

**SECTION 5310  
APPLICATION PACKET  
FOR VEHICLES, COMMUNICATIONS  
EQUIPMENT, & COMPUTER  
HARDWARE/SOFTWARE  
FOR THE HUNTINGTON, WV-KY-OH  
URBANIZED AREA**



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# **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 (FTA) through Title 49 U.S.C. 5310 (CFDA Number 20.513), as amended by Fixing America's Surface Transportation Act (FAST Act). The 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.

The Section 5310 Program is jointly administered by the FTA, Tri-State Transit Authority and KYOVA Interstate Planning Commission. FTA regulations require TTA to prepare and submit a Section 5310 Application on behalf of all recommended agencies within the Huntington, WV-KY-OH Urbanized Area. Accordingly, TTA and KYOVA Interstate Planning Commission are 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 2024 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 (Appendix A). 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 applicants include:

- (a) designated recipients of FTA Section 5307 funding;
- (b) Private non-profit organizations, if public transportation service provided by State and local governmental authorities is unavailable, insufficient, or inappropriate;
- (c) governmental authorities that certify to the Governor that no non-profit organizations are readily available in an area to provide the special services; and,
- (d) 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. This local match can be derived from non-U.S. Department of Transportation Federal Programs including, but not limited to, Title III-B of the Older Americans Act or certain Health and Human Resources programs; state programs, local contributions or grants.

Agencies applying for purchase of equipment 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.

# **APPLICATION INSTRUCTIONS**

**PLEASE FOLLOW ALL INSTRUCTIONS CAREFULLY.**

**Applications received by KYOVA that do not follow this format will be returned for revision to the submitting organization which may jeopardize your organization's Section 5310 funding.**

**Please use the checklist provided on pages 6 and 7 to ensure that all documentation is submitted correctly. Documentation should be submitted in the order provided in the checklist.**

**Please review the eligibility information and requirements in Appendix A prior to completing the application.**

**Please submit the Letter of Intent no later than close of business Friday, May 3, 2024. On or before close of business on Friday, June 21, 2024, please submit one (1) original of your agency's application to KYOVA Interstate Planning Commission at the following address.**

**KYOVA Interstate Planning Commission  
Attn: Section 5310 Program Application  
400 Third Avenue  
PO Box 939  
Huntington, WV 25712  
(304) 523-7434**

## APPLICATION TIMELINE FOR FY 2024 SECTION 5310 GRANT

This timeline has been provided for use as a guide in planning the completion and submission of your application. TTA and KYOVA reserve the right to modify the schedule depending on number of applicants and available funding. Applicants should adhere to the dates as outlined, unless otherwise notified, in order to ensure proper completion and timely submission of their applications. TTA and KYOVA have the right to modify this calendar based on required application process required by FTA and the funding balance allocated to the Huntington, WV-KY-OH Urbanized Area TMA.

DATE	ACTIVITY
April 15	Application cycle opens
April 15	Applications available. Visit <a href="http://www.kyovaipc.org">www.kyovaipc.org</a> and click Transit Tab > Section 5310 Program.
May 3	Letters of Intent to be received by TTA and KYOVA & Requests (if needed) to be added to Coordinated Transit Plan must be made.
May 21	If requesting an expansion vehicle, all transit provider sign-offs should have been mailed out by grant applicant.
June 20	All sign-offs not returned are considered non-objectionable. If an objection is received during the 30-day period, the applicant must send a letter offering the transit provider an opportunity to submit a proposal on how they could provide the service.
June 21	Last day for applications to be submitted to KYOVA.
July-August	Committee reviews applications, objections are resolved, if any, and projects are selected for inclusion in the 5310 FY 23 Application to FTA.
August-September	Transit providers to receive award letters.
September-October	TTA prepares Consolidated Application and submits to FTA.

KYOVA staff will be available by phone or email to answer questions and assist with application throughout the entire application process. (304.523.7434 or [bwild@kyovaipc.org](mailto:bwild@kyovaipc.org))

### **LATE APPLICATION SUBMISSION**

Applications that are received after **4:00 p.m. on June 21, 2024** 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.

Use this button to clear entire form

## VEHICLE APPLICATION CHECKLIST

- Copy of Letter of Intent
- Section 1: Applicant Information Section
- Section 2: Vehicle Project Application
- Section 3: Communication Equipment and Computer Request Form
- Form **NOTARIZED** proof of commitment for 20% local share. (Local share can be derived from Non-U.S. Department of Transportation Federal Programs including, but not limited to: Title III-B of the Older Americans Act or certain Health and Human Resources programs; state programs, local contributions or grants.)

### Attachments

- Attachment 1: Authorizing Resolution (*Signed in Blue Ink*)
- Attachment 2: Verification Certification (*Signed in Blue Ink*)
- Attachment 3: Articles of Incorporation (*IRS tax Exemption letter is not acceptable*)
- Attachment 4: Coordination and Sign-Off to include:
  - Sign-Off Letters (Include a copy of all letters sent and sign-offs returned completed)(*Mandatory at time of submission – if requesting expansion vehicle*)
- Attachment 5: Application for Federal Assistance to complete Intergovernmental Review
- Attachment 6: Certifications (*Signed in Blue Ink*)
- Maintenance Invoices for vehicles to be replaced (If applicable)

### Title VI

- Appendix B: Title VI Non-Discrimination and Limited English Proficiency (LEP)

# COMMUNICATION EQUIPMENT AND COMPUTER REQUEST CHECKLIST

- Copy of Letter of Intent
- Section 1: Applicant Information
- Section 2: Vehicle Project Application
- Section 3: Communication Equipment and Computer Request Form
- Form **NOTARIZED** proof of commitment for 20% local share. (Local share can be derived from Non-U.S. Department of Transportation Federal Programs including, but not limited to: Title III-B of the Older Americans Act or certain Health and Human Resources programs; state programs, local contributions or grants.)

## Attachments

- Attachment 1: Authorizing Resolution (***Signed in Blue Ink***)
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- Attachment 6: Certifications (***Signed in Blue Ink***)

## Title VI

- Appendix B: Title VI Non-Discrimination and Limited English Proficiency (LEP)

# SECTION 5310 PROGRAM APPLICATION

## Section 1: Applicant Information

<b>APPLICANT NAME</b>		
<b>LEGAL NAME OF BUSINESS</b>		
<b>DOING BUSINESS AS (IF APPLICABLE)</b>		
<b>ADDRESS</b>		
<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
<b>PHONE NUMBER</b>		<b>FAX NUMBER</b>
<b>AGENCY EMAIL</b>		
<b>CONTACT PERSON FOR APPLICATION</b>		
<b>PHONE NUMBER</b>		<b>FAX NUMBER</b>
<b>CONTACT EMAIL</b>		
<b>FEDERAL TAX ID</b>		<b>DUNS#</b>

## Transportation Program Information

1. Describe your organization's structure (governing, organizational, etc.). Be specific about the management of your transportation services. Attach an organizational chart if desired.

2. What are your organization's funding sources?



## REFERENCES

New applicants: Please fill out the table below with references from up to three of your current funders. By filling out this table you are allowing West Virginia Department of Highways (WVDOH), Kentucky Transportation Cabinet (KYTC), Ohio Department of Transportation (ODOT), KYOVA Interstate Planning Commission (KYOVA) and Tri-State Transit Authority (TTA) to contact these references.

NAME	ORGANIZATION	PHONE NUMBER	EMAIL

3. Describe the client base that receives your transportation services.

4. Please provide the days and hours of operation of your agency's transportation program.

## **SERVICE AREA**

5. Description of Service Area (Please include any destinations not within the primary service area):

6. Check the statement which best describes the type of transportation services within the area delineated in Question #5:

Seniors and individuals with disabilities within your service area will depend almost entirely upon your agency for their transportation in addition to that required for them to utilize and/or participate in the services and activities of the agency.

Seniors and individuals with disabilities within your service area will be provided transportation by your agency only to the extent necessary for them to utilize and/or participate in the service activities of your agency.

7. Service Area Population :

**COORDINATION EFFORTS**

8. Does your agency currently participate in a cooperative/coordinated effort in your area?

Yes            No

If yes, please describe the arrangement and specify the efforts.

If no, please explain.

9. How will you ensure that the proposed transportation services will be coordinated to the maximum extent possible with other federally funded agencies and private transportation providers in the proposed service area?

10. Is the project included in the KYOVA Human Services Public Transportation Coordination Plan? If you are unsure please visit <http://www.kyovaipc.org> >Transit on KYOVA's website for a copy of the TMA Coordinated Public Transit-Human Services Transportation Plan.

Yes            No

Please Explain:

11. Is the project included in the list of projects that address gaps in service as identified by the KYOVA Human Services Public Transportation Coordination Plan?

Yes            No

Please describe the gap in service the proposed project will address:

12. Did someone from your agency attend focus groups or meetings facilitated by KYOVA Interstate Planning Commission?

Yes            No

13. Name of person(s) attending: \_\_\_\_\_

14. Location(s) of meeting: \_\_\_\_\_

15. Is your agency involved in any new coordination activities as a result of these efforts?

Yes            No

If yes, please describe:

**OPERATING PLAN**

(If applicant does not currently provide transportation services, the below requirements will be needed prior to taking delivery of a vehicle.)

16. Does your agency have a vehicle maintenance plan which at least meets the minimum recommendations of the vehicle manufacturer?            Yes            No

17. Is there a daily pre-trip vehicle inspection program in place?  
(Includes, if applicable, cycling lifts, ramps and checking tiedowns.)            Yes            No

18. When selecting drivers, does your agency (check all that apply):

- Check their driving record? Valid, appropriate license, eligible for insurance coverage)
- Require a physical examination?
- Require driving experience with vehicles similar to those operated by your agency?
- Require a pre-employment drug/alcohol test?

**Driver Training**

19. What type of trainings does your agency provide to drivers, dispatchers, etc.

20. Have drivers been trained in Passenger Service and Safety Training (PASS)?  
(Required ADA training on the proper ways to transport persons with disabilities)

Yes                  No

**Safety Plan:**

21. Does your agency have a transportation safety plan?  
(Procedures to follow in case of an accident or incident)

Yes                  No

22. Where will the vehicle requested be stored?

**CURRENT VEHICLE INVENTORY**

Complete the following Current Vehicle Inventory Chart. List all of your agency's vehicles that are used to provide transportation services. Attach additional sheets if necessary.

## ***CURRENT VEHICLE INVENTORY***

*(Please List Each Vehicle Separately)*

<b>Vehicle Make/Model</b>	<b>Vehicle Serial Number</b>	<b>Model Year</b>	<b>Current Mileage</b>	<b>Seating Capacity</b>	<b>Special Equipment (Lift or Ramp)</b>	<b>Funding Source For Purchase</b>	<b>Spare Vehicle (Yes/No)</b>	<b>Utilized In What County/State</b>

## Section 2: Vehicle Project Application

### VEHICLE NEED

1. What are the goals of your project?

2. Describe the intended use of the requested vehicle.

3. Does any public transportation exist in the area that is served by the proposed project?

Yes                  No

4. If yes, explain why it or other transit provider(s) services are unavailable, insufficient or inappropriate.

5. Please check the description that best fits your plan for the proposed vehicle(s).

#### Replacement

Purchase of Section 5310 vehicle with previously acquired Section 5310 vehicle being sold

Purchase of Section 5310 vehicle with non-Section 5310 vehicle being sold

#### Expansion

Purchase of Section 5310 vehicle with previously acquired Section 5310 vehicle being retained as a spare which expands agency's fleet **(sign-offs required)**

Purchase of Section 5310 vehicle to expand fleet **(sign-offs required)**

Purchase of Section 5310 vehicle with non-Section vehicle being retained as a spare which expands agency's fleet **(sign-offs required)**

**NOTE: All vehicle(s) to be replaced, must have at least 90,000 miles of service at time of application.**

6. **If your agency is selected for funding, list below your agency's name and phone number as it should appear on the side of an approved vehicle.** Should your agency not want its name or phone number on the side of an approved vehicle, please state so below.

## Vehicle Request Form

If your agency operates multiple vehicles, your fleet must be at least 50% accessible before a non-accessible vehicle will be approved. The accessibility percentage will be determined by the Vehicle Request Form in this section.

### Available Vehicle Types

Reference	Type	Cost Estimate
		<small>(Please note: Costs may change depending on vehicle options)</small>
A	Mini-Van	\$65,000
B	Cutaway	\$114,000

List the following for vehicles to be replaced:

	Serial Number(s)	Make/Model Year	Mileage	Mechanical Condition
Vehicle #1				
Vehicle #2				
Vehicle #3				

Fill out the table below. You may only apply for up to three vehicles.

	Complete one column for each requested		
	VEH1	VEH2	VEH3
Type of vehicle requested (use lettering as indicated above)			
Number of days per week vehicle will be operated			
Estimated passenger trips to be provided per year			
Estimated mileage per year			
Estimated hours per year			
Replacement or new?			

## Summary of Vehicle Project Costs & Operating Budget

### **TOTAL PROJECT COSTS MAY BE MORE OR LESS THAN PROJECT ESTIMATE**

	AMOUNT
A. Total Estimated Vehicle Cost	\$
B. Optional Security Camera (\$5,000 total) <input type="checkbox"/>	\$
C. Contingencies (5% of A)	\$
D. Storage and Security Costs (\$150 x # of vehicles)	\$
E. Total Estimated Cost (A + B <i>(optional)</i> + C +D)	\$
F. Federal Grant Request (80% of E)	\$
G. Local Contribution (20% of F)	\$

Sources and amount of 20% local share can be derived from Non-U.S. Department of Transportation Federal Programs including, but not limited to: Title III-B of the Older Americans Act or certain Health and Human Resources programs; state programs, local contributions or grants.

SOURCE	AMOUNT

**Attach notarized proof of commitment for vehicle matching funds and show the date that these funds become available immediately behind this page.**



## Operating Budget of Vehicle Requested

<u>ANNUAL COST</u>	<u>AMOUNT</u>
A. Salaries and Fringe Benefits	\$ _____
B. Overhead (Rent and other)	\$ _____
C. Fuel, Lubricants and Tires	\$ _____
D. Maintenance	\$ _____
E. Insurance	\$ _____
F. Contract Service	\$ _____
G. Administrative and Reporting Costs	\$ _____
H. Other	\$ _____
<b>TOTAL ESTIMATED ANNUAL COST</b>	<b>\$ _____</b>

Sources and amounts of proposed annual operating budget for the requested vehicle(s).

SOURCE	AMOUNT
	\$ _____
	\$ _____
	\$ _____
	\$ _____

## Section 3: Communication Equipment and Computer Request Form

Computer hardware and software is only available to applicants who have previously participated in the program; have five or more vehicles; and must primarily be used for serving the transportation needs of the elderly and individuals with disabilities. Computers are purchased by the requesting agency and provided 80% reimbursement after submission of invoices. Purchases by the agency may only occur after receiving written approval from TTA.

Computer hardware/software will be used for (check all that applies):

Billing     Scheduling/Dispatching     Driver Scheduling     Maintenance Records     Reports

Communications equipment is purchased by the requesting agency and provided 80% reimbursement after submission of invoices. Purchases by the agency may only occur after receiving TTA written approval.

Use the space below to provide an explanation of how the communications equipment will be utilized and benefit the agency, including improvements in service delivery, coordination, reduction in cost, etc.

Number of vehicles hardware/software/equipment will be used for. \_\_\_\_\_

Hardware/Software or Comm Eqpt Requested (be specific)	Unit Cost	Quantity	Total Costs
	Total Project Cost		
	Federal Share (80%)		
	Local Share (20%)		

# ATTACHMENT 1

On the following two (2) pages is a statement authorizing you to file a grant application on behalf of your organization. Complete all blanks and place it directly after the cover page in your application. (Do not retype). **Sign the resolution using a blue pen.**

## **AUTHORIZING RESOLUTION CERTIFICATE**

I, \_\_\_\_\_, do hereby certify that I am the duly qualified and acting  
(Name of Certifying Officer)

\_\_\_\_\_ of the \_\_\_\_\_ and as such, I am the  
(Title of Certifying Officer) (Name of Applicant)

keeper of the seal, records, and files of the \_\_\_\_\_.  
(Name of Applicant)

I do further certify that a regularly constituted meeting of the \_\_\_\_\_  
(Name of Applicant)

of the Board of Directors, Executive Committee, etc., \_\_\_\_\_ held on the \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_ at which a quorum of all of the members were present and voting, a certain resolution was

(Unanimously) **(or)** (By Majority Vote) (Check one of the blanks) adopted in full conformance

and authority with the  Bylaws of the Applicant or  Statutes of the State of

WV/KY/OH (check one of the blanks) as made and provided, and that the following is a complete and

true copy of the pertinent provisions of said Resolution:

1. That an application be made to Tri-State Transit Authority for Federal grant under the Section 5310 Program to acquire funds to provide (brief description of project).

2. That \_\_\_\_\_ of the \_\_\_\_\_  
(Name of Authorized Individual) (Name of Applicant)

is authorized to furnish such additional information as may reasonable be required by the

Federal Transit Administration or Tri-State Transit Authority in connection with aforesaid

application for said grant.

I further certify that the original of the complete said Resolution is on file in the records of the \_\_\_\_\_ in my custody.  
(Name of Applicant)

I do further certify that the foregoing Resolution remains in full force and effect and has not been rescinded, amended, or altered in any manner since the date of its adoption.

IN WITNESS WHEREOF, I have affixed my official signature and the seal (if appropriate) of the \_\_\_\_\_ day of \_\_\_\_\_,

**SEAL**

\_\_\_\_\_  
Certifying Officer Signature

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

## ATTACHMENT 2 VERIFICATION CERTIFICATION

*(Sign the following certification using a blue pen)*

I am an officer of the applicant corporation herein and am authorized to make this verification on its behalf. The statements in the foregoing application and its exhibits are true to the best of my knowledge.

I declare that the statements made in this application are true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_  
(Date) (City and State)

\_\_\_\_\_  
(Signature of Officer) (Title)

## ATTACHMENT 3 ARTICLES OF INCORPORATION

Submit a copy (**must be on 8 ½" X 11" size paper**) of your organization's articles of incorporation. The Articles of Incorporation should be inserted directly following the Verification Assurance when submitting your application.

*Note: A tax exempt statement from the IRS is not acceptable.*

# ATTACHMENT 4 COORDINATION and SIGN-OFF SECTION

## PROCEDURES

The Federal Transit Administration requires TTA to sign an assurance that they are providing for the "maximum feasible coordination" of services under the Section 5310 Program. During the application cycle, the sign-off process is used to determine that TTA can sign the required certification.

The sign-off process ensures that transportation providers in an area have been notified that an agency is applying for a Section 5310 Grant. This allows the existing transportation providers a fair and timely opportunity to participate, to the maximum extent feasible, in the development of the transportation program and in the provision of any special transportation services for seniors and individuals with disabilities.

A listing of known transportation providers is provided on the KYOVA website (kyovaipc.org). An agency should not consider this a final list of providers and should consult the Coordinated Public Transit-Human Services Transportation Plan for additional transportation providers.

Copies of all letters sent and completed sign-off forms must be included in your agency's application submittal, including any additional correspondence with **ALL public, private and paratransit operators in your proposed service area.**

Should an agency have a complaint filed against them or pending before the Public Service Commission (PSC), TTA considers this to be an objection to the application. An application cannot be considered for funding unless the issue is resolved prior to the **June 21, 2024**, deadline.

Agencies funded by the Section 5310 Program are required to provide transportation services to seniors and individuals with disabilities as proposed in their Section 5310 Application. Transportation services are to be provided as stated in your agency's signoff letters mailed to all transportation providers in the proposed service area. **TTA is to be notified prior to any changes being made in a Section 5310 vehicle's service area.**

**NO APPLICATION IS SCORED WITHOUT THE CORRECT SIGN-OFF AND COORDINATION DOCUMENTATION**

## SIGN-OFF LETTER – SAMPLE

*All providers must be given 30 days to respond.*

Dear **(Transit Provider)**:

The **(Name of Organization)** intends to apply for a capital assistance grant under the Section 5310 Program of the Federal Transit Act, as amended, for the purchase of a **(type of vehicle)** which will be used to provide transportation services for seniors and individuals with disabilities in **(Service Area)**.

We plan to **(agencies should state appropriate choice)**:

- Purchase a Section 5310 vehicle and retain non-Section 5310 vehicle as spare which expands agency's fleet
- Purchase a Section 5310 vehicle and retain previously acquired Section 5310 vehicle as a spare which expands agency's fleet
- Purchase a Section 5310 vehicle to expand fleet

The **(Name of Applicant)** plans to initiate/ continue **(Describe Agency Service Area and Specific Routes; Number and Type of Persons to be Transported; Number of Days per Week; Types of Activities)**.

This service is necessary because **(Features precluding the provision of such services by existing carriers or operators)**.

Please complete and return the attached form by **(Within 30 days of mailing)**.

Should you have any questions, objections, or propose any restrictions to this project, please contact **(Name)** at **(Phone)** to discuss this proposal further.

Sincerely,



**COORDINATION OF TRANSPORTATION SERVICES**

***PLEASE COMPLETE THE CHART BELOW***

List all public, private and paratransit providers that provide transportation services in your proposed service area.

***ALL PROVIDERS MUST BE GIVEN 30 DAYS TO RESPOND!***

NAME & ADDRESS OF PROVIDER	DATE SIGN-OFF REQUESTED	DATE SIGN-OFF RECEIVED	DATE OBJECTION RECEIVED	NO RESPONSE RECEIVED

# SECTION 5310 SIGN-OFF FORM

The \_\_\_\_\_ located at \_\_\_\_\_  
(Requesting Organization's Name) (Requesting Organization Address)

Requests a sign-off from \_\_\_\_\_ who  
(Name and address of organization for sign-off)

(check one):

supports the Section 5310 Application.

supports the Section 5310 Application with the following restrictions:

objects to the Section 5310 Application for the following reasons:

\_\_\_\_\_ is interested in providing this proposed  
(Name of Organization)  
service and/or participating in the coordination of this service by: (Please describe your interest)

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

\_\_\_\_\_  
(Authorizing Signature)

***Organizations making any objections, requesting any restriction or having an interest in providing or participating in the coordination of this service, should send a copy of this form to:***

**Tri-State Transit Authority  
1120 Virginia Avenue, West  
PO Box 7965  
Huntington, WV 25779**

**FAILURE TO REPLY TO THIS REQUEST SHALL INDICATE THAT YOUR AGENCY HAS NO  
OBJECTIONS TO THE PROJECT AS PROPOSED  
ALL PROVIDERS HAVE 30 DAYS TO RESPOND FROM DATE OF RECEIPT**

# ATTACHMENT 5

## LOCAL INTERGOVERNMENTAL REVIEW – ALL APPLICANTS

All Applicants must complete the Intergovernmental Review. Please see instructions below as the process for West Virginia, Ohio and Kentucky applicants may be different.

### **West Virginia and Ohio Applicants**

Along with your application, you must submit an Application for Federal Assistance necessary to complete an Intergovernmental Review. Please fill out the highlighted sections. It is not necessary for your local planning organization to submit your local intergovernmental review to the State Clearinghouse. TTA will do this for you. Once a positive Intergovernmental Review is complete, your agency will be notified by KYOVA. **TTA and the Federal Transit Administration will not accept any applications that do not have a positive local intergovernmental review.**

### **Kentucky Applicants**

The Kentucky State Clearinghouse has been designated as the state Single Point of Contact (SPOC) and is charged with providing state and local input to the appropriate federal agency. At the state level this task is accomplished by identifying those state agencies that should be involved in the planning and development of activities by Executive Order 12372, and providing these agencies with the opportunity to evaluate proposals in a timely, effective fashion. All federal applications are subject to EO 12372 Intergovernmental Review Process unless the application specifically states not subject to EO 12372.

The Kentucky State Clearinghouse processes the Intergovernmental Review Applications through an e-clearinghouse at the Kentucky Department for Local Government (DLG). All information and forms may be found at: [https://kydlgweb.ky.gov/FederalGrants/16\\_eClearinghouse.cfm](https://kydlgweb.ky.gov/FederalGrants/16_eClearinghouse.cfm). If you have any questions or need assistance completing the forms, contact KYOVA Interstate Planning Commission. DLG will provide a letter of review to the applicant, which will serve as the required documentation for the Intergovernmental Review Process for the Section 5310 application.

### **All Applicants**

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 annual grant application cycle for review by TTA. Additionally, they will need to provide a letter of support for the project from the local public transit provider.

***An Application for Federal Assistance must accompany your application when submitted to KYOVA Interstate Planning Commission on or before June 21, 2024. Projects must receive a positive Intergovernmental Review to be considered for funding.***

It is the applicant's responsibility to ensure that it allows the local planning organizations and Kentucky DLG adequate time to review the application. **Most planning organizations and the Kentucky DLG may take 30 to 45 days to review an application.**

**APPLICATION FOR  
FEDERAL ASSISTANCE**

(only fill in highlighted fields)

Version 7/03

<b>1. TYPE OF SUBMISSION:</b> Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction		Pre-application <input checked="" type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction	<b>2. DATE SUBMITTED</b>	Applicant Identifier
			<b>3. DATE RECEIVED BY STATE</b>	State Application Identifier
			<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	Federal Identifier
<b>5. APPLICANT INFORMATION</b>				
Legal Name:			Organizational Unit:	
Organizational DUNS:			Department:	
Address:			Division:	
Street:			<b>Name and telephone number of person to be contacted on matters involving this application (give area code)</b>	
City:			Prefix:	First Name:
County:			Middle Name	
State:			Last Name	
Zip Code			Suffix:	
Country:			Email:	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> △△-△△△△△△△△			Phone Number (give area code)	Fax Number (give area code)
<b>8. TYPE OF APPLICATION:</b> PICK ONE <input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input checked="" type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify)    △    △			<b>7. TYPE OF APPLICANT:</b> (See back of form for Application Types)  Other (specify)	
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> TITLE (Name of Program): △△-△△△			<b>9. NAME OF FEDERAL AGENCY:</b>	
<b>12. AREAS AFFECTED BY PROJECT</b> (Cities, Counties, States, etc.):			<b>11. DESCRIPTIVE TITLE, BRIEF DESCRIPTION AND LOCATION OF APPLICANT'S PROJECT:</b>	
<b>13. PROPOSED PROJECT</b> Start Date:    Ending Date:			<b>14. CONGRESSIONAL DISTRICTS OF:</b> a. Applicant    b. Project	
<b>15. ESTIMATED FUNDING:</b>			<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>	
a. Federal	\$	.00	a. Yes. <input checked="" type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON	
b. Applicant	\$	.00	DATE:	
c. State	\$	.00	PROGRAM IS NOT COVERED BY E. O. 12372	
d. Local	\$	.00	b. No. <input checked="" type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
e. Other	\$	.00	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>	
f. Program Income	\$	.00	<input checked="" type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No	
g. TOTAL	\$	.00		
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>				
a. Authorized Representative				
Prefix	First Name		Middle Name	
Last Name			Suffix	
b. Title			c. Telephone Number (give area code)	
d. Signature of Authorized Representative			e. Date Signed	

## INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:	Item:	Entry:																
1.	Select Type of Submission.	11.	Enter a brief descriptive title, description and location of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.																
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	12.	List only the largest political entities affected (e.g., State, counties, cities).																
3.	State use only (if applicable).	13.	Enter the proposed start date and end date of the project.																
4.	Enter Date Received by Federal Agency Federal identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project																
5.	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.																
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.																
7.	Select the appropriate letter in the space provided. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">A. State</td> <td style="width: 50%;">I. State Controlled Institution of Higher Learning</td> </tr> <tr> <td>B. County</td> <td>J. Private University</td> </tr> <tr> <td>C. Municipal</td> <td>K. Indian Tribe</td> </tr> <tr> <td>D. Township</td> <td>L. Individual</td> </tr> <tr> <td>E. Interstate</td> <td>M. Profit Organization</td> </tr> <tr> <td>F. Intermunicipal</td> <td>N. Other (Specify)</td> </tr> <tr> <td>G. Special District</td> <td>O. Not for Profit Organization</td> </tr> <tr> <td>H. Independent School District</td> <td></td> </tr> </table>	A. State	I. State Controlled Institution of Higher Learning	B. County	J. Private University	C. Municipal	K. Indian Tribe	D. Township	L. Individual	E. Interstate	M. Profit Organization	F. Intermunicipal	N. Other (Specify)	G. Special District	O. Not for Profit Organization	H. Independent School District		17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
A. State	I. State Controlled Institution of Higher Learning																		
B. County	J. Private University																		
C. Municipal	K. Indian Tribe																		
D. Township	L. Individual																		
E. Interstate	M. Profit Organization																		
F. Intermunicipal	N. Other (Specify)																		
G. Special District	O. Not for Profit Organization																		
H. Independent School District																			
8.	Select the type from the following list: <ul style="list-style-type: none"> <li>• "New" means a new assistance award.</li> <li>• "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.</li> <li>• "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision enter the appropriate letter:  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">A. Increase Award</td> <td style="width: 50%;">B. Decrease Award</td> </tr> <tr> <td>C. Increase Duration</td> <td>D. Decrease Duration</td> </tr> </table> </li> </ul>	A. Increase Award	B. Decrease Award	C. Increase Duration	D. Decrease Duration	18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)												
A. Increase Award	B. Decrease Award																		
C. Increase Duration	D. Decrease Duration																		
9.	Name of Federal agency from which assistance is being requested with this application.																		
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.																		

## **ATTACHMENT 6 CERTIFICATIONS**

Read and sign the following certifications using a **blue pen**. Failure to sign these certifications will mean that your agency will not be considered for funding.

# CERTIFICATIONS

I, \_\_\_\_\_, do hereby certify that the \_\_\_\_\_;  
(Name) (Name of Applicant)

## 1. CERTIFICATION OF PROVISION OF NECESSARY LOCAL MATCHING FUNDS

shall provide the total amount of local match from non-U.S. Department of Transportation Federal Programs including, but not limited to: Title III-B of the Older Americans Act or certain Health and Human Resources programs; state programs, local contributions or grants required for the purchase of vehicle(s) or communication equipment within fifteen (15) days of receipt of written notification from TTA of the actual amount needed. It is my understanding that failure to comply with this stipulation will result in TTA's cancellation of the purchase order that is required in order to obtain my agency's vehicle(s) or communication equipment. I further understand that this cancellation will cause my agency to be delayed in the receipt of any vehicle(s) or communication equipment for approximately one (1) year.

## 2. MAINTENANCE CERTIFICATION

The Federal Transit Administration (FTA), realizing the potential problems of operability, safety, and reliability of the vehicle(s) or communication equipment, if it is not properly maintained, has instituted a requirement that all Section 5310 grantees must certify that a vehicle(s) or communication equipment purchased under the program will be maintained in accordance with the detailed maintenance and inspection schedules provided by the manufacturer. Also, see the Section 5310 Project Guide. Failure of a private non-profit agency to maintain vehicle(s) or communication equipment in accordance with their certification will preclude additional FTA assistance to that agency. I certify that I understand the FTA maintenance and inspection requirements and that the agency will comply.

## 3. CIVIL RIGHTS

Agree that the applicant will comply with the following requirements:

(1) Nondiscrimination. In accordance with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d, et seq., Section 4 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101, et seq., Section 102 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq. and Federal transit law at 49 U.S.C. § 5332, as amended by MAP 21, the APPLICANT agrees that it will not discriminate against any employee or applicant for employment because of race, color, national origin, religion, sex, age, or disability. In addition, the APPLICANT agrees to comply with any other applicable Federal statutes that may be signed into law or regulations that may be promulgated.

(2) Equal Employment Opportunity. The following equal employment opportunity requirements apply to this Project:

(a) Race, Color, National Origin, Religion, Sex, Disability or Age. In accordance with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the APPLICANT agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, —Office of Federal Agreement Compliance Programs, Equal Employment Opportunity, Department of Labor, 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, —Equal Employment Opportunity, as amended by Executive Order No. 11375, —Amending Executive Order 11246 Relating to Equal Employment Opportunity, — 42 U.S.C. § 2000e note), and with any applicable Federal statutes executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The APPLICANT agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, disability or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the APPLICANT agrees to comply with any implementing requirements FTA may issue.

(b) Sex. APPLICANT agrees to comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681-1683, 1685-1688, with U.S. DOT regulations, —Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 49 C.F.R. Part 25, and with any implementing directives that U.S.DOT or FTA may promulgate, which prohibit discrimination on the basis of sex.

(c) Age. In accordance with the Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 et seq. and implementing regulations, the APPLICANT agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the APPLICANT agrees to comply with any implementing requirements FTA may issue.

(d) Disabilities. In accordance with Section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the APPLICANT agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, —Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, ||29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the APPLICANT agrees to comply with any implementing requirements FTA may issue.

(3) APPLICANT also agrees to include these requirements in each sub-agreement financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

## 4. ENERGY CONSERVATION

APPLICANT 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.

## 5. CERTIFICATION OF SPECIAL EFFORTS TO PROVIDE TRANSPORTATION THAT DISABLED PERSONS CAN USE

The applicant hereby certifies that special efforts are being made in its service area to provide transportation that disabled persons, including wheelchair users and semi-ambulatory persons can use. The transportation resulting from these special efforts is reasonable in comparison to the transportation provided to the general public and meets a significant fraction of the actual transportation needs of such persons within a reasonable time.

## **6. LITIGATION CERTIFICATION**

As the authorized representative for the applicant, I hereby certify that to the best of my knowledge there is no litigation pending or threatened which might affect the performance of this Project.

## **7. FISCAL AND MANAGERIAL CAPABILITY CERTIFICATION**

As the authorized representative for the applicant, I hereby certify that, based on my experience with the applicant and a review of the applicant's records that the applicant has the requisite fiscal and managerial capability to carry out this Project.

## **8. APPLICATION OF FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS**

The agency hereby certifies that it will comply with changing federal, state and local requirements, the APPLICANT shall note that federal, state and local requirements may change and the changed requirements will apply to this Project as required.

Federal Regulation Changes - APPLICANT 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 TTA and FTA, as they may be amended or promulgated from time to time during the term of this Project. The APPLICANT'S failure to so comply shall constitute a material breach of this Project.

## **9. ACCESS TO RECORDS - INSPECTION**

The agency hereby certifies that it shall permit TTA, the Comptroller General of the United States and the Secretary of the United States Department of Transportation, or their authorized representatives, to inspect all vehicles, facilities and equipment used by the Agency as part of the Project to verify compliance with the requirements of the Section 5310 Program. All records of the transportation services rendered by the Agency, including maintenance records, records verifying usage of the vehicle, and all relevant Project records shall also be available for inspection. The Agency shall also permit the above named persons or agencies to audit the records and accounts of the Agency pertaining to the Project.

## **10. COORDINATION**

As the authorized representative for the applicant, I hereby certify that to the best of my knowledge the agency has coordinated, to the maximum extent feasible, with other transportation providers and users, regardless of their funding source.

## **11. EFFECTS ON PRIVATE MASS TRANSPORTATION COMPANIES**

The applicant as required by 49 U.S.C. 5323(a) (1) (C) or 5323 (a) (2) (B), certifies that before it acquires property or an interest in property of a private mass transportation company or operates mass transportation equipment or a facility in competition with or in addition to transportation service provided by an existing mass transportation company it has or will have:

A. Provided for the participation of private mass transportation companies to the maximum extent feasible; and

B. Paid or will pay just compensation under state or local law to a private mass transportation company for its franchises or property acquired.

## **12. NO FEDERAL GOVERNMENT OBLIGATIONS TO THIRD PARTIES**

The applicant acknowledges and 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, APPLICANT, or any other party (whether or not a party to the Project) pertaining to any matter resulting from the underlying Project.

## **13. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS**

As the authorized representative for the applicant, I certify the applicant 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 underlying Project, the APPLICANT 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 APPLICANT 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 APPLICANT to the extent the Federal Government deems appropriate.

## **14. SENSITIVE SECURITY INFORMATION**

The applicant, if selected for funding, must protect, and take measures to ensure that its sub agreement at each tier protect,—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.

## **15. ACCESSIBILITY**

The applicant, if selected for funding, 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, —American with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles, 36 CFR Part 1192 and 49 CFR Part 38.



**16. TRAFFICKING IN PERSONS**

The applicant, if selected for funding, 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.

The applicant also agrees to inform TTA of any information it receives from any source alleging a violation of a prohibition in the Trafficking in Persons subsection of the current FTA Master Agreement.

**17. ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY**

To the extent applicable and except to the extent that FTA determines otherwise in writing, any approved applicant agrees to facilitate compliance with the policies of Executive Order No. 13166, —Improving Access to Services for Persons with Limited English Proficiency, 42 U.S.C. § 2000d-1 note, and with the provision of U.S. DOT Notice, —DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency (LEP) Persons, 70 Fed. Reg. 74087, December 14, 2005.

**18. ENVIRONMENTAL JUSTICE**

Any approved applicant 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.

**19. CHARTER SERVICE**

The applicant, if selected for funding, may not engage in charter service operations except as permitted by 49 U.S.C. §5323(d), and FTA regulations, —Charter Service, 49 C.F.R. Part 604, and any amendments thereto that may be issued. Any charter service agreement entered into under these regulations is incorporated into any future Project Grant Agreement by reference.

**20. SEAT BELT USAGE**

Pursuant to Executive Order No. 13043, April 16, 1997, 23 U.S.C. § 402, any approved applicant, 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.

**21. 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, the RECIPIENT is encouraged 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.

**22. AUDITS**

Any approved applicant agrees to report any audit findings that involve Section 5310 funded equipment immediately to TTA. I declare that the foregoing certifications are true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_.

(Date)

(City and State)

\_\_\_\_\_  
(Signature of Official)

\_\_\_\_\_  
(Title)

## CERTIFICATION OF EQUIVALENT SERVICE

The \_\_\_\_\_  
(Name of Applicant)

certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

- (1) Response time;
- (2) Fares;
- (3) Geographic service area;
- (4) Hours and days of service;
- (5) Restrictions on trip purpose;
- (6) Availability of information and reservation capability; and
- (7) Constraints on capacity or service availability.

In accordance with 49 CFR 37.27, public entities operating demand responsive systems for the general public which receive financial assistance under Sections 5310 or 5311 of the Federal Transit Act, as amended, must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving Federal Transit Act funds shall also file the certification with the appropriate state program office. Such public entities receiving Federal Transit Act funds under any other Section of the Federal Transit Act must file the certification with the appropriate Federal Transit Administration regional office. This certification is valid for no longer than one year from its date of filing.

\_\_\_\_\_  
Typed Name & Title of Authorized Official

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**ASSURANCE CONCERNING NONDISCRIMINATION ON THE BASIS OF DISABILITY IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE IMPLEMENTING THE REHABILITATION ACT OF 1973, AS AMENDEND, AND THE AMERICANS WITH DISABILITIES ACT OF 1990 (FEDERAL TRANSIT ADMINISTRATION)**

\_\_\_\_\_, (the "Recipient"/Applicant) agrees that as a condition to the approval or extension of any Federal financial assistance from the Federal Transit Administration (FTA) to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research or to participate in or obtain any benefit from any program administered by the FTA, no otherwise qualified person with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance administered by the FTA or any entity within the United States Department of Transportation (DOT).

Specifically, the Recipient GIVES ASSURANCE that it will conduct any program or operate any facility so assisted in compliance with all applicable requirements imposed by DOT regulations implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 (any subsequent amendments thereto) set forth at 49 C.F.R. Parts 27, 37, and 38, as well as all applicable regulations and directives issued pursuant thereto by other Federal departments or agencies.

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

\_\_\_\_\_  
(Legal Name of Applicant)

BY: \_\_\_\_\_  
(Signature of Authorized Official)

**FEDERAL TRANSIT ADMINISTRATION (FTA)  
CIVIL RIGHTS ASSURANCE**

The \_\_\_\_\_ HEREBY CERTIFIES THAT, as a condition  
(Name of Applicant)

of receiving Federal financial assistance under the Federal Transit Administration (FTA) Transportation Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit related benefits.
  
2. The \_\_\_\_\_ will compile, maintain, and submit in  
(Name of Applicant)  
  
a timely manner Title VI information required by FTA Circular 4702.1B and in compliance with the Department of Transportation’s Title VI regulation, 49 C.F.R. Part 21.9.
  
3. The \_\_\_\_\_ will make it known to the public that  
(Name of Applicant)  
those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.

\_\_\_\_\_  
(Typed Name/Title of Authorized Official)

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

\_\_\_\_\_  
(Signature of Authorized Official)

## TITLE VI REPORT

1. List any active lawsuits or complaints naming the applicant which allege discrimination on the basis of race, color, or natural origin with respect to service or other transit benefits. The list should include: date the lawsuit or complaint was filed; a summary of the allegation; and the status of the lawsuit or complaint; including whether the parties to a lawsuit have entered into a consent decrees. **If none, please state.**

2. A description of all pending applications for financial assistance and all financial assistance currently provided by other federal agencies. **If none, please state.**

3. A summary of all civil rights compliance review activities conducted in the last three years. The summary should include: the purpose or reasons for the review; the name of the agency or organization that performed the review; a summary of the findings and recommendations of the review; and a report on the status and/or disposition of such findings and recommendations. **If none, please state.**

## SCHOOL TRANSPORTATION OPERATIONS AGREEMENT

**Name of Applicant:** \_\_\_\_\_

A. As required by 49 U.S.C. 5323 (f) and FTA regulations, —School Bus Operations, at 49 CFR 605.14, the Applicant agrees that it will:

(1) Engage in school transportation operations in competition with private school transportation operators only to the extent permitted by an exception provided by 49 U.S.C. 5323(f), and implementing regulations, and:

(2) Comply with the requirements of 49 CFR Part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance authorized by 49 U.S.C. Chapter 53 or Title 23 U.S.C. awarded by FTA for transportation projects.

B. The Applicant understands that the requirements of 49 CFR Part 605 will apply to any school transportation it provides, the definitions of 49 CFR Part 605 apply to this school Transportation agreement, and a violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

\_\_\_\_\_  
(Typed Name & Title of Authorized Official)

\_\_\_\_\_  
(Signature)

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

**CERTIFICATION OF PRIMARY PARTICIPANT REGARDING  
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

The Primary Participant (applicant for an FTA grant or cooperative agreement, or potential contractor for a major third party contract), \_\_\_\_\_ (NAME OF APPLICANT) certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity  
(Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

If the primary participant (applicant for an FTA grant, or cooperative agreement, or potential third party contractor) is unable to certify to any of the statements in this certification, the participant shall attach an explanation to this certification.)

THE PRIMARY PARTICIPANT (APPLICANT FOR AN FTA GRANT OR COOPERATIVE AGREEMENT, OR POTENTIAL CONTRACTOR FOR A MAJOR THIRD PARTY CONTRACT), \_\_\_\_\_, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

\_\_\_\_\_  
(Signature and Title of Authorized Official)

# APPENDIX A

## SECTION 5310 PROGRAM REQUIREMENTS

### ***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 effects 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 and requests for reasonable modifications 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](http://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 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 capability 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 evaluated 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. If an application has missing documentation, the agency is given an opportunity to submit the omitted documents. 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.

## ***OBJECTION RESOLUTION***

Applications that do not have transit provider objections resolved on or before June 21, or have not requested a meeting of the Special Transit Advisory Committee, on or before June 21, 2024, **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 June 21, 2024 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. Submission of your organization's completed application to KYOVA. No application is considered for funding without a Positive Local Intergovernmental Review; proper sign-off and coordination documentation; and Board Adopted Title VI Plan (See Appendix B).

### ***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 schedules for vehicle, lift or ramp and tiedowns; 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 11. 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 20<sup>th</sup> 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 25<sup>th</sup> day of the month, a first memo is sent to the agency.
3. On the 10<sup>th</sup> day of the next month, a second memo is sent to the agency informing them of the consequences of delinquent reporting.
4. On the 20<sup>th</sup> 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.

## **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 your local Motor Vehicle Office.

## **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 B of this application packet.

**Appendix B 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 B of this application packet.

***Appendix B must be completed and submitted as part of your application packet. A previously approved Title VI Plan is good for three years from date of adoption. If your agency has a previously approved plan, submit a copy with 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:

2. Have the Board adopt an EEO policy statement.
3. Post the EEO statement in conspicuous and accessible places.
4. Include an EEO statement on employment applications and want ads.
5. 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 etseq.

## ***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 OBLICATIONS 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 schedules for vehicles, lift/ramps, and tiedowns; 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 for Title VI, ADA, 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 June 21, 2024**, 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.

## APPENDIX B:

### TITLE VI NONDISCRIMINATION AND LIMITED ENGLISH PROFICIENCY REQUIREMENTS

*Each subrecipient must have its own program. To help you develop a Title VI program, TTA has provided this questionnaire, after which reviewed and accepted by TTA, will become your Title VI program. **Prior to submitting with 5310 Application, you will be required to submit the completed questionnaire to your Board or council for approval and then provide evidence of the approval (copy of Board or council minutes approving and adopting plan) to TTA.***

*The Federal Transit Administration (FTA) requires all recipients of FTA assistance to develop a Title VI program. For more information concerning Title VI requirements go to Title VI Circular 4702.1B, “Title VI Requirements and Guidelines for FTA Recipients”:  
<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA Title VI FINAL.pdf>*

## ***Title VI Program***

*(Insert Agency Name Here)*

*(Insert Date Adopted Here)*

## TITLE VI REPORTING

Please complete the form using the number of transportation clients served. An individual client may be reported as both a low-income and minority client. Only report the transit system’s clients served. DO NOT report US Census percentages or passenger trips. Use your client database to determine the number of low-income and/or minority clients. If you don’t have that information, provide your best estimate and footnote how you arrived at that estimate at the bottom of the page. Please use the most recent data available.

Transportation Clients Served	Category
	<u>Low-Income:</u> a person whose median household income is at or below the Department of Health and Human Services’ poverty guidelines
<u>Minority Persons</u> include the following:	
	American Indian and Alaska Native – refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
	Asian – refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent
	Hispanic or Latino – includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture origin, regardless of race
	Native Hawaiian and Other Pacific Islander – refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands

## TITLE VI PROGRAM QUESTIONNAIRE NOTICE TO THE PUBLIC

*FTA requires that each grantee notify the public of its rights under Title VI and include the notice and where it is posted in the Title VI program. The notice must include:*

- *A statement that the agency operates programs without regard to race, color, and national origin*
- *A description of the procedures that members of the public should follow in order to request additional information on the grantee's nondiscrimination obligations*
- *A description of the procedures that members of the public should follow in order to file a discrimination complaint against the grantee*

*The notice can be a separate document, such as a posted sign, a statement that is in another document, or a stand-alone document, such as a Title VI brochure. A sample Title VI notice is provided in **Attachment A**.*

1. Please provide a copy of **your** Title VI notice(s).
2. Where are the notices posted?

### COMPLAINT INSTRUCTIONS AND FORM

*FTA requires each grantee to have instructions for the public to follow and a form for the public to use for filing a Title VI complaint. TTA has provided for you the form and procedures for filing a Title VI complaint. **Attachment B** presents the sample form and procedures.*

3. Please provide a copy of **your** agency's complaint form and procedures.

**TITLE VI COMPLAINTS, INVESTIGATIONS AND  
LAWSUITS**

*FTA requires that the Title VI program include a list of transit-related Title VI complaints, investigations, and lawsuits. TTA obtains this information with grant applications. Please note that EEO and ADA complaints are not Title VI complaints so do not list them. If you are part of a city, county, or human service agency, only list Title VI complaints, investigations, or lawsuits related to transportation services.*

4. Have you had any Title VI complaints, investigations, or lawsuits related to your transportation services? If yes, please complete the following table:

Type	Date	Summary	Status	Action(s) Taken
Complaints				
Investigations				
Lawsuits				

**PUBLIC PARTICIPATION ELEMENT**

*FTA requires that the Title VI program include a public participation plan that includes an outreach plan to engage minority and limited English proficient (LEP) populations. The plan may include*

*other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others. Applicants to TTA for FTA assistance are required to comply with several requirements that help meet this Title VI requirement. These requirements include the published notice of intent to apply to TTA for FTA assistance and participation in the public transit- human services transportation coordinated plan development. Other public participation methods include open Board/ council meetings, council meetings of cities and counties that provide local funding, advisory committees, public involvement efforts for transportation services, passenger surveys, marketing efforts, such as booths at fairs, and presentations to service and other organizations.*

5. Describe the mechanism for disseminating information to the public. Provide a summary of public outreach and involvement activities undertaken and a description of the steps taken to ensure minority, low-income, and Limited English Proficiency populations have meaningful access to these activities.

**LIMITED ENGLISH PROFICIENCY (LEP) ELEMENT**

*FTA requires that the Title VI program include a plan for providing language assistance to LEP persons. An LEP person is someone who speaks English less than very well.*

6. Do you have a mechanism in place to ensure meaningful access to the benefits, services, information, and other important portions of your programs and activities for individuals who are Limited English Proficiency? Please explain.

## PLANNING AND ADVISORY BOARDS

*FTA requires that the Title VI program present the racial make-up of all transit related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, and a description of the efforts to encourage the participation of minorities on such committees.*

7. List all of your transit-related advisory boards and committees (if any) and the purpose of each.

8. What is the racial makeup of each board and committee?

9. What efforts are undertaken to encourage participation of minorities on these committees?



## **Attachment A**

### **Title VI Notice to the Public**

[Agency] operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the 1964 Civil Rights Act. Any person who believes that she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with our agency.

Any such complaint must be in writing and filed with this agency within 180 days following the date of the alleged discriminatory occurrence. For information on our nondiscrimination obligations or how to file a complaint, please contact [Agency's name] by any of the methods listed below.

**Agency Name and Address**

**Phone**

**Fax**

**Email**

If this information is needed in another language, please contact us.

# Attachment B

## Title VI Complaint Form and Procedures

**SAMPLE**

### (Agency Name) TITLE VI COMPLAINT FORM

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

If you feel that you have been discriminated against in the provision of transportation services, please provide the following information to assist us in processing your complaint. Should you require any assistance in completing this form or need information in alternate formats, please contact us.

Please mail or return this form to:

[Director]  
[Agency Name]  
[Address]  
[Email and Fax number]

**1. Complainant's Name:** \_\_\_\_\_

a. Address: \_\_\_\_\_

b. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

b. Telephone (Home  or Cell ): \_\_\_\_\_

c. Telephone Work: \_\_\_\_\_ (Please include area code)

d. E-Mail Address: \_\_\_\_\_

Do you prefer to be contacted via this e-mail address?  Yes  No

**2. Accessible Format of Form Needed?**  Large Print  Audio Tape  TDD  Other (please specify):

**3. Are you filing this complaint on your own behalf?**  Yes **If YES, please go to Question 7**

No If no, please go to question 4

**4. If you answered NO to question 3 above, please provide your name and address.**

a. Name of Person Filing Complaint: \_\_\_\_\_

b. Address: \_\_\_\_\_

c. Telephone (Home  or Cell ): \_\_\_\_\_

d. Telephone Work: \_\_\_\_\_ (Please include area code)

e. E-Mail Address: \_\_\_\_\_

Do you prefer to be contacted via this e-mail address? Yes No

**5. What is your relationship to the person for whom you are filing the complaint?**

**6. Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.** Yes, I have permission. No, I do not have permission.

**7. I believe that the discrimination I experienced was based on** (check all that apply)

Race  Color  National Origin (Classes protected by Title VI)  Other (please specify)

**8. Date of Alleged Discrimination (Month, Day, Year):**

**9. Where did the Alleged Discrimination take place?**

**10. Explain as clearly as possible what happened and why you believe that you were discriminated against.** Describe all of the persons that were involved. Include the name and contact information of the person(s) who discriminated against you (if known). *Use the back of this form or separate pages if additional space is required.*

**11. Please list any and all witnesses' names and phone numbers/contact information.** *Use the back of this form or separate pages if additional space is required.*

**12. What type of corrective action would you like to see taken?**

**13. Have you filed a complaint with any other Federal, State, or local agency, or with any Federal or State court?** Yes **If yes, check all that apply** No

a.  Federal Agency (List agency's name)

b.  Federal Court (Please provide location)

c.  State Court

d.  State Agency (Specify Agency)

e.  County Court (Specify Court and County)

f.  Local Agency (Specify Agency)

**14. Please provide information about a contact person at the agency/court where the complaint was filed.**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

**You may attach any written materials or other information that you think is relevant to your complaint.**

Signature and date is required:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

If you completed Questions 4, 5 and 6, your signature and date is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Attachment B – Continued**

### **Title VI Complaint Form and Procedures**

**SAMPLE**  
(Your agency's name)

**Title VI Procedures** Title VI of the 1964 Civil Rights Act requires that —No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Any person who believes that he/she has been aggrieved by an unlawful discriminatory practice on the basis of race, color or national origin by (insert your agency's name) may file a complaint by completing and submitting (your agency's name) Title VI Complaint form.

#### **How do you file a complaint?**

You may download the (your agency's name) Title VI Complaint Form at (give web address), or request a copy by writing or phoning (list your agency's full name, address and phone number). You may file a signed, dated and written complaint no more than 180 days from the date of the alleged incident. The complaint should include:

- Your name, address and telephone number. (See Question 1 of the Complaint Form)
- How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information. (See Questions 7, 8, 9, and 10 of the Complaint Form)
- The names of any persons, if known, whom the director could contact for clarity of your allegations. (See Question 11 of the Complaint Form)

Please submit your complaint form to address listed below:

Director  
Your agency's name and address

#### **How will your complaint be handled?**

(Your agency's name) investigates complaints received no more than 180 days after the alleged incident. (Your agency's name) will process complaints that are complete. Once a completed complaint is received, (Your agency's name) will review it to determine if (your agency's name) has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by (your agency's name).

**Attachment B – Continued**  
**Title VI Complaint Form and Procedures**

**(Your agency's name)** will generally complete an investigation within 90 days from receipt of a completed complaint form. If more information is needed to resolve the case, **(your agency's name)** may contact the complainant. Unless a longer period is specified by **(your agency's name)**, the complainant will have ten (10) days from the date of the letter to send requested information to the **(your agency's name)** investigator assigned to the case. If **(your agency's name)** investigator is not contacted by the complainant or does not receive the additional information within the required timeline, **(your agency's name)** may administratively close the case. A case may be administratively closed also if the complainant no longer wishes to pursue their case.

After an investigation is complete, **(your agency's name)** will issue a letter to the complainant summarizing the results of the investigation, stating the findings and advising of any corrective action to be taken as a result of the investigation. If a complainant disagrees with **(your agency's name)** determination, he/she may request reconsideration by submitting a request in writing to **(your agency's name)** director **(or the appropriate title)** within seven (7) days after the date of **(your agency's name)** letter, stating with specificity the basis for the reconsideration. The director **(or the appropriate title)** will notify the complainant of his decision either to accept or reject the request for reconsideration within 10 days. In cases where reconsideration is granted, the director **(or the appropriate title)** will issue a determination letter to the complainant upon completion of the reconsideration review.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590. If information is needed in another language, then contact **(your agency's name)** at **(phone number)**.