds, reserves available in cash, or new capital;

Local share for capital expenses should be provided in cash, cash equivalent or other eligible sources. The local share may also be made up of unrestricted funds from other federal programs. Funds generated through service agreements with social service organizations may be treated as local match or project income used to offset operating expenses.

In 2001 the Arkansas General Assembly passed Act 949 to assist public transit providers receiving FTA funds. This funding (Public Transit Trust Fund) has continued annually with distribution based upon a formula developed by the Department and may be used as local match. The formula, as originally developed, is relative to passenger trips, operating costs, demographic data and “Hold Harmless” factors; however, funding levels are currently set at this time.

## **PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS**

Project evaluation and the distribution of funds is based on a fair and equitable process among any and all eligible subrecipients and in compliance with Title VI, Americans with Disabilities Act, EEO, and Section 105(f) requirement, and as specified in 49 CFR Parts 27, 37, and 38. Priority is given to existing subrecipients who are grandfathered in annually to protect assets. Subrecipients are required to submit applications, typically by April of each year, that propose capital needs and costs. Applications must be submitted on the Department Section 5339 Application Form, see Appendix. Subrecipients must sign this application to reflect their approval of the project and approval to commit local funds. The Department will review the applications and make recommendations on projects and will support only those costs that meet the “reasonable and necessary” test of OMB Circular A-87. The other considerations of project evaluation are: (1) availability of funds, and (2) a fair and equitable distribution of funds among existing systems.

The Department is committed to allow for the development of new properties, criteria such as the following are considered: (1) cost efficiency (2) service effectiveness (3) technical and financial capacity and (4) availability of Federal funding.

The Department has two sources of state funds dedicated to transit purposes. First, is the Public Transit Trust Fund (PTTF) supported by a five percent sales tax on rental vehicles and generates about \$4.0 million, annually. Second, is an annual direct legislative appropriation (HUA) of approximately \$350,000 supported by a corporate franchise fee. Each fund is distributed by formula established by the Department. The PTTF fund is distributed quarterly while the HUA fund is distributed annually. New public transit systems are considered pilot projects and given a “flat rate” of \$10,000 per quarter from only the PTTF funds.

**ANNUAL PROGRAM OF PROJECTS DEVELOPMENT  
AND APPROVAL PROCESS**

The Department will accept applications from any eligible applicant. The Department will provide technical assistance to any eligible applicant who contacts the PTPS. Applications are submitted on an annual basis from existing subrecipients in accordance with the timetable shown below. Potential new systems are required to submit an application in the same manner as existing systems. The Department will accept and review these applications in a reasonable and expeditious time frame as agreed upon between the Department and the potential recipient.

**APPLICATION PROCESS**

- |   |                  |
|---|------------------|
| 1. Submit Application                       | In March/April   |
| 2. Internal Review and Reply                | 30 Days after #1 |
| 3. Develop Program of Projects              | After #2         |
| 4. Prepare and Submit FTA Grant Application | After #3         |

The Department will continue to submit an application for FTA Section 5339 funds on an annual basis in behalf of the subrecipients. This annual Program of Projects (POP) will reflect the level of estimated funding. The Department will follow the analysis from the Transit Asset Management Plan to assist in determining what capital items should receive funding. The Asset Management Plan prioritizes a list of transit assets that have met its useful life and should be replaced or repaired.

The Department may find a need to transfer funds between the two Governor’s Apportionment amounts from the State’s National Distribution Allocation, consistent with 49 U.S.C. 5339(e)(1), the Governor of the State may transfer any part of the State’s apportionment, specifically the National Distribution allocation, to supplement amounts apportioned to the State under Section 5311(c) or amounts apportioned to the State for areas under 200,000 in population under Section 5307. Transferred funds must be used for eligible Bus Program activities, even if combined in a grant with other Section 5307 or 5311 funding.

The Department will determine the availability of funds and consult with local officials and/or public transit agencies about transferring of available funds. However, the Department will use its discretion in determining what funds are to be transferred among Programs.

- The Department may transfer Section 5339 funds without consultation of local officials within the last 90 days in which the funds are available for obligation.

# STATE PROGRAM MANAGEMENT

## Procurement

Pursuant to OMB Circular A.102, the Arkansas Purchasing Law and Regulations and the Department Interoffice Memorandum of August 16, 2013. These standards are applied to all eligible subrecipients. The following purchase limits are required:

**Up to \$10,000 Open Market/Small Purchases** (however, competition should be used to the maximum extent practical.)

**From \$10,000 to \$75,000 Competitive Unsealed/Quotation Bids** (Quotes from at least three sources by direct email, mail, telephone, telegraph, or written form.)

**More than \$75,000 Awarded by Competitive Sealed Bids Only.** (This requirement is waived for the bulk purchase of fuel however, quotes must be obtained with each purchase.)

## Third Party Contract Management

The PTPS provides technical assistance in the form of review and comment upon all requests for bids or proposals, which a Section 5311 prepares for distribution. Section 5307 agencies develop their own bid proposals but may ask assistance from PTPS. This process allows the PTPS to ensure: (1) that potential bidders have not been precluded by bid specifications; and (2) that the technical specifications will ensure the transit property that goods or services selected are the same as what is needed. [FTA Circular 4220.1F provides additional guidance to the Department and the subrecipient in third party contracting.]

Once bids are opened and reviewed, the subrecipient's recommendation for selection is sent to the PTPS, along with copies of all bids or proposals received. The Department's contract with the Section 5311 requires that the PTPS be allowed concurrence in the selection of third party contractors.

The PTPS, therefore, has the opportunity to ensure that the selected bidder: (1) is in compliance with the bid specifications; (2) meets all application requirements and regulations; and (3) is not on the Unapproved Bidders list (debarred); and (4) has met Section 105(f) of the Surface Transportation Assistance Act of 1982 (STAA of 1982) concerning disadvantage businesses requirements. The Department will visually review the national SAMS website prior to awarding any contract to verify the contractor is not on the debarred list. The results of the review will be printed and included in the contract documents along with the Third Party Contract Checklist. The Department will inform all subrecipients of these required procedures and ensure they are followed.

**Section 5307 agencies review and approve their own contracts but may ask assistance from PTPS. However Section 5307 agencies, must follow FTA contracting regulations, reporting and maintenance requirements and procedures.**

To ensure compliance, efforts are monitored through the review and approval process as well as documentation (invoices, quote forms, etc.) for fund reimbursement.

## Vehicle Acquisition

The Department is the primary purchaser of transit vehicles, except for specialty transit vehicles, where the subrecipient may be the purchaser. In the case of Section 5311 agencies, the subrecipient must submit bid specifications to the Department for approval. The Department will also review and approve the manufacturer selection prior to bid award. Section 5307 subrecipients will approve their own specification when purchasing specialty vehicles but may ask assistance from PTPS. However Section 5307 agencies, must follow FTA contracting regulations, reporting and maintenance requirements and procedures.

The Department has implemented a policy, which will require inspection of a new vehicle purchased by the Department before it leaves the dealership (exceptions may be made with approval) by PTPS staff personnel prior to final delivery. Each subrecipient is responsible for manufacturing and delivery of specialty vehicles.

Emphasis will be placed on the following: Compliance with specifications, Buy America requirements, malfunctions and defects, and Federal safety standards. The participating dealerships are required to notify PTPS staff when a new vehicle has arrived and is ready to be inspected prior to delivery to the Department.

MAP-21 requires all transit passenger vehicles must receive a "Pass" grade from the FTA bus testing facility. The Department will comply with this provision once final Bus-Testing Regulations are approved.

## Property Management and Disposition

Whenever Section 5311 subrecipients utilize Section 5339 funds to purchase property a Capital Inventory Control form is required of all property and equipment. The inventory is updated whenever a request for capital reimbursement is made.

The Department continually updates the capital inventory and keeps a copy on file. This inventory itemizes all equipment/items that have a useful life of more than two (2) years and an acquisition cost that exceeds \$500 per unit. Disposition and useful life standards of vehicles and other capital inventory items are handled in accordance with 49 CFR Part 18 and current FTA Circulars and generally outlined below.

<b>TRANSIT EQUIPMENT</b>	
<b>DESCRIPTION</b>	<b>YEARS</b>
Maintenance Shop Equipment and Tools (engine analyzers, jacks, lifts, fuel tanks, air compressors, gas pumps, tire balancers, etc)	10
Furniture, Fixtures, and All Communication Equipment, etc.	10
Typewriters, Duplicating Equipment, Calculators, File Cabinets, Safes, etc.	10
Route Support Equipment (benches, shelters, signs)	10
Computers, VCRs, Televisions, Video Equipment, Tele-communication Equipment	6
Remanufactured Equipment (structural restoration, new or rebuilt major components to extend useful life)	6
Fareboxes and Miscellaneous Equipment	5
Rehabilitation (body and interior, some new mechanical components)	3
Wheelchair Lifts – Useful life of vehicle	

<b>TRANSIT VEHICLES</b>					
<b>Category</b>	<b>Typical Characteristics</b>			<b>Minimum Life</b>	
	<b>Length</b>	<b>Approx. GVW</b>	<b>Seats</b>	<b>Service Years</b>	<b>Miles</b>
Heavy-Duty Large Bus (Over the Road Coach)	35 to 48 ft. and 60 ft. artic.	33,000 to 40,000	27 to 40	12	500,000
Heavy-Duty Small Bus (Trolley - Rubber Tired)	30 ft.	26,000 to 33,000	26 to 35	10	350,000
Medium-Duty and Purpose-Built Bus	30 ft.	16,000 to 26,000	22 to 30	7	200,000
Light-Duty Mid-Sized Bus, Small Bus, Cutaway	16 to 35 ft.	6,000 to 16,000	10 to 25	5	150,000
Ramp, Standard & Modified Van, Support Staff Vehicle	--	--	2 to 15	4	100,000

The FTA Bus Testing Facility's reports are used to establish the bus category.

Section 5339 capital inventory items that have met its useful life may be retained, sold or otherwise disposed of with no further obligation to FTA. However, all proceeds from the disposition of property must remain in use for the continuance of that public transit purpose. Capital items are disposed of in one of two methods: 1) Public auction conducted by the Department or 2) Solicitation of sealed bids from any interested party. The method used is determined by mutual consent between the subrecipient and the Department. A Property Control Form (see Appendix) must be completed and submitted to the Department.

### **Construction or Renovation of Facilities (Real Property)**

The PTPS analyzes applications for construction or renovation of facilities on a case-by-case basis. The applicant must submit information concerning: (1) the need for a facility or improvements to a facility; (2) justification for building or renovation; (3) a cost analysis between leasing, purchasing, building or renovation; and (4) feasibility study of the proposed project. The PTPS will develop a recommendation on the project and submit the application to FTA for approval, if the construction project exceeds \$500,000.

If a project, which involves the purchase of property, is approved, FTA Circular 5010 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR Part 24 - March 2, 1989) are followed. The PTPS will place a lien on all real property. Real property does not depreciate.

Architectural and engineering plans, including cost estimates, must be submitted and approved, prior to the beginning of any construction. All work of \$50,000 (or more) performed by third-party contractors must be advertised for bids or request for proposals (RFP), and comply with the provisions of Section 105(f) of the Surface Transportation Assistance Act of 1982(STAA). All required Assurances and Certifications must be on file from both the prime contractor and any subcontractor. Certified Disadvantaged Business Enterprises will be encouraged to participate in all construction phases with a minimum goal, which is established on a project specific basis of the

contractible amount of the project. All construction projects will follow the Department's procedures and will be processed through the Department's Consultant Coordinator.

### **Audits and Close-out**

Each 5311 subrecipient is required to have an independent audit performed annually and a copy must be submitted to the PTPS. The PTPS reviews the audit and forwards it to the Fiscal Services Division for their review and comment.

PTPS sends a simultaneous request for closeout on all grants to FTA and the Internal Audit Division within 90 days after all charges have been claimed. The Internal Audit Division will perform an in-house review of PTPS records as part of the closeout audit.

### **Reporting, Monitoring and Review**

Reports are required from each 5311 subrecipient on a monthly basis. These reports are requiring vehicle preventive maintenance and financial data. The reported data will be system-wide data regardless of the source of funding for active vehicles. Definition of "active" vehicles is subject to final FTA rules for State of Good Repair and/or Transit Asset management.

### **Standards**

The Department collects vehicle and financial data from all subrecipients. This data is used to measure the performance of each system. These Performance Measurements may be modified as the FTA establishes the "state of good repair" definition and the bus/rail safety and asset management guidelines.

## **MAINTENANCE**

All subrecipients are subject to periodic on-site inspections of vehicles and facilities (see Appendix, including maintenance of ADA accessibility features). Subrecipients are required to follow FTA Circular 5010 and have a facility plan and a vehicle maintenance plan. The vehicle maintenance plan, which would include, but not be limited to, the following:

- Adopting the Department and manufacturers suggested preventative maintenance schedules, including warranty compliance.
- Recording and maintaining files on preventative maintenance (pm) and repairs (including accessibility features). Review monthly activity reports for pm compliance. For more information see the PTPS's vehicle inspector who may suggest a developed format.
- Recording daily pre-trip vehicle inspections, in particular ADA equipment.

## **SAFETY**

MAP-21 requires each subrecipient to develop a bus safety plan. The Department will assist each subrecipient in plan development once FTA issues final regulations. In addition, rolling stock is subject to a pass rating from FTA bus testing facility

## **CIVIL RIGHTS**

The Department develops a Civil Rights Plan, which includes Title VI (LEP), EEO, DBE and Environmental Justice programs for the Federal Highway Administration's approval. The Title VI plan is submitted to the Federal Transit Administration for approval. The EEO/DBE Section Head is responsible for updating the plan and providing guidance to EEO/DBE Coordinators located in each Division/Section. The EEO/DBE Section Head is responsible for monitoring compliance with specific program certifications and requirements. The FTA Circulars 4702.1B and 4703.1 provide additional guidance to civil rights compliance and monitoring and is used as reference materials as needed. To ensure compliance, efforts are monitored during the "Arkansas Public Transit Management Review".

Subrecipients are required to sign the Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements. These Certifications are on file with the Department. The following procedures and methods are used to monitor compliance with all applicable requirements and regulations pertaining to the subrecipient of Section 5311 funds.

### **Title VI (LEP), EEO and DBE**

The Department assures compliance with Title VI (LEP), EEO and DBE to provide an avenue for complaints and grievances. A list of complaints and grievances and any action taken is kept on file by the Department. Subrecipients are also required to report to the Department during the annual application process any Civil Rights grievances filed during the previous year. If Civil Rights complaints continue to reoccur to any particular subrecipient, the Department's EEO office is asked to investigate the complaint and the subrecipient program.

DBE/WBE contracting opportunities are monitored by submission of a monthly reporting form, see Monitoring and Evaluation Procedures. The Department has established reporting forms that identify procurement opportunities. These forms also reflect the subrecipients' contacts with DBE firms during the procurement process. This information is accessed for preparing State and Federal reports. Each subrecipient observes an overall goal, which is established every three years by the Department of all contractible opportunities, and show "good faith efforts" in meeting this goal. In addition, whenever contractual opportunity exceeds \$250,000 or more (Federal) a DBE goal will be established and stated in the RFP. The Department also certifies DBE firms and publishes a Directory on a monthly basis. To ensure compliance, efforts are monitored using the DBE Participation and On-site Inspection forms included in the Monitoring and Evaluation document. The Participation form identifies the DBE Contractors/Sub-Contractors and services to be performed. The On-site Inspection form is utilized during the construction phase and completed by an on-site inspector to ensure that the DBE is performing the contracted work.

## **Environmental Justice**

Executive Order 12898 requires subrecipients to address environmental justice in the delivery of transportation services. There are three fundamental environmental justice principles:

- 1) To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- 2) To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- 3) To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

## **Transportation Services for Individuals with Disabilities**

Service must be provided to individuals with disabilities which is reasonable by comparison with the service provided to the general public and which meets a significant fraction of the actual transportation needs of such persons within a reasonable time period. 49 CFR 27.9, *“Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.”*

Each public entity operating a fixed route system shall provide paratransit or other special service (complimentary paratransit .75 miles to either side of fixed routes) to individuals with disabilities that are comparable to the level of service provided to individuals without disabilities who use the fixed route system. 49 CFR 37 Subpart D, *Acquisition of Accessible Vehicles by Public Entities*; Subpart E, *Acquisition of Accessible Vehicles by Private Entities*; and Part 38, *Accessibility Standards for Transportation Vehicles*.

## **SECTION 504 AND AMERICANS WITH DISABILITIES ACT REPORTING**

The Department has adopted the final rule implementing the transportation provisions of the Americans with Disabilities Act (ADA). Section 5311 subrecipients must comply with 49 CFR Parts 27, 37 and 38. The rule contains provisions on acquisition of accessible vehicles by private and public entities, requirements for complementary paratransit service by public entities operating a fixed route system, and provision of nondiscriminatory accessible transportation service. To ensure compliance, efforts are monitored during the “Arkansas Public Transit Management Review” see Project Review.



## SCHOOL BUS PROTECTIONS

The Department has established a policy that disallows the exclusive use of vehicles for school services including school tripper service. The policy maintains the “open door” intent of public transportation service. In addition, Section 5339 funds are not to be used to purchase school buses. To ensure compliance, efforts are monitored during the “Arkansas Public Transit Management Review”.

Section 5323(f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. The implementing regulation (49 C.F.R. Part 605) does permit regular service to be modified to accommodate school students along with the general public. For the purpose of FTA’s school bus regulation, Headstart is a social service, not a school program. FTA subrecipients may operate vehicles, which meet the safety requirements for school transportation, with the exception of flashing lights, stop signs or drop arms, but may not provide exclusive school service.

## NATIONAL TRANSIT DATABASE REPORTING

The National Transit Database (NTD) is FTA’s primary nationwide database for statistics on the transit industry. Subrecipients of Section 5339 are required by statute to submit data to the NTD. Required data is collected from each subrecipient’s monthly claims and Performance Measures reports. The requirement for the NTD report is found in Title 49 U.S.C. 5335 and described below as contained in the FTA Circular 5100.1 (5/18/2015):

- a. Recipients or beneficiaries of Section 5339 grants must annually report financial and non-financial data in accordance with the Uniform System of Accounts (USOA) as well as other data on operations, organizational relationships, available resources, and capital assets. The NTD Annual Manual, published by FTA each year, contains the specific reporting requirements, detailed reporting instructions and information on due dates, waivers and extensions.
- b. Report. Recipients or beneficiaries of Section 5339 grants are required to file reports on transit operations to the NTD annually. These reports include information on unlinked passenger trips, vehicle revenue miles, vehicle revenue hours, vehicles operated in maximum service, and regular service days for each month. The NTD Manual, published by FTA each year, contains the specific reporting requirements, detailed reporting instructions, and information on due dates, waivers, and extensions.
- c. Safety and Security Report. Recipients or beneficiaries of Section 5339 grants are required to file monthly safety and security reports. These monthly reports include information on fatalities, injuries, collisions, derailments, fires, hazardous material spills, evacuations, arrests, and significant security events. The NTD Safety & Security Manual, published by FTA each year, contains the specific reporting requirements, detailed reporting instructions, and information on due dates, waivers, and extensions.
- d. Waiver. Under certain circumstances, described in NTD Reporting Manuals, grant recipients may apply for reduced NTD reporting requirements. Under a Small Systems Waiver,

grantees with fewer than 30 vehicles in maximum (peak) service do not have to report some data items. There are waivers of other data reporting requirements for planning/capital only reporters, reporters that have experienced natural disasters, and for reporters that are not able to generate specific data elements.

Once the final circular is published, Performance Measure reports will be modified to collect the data necessary for the NTD. However, it is the Department's desire and intent that it will submit one report for all rural public transportation. Further, each urban system will continue to report its data directly to the NTD.

## **PUBLIC NOTICE**

The Department issues a public notice each year during the Section 5339 grant application process. This notice identifies the number and type of capital projects for each public transit agency.

## **OTHER PROVISIONS**

**Many of these clauses refer to requirements of the recipient. The Department requires each Section 5339 subrecipient to follow the same rules as set out below.**

### **Bus Testing**

The Department will follow the FTA guidelines (49 CFR Part 665) pursuant to New Bus Models. Each new model must have an approved test prior to federal dollars being expended. All bus models must have a 'pass' rating if purchased after October 1, 2014. The Department will serve as a liaison between the manufacturer and FTA as necessary.

### **Buy America**

Section 165 of the Federal Transit Act of 1991 as amended provides that, with exceptions, Federal funds may not be obligated for mass transportation projects unless steel and manufactured products used in such projects are produced in the United States. Section 5339 subrecipients must conform to the FTA regulations, 49 CFR Part 661, and any amendments thereto. Buy America requirements apply to all purchases, including materials or supplies funded as operating costs. Requests for Buy America waivers must be submitted to FTA for approval.

There are four exceptions to this basic requirement. First, the requirement will not apply if its application is not in the public interest. Second, the requirements will not apply if materials and products being procured are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality. Third, the requirement will not apply in a case involving the procurement of buses and other rolling stock (including train control, communication, and traction stock (including train control, communication, and traction power equipment) if the cost of components and subcomponents which are produced in the United States is more than 60 percent of the cost of all components and subcomponents of the vehicles or equipment, and if final assembly

takes place in the United States. Fourth, the requirement will not apply if the inclusion of domestic material will increase the overall project contract by more than 25 percent.

### **Charter Rule/Incidental Service**

Each subrecipient certifies compliance of charter regulations as part of their annual standard assurances. Notification of a subrecipient's intent to provide charter service is contained in the annual application. The Department ensures that procedures outlined in the 49 CFR Part 604 are followed. Any proposed charter service must be incidental to the provision of transit services to the general public or the proposed service area. All costs will be recovered for Charter Service and are not eligible for reimbursement under the 5339 program. To ensure compliance, efforts are monitored through the Monthly Performance Report.

### **Civil Rights**

The recipient agrees to comply with all applicable civil rights statutes and implementing regulations. Many of which are extended to third party participants. Statutes and regulations may include, but not limited to, the following:

- Nondiscrimination in Federal Public Transportation Programs
- Nondiscrimination on the Basis of Disability
- Nondiscrimination—Title VI
- Equal Employment Opportunity
- Nondiscrimination on the Basis of Sex
- Nondiscrimination on the Basis of Age
- Disadvantaged Business Enterprise (DBE) Program

### **Clean Air Act (CAA)**

The principal CAA requirement with which FTA-funded projects must comply is the transportation conformity rule. The conformity requirements are contained in an Environmental Protection Agency (EPA) regulation (40 CFR part 93), and they apply in nonattainment and maintenance areas only—areas that, either: (1) currently violate one or more of the National Ambient Air Quality Standards (NAAQSs) (nonattainment areas); or (2) once violated the standards but have since been designated to attainment status by EPA (maintenance areas). The transportation conformity process applies not only to federally funded projects but also to long-range transportation plans and Transportation Improvement Programs (TIPs). Determining conformity for transportation plans and TIPs is the responsibility of the Metropolitan Planning Organization (MPO), and FHWA and FTA must review the conformity determination and issue a statement saying that the plan and/or TIP conforms. Determining conformity for individual projects is the project sponsor's responsibility, and, again, FTA and/or FHWA must review this determination and issue a statement, usually in the context of the environmental decision document, saying that the project conforms.

### **Commercial Driver's License (CDL)**

All drivers of motor vehicles designed or used to transport more than 15 passengers (including the driver) or of vehicles which have a gross combination weight rating of 26,001 pounds or more must have a CDL. Mechanics that drive the vehicles must also have a CDL.

## **Drug and Alcohol Abuse**

Section 5339 subrecipients will be required to comply with rules issued by the U.S. Department of Transportation on the subject of drug and alcohol testing per 49 CFR Parts 40 and 665. In addition, pursuant to the Drug Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D), as implemented by 49 CFR Part 32, each subgrantee must certify that it will provide a drug-free workplace.

Subrecipients will also be required to demonstrate participation in random drug and alcohol testing programs as required by U.S. DOT for CDL drivers. One program available to the transportation agencies, in which many participate, is through the Arkansas Transit Association (ATA). ATA assists Arkansas' public transit systems and private non-profit human service agencies meet U.S. DOT regulations regarding the Procedures for Transportation Workplace Drug and Alcohol Testing (49 CFR Part 40). ATA administers two separate consortia: one that complies with federal regulations for public transit systems (FTA: 49 CFR Part 655), and another for agencies with commercial motor vehicles (FMCSA: 49 CFR Part 382). At the request of members, ATA also provides a non-DOT testing program. To ensure compliance, efforts are monitored during the "Arkansas Public Transit Management Review".

## **Drug-Free Workplace**

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

The recipient is required to provide a written Drug-Free Workplace policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and stating specific actions that will be taken for violations. The Department of Labor provides a Drug-free Workplace Advisor to assist users in developing tailored policy statements at the following link: <http://www.dol.gov/elaws/asp/drugfree/menu.htm>. The ongoing Drug-Free Awareness Program must inform employees about the dangers of drug abuse; about any available drug counseling, rehabilitation, and employee assistance programs; about penalties that may be imposed; and that employees are to be aware that the recipient operates a Drug-Free Workplace.

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

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

### **Debarment and Suspension**

The purpose of the DOT Government-wide Debarment and Suspension (Nonprocurement) regulations (2 CFR part 1200) is to ensure that federal assistance funds are not provided to anyone who has been debarred, suspended, determined ineligible, or voluntarily excluded from participation in federally assisted transactions. The U.S. General Services Administration's (GSA) System for Award Management (SAM) provides a single comprehensive list of individuals and firms excluded by Federal Government agencies from receiving federal contracts or federally-approved subcontracts and from certain types of federal financial and nonfinancial assistance and benefits. GSA maintains a Website, <https://www.sam.gov>, which is updated in real time as changes to the data occur.

### **Employee Political Activity**

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

### **Energy Conservation**

The recipient agrees to comply with applicable mandatory energy efficiency standards and policies of applicable State energy conservation plans issued in accordance with the Energy Policy and Conservation Act, as amended, 42 U.S.C. 6321 *et seq.* The recipient, to the extent applicable, agrees to perform an energy assessment for any building constructed, reconstructed, or modified with FTA assistance, as provided in FTA regulations, "Requirements for Energy Assessments," 49 part 622, subpart C. Only after the completion of an energy assessment will FTA approve assistance for the construction, reconstruction, or modification of buildings for which the recipient submits an application. An energy assessment consists of an analysis of the total energy requirements of a building, within the scope of the proposed construction activity and at a level commensurate with the project size and scope. The Energy Assessment should consider: overall design of the facility or modification; materials and techniques used in construction or rehabilitation; special or innovative conservation features that may be used; fuel requirements for heating, cooling and operations essential to the function of the structure projected over the life of the facility and including projected costs of this fuel; and the kind of energy the recipient will use.

### **Environmental Reviews**

All projects seeking FTA financial assistance require compliance with the National Environmental Policy Act (NEPA) Implementing Regulations (40 CFR § 1500-1508), FHWA and FTA's

Environmental Impact and Related Procedures (23 CFR § 771), Efficient Environmental Reviews for Project Decision-making (23 U.S.C. § 139), and numerous other environmental laws, regulations, and orders such as Section 106 of the National Historic Preservation Act (36 CFR part 800), the Clean Water Act, and the Endangered Species Act. Project sponsors should consult with the FTA Regional Office early in project development to identify the appropriate class of action (categorical exclusion, environmental assessment, or environmental impact statement) for the NEPA review and any other environmental requirements. Project sponsors should not move forward with any steps to develop the project that would preclude the fair consideration of alternatives (e.g. final design and construction) until FTA concludes the NEPA process by issuing a record of decision (ROD), finding of no significant impact (FONSI) or a categorical exclusion (CE). Property acquisition, other than for the linear right-of-way needed for the project (as determined in close consultation with FTA staff), should not take place until a ROD, FONSI, or CE is issued.

### **Environmental Protection**

The FHWA and FTA issued joint environmental protection regulations in the Federal Register on August 28, 1987 (23 CFR 771). These regulations require different levels of analysis and documentation for the various projects funded through its programs. It is the intent of the Department to conduct environmental analysis to the level required in the joint regulations on all projects not categorically excluded. The Department's Environmental Division, and/or an architect through the Categorical Exclusion (CE) checklist in cooperation with the FTA Regional Office will conduct any environmental analysis.

### **Intergovernmental Review**

Executive Order 12372 and DOT regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," (49 CFR part 17) require that a grant applicant applying for FTA funds comply with a State's intergovernmental review process. The requirement is to ensure that the appropriate State authorities are informed about and provided an opportunity to comment on projects for which federal assistance is being provided within the State. Many States have their own review procedures, which describe the federal programs and activities that had been selected for intergovernmental review and how applicants satisfy the States' intergovernmental review requirements.

If there is no intergovernmental review process in the grant applicant's State, then programming of a project in the TIP/STIP, or Unified Planning Work Program (UPWP, as appropriate, will be considered by FTA as meeting the need for intergovernmental review.

If there is an adopted State process of intergovernmental review for an FTA program or activity, FTA requires that the applicant, upon the MPO's approval of the TIP, notify the single point of contact for the State's intergovernmental review process that the MPO has approved the TIP and that the applicant has submitted the TIP to the Governor for approval and subsequent inclusion in the STIP. The applicant must provide the single point of contact with the name and mailing address of the office to which it is submitting the TIP.

The applicant may wish to transmit to the single point of contact, or request the MPO to transmit, pertinent documents on public transportation projects from the approved TIP. Timely alerting of the single point of contact will allow that entity to review and comment on the projects in the TIP during the STIP development process, if the entity so chooses. In the appropriate places in the FTA

electronic award management system, an applicant should indicate whether Executive Order 12372 applies, and the date the State reviewed the application, if applicable.

### **Labor Protection Provisions of Section 5333(b)**

Applicants for Section 5339 assistance shall address the statutory mandated labor protection provisions of Section 13(c) or Section 13(c) by: (1) executing the special warranty developed by the U.S. Departments of Labor and Transportation; or (2) requesting and receiving approval for a waiver of the required protections from the U. S. Department of Labor.

The application must contain: (1) the appropriate labor protections; (2) a list of current transportation providers and labor organizations in the service area; and (3) the acceptance of mediation. A waiver request may also be submitted to the U.S. Department of Labor and a copy attached to the application.

The application must contain the applicant's prepared appeal procedure for settling a dispute with an alleged 13(c) - impacted employee. The Department will use the appeals process as shown in the Policy and Procedures Manual in any complaints pursuant to the 13(c) warranty.

### **Pre-award/Post Delivery Audits of Rolling Stock Purchases**

A recipient who will purchase revenue rolling stock with funds obligated by FTA will certify that it has or will conduct pre-award and post-delivery audits to assure compliance with its bid specifications, Buy America requirements, and Federal Motor Vehicle Safety requirements. The Department conducts a pre-award audit of specifications before contract award and a post-delivery audit of the vehicle before it is delivered. Certifications, as required by FTA, are retained on file by the purchaser for each bid.

### **Presidential Coin Act**

In accordance with Public Law 109-145, beginning January 1, 2008, all transit systems that receive operational subsidies or any disbursement of funds from the Federal Government, shall be fully capable of accepting and dispensing \$1 coins and must display signs and notices denoting such capability on the premises where coins or currency are accepted or dispensed, including on each vending machine.

### **Private Sector Participation**

Federal law requires the public to be involved in the transportation planning process, and specifically requires that private providers be provided an opportunity to be consulted in developing transportation plans and programs in both urbanized and rural areas. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

### **Real Property Acquisition and Relocation Assistance**

If a grant applicant intends to use federal financial assistance in a project which will require the acquisition of real property, the applicant must provide assurances - required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended (42 U.S.C. 61) - that it will comply with the Uniform Act and with DOT implementing regulations (49 CFR part 24) and FTA Circular 5010.1.

The “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs” regulations, at 49 CFR part 24, are DOT-wide regulations that apply to all federal or federally-assisted activities that involve the acquisition of real property or the displacement of people. As such, the regulation is specific in naming certain actions that must be taken to achieve uniformity in the treatment of property owners and displaced persons. Recipients in the process of planning a federally assisted project that will require the displacement of persons should be aware of the regulatory need for relocation planning during the early stages of project development.

Title 49 CFR Part 24 is available from the Government Printing Office website at: <http://www.gpo.gov/fdsys/pkg/CFR-1999-title49-vol1/pdf/CFR-1999-title49-vol1-part24.pdf> or on FHWA’s website at: <http://www.fhwa.dot.gov/realestate/49cfr.htm>. Also, recipients should be aware of State laws regarding compensation for real property and requirements for relocation of people and personal property.

Real property may be contributed as part of the local matching share. Credit can be allowed only for that portion of the property needed to carry out the scope of the project. Federal funds must not have been used to purchase any property proposed as local matching share. The contributed in-kind property must be appraised at its current market value and when incorporated into the project will be subject to the same reporting and disposition requirements required of all project property. The appraisal, including a review appraisal, must be in compliance with 49 CFR part 24 and FTA Circular 5010.1.

### **Restrictions on Lobbying**

Federal financial assistance may not be used to influence any Member of Congress or an officer or employee of any agency in connection with the making of any federal contract, grant, or Cooperative Agreement. The State, subrecipients, and third party contractors at any tier awarded FTA assistance exceeding \$100,000 must complete and submit standard form SF-LLL, sign a certification so stating and must disclose the expenditure of non-federal funds for such purposes (49 CFR part 20).

### **Safety**

MAP-21 amended 49 U.S.C. 5329 to provide FTA with the authority to establish a new comprehensive framework to oversee the safety of public transportation throughout the United States. The law requires, among other things, that DOT issue a National Public Transportation Safety Plan, establish safety performance criteria for all modes of public transportation, define a “state of good repair,” establish minimum safety performance standards for public transportation vehicles, and a safety certification training program. States are required to strengthen their State Safety Oversight (SSO) programs and submit them to FTA for certification. In addition, public transportation agencies must establish comprehensive agency safety plans for their rail and bus operations. **FTA will be issuing regulations and interim guidance to implement these new requirements in consultation with public transportation industry stakeholders.**



**Note:** FTA has entered into a Memorandum of Understanding (MOU) with the American Association of State Highway and Transportation Officials (AASHTO), the American Public Transportation Association (APTA), and the Community Transportation Association of America (CTAA) that supports the transit industry and federal commitment to bus safety, and supports a model bus safety program to which all the signatories of this agreement have agreed to subscribe. The program also focuses on addressing the needs of rural and small urban providers.

### **Seismic Design and Construction Standards**

A grant applicant must assure FTA that any new building or addition to an existing building it designs and constructs with federal assistance is compliant with seismic safety standards. The grant applicant is responsible for knowing before accepting delivery that the building complies with seismic design and construction requirements and, in accordance with DOT implementing regulations, “Seismic Safety,” at 49 CFR 41.117(d), and must assure FTA that it will obtain a certificate of compliance with the requirements. A recipient makes this assurance through the FTA annual certification process.

### **Sensitive Security Information**

To the extent applicable, the recipient agrees to comply with 49 U.S.C. 40119(b) and implementing DOT regulations, “Protection of Sensitive Security Information,” 49 CFR part 15, and with 49 U.S.C. 114(s) and implementing Department of Homeland Security, Transportation Security Administration regulations, “Protection of Sensitive Security Information,” 49 CFR part 1520.

### **State Safety Oversight**

MAP-21 did not alter 49 U.S.C. 5330, but subsection 20030(e) of MAP-21 provided that Section 5330 would be repealed three (3) years after the effective date of FTA’s regulation implementing the new Section 5329 requirements. Until then, the current regulations at 49 CFR part 659 will remain in effect. The existing regulations require oversight of the System Safety Program Plan development and implementation, internal safety and security audits, accident and hazard investigations, and corrective action plan development and implementation.

**Until new regulations are in effect, an oversight agency must continue to annually certify to FTA that it has complied with the requirements of 49 CFR part 659.** The oversight agency must submit each certification electronically to FTA using a reporting system specified by FTA. The oversight agency must maintain a signed copy of each annual certification to FTA, subject to audit by FTA.

The current Section 5330 and the amended Section 5329 authorize FTA to withhold up to five (5) percent of an affected state or UZA’s apportionment if FTA determines the State is not in compliance or is not making adequate efforts to comply with the rule. FTA may restore withheld formula funds if the State is in compliance within two (2) years.

## SECTION 5311 MONTHLY SYSTEM PERFORMANCE REPORT

### Subrecipient Reporting

Month/Year Reporting

**AGENCY'S NAME**

**Dec-2015**

### Total All Revenue Vehicles Operated This Month

0

*Buses w/lifts*

*Buses w/o lifts*

*Paratransit Vans w/lifts*

*Paratransit Vans w/o lifts*

*Sedans/Wagons/Others*

### Total Days of Scheduled Passenger Operations

### Rural Revenue Service Data Summary

Total Passenger Trips

0

Total Vehicle Miles Operated

0

Total Service Hours Operated

0

### Rural Revenue Vehicle Service Data By Category

Fixed Route Service Data

Total Unlinked Fixed Route Passenger Trips

*Number of Above Needing ADA Assistance\**

Total Complementary Paratransit Trips

Total Fixed Route Service Miles Operated

Total Fixed Route Service Hours Operated

Deviated Fixed Route Service Data

Total Unlinked Deviated Fixed Route Passenger Trips

*Number of Above Needing ADA Assistance\**

Total Deviated Fixed Route Service Miles Operated

Total Deviated Fixed Route Service Hours Operated

Demand Response Service Data

Total Demand Response Passenger Trips

*Number of Above Needing ADA Assistance\**

Total Demand Service Miles Operated

Total Demand Service Hours Operated

Intercity Service Data (5311-F)

Total Intercity Passenger Trips

*Number of Above Needing ADA Assistance\**

Total Intercity Service Miles Operated

Total Intercity Service Hours Operated

Sponsored Service Data

Total Sponsored Passenger Trips

*Number of Above Needing ADA Assistance\**

Total Sponsored Service Miles Operated	
Total Sponsored Service Hours Operated	
Charter Service Data	
Total Charter Service Passenger Trips	
<i>Number of Above Needing ADA Assistance*</i>	
Total Charter Service Miles Operated	
Total Charter Service Hours Operated	
Other Categories of Service Data	
Total Other Service Category Passenger Trips	
<i>Number of Above Needing ADA Assistance*</i>	
Total Other Service Miles Operated	
Total Other Service Hours Operated	

**Notes**

\* - Riders whose mobility limitations require the use of ADA equipment to enter and exit vehicle.

**Submit the Following Attachments, if applicable.**

Attachment A: Changes to system services/routes, schedule and fare Information.

Attachment B: Copies of all charter activity reports, agreements or contracts.

Attachment C: Explanation of any 'Other Categories of Service'.

**Incidents**

Accidents Vehicle or Property Damage under \$24,999

Accidents Vehicle or Property Damage \$25,000 and over

**Trip Denials**

All Trip Denials

ADA Trip Denials

**Administrative and Operating Cost**

**Explanation/Comments:**

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[illegible]

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT  
PUBLIC TRANSPORTATION PROGRAMS

**Motor Vehicle Safety and Maintenance Report**

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOES AGENCY HAVE THEIR OWN SHOP/GARAGE FOR VEHICLE MAINTENANCE? (check one) YES \_\_\_\_\_ NO \_\_\_\_\_

VEHICLE RATING SYSTEM			
Checkbox	Rating	Condition	Description
<input type="checkbox"/>	5.0	Excellent	No visible defects, near new condition
<input type="checkbox"/>	4.0	Good	Some (slightly) defective or deteriorated conditions
<input type="checkbox"/>	3.0	Adequate	Moderately defective or deteriorated component(s)
<input type="checkbox"/>	2.0	Fair	Defective or deteriorated component(s) in need of replacement
<input type="checkbox"/>	1.0	Poor	Critically damaged component(s) or in need of immediate repair

RATING COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

FTA NO \_\_\_\_\_ AGENCY ID \_\_\_\_\_ V.I.N. \_\_\_\_\_ LICENSE NO \_\_\_\_\_

OPERATING AGENCY: \_\_\_\_\_

OPER. AGENCY ADDRESS: \_\_\_\_\_

OPER. AGENCY CITY: \_\_\_\_\_

VEHICLE YEAR, MAKE AND MODEL: \_\_\_\_\_

DIRECTIONS:

INSPECTION CONTACTS:

**AHTD / Public Transportation Programs Vehicle Inspectors**

Matt Penix, Inspector Cell Phone: (501) 413-2749  
Work Phone: (501) 569-2471  
Fax: (501) 569-2476  
Email: [Matthew.Penix@ahtd.ar.gov](mailto:Matthew.Penix@ahtd.ar.gov)

Rick Cranford, Inspector Cell Phone: (501) 416-2545  
Work Phone: (501) 569-2026  
Fax: (501) 569-2476  
Email: [Rick.Cranford@ahtd.ar.gov](mailto:Rick.Cranford@ahtd.ar.gov)

VEHICLE INSPECTION (Date) \_\_\_\_\_

INSPECTOR \_\_\_\_\_

The above deficiencies are acknowledged and will be corrected by: \_\_\_\_\_ (Date)

Signature of Agency Representative: \_\_\_\_\_

Vehicle Number

Mileage

If  
Needed

What  
was  
replaced?

**Component****Service Required****Under hood**

<input type="checkbox"/>	Change oil and filter		
<input type="checkbox"/>	Air Filter	(Dirty or damaged, clean air box)	
<input type="checkbox"/>	Brake Fluid	(Fluid level and if dirty)	
<input type="checkbox"/>	P/steering Fluid	(Fluid level and if dirty)	
<input type="checkbox"/>	Transmission Fluid	(Fluid level and if dirty)	
<input type="checkbox"/>	Washer Fluid	(Fluid level)	
<input type="checkbox"/>	Coolant	(Fluid level and if dirty)	
<input type="checkbox"/>	Belts	(Worn, cracked or frayed)	
<input type="checkbox"/>	Hoses	(Worn, cracked or frayed)	
<input type="checkbox"/>	Battery	(Water level and if dirty)	
<input type="checkbox"/>	Battery Cables	(Corrosion, loose connections)	

**Undercarriage**

<input type="checkbox"/>	Engine	(Damage,oil leakage)	
<input type="checkbox"/>	Transmission	(Damage, oil leakage)	
<input type="checkbox"/>	Drive shaft	(Damage)	
<input type="checkbox"/>	U-Joints	(Bearings dry, worn, lubricate grease fittings)	
<input type="checkbox"/>	Differential	(Fluid level, oil leakage)	
<input type="checkbox"/>	Front Suspension	(Damage, worn parts, lubricate grease fittings)	
<input type="checkbox"/>	Rear Suspension	(Broke springs, loose u bolts, lubricate grease fittings)	
<input type="checkbox"/>	Frame	(Damage, rust, loose or missing bolts)	
<input type="checkbox"/>	MorRyde	(Failure)	

**Interior**

<input type="checkbox"/>	Interior	(Clean, no trash)	
<input type="checkbox"/>	Operator controls	(Switches work, dash lights)	
<input type="checkbox"/>	Mirrors	(Damage)	
<input type="checkbox"/>	Seat Belts	(Driver and all passenger for fraying and general condition)	
<input type="checkbox"/>	Seats	(Damage, seat cover condition, loose mounts)	

<input type="checkbox"/>	W/Chair Lift	(Cycle lift, check adjustments)	_____	_____
<input type="checkbox"/>	W/Chair restraints	(Correct number of restraints, frayed belts, mechanisms)	_____	_____
<input type="checkbox"/>	W/Chair restraint tracts	(Dirt in L-tracts, tracts loose, tracts missing)	_____	_____
<input type="checkbox"/>	Lights	(Condition, lenses)	_____	_____

**Exterior**

<input type="checkbox"/>	Wiper Blades	(Rubber not deteriorated, not making good contact with windshield)	_____	_____
<input type="checkbox"/>	Windshield	(Bullseyes, cracks, scratches from wiper blades)	_____	_____
<input type="checkbox"/>	Lights Exterior	(All working properly, including brake lights, high beams)	_____	_____
<input type="checkbox"/>	Tires	(General condition, tread depth, tread wear, dry rot)	_____	_____
<input type="checkbox"/>	Tire Air Pressure	(Correct pressure for axle)	_____	_____
<input type="checkbox"/>	Wheels	(Damage, loose lug nuts, corrosion)	_____	_____
<input type="checkbox"/>	Body	(General condition, rust thru, damage, paint missing)	_____	_____
<input type="checkbox"/>	Windows	(Seals, condition, not loose to body)	_____	_____
<input type="checkbox"/>	Bumpers	(General condition, damage, paint condition)	_____	_____
<input type="checkbox"/>	Mirrors	(Damage, loose mounts)	_____	_____

**I certify that all items were checked and items were topped off, repaired or replaced if needed.**

**Mechanic** \_\_\_\_\_

**Date of Service** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Notes:** \_\_\_\_\_

# SECTION 5311 FACILITY INSPECTION REPORT

Name of Agency \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone (    ) \_\_\_\_\_

Email \_\_\_\_\_

1. Date of Inspection \_\_\_\_\_ Location of facility/shelter \_\_\_\_\_

2. Type of facility \_\_\_\_\_

3. Has there been any modification to the facility? Yes \_\_\_\_ No \_\_\_\_

**If yes, can the Agency attest to the modification(s) meeting all ADA requirements?**

Yes \_\_\_\_ No \_\_\_\_

**Have any/all deficiencies been corrected? Yes \_\_\_\_ No \_\_\_\_**

4.

Facility Condition and Appearance	Satisfactory	Unsatisfactory *
<b>Outside appearance:</b>		
<b>Outside cleanliness:</b>		
<b>Roof:</b> General condition for type, no leaks		
<b>Fencing:</b> General condition for type		
<b>Drainage:</b> No standing water		
<b>Pavement:</b> General condition for type		

Office Facility Condition and Appearance	Satisfactory	Unsatisfactory *
<b>Inside appearance:</b>		
<b>Inside cleanliness:</b>		
<b>Entry Doors:</b> General condition, locks work		
<b>Emergency Exits:</b> Clearly marked		
<b>Emergency Evacuation:</b> Exit plan posted		
<b>Plumbing:</b> No leaks		
<b>Electrical:</b> Outlets have covers, no exposed wiring		
<b>HVAC:</b> General condition, filters replaced		
<b>Flooring Office:</b> No trip hazards		

Shop Condition and Appearance	Satisfactory	Unsatisfactory *
<b>Inside appearance:</b>		
<b>Inside cleanliness:</b> No oil, grease, antifreeze on floor		
<b>Flooring Shop:</b> Nothing to trip on		
<b>Emergency Exits:</b> Clearly marked		
<b>Emergency Evacuation:</b> Exit plan posted		
<b>Equipment:</b> Inspection tags up to date, in good condition		
<b>Vehicle Lift:</b> In good working order, inspection to date, proper attachments for agency vehicles		
<b>Grease pit:</b> Clean of oil, etc., lighting adequate and proper type, barrier available when not in use		
<b>Drill Press:</b> Bits in good condition, press in good working order		
<b>Grinder:</b> Shields in place, wheels in good condition -face shield available		



<b>Generator:</b> In good working order – bolted for safety		
<b>Fire Extinguishers:</b> Inspection to date, not empty		
<b>Electrical:</b> Outlets have covers, no wiring exposed		
<b>Exterior Doors:</b> In good condition, door locks that work		
<b>Overhead Doors:</b> In good working order, if automatic openers work properly		
<b>Windows:</b> Glass in good condition not busted or cracked		
<b>Heaters:</b> In good working order, ventilated properly		
<b>Welding Equipment:</b> Tanks in good condition, hoses in good condition, other equipment in good working order		
<b>Used oil:</b> Properly containing and disposing of used oil		
<b>Used antifreeze:</b> Properly disposing of used antifreeze (not pouring into drains)		
<b>Parts Room:</b> Parts in order, parts area can be and is secure		
<b>Dirty Rag Container:</b> A metal container to store dirty rags until they are picked up and cleaned		
<b>MSDS Folder:</b> Are there MSDS's for all chemicals used in shop – Review documents		
<b>Air Compressor:</b> Check tank, rigid air lines and rubber or plastic air hoses – bolted for safety		
<b>First aid kits:</b> Available to maintenance personnel		
<b>Eye wash stations:</b> If bottles, they are full; if connected to fresh water system, in good working order		
<b>Lighting:</b> Adequate and all fixtures in working order		
<b>Ventilation system:</b> In good working order		
<b>Flammable cabinets:</b> Cabinets available for flammable as well as combustible materials		
<b>Parts washer:</b> In good condition, gloves available, face shield available		

<b>Fueling Station Condition and Appearance</b>	<b>Satisfactory</b>	<b>Unsatisfactory*</b>
<b>Inside appearance:</b>		
<b>Inside cleanliness:</b>		
<b>Fuel Pumps:</b> Good working order, hoses in good condition, filters replaced regularly, no leaks, emergency shut off, fire extinguisher available, spill kit available, no smoking signs		

<b>Wash Bay Condition and Appearance</b>	<b>Satisfactory</b>	<b>Unsatisfactory*</b>
<b>Inside appearance:</b>		
<b>Inside cleanliness:</b>		
<b>Pressure washer:</b> Good working order, hoses in good condition		
<b>Drains:</b> Working properly, oil separator, drain cover in place		

Each facility (facility, transit transfer station, etc.) will be inspected annually. Any issues/problems noted on this form will be addressed during the agency-monitoring phase.

*To the best of my knowledge the information in this document are true and correct.*

Agency Representative: \_\_\_\_\_ Date: \_\_\_\_\_

PT Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

Inspector's notes (Unsatisfactory\*): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## SECTION 5311/5339 PROPERTY CONTROL REPORTING FORM

PROPERTY NAME: \_\_\_\_\_

DESCRIPTION OF PURCHASE OR SALE ITEMS: \_\_\_\_\_  
\_\_\_\_\_

SERIAL/MODEL NUMBERS: \_\_\_\_\_

TOTAL COST: \_\_\_\_\_

PURCHASE DATE (MONTH/YEAR): \_\_\_\_\_

CONDITION AT TIME OF PURCHASE: EXCELLENT ( ) FAIR ( ) POOR ( )

FTA GRANT NO. ITEM PURCHASED UNDER: \_\_\_\_\_

CLAIM NO. / PROJECT NO. ITEM PURCHASED UNDER: \_\_\_\_\_

PERCENTAGE OF FEDERAL PARTICIPATION: \_\_\_\_\_

TITLE HOLDER: AHTD ( ) AGENCY ( ) OTHER ( )  
NAME \_\_\_\_\_

DISPOSAL DATE: \_\_\_\_\_

SOLD TO: \_\_\_\_\_

SALE PRICE: \_\_\_\_\_

FAIR MARKET VALUE: \_\_\_\_\_

REMARKS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Arkansas Department of Transportation**  
**Public Transportation Programs Section**

**Capital Assistance Application**  
**Federal Transit Administration Grant Program**

5339 Bus and Bus Facilities Program

Contact Persons

Danny Chidester, Transportation Specialist, 501-569-2559 voice  
danny.chidester@arkansashighways.com

OR

Bill Ryan, Administrative Officer III, 501-569-2472 voice  
bill.ryan@arkansashighways.com

Public Transportation Programs Section  
Transportation Planning & Policy Division  
Fax: 501-569-2476

## CAPITAL ASSISTANCE INSTRUCTIONS

The Federal Transit Administration's (FTA) Grant Programs provide funding assistance for transportation providers serving the general public in Arkansas. An application must be submitted annually by an organization desiring capital funds that can be used as the basis for programming.

Eligible Capital Expenses include projects to replace, rehabilitate, purchase buses and related equipment and to construct bus-related facilities needed for a safe, efficient and coordinated public transportation system.

- Various Line Items including:
  - Admin/Maintenance Facility
  - Vehicles
  - Shop Equipment

Application must be submitted on paper with a transmittal letter signed by the appropriate organizational official. An organization is required to submit this annual application as designated by the Department each year.

The following will outline the section into which the application must be formed and the content required to be included in each section.

Enter the following information:

- Applicant Legal name, contact person telephone number, mailing address, fax number, city, state, zip and the type of clients served.

Enter the capital items requested and budget:

- List items by prioritized list. List quantity, description and total cost and milestone.
- List replacement vehicles.

Describe and justify your service.

Notify the Metropolitan Planning Organization (MPO) in your service to include this in the local Transportation Improvement Plan (TIP), if applicable.

Authorized signatures required.

# CAPITAL ASSISTANCE APPLICATION

## 5339 BUS AND BUS FACILITIES

### (Rolling Stock & Non-Rolling Stock)

#### ARKANSAS STATE HIGHWAY & TRANSPORTATION DEPARTMENT

Applicant's Legal Name \_\_\_\_\_

Contact Person \_\_\_\_\_ Telephone Number \_\_\_\_\_

Mailing Address \_\_\_\_\_ Fax Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Type Clients Served \_\_\_\_\_

#### Capital Items Request and Budget

The U.S. Congress has established limited project eligibility for the Section 5339 Program. Eligible projects include bus and related equipment replacement, rehabilitation and purchase of bus related facilities construction.

Note: List total number of same type vehicles on one line item.

	QUANTITY AND DESCRIPTION	TOTAL COSTS	Milestone <small>(Anticipated purchase date)</small>	<b>5339</b> <small>(For official use only)</small>
Item 1				
Item 2				
Item 3				
Item 4				
Item 5				
Item 6				
Item 7				
Item 8				
Item 9				
Item 10				
Item 11				
Item 12				
Item 13				
Item 14				
Item 15				
<b><u>GRAND TOTAL</u></b>				
<b><u>Federal Share (80%)</u></b>		<b>Section 5339</b>		<small>(For official use only)</small>
<b><u>Local Share (20%)</u></b>		<b>Section 5339</b>		<small>(For official use only)</small>
<b><u>Source of Local Funds</u></b>				

\*Total Costs may be adjusted after State bid awards.

Capital Request Replacement Vehicles

YEAR	VEHICLE TYPE	FTA #	VIN NUMBER

Description and Justification

Please state hours and days of proposed service. Estimate number of individuals to be served.



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## Transportation Improvement Plan (TIP)

For those applicants providing service in an urbanized area of 50,000 plus population the metropolitan planning organization in your area must be notified.

Is the item(s) listed in the TIP? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If no, has an amendment been started? \_\_\_\_\_ Yes \_\_\_\_\_ No

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## Signatures

I, \_\_\_\_\_, hereby attest that I have the legal authority to execute this request on behalf of \_\_\_\_\_. Further, the required non-federal share is authorized for the total project costs.

Date \_\_\_\_\_  
\_\_\_\_\_  
(Authorized Officer)

Date \_\_\_\_\_  
\_\_\_\_\_  
(Witness)

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Date Received: \_\_\_\_\_ Date Approved: \_\_\_\_\_  
FTA Grant No.: \_\_\_\_\_

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The Arkansas Department of Transportation (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibited discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in the admission, access to and treatment in Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden, Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P.O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: [Joanna.Mcfadden@ahtd.ar.gov](mailto:Joanna.Mcfadden@ahtd.ar.gov)

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille. Free language assistance for Limited English Proficient individuals is available on request.