



**SECTION 5310
PROGRAM INFORMATION
FOR
VEHICLE AND COMMUNICATIONS
EQUIPMENT
FOR THE HUNTINGTON, WV-KY-OH
URBANIZED AREA**



GENERAL INFORMATION

Section 5310 formula grant assistance program for the enhanced mobility of seniors and individuals with disabilities is available from the Federal Transit Administration through Title 49 U.S.C. 5310 (CFDA Number 20.513), as amended by MAP-21. The Federal Transit Administration (FTA) as well as KYOVA Interstate Planning Commission and the Tri-State Transit Authority (TTA) refer to this program as “the Section 5310 Program.” The goal of the Section 5310 Program is to enhance mobility for seniors and individuals with disabilities throughout the country.

Towards this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the specialized transportation needs of seniors and individuals with disabilities in all areas: urbanized, small urban, and rural. FTA, on behalf of the U.S. Secretary of Transportation, apportions the funds appropriated annually to the States and Urbanized Areas based on an administrative formula that considers the number of seniors and individuals with disabilities in a State or Urbanized Area (UZA). The program requires coordination with other federally assisted programs and services in order to make the most efficient use of Federal resources.

FTA regulations require Tri-State Transit Authority to prepare and submit a Section 5310 Application on behalf of all recommended agencies within the Huntington, WV-KY-OH Urbanized Area. Accordingly, TTA is responsible for notifying potential applicants and eligible local entities of funding availability; developing project selection criteria; preparing the application packet; determining an applicant’s eligibility; and selecting projects for inclusion in the 5310 Application. Upon FTA approval of the 5310 application, TTA will procure all vehicles and equipment. TTA is required to ensure that all approved agencies comply with federal requirements.

The 2016-2017 Section 5310 Program Application Packet has been prepared to provide agencies requesting funding with information and guidance on the Section 5310 Program. Included is information on how to comply with program rules and regulations, preventative maintenance requirements, and reporting obligations.

Eligible applicants include (1) designated recipients of FTA Section 5307 funding; (2) Private non-profit organizations, if public transportation service provided by State and local governmental authorities is unavailable, insufficient, or inappropriate; (3) governmental authorities that certify to the Governor that no non-profit organizations are readily available in an area to provide the special services; and (4) governmental authorities approved by the state to coordinate services for seniors and individuals with disabilities.

Section 5310 funds are available for the purchase of equipment, such as handicapped accessible vans and communication equipment used in the transportation of seniors and individuals with disabilities. Transportation services can be provided to the general public after the needs of seniors and individuals with disabilities are met. Section 5310 funds are available on an 80% Federal, 20% local matching basis. Applicant organizations must provide the remaining 20% in cash from non-Federal sources, or if applicable, allowable federal sources.

Applying agencies must demonstrate that they have the resources to provide operating expenses for the life of the equipment and the managerial capabilities to carry out the project. The Section 5310 Program is jointly administered by the FTA, Tri-State Transit Authority and KYOVA Interstate Planning Commission.

With limited moneys available, it is anticipated that competition for Section 5310 funds will be intense. It is imperative that each applicant adhere to the established guidelines and the calendar provided in this packet. TTA is unable to guarantee that every request for funds will be met.

ELIGIBLE SUBRECIPIENTS

Any private non-profit organization that desires to provide transportation services for seniors and individuals with disabilities is eligible to apply for funds. Private and nonprofit organizations are defined in the following manner:

Private: non-public, to wit: bodies which are not municipalities or other political subdivisions of states; are not public agencies or instrumentalities of one or more states, are not Indian tribes (except private non-profits that are formed by Indian tribes); are not public corporations, boards or commissions established under the laws of any state; or are not subject to control by public authority, state or municipal.

Non-Profit Organization: a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. Section 501(c) which is exempt from taxation under 26 U.S.C. Section 501(a) or one which has been determined under State law to be non-profit and for which the designated state agency has received documentation certifying the status of the non-profit organization.

Section 5310 funds may also go to governmental authorities that certify to the Governor that no non-profit corporations or associations are readily available in an area to provide the special services; and governmental authorities approved by their State to coordinate services for seniors and individuals with disabilities. Local governmental authorities eligible to apply for Section 5310 funds are coordinators of services for seniors and individuals with disabilities designated by their State to coordinate human service activities in a particular area.

Governmental authorities certifying that there are no non-profit organizations readily available in an area to provide Section 5310 service must demonstrate through a survey and a written plan that all avenues have been exhausted in trying to locate a readily available non-profit organization. **Approval to apply for a Section 5310 vehicle would have to be given prior to the grant application cycle.**

Governmental authorities (FTA Section 5307 or 5311 recipients) requesting designation from their State as the coordinator of services for seniors and individuals with disabilities must apply for approval to submit a Section 5310 application prior to the start of the annual grant application cycle. NOTE: Section 5307 and 5311 recipients must coordinate with private non-profit providers of services under Section 5310.

Governmental authorities requesting approval to submit a Section 5310 Application, must submit an operation plan addressing the following:

- The designation of a facilitator or coordinator of the plan at the local level. An MPO or a local planning and development council could serve in this capacity or the governmental authority can suggest a facilitator to whom all parties have agreed.
- Address the affects the proposed plan will have on ADA requirements of the governmental authority.
- Indicate the level of coordination – Does the plan include central dispatching, pooled maintenance, etc.?

- Indicate the agency(ies) responsible for the operation of the vehicle.
- Will all vehicles carry the same system name or will individual identities be maintained?
- List of transportation providers included and not included in the plan with an explanation as to why an agency has chosen not to be part of the plan.
- Is the coordination effort only for FTA funded projects? How will other transportation funding sources be considered in the plan?
- List of funding sources.
- How is the vehicle to be maintained?
- A copy of a written agreement reached by all parties addressing the following:
 - Ongoing coordination process to assess the level of service and how to meet any unmet needs of seniors and individuals with disabilities.
 - The ongoing involvement of private providers.
 - Early planning notification to all transit providers including affording an opportunity for a public hearing.
 - Explanation of proposed service, in what geographic areas, providing transportation services to what seniors and individuals with disabilities.
 - Will the vehicle be limited to a particular client group and/or a geographic area?

A governmental authority approved for funding must agree to:

- Purchase of the vehicle being requested by TTA.
- Upon receipt of the vehicle, sign TTA's non-negotiable standard Section 5310 Project Grant Agreement.
- Be responsible for the successful completion of the project.
- Abide by the Section 5310 reporting requirements and be subject to the Section 5310 Late Reporting Penalty System.

Dispose of any Section 5310 vehicle in accordance with TTA's procedures. A governmental authority is subject to all of TTA's Section 5310 requirements. The Manager of TTA reserves the right to waive or change any requirements or policies relating to public bodies that would best serve the interests of the program.

EXCEPTIONS

Because of the responsibilities of public transportation providers under the Americans with Disabilities Act (ADA), TTA is reluctant to accept any applications for the expansion of services in counties that currently have public transit providers. Should an agency want to expand services in one of these counties, they should submit a one-page description of the project prior to the grant application cycle for review by TTA. Additionally, they will need to provide a letter of support for the project from the local public transportation provider.

Given the various funding resources available to private non-profit hospitals and nursing homes, TTA has determined that these agencies will not be considered for funding under the 5310 program.

COORDINATION AND LOCALLY DEVELOPED PUBLIC TRANSIT-HUMAN SERVICES TRANSPORTATION PLANS

Lack of transportation can be a major obstacle for individuals with disabilities, older adults, children and youth, and other populations that need various social and health services. Interagency partnerships are essential to coordinate travel needs to help increase the quality of life for these populations, as well as for the agencies to provide their services effectively and efficiently. A major goal of coordination is to provide more rides for targeted populations using the same or fewer assets.

Federal transit law requires locally developed coordinated public transit human services transportation plans as a condition for funding under the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program.

By identifying both the transportation needs and issues of a particular area and the transportation services to meet these needs, locally developed coordinated plans can help reduce or eliminate many transportation problems, such as duplication of services and underutilization of resources, and actually help extend or expand service to meet unmet transportation needs.

In compliance with 49 U.S.C. 5310(d) (2) (B), TTA must certify that (1) projects it has selected or will select for assistance under the Section 5310 Program were derived from a locally developed, coordinated public transit-human services transportation plan: and (2) the plan was developed through a process that included representatives of public, private, and non-profit transportation and human services providers and participation by the public.

A coordination plan has been prepared for the Huntington, WV- Ashland, KY- Ironton, OH area, and updates will be filed as needed, approximately every four years. Section 5310 applicants should participate in any coordination meetings, development of plans, or ongoing plan updates. Additionally, each agency should coordinate its services to the maximum extent feasible.

ELIGIBLE PASSENGERS

Seniors

Section 5310 vehicles are for transporting seniors and individuals with disabilities. Seniors include, at a minimum, all persons 65 years of age or older. Grantees may use a definition that extends eligibility for service to younger (e.g. 62 and older, 60 and over) persons.

Individual with a Disability

Individual with a Disability means an individual who, because of an illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has a semi-ambulatory capability) cannot use effectively, without special facilities, planning or design, public transportation facility. 49 U.S.C. 5302 (a) (5).

A disability substantially limits one or more of the major life activities of such an individual. It also includes a record of such impairment of being regarded as having such an impairment. An individual with a disability does not include an individual who is currently engaging in the illegal use of drugs.

General Public

After the needs of seniors and individuals with disabilities are met, the vehicle may be used for transporting the general public. TTA encourages the transporting of additional persons so that the vehicle is fully utilized. This effort helps foster coordination efforts.

ELIGIBLE EQUIPMENT UNDER SECTION 5310 PROGRAM

The Section 5310 Program provides 80% of the equipment cost to purchase cutaway vans, with or without lifts; narrow body cutaway vans, with or without lifts; 12 passenger vans; minivans; minivans with foldaway ramps; and communications equipment. The Americans with Disabilities Act requires that all agencies operating the demand responsive service provide equivalent service for individuals with disabilities. In order to provide equivalent service, as a rule of thumb, 50% of an agency's fleet must be ADA accessible vehicles.

Vehicles with lifts/ramps meeting ADA specifications will be procured for agencies unable to meet this requirement. Agencies who have equipment to provide equivalent service can request a non-accessible vehicle. Each agency's needs will be evaluated on a case by case basis by the review committee.

AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS

Agencies providing transportation services to individuals with disabilities, including individuals who use wheelchairs, must ensure that the service offered is equivalent to the level and quality of service offered to individuals without disabilities. Equivalent service takes into consideration response time, fares, hours, and days of operation, restrictions on trip purpose, geographic service area and constraints on capacity or service availability.

Agencies providing transportation services must ensure that they meet the following service provisions as required by the ADA:

1. Maintain, lifts, and other accessibility equipment in operating condition. Lift/ ramps must be cycled and tie-downs checked daily.
2. Require drivers to use accessibility features and provide assistance to passengers in the use of the equipment.
3. Deploy lifts and ramps at any designated stops.
4. Provide service to persons using respirators or portable oxygen or mobility aids.
5. Provide service to individuals who use wheelchairs to board and ride accessible vehicles. A wheelchair is defined as "a mobility aid belonging to any class of three or more wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered." If the wheelchair lift/ramp can accommodate a mobility device that does not meet the definition, agencies should still provide the service.
6. Allow adequate time for vehicle boarding and disembarking.
7. Transport service animals. (Passengers are not required to provide any type of certification).
8. Train personnel to proficiency so that they operate vehicles and equipment safely and properly and treat individuals who use the service in a respectful and courteous way.
9. Display the blue accessibility symbol on all accessible vehicles.
10. Make information available in an accessible format upon request and have adequate telephone capacity, both voice and TDD.
11. Allow ambulatory passengers use of lifts or ramps upon request.

Applying agencies must take the ADA regulations into consideration when deciding the type of equipment needed, as well as the proposed service to be provided.

Approved agencies are required to develop ADA policies and procedures, including complaint processes for passengers and employees.

VEHICLE USAGE

Agencies funded under the Section 5310 Program are required to provide transportation services to seniors and individuals with disabilities originally designated in their application and within the geographical area described in their Section 5310 application for the duration of their vehicle's useful life.

MEAL DELIVERY FOR HOMEBOUND INDIVIDUALS

Agencies receiving assistance under Section 5310 may coordinate and assist in regularly providing meal delivery service for homebound individuals, if the delivery service does not conflict with or reduce services to seniors and individuals with disabilities as proposed in the original Section 5310 application.

IN HOME SERVICES

Providing in home services with a Section 5310 vehicle could result in a reduction of service to and interfere with transportation services for senior and individuals with disabilities; therefore, TTA discourages the use of vehicles for this activity.

INCIDENTAL USAGE

Incidental Use is the use of equipment or facilities purchased under the Section 5310 program during those periods when the equipment is not used for specific grant-related purposes. This type of use is allowed, but should be kept to a minimum and must not interfere with any transportation for seniors and individuals with disabilities.

OUT-OF-STATE USAGE

Agencies receiving assistance under the Section 5310 Program are to use the vehicle to provide transportation services to seniors and individuals with disabilities within the geographical area described in TTA's Section 5310 Application. **Out-of-state trips are strictly forbidden under the Section 5310 Program. Please note: Agencies located in border counties, a 50-mile radius is allowed for "incidental" trips.**

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REQUIREMENTS

Agencies providing transportation services across the state lines could be required to be licensed by the Federal Motor Carrier Safety Administration, as well as meet other requirements. It is the responsibility of the agency to determine if these requirements apply to your transportation program. Two exceptions to the applicability of Federal motor carrier licensing are:

Transportation performed by the Federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States; and

The operation of commercial motor vehicles designed or used to transport between 9-15 passengers (including a driver) for direct compensation, provided the vehicle is not being operated beyond a 75 air mile radius (86.3 statute miles or 138.9 km) from the driver's normal work reporting location, and provided the vehicle does not otherwise meet the definition of a commercial motor vehicle, except that motor carriers operating such vehicles are required to comply with §390.15, 390.19, and 390.21(a) and (b)(2).

For more information on these requirements, an agency can contact the Federal Motor Carrier Safety Administration's website at www.fmcsa.dot.gov

LOW USAGE

Normally, an actively used vehicle will accrue 100,000 miles after 4 years of operation.

TTA reserves the right to remove a vehicle from any agency that puts less than 10,000 a year on their vehicle.

LEASING SECTION 5310 TO ANOTHER AGENCY

Vehicles acquired under 5310 may be used only in the following ways:

1. By the private, non-profit organization as described in its application.
2. By several private, non-profit organizations in coordinated service for a variety of seniors and individuals with disabilities. It is understood that, at a minimum, the service, which was proposed by the private, non-profit organization in its grant application, will be provided and that the originally designated clientele will be served.
3. By a private, for-profit operator, by lease or other contractual agreement with the private non-profit organization. FTA will permit vehicles acquired by non-profit agencies to be leased to private, for-profit companies where such arrangements provide for more efficient and effective service for seniors and individuals with disabilities.
4. By a public body when the private, non-profit organization elects to lease a vehicle to the public body rather than provide the service itself because the public body may be a more efficient provider; however, control over service, clientele, and vehicles remains with the private, non-profit organization.

Under all lease arrangements and effective policy control of vehicle usage must remain with the grant recipient. **BEFORE ENTERING INTO ANY CONTRACTUAL ARRANGEMENTS, PRIOR APPROVAL IS REQUIRED FROM TTA.**

SERVICE CONTRACTS

There are no restrictions regarding a grant recipient contracting with a public body or a private for profit operator for maintenance, repair, garaging, or assistance in routing and scheduling.

SECTION 5310 PROJECT GRANT AGREEMENT

Once an agency is approved for funding and upon receipt of equipment, the agency is required to enter into an agreement with TTA that states the terms and conditions under which the equipment is to be operated. The agreement ensures grant compliance. Some of the significant requirements are:

1. The agency is responsible for operating and using the equipment as proposed in the Section 5310 Application.
2. The agency is required to maintain financial, maintenance and operating records on the equipment. Also, the agency is required to report each month on vehicle usage for the useful life of the vehicle.

AGENCY FISCAL AND MANAGERIAL CAPABILITIES

Each recipient must demonstrate on an ongoing basis their fiscal and managerial capabilities to implement and carry out the project, which includes but is not limited to:

1. Demonstrating the financial and technical capacity to carry out the program including the safety and security aspects of the project.
2. Providing administrative and management support of the project implementation including sufficient administrative oversight to ensure that vehicles are being properly maintained and operated in a safe manner.
3. Ensuring that personnel are adequately trained in the safe operation of the equipment.
4. Accounting for project property and maintaining property inventory cards that contain all required information.
5. Demonstrating and retaining satisfactory continuing control over the use of project property.
6. Preparing and submitting required reports in a timely manner ensuring accuracy of the information.
7. Ensuring compliance with all FTA, federal requirements, or TTA requirements that are applicable to the project.
8. Ensuring local match funds are available and that operating funds are available for the life of the project.
9. Updating and retaining required reports and records for availability during audits or oversight reviews.
10. Documenting that equipment is in good working order and is being maintained in accordance with the manufacturer's recommendations.
11. Ensuring periodic reviews by project supervisor or agency management that maintenance procedures are being followed.
 12. Ensuring that ADA equipment is in good working order and documentation is maintained verifying that the lift ramps and tie downs are in good working order.
 13. Develop and implement sound financial procedures ensuring that the agency has an adequate financial system.
 14. Keeping expenditures within the latest approved budget in accordance with project guidelines and eligible expense, if applicable.

PROJECT SELECTION

Once an agency has submitted their application to TTA, it is reviewed for completeness. The application is then scored based on need, vehicle utilization, coordination efforts, fiscal and managerial capabilities and the proposed operating plan. Past recipients reporting performance is taken into consideration in any funding request. Points are deducted from an agency's application score for late monthly reports. If an application has missing documentation, the agency is given an opportunity to submit the omitted documents with penalty points being deducted. This does not include missing coordination documentation (sign-offs, objections resolved, resolved PSD complaints) or a positive Local Intergovernmental Review. No application is considered for funding without a positive Local Intergovernmental Review or proper sign-off and coordination documentation.

Any application received after the grant application deadline will be considered for funding **ONLY** after all other on-time requests have been met.

The application scores are then ranked from highest-to-lowest and the agencies receiving the highest scores are included in TTA's consolidated application submitted to FTA. Due to sharp price increases in equipment cost, some agencies may be placed on a tentative funding list awaiting the actual equipment prices.

Equipment prices will determine whether or not an agency can be funded. An agency's placement on the tentative funding list is determined by the agency's score on their Section 5310 Application.

Two points will be deducted from an agency's application score for each piece of missing information. ***THIS DOES NOT INCLUDE SIGN-OFFS OR INTERGOVERNMENTAL REVIEWS!***

Applications submitted without completed sign-off documentation or a positive Local Intergovernmental Review will not be considered for funding.

OBJECTION RESOLUTION

Applications that do not have transit provider objections resolved utilizing the procedures outlined in Appendix I, on or before May 31, 2017, or have not requested a meeting of the Special Transit Advisory Committee, on or before May 31, 2017, ***WILL NOT*** be considered for funding.

PSC COMPLAINT

An agency that has a PSC Complaint filed against it or pending before that Public Service Commission (PSC) cannot be considered for funding unless the issue is resolved prior to the May 31, 2017 deadline. Motor vehicles designated for use and operation by local county aging programs are exempt from PSC regulations.

SECTION 5310 GRANT APPLICATION PROCESS

Section 5310 grant application process involves two stages – the pre-grant approval stage and the grant implementation stage.

PRE-GRANT APPROVAL STAGE

1. Review of the enclosed material by your organization to assure the Section 5310 Program will assist in meeting your transportation needs.
2. Analysis of your organization's current equipment and the determination of the appropriate equipment to be requested in your organization's grant application.
3. Contact by your organization with the various local and State governmental agencies necessary to fulfill all planning and State application requirements.
4. If requesting an expansion vehicle, contact ALL rural and small urban transit providers, ALL taxi companies, and ALL paratransit providers in your organization's proposed service area in order to reach agreement on duplication and/or conflicts in services. This process is called obtaining sign-off documentation.
5. Your organization must assure that all private sector agencies in your area have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed transportation services.
6. Forward completed application to your local Planning and Development Council for review on the basis of proposed service funding, suitability and need.
7. Submission of your organization's completed application to TTA. No application is considered for funding without a positive Local Intergovernmental Review and proper sign-off and coordination documentation.

GRANT IMPLEMENTATION STAGE

1. Submission of TTA/KYOVA recommended applications to the federal Transit Administration for grant approval.
2. Grant approval received by TTA from the Federal Transit Administration.
3. Vehicle bid out by TTA, ordered and delivered to the approved agencies.
4. Approved agencies notified to come to TTA to pick up the new vehicle. Agency provides required proof of insurance and signs Project Grant Agreement agreeing to provide transportation services as described in their original Section 5310 Application.
5. Approved agency provides transportation services.
6. Agency maintains, on site, required records relating to: preventative maintenance schedule, completed, daily Vehicle Inspection Report Forms, completed Comprehensive Maintenance Record Forms, with invoice backup, current proof of insurance reflecting the TTA as co-insured, and the agency's written safety plan documenting procedures to be followed in the event of a vehicle accident, breakdown, or other emergency situation.
7. Agency reports monthly to TTA on the vehicle's usage for its useful life.

TITLE AND OWNERSHIP OF VEHICLE

Title to and ownership of any vehicle during its useful life shall remain at all times with TTA. The actual title will read Tri-State Transit Authority c/o the approved agency. This helps to protect the Federal interest in the vehicle.

USEFUL LIFE

Useful life of the vehicle will adhere to the 5010.1D Circular or any subsequent guidance issued by FTA regarding useful life.

SELLING OF VEHICLE THAT WAS LISTED IN SECTION 5310 APPLICATION AS BEING REPLACED

If an agency states in their Section 5310 application that they are replacing equipment, the agency is required to furnish written documentation (such as a copy of the bill of sale, signed over title, etc.) verifying that the equipment was replaced. This documentation must be received by TTA within 60 days of receiving the new equipment.

An agency must sell the replaced equipment. It is not acceptable for the equipment to be transferred to another program under the agency.

RESTRICTIONS

1. No modifications are to be made to any equipment purchased with the Section 5310 funds without prior approval from TTA.
2. Under no circumstances is any equipment purchased with Section 5310 funds to be used as collateral in order to obtain a loan.

INSURANCE REQUIREMENTS

Agencies are required to maintain an amount of insurance that will adequately cover the actual value of the project equipment should it be damaged or destroyed. Agencies are to list TTA as co-insured on any policy related to said equipment. This action is necessary in order to protect the federal interest in the equipment. The agency shall provide TTA with a proof of insurance, reflecting that TTA is the coinsured, upon each renewal of the policy.

MONTHLY REPORTS

Agencies are required to input a [Section 5310 Monthly Reporting Form](#) on every active Section 5310 vehicle in their fleet.

The *Section 5310 Monthly Reporting Form* is required to be submitted to TTA on or before the 10th day of each month reflecting the past month's data. For example, May's report entry is due on or before June 10. The report must be received by this date in order to avoid penalty points toward your next Section

5310 Application. Reports will be submitted electronically and uploaded to centralized database. If the agency is unable to submit electronically, that should be noted on their application so that the exception can be noted. TTA will maintain these records and upload to NTD as required, if required.

Agencies are required to input a *Section 5310 Monthly Reporting Form* until the vehicle has reached its useful life. TTA will notify agencies when the useful life has been met on their vehicle. The notification will state that the vehicle has been turned over to the agency and that monthly reporting entries are no longer necessary.

LATE MONTHLY REPORTS

The procedures for dealing with delinquent Section 5310 monthly reporting entries are as follows:

1. On the 20th day of the month, a phone call is made reminding the agency off the delinquent report entry. This is when an agency may begin accumulating penalty points.
2. On the 25th day of the month, a first memo is sent to the agency.
3. On the 10th day of the next month, a second memo is sent to the agency informing them of the consequences of delinquent reporting.
4. On the 20th day of the next month, a third and final letter is sent to the agency informing them that if the report is not received in the TTA office within 30 days, their Project Grant Agreement will be terminated and their Section 5310 vehicle will be removed.

If a Section 5310 vehicle sits idle, a blank report must be inputted along with an explanation as to why the vehicle was not operated. If a report is not inputted on behalf of the vehicle by the fifteenth day of the month, it will be considered late and penalty points will be assessed.

PENALTIES FOR LATE REPORTING

Agencies failing to input their Section 5310 Monthly Reporting Form on or before the 10th day of the month will have the following points deducted from their next Section 5310 Application:

1 Late Submission	No Penalty
2 Late Submissions	3 points deducted
3 Late Submissions	7 points deducted
4 Late Submissions	15 points deducted
5 Late Submissions	30 points deducted
6 or more Late Submissions	Agency Not Funded Next Application Cycle

These penalties are assessed for late submissions during the time frame listed in the current Section 5310 Application. Late submissions do not have to be consecutive in order to have points deducted from an agency's funding request.

DRIVER TRAINING

The Americans with Disabilities Act requires that all drivers be trained in the safe and proper ways to transport disabled persons. In order to meet this requirement, TTA requires all drivers to be trained and certified in PASS (Passenger Service and Safety Certification). The (PASS) Driver Certification Program ensures that community transportation drivers have current expertise in passenger assistance techniques and sensitivity skills appropriate for serving individuals with disabilities. The one-day version is required of all 5310 drivers; however, drivers are encouraged to become PASS certified which involves a two-day course. All applicants must meet this qualification before delivery can be taken of any vehicle. There may be a charge for course materials; please check with your trainer.

Funded agencies must maintain certified drivers. All new hires are to be PASS certified within 60 days of employment. Section 5310 vehicles are to be operated only by persons who have the required training.

VALID DRIVER'S LICENSE

Each agency is responsible for ensuring that all drivers have valid and appropriate driver's license as required by TTA.

COMMERCIAL DRIVER LICENSE (CDL)

A Commercial Driver License (CDL) is required when a vehicle is designed to transport 16 or more persons (including the driver).

CLASS D LICENSE PROGRAM

TTA requires a Class D License if an individual meets the following:

- Any person eighteen (18) years and older with at least one year driving experience who operates motor vehicles weight rating (GVWR) of less than 26,001 pounds, a passenger capacity of 15 or less passengers, including the driver, and cannot transport hazardous materials that require the vehicle to be placarded.

NOTE: Anyone who operates motor vehicles which transport persons or property on a volunteer basis are NOT required to obtain the Class D License, nor are individuals who operate emergency vehicles, such as ambulances, rescue equipment, law enforcement and firefighters.

- Those persons for which the operation of a motor vehicle is incidental to their job duties or functions would NOT be required to obtain a Class D License.

Anyone with questions concerning the Class D License should contact their local Division of Motor Vehicles.

DRUG AND ALCOHOL TESTING

Any driver holding a CDL license could be required to submit to Drug and Alcohol testing under the Omnibus Transportation Employee Testing Act of 1991. For Drugs, the testing required is pre-employment; reasonable suspicion; post-accident; random; return to duty; and follow up. For alcohol, the testing required is: reasonable suspicion; post-accident; random; return to duty; and follow up. Individuals who are required to possess CDLs by virtue of state or local law or by employer policy, but not by Federal regulation, are not subject to the provisions of these regulations.

Any person who operates a commercial motor vehicle less than 26,001 GVWR is not required to be tested for controlled substances and/or alcohol under these rules unless the vehicle is designed to transport 16 or more passengers including the driver or is required to be placarded for hazardous materials transportation under Federal law. For additional information, contact your local Division of Motor Vehicles.

PROPERLY MAINTAINED VEHICLES

Each agency shall be responsible for maintaining all equipment in the best working condition possible, allowing for normal wear and tear. The agency shall establish preventative maintenance program that at least meets the manufacturer's minimum requirements. The preventative maintenance plan shall include the maintenance of lifts, ramps, and securement systems. The preventative maintenance program shall be utilized and maintained by the agency, in a file, on site, available for review by personnel from TTA or FTA during periodic onsite reviews.

DAILY VEHICLE INSPECTION REPORT

Drivers are required to perform a daily inspection of their vehicle, which includes the cycling of the wheelchair lift or ramp and checking securement systems. Inspections are to be performed utilizing the Daily Vehicle Inspection Report Form. Vehicles should meet an acceptable level of both interior and exterior cleanliness. Completed forms shall be maintained by the agency, in a file, on site, available for review by personnel from TTA or FTA during periodic onsite reviews. During on site reviews, documentation will be checked to see how soon issues noted on the Daily Vehicle Inspection Report Form are resolved or repaired.

COMPREHENSIVE MAINTENANCE RECORDS

A Comprehensive Maintenance Record Form is required to be maintained for each piece of equipment. All preventative maintenance, repairs, etc. shall be recorded on the Comprehensive Maintenance Record Form thereby providing a complete history of the vehicles maintenance and repairs. The Comprehensive Maintenance Record Form shall include preventative maintenance and repairs of lifts, ramps, and securement systems, including no charge items. Copies of invoices for preventative maintenance and repairs shall be maintained with the form. Completed forms shall be maintained by the agency, in a file, on site, available for review by personnel from TTA or FTA during periodic onsite reviews.

WRITTEN EMERGENCY PROCEDURES

Each agency shall develop and implement written emergency procedures for use by vehicle operators in the event of a vehicle accident, breakdown, or other emergency situation.

REPORT OF AN ACCIDENT/ INCIDENT

Each agency is to immediately report to TTA when equipment is involved in an accident or incident. The verbal report shall be followed by a written report that can be included on the Section 5310 Monthly Reporting Form entry. Records are to be maintained in the agency's files regarding all accidents or incidents for review by personnel from TTA or FTA during periodic onsite reviews.

INDEMNIFICATION

The recipient agency shall indemnify, and hold harmless TTA and its agents, servants and employees from any and all claims, suits, proceedings, losses, expenses, damages and liabilities, including, but not limited to attorney's fees and court costs caused directly or indirectly by, or arising out of, agency's use of the equipment purchased with Section 5310 funds. TTA shall not be liable for any loss or damage to any cargo or other property, real or personal, left stored, loaded or transported in or upon the equipment funded with Section 5310 funds, at any time or any place, including, without limitation, while located at any garage or other premises operated by the recipient agency and under any circumstances whatsoever, whether or not due to negligence of TTA, and the recipient agency shall waive all claims against TTA by reason thereof and shall indemnify, defend and hold TTA harmless from and against any and all claims, suits, actions or proceedings based upon or arising out of such loss or damage.

CERTIFICATIONS

In this application packet, your agency is signing various certifications. Agencies receiving equipment under the Section 5310 Program are required to abide by the signed certifications regarding areas, such as the Americans with Disabilities Act – Certification of Equivalent Service; Certification of Compliance with Title VI of the Civil Rights Act of 1964, as amended; Equal Employment Opportunities; Certification of Special Efforts to provide Transportation that Handicapped Persons Can Use; Assurance Concerning Nondiscrimination on the Basis of Disability in Federally-Assisted Programs and Activities Receiving or Benefiting from Federal Financial Assistance; School Transportation Operations Agreement; Energy Conservation; No Federal Government Obligations to Third Parties; Program Fraud and False or Fraudulent Statements or Related Acts; Debarment, Suspension, and Other Responsibility Matters, etc.

Any complaints received by an approved agency regarding the above shall be reported to TTA.

OTHER FEDERAL REQUIREMENTS

SCHOOL BUS SERVICE

Grantees are prohibited from providing exclusive school bus service unless the service qualified under an allowable exemption and is approved by the FTA Administrator. In no case can federally funded equipment or facilities be used to provide exclusive school bus service. Head Start transportation is considered human service transportation, not school bus service.

CHARTER

Section 5310 recipients may only provide charter services for program purposes, which is defined in 49 CFR Part 604 as transportation that serves the needs of either human service agencies or targeted populations (seniors or individuals with disabilities). The agency's service only qualifies for the exemption contained in 49 CFR 604.2(e) if the service is designed to serve the needs of targeted populations.

Charter service provided to a group, however, that includes individuals who are only incidentally members of the targeted populations, is not for program purposes and must meet the requirements of the FTA's Charter Rule. As examples, the following are considered charters and fall under the FTA Charter Rule:

1. An individual chartering a vehicle to take his relatives, including elderly aunts and a cousin who is a disabled veteran, to a family reunion; or
2. A charter for the Boy Scouts or a school group that includes grandparents.

TITLE VI

Grantees must ensure that no person shall, on the grounds of race, color or national origin, be excluded from participating, or denied the benefits of, or be subject to discrimination under any program, or activity receiving federal financial assistance. TTA and KYOVA administers the Section 5310 Program without regard to race, color and national origin. To find out more information on TTA's Title VI responsibilities or to file a Title VI complaint, please contact:

**Tri-State Transit Authority
1120 Virginia Avenue, West
PO Box 7965
Huntington, WV 25779
Phone: (304) 529-6094**

In addition to complying with the requirements itself, TTA must ensure that recipients of Section 5310 vehicles meet Title VI requirements. Recipients must:

- notify clients that the agency will operate programs without regard to race, color and national origin;
- describe the procedures that members of the public should follow in order to request additional information on the agency's nondiscrimination obligations;
- describe the procedures that members of the public should follow to file a discrimination complaint against the agency.

- The complete requirements are available under Appendix IV of this application packet.

Appendix IV must be completed and submitted as part of your application packet.

To help agencies meet their requirements, TTA will provide Title VI signs/stickers that are to be posted in Section 5310 vehicles at all times. If the sign/sticker becomes damaged or is lost, please contact TTA for a replacement.

Besides posting this information on the vehicles, your agency should include this information on either your agency's web site or in your agency's brochures.

(Your agency's name) operates its programs and services without regard to race, color and national origin in accordance with Title VI of the 1964 Civil Rights Act. To find out more about our nondiscrimination obligations, to file a complaint, or to request this information in another language, please contact us at (insert contact phone number).

Remember to keep the contact information updated. TTA must report Title VI complaints to FTA; **therefore, TTA requires that you report any Title VI complaints within 24 hours.**

LIMITED ENGLISH PROFICIENCY (LEP)

Grantees must provide meaningful access to individuals who are limited English proficient (LEP). LEP includes persons who are illiterate. Each grantee must determine what steps are necessary to provide meaningful access based on four factors:

1. The number and proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which LEP individuals come into contact with the program, activity or service.
3. The nature and importance of the program, activity or service provided by the program.
4. The resources available to the recipient and costs.

The complete requirements are available under Appendix IV of this application packet.

Appendix IV must be completed and submitted as part of your application packet. If your agency completed the required Title VI Plan in 2013, it is good for three years. Please reference in application.

EQUAL EMPLOYMENT OPPORTUNITY

Grantees may not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, or disability. Grantees can demonstrate compliance with these requirements in several ways:

1. Have the Board adopt an EEO policy statement.
2. Post the EEO statement in conspicuous and accessible places.
3. Include an EEO statement on employment applications and want ads.
4. Provide sensitivity training to employees.

Title I of the ADA prohibits discrimination in employment and requires grantees to make reasonable accommodations for qualified employees and applicants.

SENSITIVE SECURITY INFORMATION

Each agency must protect, and take measures to ensure that its sub agreement at each tier protects sensitive security information made available during the administration of any agreement or any sub agreement to ensure compliance with 49 U.S.C. Section 40119(b) and implementing DOT regulations, Protection of Sensitive Security Information, 49 CFR Part 15, and with 49 U.S.C. Section 114(s) and implementing Department of Homeland Security regulations, Protection of Sensitive Security Information, 49 CFR Part 1520.

ACCESSIBILITY

Agency agrees that products and services provided shall be in accordance with the 42 U.S.C. Sections 12101 et seq. and DOT regulations, Transportation Services for Individuals with Disabilities (ADA), 49 CFR Part 37; and Joint ATBCB/DOT regulations, Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles, 36 CFR Part 1192 and 49 CFR Part 38.

TRAFFICKING-IN-PERSONS

Agency agrees to comply with, and assures the compliance of each sub recipient with, the requirements of the subsection 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended, 22 U.S.C. § 7104(g), and the provisions of the Trafficking in Persons subsection of the current FTA Master Agreement. Agency agrees to inform TTA of any information it receives from any source alleging a violation of a prohibition in the current FTA Master Agreement.

ENVIRONMENTAL JUSTICE

Agency agrees to facilitate compliance with the policies of Executive Order No. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 42 U.S.C. § 4321 note, except to the extent that the Federal Government determines otherwise in writing.

ENERGY CONSERVATION

Agency agrees to comply with, and obtain the compliance of its subcontractors, with mandatory standards and policies relating to energy efficiency contained in applicable state energy conservation plans issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. §§ 6321 et seq.

APPLICATION OF FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS

Agency agrees to comply with changing federal, state and local requirements. The agency shall note that federal, state and local requirements may change and the changed requirements will apply to the Project as required.

FEDERAL REGULATION CHANGES

Agency shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the current FTA Master Agreement between the TTA and FTA, as they may be amended or promulgated from time to time during the term of this Project. The agency's failure to so comply shall constitute a material breach of the Project.

NO FEDERAL GOVERNMENT OBLIGATIONS TO THIRD PARTIES

Agency agrees that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Project, absent the express written consent by the Federal Government, the Federal Government is not a party to this Project and shall not be subject to any obligations or liabilities to TTA, agency, or any other party (whether or not a party to the Project) pertaining to any matter resulting from the underlying Project.

PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS

Agency acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§ 3801 et seq. and U.S. DOT regulations, Program Fraud Civil Remedies, || 49 C.F.R. Part 31, apply to its actions pertaining to this Project.

Upon execution of the Project, the agency certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying Project or the Federal Transit Administration (FTA) assisted Project for which the Project work is being performed. In addition to other penalties that may be applicable, the agency further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the agency to the extent the Federal Government deems appropriate.

SEAT BELT USAGE

Pursuant to Executive Order No. 13043, April 16, 1997, 23 U.S.C. § 402, agency is encouraged to adopt on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-operated vehicles and include this provision in third party contracts, third party subcontracts, and sub-agreements entered into under this Project.

DISTRACTED DRIVING, INCLUDING TEXT MESSAGING WHILE DRIVING

Pursuant to Executive Order No. 13513, Federal Leadership on Reducing Text Messaging While Driving, || October 1, 2009, 23 U.S.C. § 402 note and DOT Order 3902.10, Text Messaging while Driving, December 30, 2009, the RECIPIENT is encouraged to adopt on-the-job policies and programs for its employees when operating company-owned, rented, or personally operated vehicles to reduce text messaging while driving and avoid distracted driving. This Special Condition is to be included in each third party sub-agreement at each tier financed with Federal funds.

AUDITS

Agency is required to report any audit findings that involve Section 5310 funded equipment immediately to TTA.

ON-SITE MONITORING REVIEWS

To ensure compliance with the various program requirements, TTA or its representative(s) and/or the FTA will periodically conduct on-site reviews. These reviews will also confirm the existence, condition and proper maintenance of funded equipment.

At a minimum, during these reviews the agency will be required to produce their preventive maintenance schedule; completed daily vehicle inspection reports also known as the pre-trip|| inspection; completed comprehensive maintenance record forms with invoice backup; current proof of insurance reflecting TTA as co-insured and the agency's written safety plan documenting procedures to be followed in the event of a vehicle accident, breakdown or other emergency situation. The actual equipment will be inspected to verify usage reported, as well as its condition. Agencies will also be reviewed for the appropriate postings and other program requirements.

In addition to these inspections, upon request by TTA, agencies on a periodic basis may be required to submit their comprehensive vehicle maintenance records for a desk review.

Failure to take corrective action of any deficiencies found during a review will result in an agency's suspension from the Section 5310 Program until the agency can adequately demonstrate that procedures have been put into place.

PROJECT COMPLETION

TTA will notify an agency in writing when a vehicle has reached its useful life. At that time, the agency will receive a title for the vehicle signed over to them. The agency will be responsible for paying the Division of Motor Vehicles (DMV) a 5% use tax on the fair market value, determined by the Division of Motor Vehicles, of the vehicle at the time the title is transferred.

An agency can continue to use the van as needed. When the van is disposed of, the agency will retain all of the proceeds from its sale.

Agencies should keep in mind that with the passage of the Americans with Disabilities Act (ADA) any agency providing transportation services, when viewed in its entirety, must provide a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service provided to individuals without disabilities. This is a requirement for any transit provider regardless of their funding sources.

Should circumstances arise (major mechanical problems, wrecked, etc.) where a vehicle purchased with Section 5310 funds needs to be disposed of **prior to meeting its useful life**, permission must first be obtained from the Manager of TTA.

TECHNICAL ASSISTANCE AND TRAINING

PASS PROGRAM

TTA offers the PASS (Passenger Service and Safety Certification) program to all 5310 recipients. The PASS Driver Certification Program ensures that community transportation drivers have current expertise in passenger assistance techniques and sensitivity skills appropriate for serving individuals with disabilities.

PASS Instructors are located at other agencies as well. Instructor courses are offered approximately every three years. If your agency has a trained instructor, you are required to open your PASS training to other agencies in the region.

LATE APPLICATION SUBMISSION

Applications that are received after **4:00 p.m. on May 31, 2017**, will be considered for funding only after all other agencies on-time requests have been met. TTA and KYOVA **WILL NOT** be responsible for late, lost or misdirected mail. NOTE: If this application is submitted prior to May 1, 2107, TTA will review all Sign-Off and Local Intergovernmental Review Documentation to ensure that your agency's application is in compliance.