

CONNECTICUT DEPARTMENT OF TRANSPORTATION

# Section 5310 Program

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Enhanced Mobility for Seniors and  
Individuals with Disabilities

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## State Management Plan

Bureau of Public Transportation

Office of Transit and Ridesharing

01/27/2023



*Revised to reflect revisions from Circular FTA C 9070.1G dated June 2014.  
This State Management Plan supersedes the plan of November 2019.*

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## I. INTRODUCTION

Congress establishes the legal authority to commence and continue FTA programs through authorizing legislation. Each reauthorization amends the Federal Transit Laws codified in Title 49 USC Chapter 53.

The most recent authorization, the Bipartisan Infrastructure Law, was signed by President Biden on November 15, 2021. The legislation reauthorizes surface transportation programs for Fiscal Year (FY) 2022 through FY 2026. Prior authorization legislation includes:

- In December 2015, President Obama signed the Fixing America’s Surface Transportation (FAST) Act, reauthorizing surface transportation programs from FY 2015 through FY 2020.
- In July 2012, President Obama signed Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act, which reauthorized surface transportation programs from FY 2012 through FY 2014.

Title 49 U.S.C. 5310 authorizes the formula assistance program for the Enhanced Mobility of Seniors and Individuals with Disabilities Program and provides formula funding to states and designated recipients (recipients) to improve mobility for seniors and individuals with disabilities.

This program provides grant funds for capital and operating expenses to recipients for:

- Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
- Public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.);
- Public transportation projects that improve access to fixed-route service and decrease reliance on complementary paratransit; and
- Alternatives to public transportation projects that assist seniors and individuals with disabilities with transportation.

The program provides apportionments specifically for large urbanized, small urbanized and rural areas. The state remains the designated recipient for small urban and rural areas, but each large urbanized area (UZA) must have a designated recipient for its region. Funds authorized by 49 U.S.C. 5310 are subject to annual appropriations.

Section 5310(b) provides that of the amounts apportioned to states and designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects—those public transportation capital projects planned, designed, and carried out to meet the special needs of

seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Further, the law provides that a recipient may allocate the funds apportioned to it to:

- a. A private nonprofit organization; or
- b. A state or local governmental authority that:
  - (1) is approved by a state to coordinate services for seniors and individuals with disabilities; or
  - (2) certifies that there are no nonprofit organizations readily available in the area to provide the service.

These provisions, found at 49 U.S.C. 5310(b)(1) and (b)(2), essentially maintain the status quo for traditional Section 5310 projects and the eligible subrecipients for traditional Section 5310 projects.

In concurrence with all large UZAs in the state, the Governor has designated the Connecticut Department of Transportation (CTDOT) as the agency to receive and administer funds under the Section 5310 program for the entire state.

CTDOT will administer the program in accordance with the regulations set forth in the Federal Transit Administration Circular 9070.1G and will ensure that program funds are used for projects that benefit the regions for which they are appointed. Along with these regulations, the State will incorporate goals and objectives tailored to Connecticut's specialized transportation needs.

A Program of Projects (POP) will be submitted at least annually to the FTA Regional Administrator for approval. The POP provides for fair and equitable distribution of funds within the State and emphasizes cooperation toward regional coordination of transportation programs.

This State Management Plan (SMP) has been prepared in accordance with Program Administrative Requirements set forth in FTA Circular 9070.1G dated July 7, 2014. The SMP will be used in the State's administration of the Section 5310 program.

Any changes to federal regulations, state laws and/or policies governing the FTA Section 5310 program will automatically be incorporated as part of CTDOT's management procedure, whether or not the Management Plan has been updated to reflect these modifications.

## **II. PROGRAM GOALS AND OBJECTIVES**

### **A. Federal Program Objectives**

The goal of the Section 5310 program is to improve mobility for seniors and individuals with disabilities throughout the country by removing barriers to transportation services

and expanding the transportation mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas—large urbanized, small urbanized, and rural. The program requires coordination with other federally assisted programs and services in order to make the most efficient use of federal resources.

Transportation services funded under this program may be open to all seniors and individuals with disabilities or to the general public once the immediate transportation needs as contained in the recipient's grant application are satisfied. Public transportation service providers that receive assistance under Section 5310 funds may coordinate and assist in regularly providing meal delivery service for homebound individuals, as long as the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

#### B. State Program Objectives

In addition to the federal goals, CTDOT has established the following goals for the program. They are:

1. To maximize the level of services provided by making effective use of state and federally funded transportation resources.
2. To maximize the utilization and efficient operation of existing transportation assets through the development of coordinated transportation systems.
3. To develop services during time periods and in areas with little or no service available.
4. To engage stakeholders in a consultative process from the earliest stages of project development.
5. To provide affordable transit options for low-income populations.
6. To invest in projects that ensure safety, maintain the existing transportation infrastructure, increase the productivity of the transportation system, promote economic development, and provide necessary capacity enhancements.

7. To expand knowledge of programs and services by the public.
8. To promote more effective paratransit service through the development of coordinated transportation systems.
9. To provide for the necessary capital purchases within the limits of available program resources.
10. To assist the personnel of private nonprofit organizations and eligible public bodies in obtaining appropriate educational training opportunities when funds for programs are available.

In the 2018 Long Range Transportation Plan (LRP), CTDOT outlines the State of Connecticut's transportation policy and identifies transportation strategies necessary to efficiently serve the mobility needs of people and the movement of freight. This plan serves as a framework for future, more project-specific transportation plans such as CTDOT's Master Transportation Plan (MTP) and the State Transportation Improvement Program (STIP).

In addition, CTDOT provides for coordination of transportation plans, programs, and planning activities. Continued and improved coordination with counterparts at the federal, regional and municipal levels is a high priority, and CTDOT will continue to build on existing relationships and expand the network of communication with appropriate agencies, organizations and commissions in the neighboring states of New York, Massachusetts and Rhode Island. CTDOT engages the public in the process of developing the LRP and submits the plan to the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) upon completion.

The 2018 CTDOT LRP is not project-specific but employs a Strategic Five-Point plan to address eight federally mandated factors. One of the factors is to "Increase the accessibility and mobility options available to people and for freight." There are several actions recommended to address this mandate that encompass mobility improvements for transportation to work and people with disabilities.

- Encourage the use and development of new technology, equipment, materials and practices that would increase accessibility and mobility through easily implemented and cost-effective methods, especially for construction and maintenance practices, to reduce and minimize travel delays.

- Support and facilitate efforts to expand mobility options through better coordination of land use planning and transportation planning.
- Work closely with all bus transit providers throughout the state including CTTransit, Transit Districts and private operators to ensure the optimal level of bus services throughout Connecticut and to ensure that the growing demands for bus services are efficiently met.
- Design transportation systems to facilitate responsible growth efforts that focus on integrating land use planning with transportation, affordable housing, retail and employment in a manner that facilitates the use of public transportation options and provides and expands nonmotorized mobility options.
- Provide, expand and improve mobility options for pedestrians, bicyclists and users of other non-motorized means of transportation.
- Work with stakeholders to identify and support programs, projects and initiatives to address the needs of targeted population groups for accessible public transportation to major employment centers, and medical, educational, cultural, retail and recreational facilities and for improved functionality of the transportation system (i.e. signage, traffic signal timing, audible signals at crosswalks, and audible messages on public transportation).
- Support, when efficient and effective, expanded and improved rail passenger services, bus services, rail parking facilities and rail stations, rail freight and improved access to airports and ports.

### **III. ROLES AND RESPONSIBILITIES**

The state agency designated by the governor of Connecticut has the authority and responsibility for administering the Section 5310 program in urbanized areas under 200,000 in population and rural areas. CTDOT, as the designated recipient of Section 5310 funds in urbanized areas over 200,000 in population, has the authority and responsibility for administering the Section 5310 program in those areas.

The recipient's responsibilities include the following:

- a. Document the state or designated recipient's procedures in a state management plan (SMP) or program management plan (PMP);

- b. Plan for future transportation needs, and ensure integration and coordination among diverse transportation modes and providers;
- c. Develop project selection criteria consistent with the coordinated planning process;
- d. Notify eligible local entities of funding availability;
- e. Solicit applications from potential subrecipients;
- f. Determine applicant and project eligibility;
- g. Certify that allocations of funds to subrecipients are made on a fair and equitable basis;
- h. Submit an annual Program of Projects and grant application to FTA;
- i. Ensure subrecipients comply with federal requirements;
- j. Certify that all projects are included in a locally developed, coordinated public transit-human service transportation plan developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public; Certify that to the maximum extent feasible, services funded under Section 5310 are coordinated with transportation services assisted by other federal departments and agencies;
- k. Ensure that at least 55 percent of the area's apportionment is used for traditional Section 5310 projects carried out by the eligible subrecipients as described in section 5 of Chapter III of this circular; and
- l. Oversee project audit and closeout.

Funds are obligated based on the annual POP included in a statewide grant application. FTA does not conduct project-by-project review and approval of each project. CTDOT ensures that local applicants and project activities are eligible and in compliance with Federal requirements, that private for-profit transportation providers are provided an opportunity to participate to the maximum extent feasible, and that the program provides for maximum feasible coordination of transportation services assisted under Section 5310 with transportation services assisted by other Federal sources. The CTDOT ensures that all program activities are included in the Statewide



Transportation Improvement Program. Once FTA approves the application, funds are available for State administration and for allocation to individual subrecipients within the State.

In addition to the above responsibilities, CTDOT staff will be available to answer questions and to provide technical assistance relative to the Section 5310 program. This assistance may be obtained by calling CTDOT at (860) 594-2912, by emailing DOT.Section5310@ct.gov, or by writing to CTDOT, Office of Transit and Ridesharing, P.O. Box 317546, Newington, CT 06131-7546.

The responsibilities of other involved parties, including the regional planning organizations as well as funding partners and end users of the projects will include:

- a. disseminating program information, including, but not limited to, the required locally-coordinated planning process;
- b. providing technical assistance to potential grant recipients;
- c. reviewing and prioritizing proposed strategies;
- d. reviewing effectiveness of services that are implemented; and
- e. ensuring stake holders from each region are coming to the table in order to express the needs of the target population.

The responsibilities of subrecipients, including private nonprofit organizations, State or local governmental authorities, operators of public transportations services, and private operators of public transportation services, include but are not limited to:

- a. adhering to all terms and conditions of the Agreement under which they receive funding through this program;
- b. submitting required reports and invoicing in a timely manner;
- c. providing information on problems with services;
- d. providing information on other gaps impacting the target population;
- e. certifying annually, in writing, that project equipment is still being used in accordance with the terms and conditions set forth in their Agreement with the State;
- f. certifying annually, in writing, that service is being operated, and mobility management is being conducted in accordance with the terms and conditions set forth in their Agreement with the State;

- g. securing and maintaining such liability and material damage insurance as will be adequate to protect the State; and
- h. providing, as proof of purchase of equipment, a receipt marked "Paid in Full" by the equipment manufacturer or dealer.

#### IV. COORDINATION

Federal transit law, as amended by the FAST Act, requires that projects selected for funding under the Section 5310 program be “included in a locally developed, coordinated public transit-human services transportation plan” and that the plan be “developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers and other members of the public.”

- A. Overview. In an effort to engage a diverse set of partners in the planning process, CTDOT works with other state agencies, mobility managers, transportation providers (both public and private), the RPOs and workforce development partners. Consumers who are advocates on public transportation issues are encouraged to participate in the planning process and assist in keeping the regional planning committees focused on consumer concerns. The agencies and/or individuals who participated in the planning process vary by region.
- B. Required Elements. Projects selected for funding shall be included in a coordinated plan that minimally includes the following elements at a level consistent with available resources and the complexity of the local institutional environment:
  - (1) An assessment of available services that identifies current transportation providers (public, private, and nonprofit);
  - (2) An assessment of transportation needs for individuals with disabilities and seniors. This assessment can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts, and gaps in service;
  - (3) Strategies, activities, and/or projects to address the identified gaps between current services and needs, as well as opportunities to achieve efficiencies in service delivery; and
  - (4) Priorities for implementation based on resources (from multiple program sources), time, and feasibility.
- C. Local Flexibility in the Development of a Local Coordinated Public Transit-Human Services Transportation Plan (LOCHSTP). The decision for determining which agency has the lead for the development and coordination of the planning process should be made at the state, regional, and local levels. The lead agency for the coordinated planning process

may be different from the state or the agency that will serve as the designated recipient for the Section 5310 program. Further, FTA recognizes that many communities have conducted assessments of transportation needs and resources regarding individuals with disabilities and seniors. FTA also recognizes that some communities have taken steps to develop a comprehensive, coordinated human service transportation plan either independently or through United We Ride efforts.

FTA supports communities building on existing assessments, plans, and action items. As new federal requirements must be met, communities may need to modify their plans or processes as necessary to meet these requirements. FTA encourages communities to consider inclusion of new partners, new outreach strategies, and new activities related to the targeted programs and populations. Plans will vary based on the availability of resources and the existence of populations served under these programs. A rural community may develop its plans based on perceived needs emerging from the collaboration of the planning partners, whereas a large urbanized community may use existing data sources to conduct a more formal analysis to define service gaps and identify strategies for addressing the gaps.

This type of planning is also an eligible activity under four other FTA programs—the Metropolitan Planning (Section 5303), Statewide Planning (Section 5304), Formula Grants for Rural Areas (Section 5311), and Urbanized Area Formula (Section 5307) programs—all of which may be used to supplement the limited (10 percent) planning and administration funding under this program. Other resources may also be available from other entities to fund coordinated planning activities. All “planning” activities undertaken in urbanized areas, regardless of the funding source, must be included in the Unified Planning Work Program of the applicable MPO.

In 2021, CTDOT updated its Locally Coordinated Human Services Transportation Plan (LOCHSTP) to accurately reflect the updated transportation challenges and opportunities identified within the State of Connecticut for individuals with low-income, individuals with disabilities and elderly individuals. The plan was organized based on Mobility Management region, and it included outreach to public and private agencies, non-profit organizations, transportation providers and riders, along with other transportation stakeholders.

- D. Tools and Strategies for Developing a Coordinated Plan. States and communities may approach the development of a coordinated plan in different ways. The amount of available time, staff, funding, and other resources should be considered when deciding on specific approaches. Regardless of the method chosen, seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public must be involved in the development and approval of the coordinated plan. In 2021, these tools included a comprehensive survey aimed at identifying the most important transportation needs and challenges by geographic area. The survey was sent out to stakeholders across the state and helped to shape the strategies developed throughout the plan.

- E. Adequate Outreach to Allow for Participation. Outreach strategies and potential participants will vary from area to area. Potential outreach strategies could include notices or flyers in centers of community activity, newspaper or radio announcements, e-mail lists, website postings, and invitation letters to other government agencies, transportation providers, human services providers, and advocacy groups. Conveners should note that not all potential participants have access to the Internet and they should not rely exclusively on electronic communications.

It is useful to allow many ways to participate, including in-person testimony, mail, email, and teleconference. Any public meetings regarding the plan should be held in a location and time where accessible transportation services can be made available and adequately advertised to the general public using techniques such as those listed above. Additionally, interpreters for individuals with hearing impairments and English as a second language and accessible formats should be provided as required by law. While updating the LOCHSTP Plan in 2021, CTDOT met with Councils of Government (COGs), Mobility Managers and other transportation providers in order to make it more inclusive, equitable and comprehensive.

- F. Participants in the Planning Process. The projects selected for funding under the Section 5310 program must be “included in a locally developed, coordinated public transit-human services transportation plan” that was “developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and non-profit transportation and human services providers and participation by other members of the public.” The requirement for developing the local public transit-human services transportation plan is intended to improve services for people with disabilities and seniors. Therefore, individuals, groups, and organizations representing these target populations should be invited to participate in the coordinated planning process. Consideration should be given to including groups and organizations such as the following in the coordinated planning process if present in the community:

(1) Transportation partners:

- i. Area transportation planning agencies, including MPOs, councils of government (COGs), rural planning organizations (RPOs), regional councils, associations of governments, state departments of transportation, and local governments;
- ii. Public transportation providers, including ADA paratransit providers and agencies administering the projects funded under FTA urbanized and rural programs;
- iii. Private transportation providers, including private transportation brokers, taxi operators, vanpool providers, school transportation operators, and intercity bus operators;
- iv. Nonprofit transportation providers, including volunteer programs;

- v. Past or current organizations funded under the Section 5310, JARC, and/or the New Freedom programs; and
- vi. Human service agencies funding, operating, and/or providing access to transportation services.

(2) Passengers and advocates:

- i. Existing and potential riders, including both general and targeted population passengers (individuals with disabilities and seniors);
- ii. Protection and advocacy organizations;
- iii. Representatives from independent living centers; and
- iv. Advocacy organizations working on behalf of targeted populations.

(3) Human service partners:

- i. Agencies that administer health, employment, or other support programs for targeted populations. Examples of such agencies include but are not limited to departments of social/human services, employment one-stop services, vocational rehabilitation, workforce investment boards, Medicaid, community action programs (CAP), Agency on Aging (AoA), Developmental Disability Council, community services board;
- ii. Nonprofit human service provider organizations that serve the targeted populations;
- iii. Job training and placement agencies;
- iv. Housing agencies;
- v. Healthcare facilities; and
- vi. Mental health agencies.

(4) Other:

- i. Security and emergency management agencies;
- ii. Tribes and tribal representatives;
- iii. Economic development organizations;
- iv. Faith-based and community-based organizations;
- v. Representatives of the business community (e.g., employers);
- vi. Appropriate local or state officials and elected officials;
- vii. School districts; and
- viii. Policy analysts or experts.

G. Levels of Participation. The suggested list of participants above does not limit participation by other groups, nor require participation by every group listed. Communities will have different types of participants depending on population and size of community, geographic location, and services provided at the local level. FTA expects that planning participants will have an active role in the development, approval, adoption, and implementation of the plan. Participation may remain low even though a good faith effort is made by the lead agency to involve passengers; representatives of public, private, and nonprofit transportation and human services providers; and others. The lead agency convening the coordinated planning process should document the efforts it utilized, such as those suggested above, to solicit involvement.

In addition, federal, state, regional, and local policy makers, providers, and advocates should consistently engage in outreach efforts that enhance the coordinated process because it is important that all stakeholders identify the opportunities that are available in building a coordinated system. To increase participation at the local levels from human service partners, state department of transportation offices are encouraged to work with their partner agencies at the state level to provide information to their constituencies about the importance of partnering with human service transportation programs and the opportunities that are available through building a coordinated system.

The updated 2021 Locally Coordinated Human Services Transportation Plan is a living document, as CTDOT continues to promote outreach and engagement with transportation providers, public and private organizations, mobility managers and other planning agencies, in order to ensure that the priorities, challenges and opportunities identified in the plan are being addressed on a statewide basis.

- H. Adoption of a Plan. As a part of the local coordinated planning process, the lead agency in consultation with participants should identify the process for approving and adopting the plan. This process must include participation by stakeholders identified in the law: seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public.

CTDOT's Program of Projects will document the plan/page number from which each project listed is included and the grant application will include the date of each region's adoption of the plan.

- I. Relationship between the Coordinated Planning Process and the Metropolitan and Statewide Transportation Planning Process. The coordinated plan may either be developed separately from the metropolitan and statewide transportation planning processes and then incorporated into the broader plans, or be developed as a part of the metropolitan and statewide transportation planning processes. If the coordinated plan is not prepared within the broader process, the lead agency for the coordinated plan should ensure coordination and consistency between the coordinated planning process and metropolitan or statewide planning processes. For example, planning assumptions should not be inconsistent.

Projects identified in the coordinated planning process and selected for FTA funding must be incorporated into both the TIP and STIP in UZAs with populations of 50,000 or more; and incorporated into the STIP for rural areas under 50,000 in population. Depending on the projects resulting from the coordinated planning and selection process, a single line item on the TIP/STIP for capital or operating projects may be sufficient. However, given the expanded project and subrecipient eligibility under FAST Act, a designated recipient and state may need to consider more detailed programming,

such as categorizing the projects based on the types of projects (capital or operating) and/or types of subrecipients, e.g., nonprofit, public entity, etc.

In some areas, where the coordinated plan or project selection is not completed in a time frame that coincides with the development of the TIP/STIP, the TIP/STIP amendment processes will need to be utilized to include selected projects in the TIP/STIP before FTA grant award.

The lead agency developing the coordinated plan should communicate with the relevant MPOs, state departments of transportation or regional planning agencies at an early stage in plan development. States with coordination programs may wish to incorporate the needs and strategies identified in local coordinated plans into statewide coordination plans.

Depending upon the structure established by local decision makers, the coordinated planning process may or may not become an integral part of the metropolitan or statewide transportation planning processes. State and local officials should consider the fundamental differences in scope, time horizon, and level of detail between the coordinated planning process and the metropolitan and statewide transportation planning processes. However, there are important areas of overlap between the planning processes, as well. Areas of overlap represent opportunities for sharing and leveraging resources between the planning processes for such activities as: (1) needs assessments based on the distribution of targeted populations and locations of employment centers, employment related activities, community services and activities, medical centers, housing, and other destinations; (2) inventories of transportation providers/resources, levels of utilization, duplication of service, and unused capacity; (3) gap analysis; (4) any eligibility restrictions; and (5) opportunities for increased coordination of transportation services. Local communities may choose the method for developing plans that best fits their needs and circumstances.

In 2021, CTDOT was careful to include a diverse set of stakeholders that accurately reflected the evolving needs and challenges that these populations face on a day-to-day basis. Creating an inclusive, engaging and ongoing effort is vital to the development of effective strategies that help promote and improve transportation in Connecticut.

- J. Relationship Between the Requirement for Public Participation in the Coordinated Plan and the Requirement for Public Participation in Metropolitan and Statewide Transportation Planning. Title 49 U.S.C. 5303(i)(6) and 5304(f)(3), as amended by FAST Act, require MPOs and states to engage interested parties in preparing transportation plans, TIPs, and STIPs. "Interested parties" include, among others, affected public agencies, private providers of transportation, representatives of users of public transportation, and representatives of individuals with disabilities.

MPOs and/or states may work with the lead agency developing the coordinated plan to coordinate schedules, agendas, and strategies of the coordinated planning process with metropolitan and statewide planning in order to minimize additional costs and avoid duplication of efforts. MPOs and states must still provide opportunities for participation when planning for transportation related activities beyond the coordinated public transit-human services transportation plan.

- K. Cycle and Duration of the Coordinated Plan. At a minimum, the coordinated plan should follow the update cycles for metropolitan transportation plans (MTPs) (i.e., four years in air quality nonattainment and maintenance areas and five years in air quality attainment areas). States, MPOs, designated recipients, and public agencies that administer or operate major modes of transportation should set up a cycle that is conducive to and coordinated with the metropolitan and statewide planning processes to ensure that selected projects are included in the TIP and STIP and to receive funds in a timely manner.
- L. Role of Transportation Providers that Receive FTA Funding Under the Urbanized and Rural Area Formula Grant Programs in the Coordinated Planning Process. Recipients of Section 5307 and Section 5311 assistance are the “public transit” in the public transit-human services transportation plan and their participation is assumed and expected. Further, 49 U.S.C. 5307(b)(5), as amended by FAST Act, requires that, “Each recipient of a grant shall ensure that the proposed Program of Projects provides for the coordination of public transportation services ... with transportation services assisted from other United States Government sources.” In addition, 49 U.S.C. 5311(b)(2)(C)(ii) requires the Secretary of DOT to determine that a state’s Section 5311 projects “provide the maximum feasible coordination of public transportation service ... with transportation service assisted by other federal sources.” Finally, under the Section 5311 program, states are required to expend 15 percent of the amount available to support intercity bus service. FTA expects the coordinated planning process in rural areas to take into account human service needs that require intercity transportation.
- M. Coordinating Mechanisms

#### **Long-Term Care Planning Committee**

The Connecticut Long-Term Care Planning Committee, which is composed of 10 state agencies (including CTDOT) and key legislative committee members, is charged with developing a long-term care plan every three years. The committee is overseeing the implementation of action steps in the *Choices Are for Everyone* plan. The action steps include the following.

- Educating people with disabilities who will make the transition into the community about peer support and support networks.



- Educating architects, housing authorities, builders and local boards about accessibility; reviewing safety codes to ensure safety for individuals with functional limitations; and exploring tax incentives to encourage new homes or renovations to meet minimum accessibility standards.
- Increasing the paraprofessional work force and developing training programs.
- Developing community connections by distributing material to the general public, current residents of institutions and providers of support services; and by establishing networks for people with disabilities who are making the transition into the community.

#### **Transit Operators Quarterly Meeting**

CTDOT holds a quarterly meeting with public transit operators to discuss issues pertinent to operations, such as budgets, insurance, planning, and capital needs. This meeting serves to encourage coordination between CTDOT and the transit operators as well as among the transit operators. CTDOT has implemented a statewide insurance consortium and a statewide drug and alcohol testing consortium for the transit operators.

#### **State Sponsored Municipal Grants for Transportation of Elderly and People with Disabilities**

This state program increases services available to elderly people and people with disabilities through a grant program to municipalities. CTDOT considered this another opportunity to require that transportation providers coordinate with services that were already in place wherever cost effective. This resulted in a large number of coordinated applications.

### **V. ELIGIBLE SUBRECIPIENTS**

#### **Traditional Section 5310 Projects**

Of the amounts apportioned to states and designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects—those public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Further, the law provides that, for these projects, a recipient may allocate the funds apportioned to it to:

- a. A private nonprofit organization; or
- b. A state or local governmental authority that:
  - (1) is approved by a state to coordinate services for seniors and individuals with disabilities; or

- (2) certifies that there are no nonprofit organizations readily available in the area to provide the service.

These provisions, found at 49 U.S.C. 5310(b)(1) and (b)(2), essentially maintain the status quo or traditional Section 5310 projects.

Governmental authorities eligible to apply for Section 5310 funds as “coordinators of services for seniors and individuals with disabilities” are those designated by the state to coordinate human service activities in a particular area. Examples of such eligible governmental authorities are a county agency on aging or a public transit provider which the state has identified as the lead agency to coordinate transportation services funded by multiple federal or state human service programs.

To ensure service coordination, maximum utilization of vehicles, and consistency with regional plans, all applications must be forwarded to the appropriate regional planning organization (RPO), for regional prioritization. Applications are submitted simultaneously to CTDOT. Although primary consideration is given to the priorities established by the RPOs, CTDOT may overrule a regional priority if it determines that greater need exists elsewhere. If this situation occurs, CTDOT will work cooperatively with the regional planning organizations to explain the Department's position in the hope of reaching a consensus.

### **Other Section 5310 Projects**

Eligible subrecipients for other eligible Section 5310 activities include a state or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a Section 5310 grant indirectly through a recipient.

#### **Private Taxi Operators as Subrecipients**

Private operators of public transportation are eligible subrecipients. The definition of “public transportation” includes “shared-ride surface transportation services.” Private taxi companies that provide shared-ride taxi service to the general public on a regular basis are operators of public transportation, and therefore eligible subrecipients. “Shared-ride” means two or more passengers in the same vehicle who are otherwise not traveling together. Similar to general public and ADA demand response service, every trip does not have to be shared-ride in order for a taxi company to be considered a shared-ride operator, but the general nature of the service must include shared rides. In Connecticut, regulations require the consent of the passenger for a shared ride. Therefore the services are exclusive-ride and taxi companies are eligible as contractors.

Local (municipal/state) statutes or regulations, or company policy, will generally determine whether a taxi company provides shared-ride or exclusive-ride service. For example, if the local regulation permits the driver to determine whether or not a trip may be shared, the service is not shared-ride. Similarly, if the regulation requires consent of the first passenger to

hire a taxi be obtained before the taxi may take on additional riders, the service is not shared-ride. In essence, services that can be reserved for the exclusive use of individuals or private groups, either by the operator or the first passenger's refusal to permit additional passengers, is exclusive-ride taxi service. A recipient should request documentation from the taxi company to ensure the company is providing shared-ride service prior to award in order to determine whether the company qualifies as a subrecipient. Taxi companies that provide only exclusive-ride service are not eligible subrecipients; however, they may participate in the Section 5310 program as contractors. Exclusive-ride taxi companies may receive Section 5310 funds to purchase accessible taxis under contract with a state, designated recipient, or eligible subrecipient such as a local government or nonprofit organization.

## **VI. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS**

- A. General. Section 5310 funds may be used to finance capital and operating expenses. The federal share of eligible capital costs shall be in an amount equal to 80 percent of the net cost of the activity. The federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity. Recipients may use up to 10 percent of their apportionment to support program administrative costs including administration, planning, and technical assistance, which may be funded at 100 percent federal share.

The local share of eligible capital costs shall be not less than 20 percent of the net cost of the activity, and the local share for eligible operating costs shall be not less than 50 percent of the net operating costs. The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service organization, or new capital. Some examples of these sources of local match include: state or local appropriations; dedicated tax revenues; private donations; revenue from service contracts; transportation development credits; and net income generated from advertising and concessions. Non-cash share such as donations, volunteered services, or in-kind contributions is eligible to be counted toward the local match as long as the value of each is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

Income from contracts to provide human service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for Section 5310 operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service. All sources of local match must be identified and described in the grant application at the time of grant award.

In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than DOT programs, or from DOT's Federal Lands Highway program. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services. Specific program information for other types of federal funding is available at <http://www.unitedwerride.gov>.

B. Exceptions. The federal share may exceed 80 percent for certain projects related to ADA and Clean Air Act (CAA) compliance as follows:

(1) Vehicles. The federal share is 85 percent for the acquisition of vehicles for purposes of complying with or maintaining compliance with ADA (42 U.S.C. 12101 *et seq.*) or the CAA. A revenue vehicle that complies with 49 CFR part 38 may be funded at 85 percent federal share.

(2) Vehicle-Related Equipment and Facilities. The federal share for project costs for acquiring vehicle-related equipment or facilities (including clean fuel or alternative fuel vehicle-related equipment or facilities) for purposes of complying or maintaining compliance with the CAA (42 U.S.C. 7401 *et seq.*), or required by the ADA, is 90 percent. FTA considers vehicle-related equipment to be equipment on and attached to the vehicle.

## VII. PROJECT SELECTION CRITERIA

In selecting Section 5310 recipients, CTDOT works cooperatively with regional planning organizations and area agencies on aging to ensure the equitable distribution of grant funding throughout the State. CTDOT worked with the LOCHSTP planning groups to develop uniform prioritization criteria to be applied statewide. These were developed and were extensively reviewed and amended by the regions. Projects are evaluated using the following criteria (not in priority order):

### Traditional Section 5310 Projects

1. Legal Notice, Complete Application and Submission Deadline. Application must be submitted prior to the deadline, signed and completed entirely, with one Legal Notice published within the required timeframe.
2. Eligibility for Replacement. Vehicle proposed for replacement must be four (4) years old or have 100,000 miles for vans and minivans and five (5) years old or have 150,000 miles for buses and minibuses or, have documentation of excessive maintenance costs. Equal consideration will be given to applicants that do not have a vehicle to replace but are expanding service or starting a new service.

3. Planning Process. Priority will be given to nonprofit organizations and local municipalities whose project serves a priority target group and fills a gap identified in the LOCHSTP process.
4. Limited English Proficiency. Priority will be given to applicants that describe how people with Limited English Proficiency will be informed about the service.
5. Utilization of Equipment. Effective utilization of the equipment should be demonstrated with reliable estimates of the number of individuals that will receive service, and the total number of passenger trips to be provided. Priority will be given to vehicles that will be utilized evenings, weekends, out of region, more than six hours per day, and/or are available for a coordinating entity.
6. Degree of Need in the Applicant's Proposed Service Area for Transportation Services. Clear demonstration of the lack of accessible transportation through existing public and private transportation providers.
7. Coordination. Priority will be given to applicants that coordinate with another organization on providing more/expanded service, use of the vehicle, client transport, driver training, fuel purchase, etc.
8. Transportation Budget. Priority will be given to applicants that can attest to and correctly demonstrate having sufficient matching dollars to provide the local match, as well as enough operating income to cover estimated operating expenses.

For organizations that have operated vehicles under this program in past years, CTDOT applies the following additional criteria:

- A review of quarterly operating reports.
- A review of vehicle maintenance/inspection reports.
- The past cooperation of the organization with the Department during the application and operating processes.

#### **Other (Nontraditional) Section 5310 Projects**

The proposed strategy must:

1. Serve the target population categories and address an identified gap.
2. Achieve efficiency in service delivery.

3. Not replace other funding programs or resources.
  - a. If the strategy has been funded in prior years by a different resource, in order to be eligible for FTA funding programs, the strategy must have been rejected for future funds or had funding for the specific strategy reduced.
4. Be able to start up in a reasonable period of time.
5. Provide regional/geographical equity.
  - a. Each community should be able to share in the benefits from these funds.
6. Maximize the use of available local, state and federal-funded public transportation resources.
  - a. This will allow CTDOT to make use of resources already in place and will prevent the creation of a secondary layer of services.
7. Be subcontracted with a subrecipient that has the technical and managerial capabilities to conduct the project.
8. Have appropriate resources available to provide the service.
  - a. This would include wheelchair accessible vehicles, and could possibly include resources such as dispatch capabilities or other resources as determined by the strategy.
9. Have an adequate plan to make the target population aware of the available service.

Extra credit points may be earned if the strategy (a) provides continued operating funding for a service which is already in operation; (b) provides a service where or when no other service is available; (c) has matching funding available from sources other than CTDOT or US DOT funding; (d) coordinates with other public and private programs to maximize resources and (e) Attain any other regionally determined productivity measures.

Projects included in the Program of Projects (POP) submitted to FTA for approval and funding are jointly selected by CTDOT and the regional planning organizations, based on a score compiled from the evaluation criteria. Applicants whose scores result in a tie are more closely assessed in terms of need and the potential impact to the proposed service area (how many people would be served, operating hours and days, etc.) to determine how to refine, detract or award more points to break the tie.

CTDOT welcomes inquiries regarding evaluation criteria and scoring from all applicants. Applicants not selected for award may discuss and review their score with the Section 5310 program manager via phone or email. An acknowledgement and summary of a phone conversation to discuss an applicant's score will be sent via email.

## VIII. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS

### A. State Application to FTA

The Program of Projects (POP) is submitted to FTA for approval with the electronic grant management grant application. The POP lists the subrecipients and indicates whether they are private nonprofit agencies, governmental authorities, or private operators of public transportation services and, in the case of a state application, designates whether they serve urbanized or rural populations, and identifies any Indian tribal agencies. In addition, the POP includes a brief description of the projects, total project costs, and the traditional and nontraditional 5310 shares for each project. The amount of funds required for planning, technical assistance, and program administration is also laid out in the POP.

### B. FTA Approval

CTDOT may drawdown federal funds to reimburse expenses incurred for Category A projects immediately upon execution of the grant agreement. CTDOT must ensure that Category B subrecipients meet all federal requirements and advance projects to Category A before it may drawdown funds to support those projects.

### C. Revisions to Program of Projects

Prior FTA approval is not required to advance projects from Category B to Category A, or to reallocate funds among projects included in the approved POP, so long as any single change does not exceed 20 percent of the affected project and is consistent with the local coordinated plan from which the projects were selected. Any other changes to the POP require prior FTA approval. CTDOT's request for approval should include documentation that the proposed changes in the POP are projects that are included in a locally developed coordinated plan.

If appropriate, revisions to the POP should be accompanied by a budget revision to the grant in the electronic grant management system (TEAM or a successor thereto). CTDOT should attach the revised POP (after approval if required) to the project management milestones section in the electronic grant management system. In the annual program status report, CTDOT should reference the date that a new POP was attached. The most recently updated Program of Projects submitted to FTA in the quarterly or annual report or in the course of making revisions will be considered the current approved Program of Projects, incorporated by reference in the grant agreement.

### D. Labor Protection

Title 49 U.S.C. 5333(b) requires that, as a condition of FTA financial assistance, fair and equitable arrangements must be made to protect the interests of employees affected by

such assistance. The Department of Labor (DOL) is responsible under federal law for the administration of Section 5333(b).

Section 5310 gives the Secretary of Transportation the discretion to determine the terms and conditions “necessary and appropriate” for grants under this section. In 1974 the Secretary determined that it was not “necessary or appropriate” to apply the conditions of Section 5333(b) to subrecipients participating in the Section 5310 program. Nevertheless, case-by case determinations of the applicability of 49 U.S.C. 5333(b) will be made for all transfers of “flex funds” for Section 5310 purposes.

#### E. State Agreement Process

Upon notification of approval of the State Program of Projects by FTA, an agreement is executed between FTA and the State. At that time, CTDOT prepares an agreement between the State and the subrecipient. Two originals of the agreement are prepared, executed by the subrecipient. Both originals are then returned to CTDOT, along with a current resolution authorizing the signatory to enter into a contractual agreement with the State. The current resolution must be signed on or before the day the signatory will sign the agreement.

### IX. PAYMENT PROCESS

The Federal Transit Administration will pay 80% of the cost of an accessible vehicle, not to exceed the amount estimated in the application or 80% of the actual vehicle cost, whichever is lower. The awarded grantee is responsible for the remaining cost (match).

Subrecipients who purchase alternative fuel vehicles receive 80% federal subsidy of the vehicle cost and are responsible for the 20% vehicle cost local match as well as the alternative fuel cost upgrade.

After an agreement is executed between the State of CT and the grantee, a vehicle can be purchased through an FTA compliant competitive process.

Following delivery of the vehicle to the grantee, the following must be transmitted to CTDOT in order to process the payment.

- a) A completed and signed Invoice Summary Processing (ISP) form. Download form at [www.ct.gov/dot](http://www.ct.gov/dot), Select “Doing Business with CTDOT”, under “Contractor Resources,” select “Forms”. In the “Consultants/Contractors” section, select “Invoice Summary and Processing Form (ISP)” and select “Download File (.xls27.5kb)”.
- b) A completed and signed Vehicle Acceptance Form.



- c) A completed Post-Delivery Federal Motor Vehicle Safety Standards (FMVSS) Certification Requirement form.
- d) A completed Post-Delivery Purchaser's Requirements Certification form.
- e) A completed Post-Delivery Buy America Certification Requirement form.
- f) A completed Acord Certificate of Liability Insurance form.
- g) A copy of the manufacturer/vendor invoice.
- h) Copies of the Certificate of Origin(s).

The State will issue payment within fifteen (15) business days after receipt of the required documents. However, if the request for payment is received between June 21 and July 20 of the calendar year, the State will issue payment by August 4 of the calendar year. The Second Party agrees to make payment to the manufacturer/vendor within three (3) business days of receiving the Grant funds from the State or the monies must be returned to the State. Proof of vendor payment must be kept on file by the Second Party for the duration of the useful life of the Project Equipment.

## **X. STATE ADMINISTRATION, PLANNING AND TECHNICAL ASSISTANCE**

### State Administration and Planning

Up to 10 percent of the recipient's total fiscal year apportionment may be used to fund program administration costs including administration, planning, and technical assistance for projects funded under this program. Recipients may pass any portion of funds available for administrative expenses, up to the allowable 10 percent, on to subrecipients for the same purpose. Program administration costs may be funded at 100 percent federal share.

CTDOT first sets aside 55% for traditional Section 5310 projects, then takes 10% of the balance for administration including administration, planning, and technical assistance for projects funded under this program. This amount is about the same as what CTDOT used historically for administration of the Section 5310 program.

CTDOT may pass on any portion of funds available for administrative expenses, up to the allowable 10 percent, on to subrecipients for the same purpose. Program administration costs may be funded at 100 percent federal share.

The State and the designated recipient (CTDOT) in urbanized areas have pre-award authority to incur administrative costs for Section 5310. Because the program is continuously managed, oldest funds available are drawn first regardless of the year of award for program activity.

FTA encourages recipients to identify all the available Section 5310 administrative funds they intend to use routinely in each annual grant application. However, CTDOT may choose to accumulate Section 5310 administrative funds within their period of availability to augment the funds available for a special administrative need in a subsequent year. CTDOT may accumulate Section 5310 administrative funds in the year of apportionment plus two years.

If CTDOT includes program administration expenses in excess of the 10 percent in its grant application, it must document the unused Section 5310 administrative funds from prior years available to augment the amount of Section 5310 administrative funds in the current apportionment.

The State must document the availability of Section 5310 administrative funds in each grant application. The grant application should include a list of all other grants for administrative expenses that utilize funds from the same apportionment. The list must include the total amount of administrative funds included in each grant and the fiscal year in which the funds were apportioned. The list should account for all funds for administrative expenses added through grant budget revisions or amendments. The list should include all other pending grant applications, budget revisions, or amendments that include administrative expenses that utilize funds from the same apportionment.

Allowable administrative costs may include, but are not limited to, general administrative and overhead costs, staff salaries, office supplies, and development of specifications for vehicles and equipment. Guidance on eligible costs is in Office of Management and Budget (OMB) 2 CFR Part 200. The program administration budget line item may also include technical assistance and planning activities, including allocations to subrecipients to support the local coordinated planning process. Any general overhead costs must be supported by an indirect cost allocation plan that has been approved by FTA or another cognizant federal agency.

These eligible program administrative costs may be used directly by CTDOT or may be passed through by the designated recipient to subrecipients for administration, planning, or technical assistance purposes. The funds can be obligated before the completion of the coordinated planning process and project selection process in order to assist with either activity.

### Technical Assistance

The State has a dedicated website for the Section 5310 program, [www.ct.gov/dot/5310](http://www.ct.gov/dot/5310).

The website's main page contains a real-time status update on the current application cycle and relevant dates, a link to previous award postings and a recap on how much CTDOT awarded in the last funding cycle. There are additional webpages that can be accessed from the site's main page that provide an overview about the Section 5310 program and answer frequently asked questions, enable interested applicants to download application materials and provide recipients with reporting documentation.

The website has evolved into a tool by which CTDOT communicates most information on the Section 5310 program and the application process to the public and interested applicants.

In addition, the Connecticut Department of Administrative Services hosts an internet portal to which Requests for Proposals (RFP) and Award Notices for State Agencies are posted. Interested parties can sign up for notification whenever an RFP of interest to them is posted. Upon the beginning of a new Section 5310 application cycle, email and mail notifications are

submitted to interested parties advising of the application's posting on the state's contracting portal – [CTsource](#). The Section 5310 program website contains a link to the CTsource portal during the application period. After review of applications and selection of subrecipients for inclusion into the grant application to FTA, and upon approval from FTA, CTDOT sends a notification to all applicants that an award notice has been uploaded to the CTsource portal. The award notice contains a list of all subrecipients, a program/project description and their funding amounts.

## **XI. TRANSFER OF FUNDS**

- A. Transfer to Other FTA Programs. Transfers of Section 5310 funds to other programs are not permitted.
- B. Transfer to Other Areas within the Program. CTDOT may use funds apportioned for small urbanized and rural areas for projects serving another area of the State if the Governor of the State certifies that all of the objectives of the Section 5310 program are being met in the specified areas for a particular fiscal year funding cycle. For example, if all objectives of the Section 5310 program are being met in rural areas, funds designated for rural areas may be transferred to urbanized areas of less than 200,000 in population. Funds apportioned to large UZAs may not be transferred to other areas.
- C. Transfer of FHWA Flexible Funds. Flexible funds from the Federal Highway Administration (FHWA) may be transferred to the Section 5310 program for use by the recipient. The funds will be treated under the Section 5310 program requirements, with the exception of the local match and the minimum requirement for 55 percent to be spent on traditional Section 5310 projects. The FHWA funds will maintain the FHWA eligible match, including the application of the sliding scale for a higher federal share. The funds are available for obligation by the state for two additional years after the year in which they are transferred.

For transfers of flexible funds to Section 5310, the recipient must notify both FHWA and FTA and request FHWA to transfer the funds to the appropriate FTA account. The transfer must be completed prior to grant award.

## **XII. PRIVATE SECTOR PARTICIPATION**

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

In addition, as part of the Section 5310 application process, applicants requesting funding for traditional Section 5310 projects are required to place a Public Notice in a newspaper with the greatest readership in the proposed service area. Applicants must also send letters to transportation providers in the proposed service area, notifying them of the date the Public Notice will appear in the newspaper and offering them the opportunity to comment through the end of the application cycle. A public hearing would be conducted upon request.

### **XIII. CIVIL RIGHTS**

CTDOT agrees to comply with all applicable civil rights statutes and implementing regulations including, but not limited to, the following:

- A. Nondiscrimination in Federal Transit Programs. The recipient agrees to comply, and assures the compliance of each third party contractor at any tier and each subrecipient at any tier under the project, with the provisions of 49 U.S.C. 5332. These provisions prohibit discrimination on the basis of race, color, religion, national origin, sex, age, and disability, and prohibit discrimination in employment or business opportunity.
- B. Nondiscrimination on the Basis of Disability. The recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the project, with the applicable laws and regulations, discussed below, for nondiscrimination on the basis of disability.
  - (1) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits discrimination on the basis of disability by recipients of federal financial assistance.
  - (2) ADA, as amended (42 U.S.C. 12101 *et seq.*), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of public transportation.
  - (3) DOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, 38, and 39. Among other provisions, the regulations specify accessibility requirements for the design and construction of new transportation facilities and vehicles; require that vehicles acquired (with limited exceptions) be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; require public entities (including private entities “standing in the shoes” of a public entity as a subrecipient or under a contract or other arrangement) providing fixed-route service to provide complementary paratransit service to individuals with disabilities who cannot use the fixed-route service; and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems.

- (4) Providers of demand responsive service must utilize accessible vehicles, as defined at 49 CFR 37.7 or meet the applicable equivalent service standard. For private and public entities, the service must be equivalent in regard to schedules, response times, geographic areas of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions based on trip purpose.
  - (5) Providers of fixed-route service must generally utilize accessible vehicles. Private entities may utilize nonaccessible vehicles if they can provide equivalent service in terms of schedules and headways, in addition to the equivalent service requirements described above for demand responsive service. Public entities must also provide complementary paratransit service to fixed-route service as defined in 49 CFR 37.121.
  - (6) In addition, recipients of any FTA funds should be aware that they also have responsibilities under Titles I, II, III, IV, and V of the ADA in the areas of employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other federal agencies.
- C. Nondiscrimination—Title VI. The recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the project, with all of the following requirements under Title VI of the Civil Rights Act of 1964.
- (1) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d *et seq.*), provides that no person in the United States shall, on the ground 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.
  - (2) U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act,” 49 CFR part 21.
  - (3) FTA Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients.” This document provides FTA recipients and subrecipients with guidance and instructions necessary to carry out DOT Title VI regulations (49 CFR part 21), and DOT Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient (LEP) Persons.
  - (4) U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons\_(70 FR 74087, December 14, 2005). This guidance clarifies the responsibilities of recipients of federal financial assistance from DOT and assists them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166.

- (5) FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients.” This document provides FTA recipients and subrecipients with guidance and instructions necessary to carry out U.S. DOT Order 5610.2 to Address Environmental Justice in Minority Populations and Low-Income Populations, and Executive Order 12898 on Environmental Justice that describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles into existing programs, policies, and activities.
  - (6) U.S. DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations. DOT Order 5610.2 describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles (as embodied in Executive Order 12898 on Environmental Justice) into existing programs, policies, and activities.
- D. Equal Employment Opportunity. The recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the project, with all equal employment opportunity (EEO) requirements of Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000e), and with 49 U.S.C. 5332 and any implementing regulations DOT may issue.
- E. Nondiscrimination on the Basis of Sex. The recipient agrees to comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 *et seq.*), with DOT implementing regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25.
- F. Nondiscrimination on the Basis of Age. The recipient agrees to comply with all applicable requirements of the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.*), and Department of Health and Human Services’ implementing regulations, “Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance” (45 CFR part 90), which prohibit discrimination against individuals on the basis of age. In addition, the recipient agrees to comply with all applicable requirements of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 through 634, and Equal Employment Opportunity Commission (EEOC) implementing regulations, “Age Discrimination in Employment Act” (29 CFR part 1625), which prohibit employment discrimination against individuals on the basis of age.
- G. Disadvantaged Business Enterprise (DBE). To the extent required by federal law, regulation, or directive, CTDOT agrees to take the following measures to facilitate participation by DBEs:
- (1) CTDOT agrees and assures that it will comply with FAST Act Section 1101(b) (23 U.S.C. 101 note), which directs the Secretary of Transportation to expend not less than 10 percent of authorized federal funds with DBEs. This 10 percent

national goal is aspirational and is used by DOT to help monitor and evaluate DBE participation in DOT-assisted contracting opportunities.

- (2) CTDOT agrees and assures that it will comply with DOT regulation, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 CFR part 26. Among other provisions, this regulation requires certain recipients of DOT federal financial assistance, namely state and local transportation agencies, to establish goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts.
- (3) CTDOT agrees and assures that it shall not discriminate on the basis of race, color, sex, or national origin, in the award and performance of any third party contract, or subagreement supported with federal assistance derived from DOT, or in the administration of its DBE program, and will comply with the requirements of 49 CFR part 26. The recipient agrees to take all necessary and reasonable steps set forth in 49 CFR part 26 to ensure nondiscrimination in the award and administration of all third party contracts and subagreements supported with federal assistance derived from DOT. As required by 49 CFR part 26 and approved by DOT, the recipient's DBE program is incorporated by reference and made part of the grant agreement or cooperative agreement. The recipient agrees that implementation of this DBE program is a legal obligation, and that failure to carry out its terms shall be treated as a violation of the grant agreement or cooperative agreement. Upon notification by DOT to the recipient of a failure to implement its approved DBE program, DOT may impose sanctions as provided for under 49 CFR part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001, and/or the Program Fraud Civil Remedies Act, (31 U.S.C. 3801 *et seq*).

The Division of Contract Compliance works with subrecipients to ensure compliance with federal DBE contracting requirements and Title VI, as elaborated on below.

- H. Title VI General Reporting Information. Subrecipients of Section 5310 are required to comply with the requirements under Title VI. All Section 5310 subrecipients must complete a Title VI Compliance Assessment survey. This assessment is conducted every two years. The Division of Contract Compliance reviews the surveys and the requested documents to determine if the sub-recipients have implemented the necessary processes and procedures to comply with Title VI, Environmental Justice (EJ) and Limited English Proficiency (LEP).

In addition to the survey, CTDOT also provides the following to subrecipients:

- (1) A copy of the CTDOT Title VI Policy Statement;

- (2) The Department's Discrimination Complaint Process and Procedure and all applicable forms;
- (3) LEP Implementation Plan Guidance for Sub-recipients;
- (4) A Copy of the Department's Title VI Poster and Brochure;
- (5) Title VI information posted on Department's webpage.

Subrecipients have the option of developing their own Title VI, LEP/EJ processes or using the format provided by the Department to assist the development of their program. The program must meet the requirements of the FTA Circular 4702.1B.

Section 5310 subrecipients are required to have an Affirmative Action Program on file with CTDOT. This program is a formal, written, results-oriented document that outlines specific steps an employer will take to remedy the present effects of past discrimination and insure the full utilization of minorities, women and other protected classes within the workforce. Companies performing work with CTDOT must document that they are affirmative action employers making every effort to encourage all protected classes to seek employment and advancement opportunities when openings occur.

FTA's Title VI requirements are described in FTA's Circular: [Title VI Requirements and Guidelines for Federal Transit Administration Recipients | FTA \(dot.gov\)](#)

#### **XIV. CHARTER SERVICES**

Although FTA allows use of 5310 funded vehicles for Charter purposes, it includes a long list of restrictions. CTDOT policy is to restrict any use of the vehicle for Charter purposes to "program purposes only" which is defined in this regulation as "transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities, and/or low income individuals).

In this way, CTDOT can be assured that the vehicle is being used to transport the target population for their daily needs, rather than special trips. After the vehicle has reached the end of its useful life, the lien against the vehicle is released and the title is turned over to the owner. At that point, they are able to use the vehicle for other purposes beyond the program.

#### **XV. SECTION 504 AND ADA REPORTING**

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits discrimination on the basis of disability by recipients of federal financial assistance. Formal complaints will be handled by the DOT through its established complaint process.



In addition, the Americans with Disabilities ACT (ADA), as amended (42 U.S.C. 12101 *et seq.*), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of public transportation. DOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, 38, and 39.

Among other provisions, the regulations specify accessibility requirements for the design and construction of new transportation facilities and vehicles; require that vehicles acquired (with limited exceptions) be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; require public entities (including private entities “standing in the shoes” of a public entity as a subrecipient or under a contract or other arrangement) providing fixed-route service to provide complementary paratransit service to individuals with disabilities who cannot use the fixed-route service; and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems.

#### **XVI. PROGRAM MEASURES**

FTA will be capturing overall program measures to be used with the GPRA and the Performance Assessment Rating Tool process for the U.S. Office of Management and Budget. FTA will conduct independent evaluations of the program focused on specific data elements in order to better understand the implementation strategies and related outcomes associated with the program.

The following indicators are targeted to capture overarching program information as part of the annual report that each state and designated recipient submits to FTA. The state and designated recipient should submit both quantitative and qualitative information as available on each of the following measures.

##### **Traditional Section 5310 Projects**

- (1) Gaps in Service Filled. Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities measured in numbers of seniors and people with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.
- (2) Ridership. Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and seniors on Section 5310– supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year.

**Other Section 5310 Projects**

- (1) Increases or enhancements related to geographic coverage, service quality, and/or service times that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
- (2) Additions or changes to physical infrastructure (e.g., transportation facilities, sidewalks, etc.), technology, and vehicles that impact availability of transportation services for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.
- (3) Actual or estimated number of rides (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of other Section 5310 projects implemented in the current reporting year.

CTDOT should ensure that the above information is reported for all recipients and subrecipients of Section 5310 funding in projects selected by the state or designated recipient. The State or CTDOT may consolidate information for all projects in the annual report for any open Section 5310 grant awarded to CTDOT. If Section 5310 funds have been awarded to other designated recipients pursuant to a supplemental agreement with the State or CTDOT, that direct recipient may report on behalf of itself and any subrecipients.

**XVII. PROGRAM MANAGEMENT**

1. Capital Reserve Accounts. CTDOT is permitted to establish capital reserve accounts to replace existing equipment as long as no FTA funds or proceeds from the sale or lease of FTA assisted property are placed in those accounts.
2. Equipment Management.
  - a. General. Under the common grant rule, CTDOT may use, manage, and dispose of equipment acquired under a Section 5310 grant in accordance with state laws and procedures. States are free to adopt the procedures established in part 18 for other public entity subrecipients or use the procedures as a guide in developing state procedures for equipment use, management, and disposition, but are not required to do so. States may use the same procedures for private nonprofit subrecipients as for public entity subrecipients, so long as those procedures are consistent with 49 CFR part 19.
  - b. Transfer of Property.

If during the useful life of a vehicle, the vehicle is withdrawn from transportation service or the subrecipient becomes insolvent, the subrecipient shall immediately notify the State. Ownership and possession of the vehicle shall revert to the State. If the Agreement between the State and the subrecipient is

terminated at any time during the vehicle's useful life, the vehicle must be returned to the State. If the vehicle is out of service for more than sixty (60) days, the subrecipient shall immediately notify the State, and the State shall take appropriate action to reclaim said vehicle at the expense of the subrecipient.

Section 5310(g) permits CTDOT to transfer other project equipment and facilities purchased under Section 5310 to any entity eligible to receive assistance under 49 U.S.C. chapter 53 with the consent of the entity currently in possession of such facilities or equipment, if the facility or equipment will continue to be used in accordance with the requirements of Section 5310.

The entity receiving equipment or facilities under this provision to provide Section 5310 service must comply with all the state and federal requirements for Section 5310 recipients. The transfer may be shown in the POP for any active grant. It does not have to be in the grant under which the equipment or property was originally funded.

- c. Vehicle Useful Life and Replacement Standards. Useful life is the acceptable period of vehicle use in service. It is defined as four (4) years of project operation or 100,000 miles for vans and minivans and five (5) years of project operation or 150,000 miles for buses and minibuses.
  - d. Vehicle Disposition. After a vehicle has reached the end of its useful life, the State shall, upon confirmation that the vehicle has reached the end of its useful life, return the title pertaining to the vehicle to the subrecipient. The subrecipient may then elect to continue to use or dispose of the vehicle. If the vehicle is sold for more than \$5,000, the Federal Transit Administration requires reimbursement of the proportionate share (80%) of the fair market value or the net proceeds of the sale. Federal Value is determined by subtracting \$5,000 from the total sale price and multiplying the balance by .80. The subrecipient must contact CTDOT if this occurs to arrange to return the funding. Remaining proceeds from the sale of said vehicle must be used for program purposes.
3. Vehicle Use. Upon notification from CTDOT of selection of an award, the subrecipient enters into an agreement that stipulates the vehicle be used for the provision of transportation service in the area and in the manner described in the grant application for the duration of its useful life.
    - a. For Section 5310 Project and Program Purposes. CTDOT should consider how best to meet the needs of all seniors and people with disabilities in a particular community in the project selection process. The program must provide for maximum feasible coordination with transportation services assisted by other federal sources. Subrecipients should be encouraged to the extent feasible to also provide service to seniors and people with disabilities not affiliated with their agency, as well as to the general public, on an incidental basis if such service does not interfere with transportation services for seniors and people

with disabilities. In some situations it may be appropriate to provide Section 5310 assistance to an agency to provide transportation exclusively to its own clients, but even in situations in which it is not feasible for the agency to provide services to those in the community beyond its own clients, that agency must, when practicable, make the vehicle itself available to provide transportation service to other seniors and people with disabilities at times the agency is not using the vehicle for grant-related purposes. CTDOT shall use the vehicle in the project or program for which it was acquired as long as needed, even if the project does not continue to receive federal funding.

- b. For Other Federal Programs or Project Purposes. During the period a vehicle is used to serve the project or program needs for which it was acquired, CTDOT or the subrecipient shall make it available for use on other projects or programs, as long as such other use does not interfere with the service for which the vehicle was originally acquired. First preference for such other use will be given to other projects or programs sponsored by FTA, and second preference will be given to projects or programs sponsored by other federal agencies. Finally, vehicles may be used by non-federally funded providers, first to meet the needs of seniors and people with disabilities, and then to serve the transportation needs of the general public on an incidental basis.
- c. When No Longer Needed for Original Project or Program Purposes. If CTDOT or the original subrecipient no longer needs the vehicle for the purposes for which it was acquired, the State may choose to keep the vehicle in use for Section 5310 program purposes by transferring the vehicle to another designated recipient or subrecipient. The transfer may be shown in the POP for any active grant. It does not have to be in the grant under which the vehicle was originally funded. Once the vehicle is no longer needed for Section 5310 program purposes, the vehicle may be used first in connection with other FTA-sponsored activities, and then for activities sponsored by other federal agencies.
- d. For Meal Delivery. Transit service providers receiving assistance under this section may coordinate and assist in providing meal delivery services for homebound people on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers. The number and size of vehicles applied for under Section 5310 must be determined only by the number of passengers to be transported, not meal delivery capacity. Section 5310 funds may not be used to purchase special vehicles to be used solely for meal delivery or to purchase specialized equipment such as racks or heating or refrigeration units related to meal delivery.
- e. For Interstate Travel. It is the responsibility of the subrecipient to adhere to all relevant Federal Motor Carrier Safety Administration (FMCSA) regulations when traveling out of state with the Section 5310 vehicle. Subrecipients should contact the FMCSA Eastern Service Center or FMCSA website to inquire about the

requirements that apply and whether or not a fee waiver is available to Section 5310 grantees.

4. Maintenance. Subrecipients will utilize the Project Equipment in the manner and for the service described in the subrecipient's application to CTDOT. The Project Equipment will be regularly maintained in accordance with the maintenance and inspection schedule supplied by the manufacturer of the Project Equipment. To ensure proper maintenance is being performed, the Traditional subrecipient will submit to CTDOT a quarterly maintenance report using a form supplied by CTDOT. The report will include all maintenance performed on the vehicle within the prior three months. Receipts for any vehicle maintenance repair in that time period will also be submitted. Traditional subrecipients are responsible for maintaining all quarterly maintenance forms and receipts on record for the duration of the useful life of the vehicle.

Traditional subrecipients are also responsible for completing a pre-trip inspection form prior to every use of the Project Equipment. Subrecipients are responsible for maintaining all pre-trip inspection forms on record for the duration of the useful life of the vehicle.

When performing site visits, CTDOT staff will review quarterly operating and maintenance reports along with pre-trip inspection reports and will visually inspect the condition of the Project Equipment to assure the vehicle is properly maintained. Problems with the maintenance reporting will be addressed at the review.

The Project Equipment may not be modified, including modification by the addition of advertising or additional signage to the vehicle, without prior written approval of the State. Subrecipients should reach out to CTDOT via email or phone to request a modification. The State has the authority to approve or decline such modification of the Project Equipment.

5. Leasing Vehicles Acquired with Section 5310 Funds. Vehicles acquired under the Section 5310 program may be leased to other entities such as local governmental authorities or agencies, other private nonprofit agencies, or private for-profit operators. Under such a lease, the lessee operates the vehicles on behalf of the Section 5310 subrecipient and provides transportation to the subrecipient's clientele as described in the grant application.

The lease between the Section 5310 subrecipient and the lessee contains the terms and conditions that must be met in providing transportation service to seniors and people with disabilities. Because the purpose of the Section 5310 grant is to provide transportation service to seniors and people with disabilities, other uses of the vehicle are permitted only as long as such uses do not interfere with service to seniors and people with disabilities.

The State, being responsible for ensuring that the terms and conditions of the original grant with FTA are met, must agree, in writing, to each lease between the subrecipient and the lessee. Such an agreement should specify that the leased vehicle shall be used to provide transportation service to seniors and people with disabilities, that the vehicle may be used for incidental purposes only after the needs of these individuals have been met, and that the subrecipient, state, or designated recipient must retain title to the vehicle.

Recipients may lease any of their assets to others on an incidental basis so long as the lease agreement holds the lessee responsible for compliance with all of the requirements the recipient itself is responsible for. Thus, the lessee must adhere to applicable and relevant terms and conditions of FTA's master agreement in the maintenance and use of the asset. For example, a recipient may not lease its revenue vehicles to a private company to conduct charter operations except to the extent the recipient itself would be able to conduct charter operations.

A recipient may lease its assets to a private entity to operate in public transit service so long as the entity has been selected through a competitive process and so long as the lease agreement obliges the lessee to adhere to all of the applicable and relevant requirements of the FTA master agreement. A finite lease term should be established as well as a clear price and scope of work.

6. Title to Vehicles. Titles to project equipment purchased under the Section 5310 program shall be in the name of the recipient, with CTDOT listed as first lienholder on the title. CTDOT holds the title for the useful life of the vehicle which is four (4) years or 100,000 miles for a van or minivan, and five (5) years or 150,000 miles for a bus or minibus. The recipient shall not transfer the title of the project equipment to any third party during the vehicles useful life. Project equipment purchased under the Section 5310 program, during the useful life of the vehicle(s), shall be registered in accordance with all applicable rules and regulations of the Connecticut Department of Motor Vehicles. At the end of the vehicle's life, the title is returned to the Section 5310 recipient.
7. Satisfactory Continuing Control and Responsibility. When vehicles, capital equipment, or facilities are acquired, built, or improved for use by any entity utilizing FTA funding, provisions must be made to ensure satisfactory continuing control of the vehicles, capital equipment, and facilities funded. While the recipient may delegate these responsibilities to another entity, the recipient is ultimately responsible for compliance with this requirement.
8. Procurement
  - General.
    - a. States will follow the same policies and procedures used for procurements from nonfederal funds, to the extent permitted by federal statutes and regulations. While the federal threshold for small purchases is currently \$100,000, the state

may set a lower threshold for itself and its subrecipients. All governmental authority subrecipients may follow state procurement procedures. However, because of differences between 49 CFR part 18 and 49 CFR part 19, FTA third party contracting requirements are fewer for states and subrecipients that are local or tribal governments than for subrecipients that are private nonprofit organizations. For the sake of consistency, the state may choose to use the more detailed FTA requirements included in the current FTA Circular 4220.1 for all subrecipients as part of its state procurement procedures.

In some cases, the state may choose to grant Section 5310 assistance to a subrecipient through an intermediary subrecipient. For example, for public policy reasons, CTDOT might pass funds to a nonprofit organization through a local governmental authority. The arrangement between the first tier and second tier subrecipient is not a third party contract if the ultimate subrecipient would otherwise be eligible under Section 5310 to receive funds directly from the state and the ultimate subrecipient intends to use those funds to pursue its own transit project to meet the needs of seniors and people with disabilities.

Each FTA recipient seeking federal assistance to acquire property or services in support of its proposed project shall certify to FTA, in accordance with 49 CFR 18.36, that its procurements and procurement system will comply with all applicable third party procurement provisions of federal laws, regulations, and directives, except to the extent FTA has expressly approved otherwise in writing. Any applicant that fails to provide this certification may be determined ineligible for award of federal assistance if FTA determines that its procurement practices and procurement system are incapable of compliance with federal laws, regulations, and directives governing procurements financed with FTA assistance.

Procurement procedures used by CTDOT and its public agencies and instrumentalities must comply with the following specific federal procurement requirements:

- (1) States. State procurement practices must, at a minimum, comply with five specific federal requirements contained in the current FTA Circular 4220.1. These include the following:
  - a) For rolling stock, a five-year limitation on contract period of performance;
  - b) A requirement for full and open competition;
  - c) A prohibition against geographic preferences;
  - d) The use of Brooks Act procedures for procurement of architectural and engineering services if the state has not adopted a statute governing procurement of such services; and

- e) Inclusion in contracts of all federal clauses required by federal statutes and executive orders and their implementing regulations. These clauses are identified in specific federal regulations cited in FTA's master agreement and incorporated by reference into the grant agreement.
  - (2) Subrecipients that are Governmental Authorities. Subrecipients of states that are governmental authorities such as local or Indian tribal governments must comply with the same federal requirements governing state procurements. States are responsible for ensuring that subrecipients are aware of and comply with federal requirements.
  - (3) Subrecipients that are Private Nonprofit Organizations. Subrecipients that are private nonprofit organizations must comply with FTA procurement requirements contained in the current FTA Circular 4220.1. States and designated recipients are responsible for ensuring that private nonprofit subrecipients are aware of and comply with these additional requirements.
- b. New Model Bus Testing. Recipients must ensure that buses and vans acquired with FTA funds are tested consistent with the requirements in 49 CFR part 665 and must obtain a copy of the resulting test report before FTA funds can be released. FTA provides a bus testing section on its website that provides an overview of the program and assists with understanding applicable procedures and policies: [Bus Testing Program | FTA \(dot.gov\)](#).

The bus testing provisions under 49 U.S.C. 5318 require FTA establish a pass/fail testing standard. FTA funds will be available to acquire a new bus model only if the bus has received a passing score. This requirement will take effect after FTA has issued regulations establishing the standard.

- c. Transit Vehicle Manufacturer Disadvantaged Business Enterprises (DBE) Program Requirement. Recipients must ensure that each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certifies that it has complied with the requirements of 49 CFR part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." TVMs must establish—and submit to the FTA Office of Civil Rights for approval—an annual overall percentage goal. In setting this overall goal, manufacturers should be guided, to the extent applicable, by the principles underlying 49 CFR 26.45. The recipient is obligated to determine, by checking the TVM listing on FTA's website, <http://www.fta.dot.gov/civilrights/12891.html>, or by checking with FTA's Office of Civil Rights at the time of bid opening, that the manufacturer likely to receive the contract is in compliance with part 26. For further guidance, contact the FTA Regional Civil Rights Officer in the FTA regional office in which the recipient is located.



9. Debarment and Suspension. The purpose of the DOT Nonprocurement Suspension and Debarment regulations (2 CFR part 1200) is to ensure that federal assistance funds are not provided to anyone who has been debarred, suspended, determined ineligible, or voluntarily excluded from participation in federally assisted transactions. The U.S. General Services Administration's (GSA) System for Award Management (SAM) provides a single comprehensive list of individuals and firms excluded by federal government agencies from receiving federal contracts or federally approved subcontracts and from certain types of federal financial and nonfinancial assistance and benefits. GSA maintains a website which is updated in real time as changes to the data occur.
- a. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, incorporating OMB's debarment and suspension guidelines, 2 CFR part 180, requires disclosure of the status of persons and entities participating in:
    - (1) Third party contracts or subagreements of \$25,000 or more at any tier;
    - (2) Third party contracts of any amount for federally required audit services (such as those required under the Single Audit Act Amendments); and
    - (3) Third party contracts or subagreements requiring official DOT approval.
  - b. Both participants in third party contracts of any tier and subagreements of any tier are expected to ensure the status of persons participating therein.
  - c. The awarding party must verify that the person is not excluded or disqualified by:
    - (1) Checking SAM list of excluded parties prior to awarding funds. CTDOT checks the status of awardees prior to initiating any agreement, and again prior to awarding any additional funds under the same agreement.
  - d. In addition, the recipient and awardees participating in lower tier transactions must extend these requirements to their awardees. The prospective awardee in turn must notify the recipient or third party contractor (person at the next higher tier) if it knows whether or not it or any of its principals are presently excluded or disqualified under the these regulations.
10. Financial Management.
- a. Financial Management Systems.
    - (1) Designated recipients that are states. The common grant rule requires a designated recipient that is a state to expend and account for grant funds in accordance with state laws and procedures for

expending and accounting for its own funds. Fiscal control and accounting procedures of the state, as well as its subrecipients and cost-type contractors must be sufficient to:

- a) Permit preparation of reports described in this circular and reports necessary to comply with other program and statutory requirements; and
- b) Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions applicable to the program.

Subrecipients that are private entities must comply with the standards for financial management systems provided in 49 CFR part 19. If states purchase vehicles and equipment for subrecipients, and subrecipients receive no cash, this requirement does not apply.

- (2) Designated recipients that are not states. The financial management system for designated recipients that are not states must meet the standards set forth in 49 CFR 18.20(b) of the common grant rule. These standards include:

- c) Financial reporting. Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or subgrant.
- d) Accounting records. Designated recipients and subrecipients must maintain records that adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to designated recipient or subrecipient awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.
- e) Internal control. Effective control and accountability must be maintained for all designated recipient and subrecipient cash, real and personal property, and other assets. Designated recipients and subrecipients must adequately safeguard all such property and must ensure that it is used solely for authorized purposes.
- f) Budget control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant agreement. If unit

cost data are required, estimates based on available documentation will be accepted whenever possible.

- g) Allowable cost. Applicable Office of Management and Budget (OMB) cost principles, FTA program regulations, and the terms of the FTA master agreement and grant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.
  - h) Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payroll, time and attendance records, contract and subgrant award documents, etc.
  - i) Cash management. Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by designated recipients and subrecipients must be followed whenever advance payment procedures are used. Designated recipients must establish reasonable procedures to ensure the receipt of reports on subrecipients' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to FTA. When advances are made by letter-of-credit or electronic transfer of funds methods, the designated recipient must make drawdowns as close as possible to the time of making disbursements. Designated recipients must monitor cash drawdowns by their subrecipients to ensure that they conform substantially to the same standards of timing.
11. FTA Electronic Grant management System. FTA provides a streamlined electronic interface between recipients and FTA that allows complete electronic grant application submission, review, approval, and management of all grants. Among other things, recipients apply for grants, inquire about the status of grants, file the required federal financial status and milestone progress reports, and submit annual certifications and assurances in this system. The User Guide can be found on FTA's website in the "Grants and Financing" Section under "Apply for and Manage Grants."
12. System for Award Management (SAM) Requirements. The System for Award Management (SAM) is a free website (<https://www.sam.gov>) that consolidates federal procurement systems and the Catalog of Federal Domestic Assistance. On July 30, 2012, the Central Contractor Registration (CCR) and the Excluded Parties List System (EPLS) were migrated into SAM. Any organization applying for financial assistance from the federal government must register in SAM and keep its registration current until it submits its final financial report pursuant to the award agreement from FTA or receives its final payment under the project, whichever is later. The recipient must review and update its information in SAM at least annually after the initial registration, and more

frequently if required by changes in its information or another provision of a federal or federally assisted agreement, law, regulation, or regulatory guidance.

13. Data Universal Numbering System (DUNS) Registration Requirement. Any organization applying for a grant or cooperative agreement from the federal government must have a DUNS number. This is a nine-digit identification number that provides a unique identification for single business entities. Grant applicants that currently do not have a DUNS number can obtain one for free from Dun and Bradstreet. It takes about five weeks to receive a DUNS number after the information requested is imputed in the “Instructions on How to Obtain a DUNS Number.” As soon as the DUNS number is received, the applicant must inform an FTA regional office and update the grantee profile to include the number.
14. Subrecipient DUNS Requirement. If it is authorized to make subawards under its agreement with FTA, the recipient must notify potential subrecipients that no entity may receive a subaward from the recipient unless the entity has provided its DUNS number to the recipient. The recipient must not make any subaward to an entity unless the entity has provided its DUNS number to the recipient.
15. Electronic Clearing House Operating (ECHO) Requirements. FTA makes all payments by electronic funds transfer, regardless of the dollar amount involved. Payments are made under the Electronic Clearing House Operation Web (ECHO-Web) system, by means of a control number assigned to the state. The state agrees to comply with the ECHO-Web requirements contained in the U.S. Department of Treasury regulations, 31 CFR part 205, “Rules and Procedures for Funds Transfers,” and as established by the “Guidelines for Disbursements” set forth in FTA’s ECHO-Web system operations manual.
  - a. In general:
    - (1) The recipient may initiate cash drawdowns only when actually needed for immediate disbursements for project purposes. The recipient must disburse the funds drawn down according to their Treasury-State Agreement or 31 CFR part 205, subpart B. The recipient’s access to the ECHO-Web system may be revoked or suspended, or other remedies may be invoked, if the recipient fails to expend the federal funds within a reasonable period, to return the funds to FTA within a reasonable period, or is unwilling or unable to establish procedures that will minimize the time elapsing between cash advances and the disbursement.
    - (2) Costs incurred and available balances are reported annually on an accrual basis on the Financial Status Report in FTA’s electronic grant management system (Transportation Electronic Award and Management [TEAM] or the successor thereto).

- (3) The recipient agrees to provide for control and accountability for all project funds consistent with federal requirements and procedures for use of the ECHO-Web system.
  - (4) The recipient may not drawdown funds for a project in an amount that would exceed the sum obligated by FTA or the current available balance for that project.
  - (5) The recipient shall limit drawdowns to eligible project costs and ensure that subrecipients also follow applicable financial requirements.
- b. Financial Records. FTA does not maintain detailed financial records on individual projects within a program of projects. Financial records, supporting documentation, and all other records pertinent to a recipient must be retained by the recipient (and its subrecipients) and must be made readily available to authorized representatives of DOT and the comptroller general of the United States for a period of three years from the date the state electronically submits the final Federal Financial Report. If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained beyond three years, until all litigation, claims, or audit findings involving the records have been resolved.

The recipient's financial records should adequately document the computation of the federal share and the provision of the required local share for each kind of project. The eligibility of any ADA, clean air, or bicycle projects for which the increased federal share is claimed should be adequately documented.

16. Federal Funding Accountability and Transparency Act (FFATA) Requirement. FTA's recipients must report the information about each first tier subaward over \$25,000 (funds passed through to other public agencies or private nonprofit organizations) by the end of the month following the month the state or designated recipient makes any subaward or obligation (not the month after FTA awarded the direct grant). For example if FTA awarded the grant to the state or designated recipient in November, and the recipient did not sign subrecipient agreements until February, the FTA recipient would have until March 31 to report the subaward into Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS). Once the recipient submits an initial report, the recipient can revise it later to add additional subawards as they are made, or to change data previously submitted to reflect adjustments in subawards.

- a. No report is required until the month after the recipient makes a subaward. For example, if a recipient received a Section 5310 grant in November and listed 16 subrecipients in the program of projects but does not consider the subawards to be made until each subrecipient signs a letter of agreement, the recipient would not have to report any subawards in December, but would report them by the end of the month after the subrecipient signs the agreement. On the other hand,

if the recipient has a standing agreement with subrecipients and considers the subawards to be made at the time of the FTA grant award, the report would be due in FSRS by the end of the month after FTA obligated the grant to the recipient. If the state or designated recipient allowed subrecipients to use pre-award authority, the deadline would be based on the date of the FTA obligation, since FSRS cannot accept subaward reports before the federal obligation is recorded in the system.

- b. The required data elements in FSRS for each first tier subaward over \$25,000 :
    - (1) Name of entity receiving subaward Doing Business As (DBA) Name;
    - (2) DUNS of the entity and its parent and DUNS+4 (is used to identify specific units within a larger entity);
    - (3) Amount of subaward;
    - (4) Subaward number (Note: assigned by recipient);
    - (5) CFDA number (Note: The same CFDA associated with the FTA award);
    - (6) Place of performance (including congressional district);
    - (7) Total compensation and names of top five executives, if required (Note: Not typically required, with thresholds of \$25 million and 80 percent of total revenue coming from federal funds);
    - (8) Award title descriptive of the purpose of the funding action; and
    - (9) Location of the entity (including congressional district).
  - c. The amount that is to be reported for each subrecipient is the amount of the total subaward, not payments to date. Payment/drawdown information is not included in the data fields requested.
  - d. After the recipient reports the subaward data in FSRS, the information will be published with the original direct award information at <http://www.usaspending.gov>.
  - e. Information and training materials about FFATA subaward reporting and FSRS are posted on <http://www.usaspending.gov/news>. User manuals and data dictionaries are available on <http://www.fsrs.gov>. Recipients should direct technical questions about the reporting website to the FSRS help desk.
17. Allowable Costs. Office of Management and Budget (OMB) Circular A–87 (codified at 2 CFR part 225) provides the federal guidelines for allowable costs for recipients that are governmental authorities. OMB Circular A–122 (codified at 2 CFR part 230) provides comparable guidance for nonprofit organizations. Expenses such as indirect costs or payments to a self-insurance fund must be documented appropriately. The restrictions

on advertising and public relations in A–87 permit advertising and public relations for “specific purposes necessary to meet the requirements of the federal award.” Similar provisions are also contained in A–122. Transit marketing and promotion are allowable project costs under these provisions, since transit ridership is the ultimate purpose of the federal grant.

18. Closeout. Recipients should initiate project closeout with subrecipients within ninety days after all funds are expended and all work activities for the project are completed. Recipients should similarly initiate POP closeout with FTA within ninety days after all work activities for the POP are completed. A final Federal Financial Report, final budget, and final POP must be submitted electronically via the electronic grant management system at the time of closeout.
19. Audit. States and designated recipients are responsible for ensuring that audits are performed pursuant to the requirements of OMB Circular A–133, “Audits of States, Local Governments, and Non-Profit Organizations,” resolving audit findings, and bringing problems to FTA’s attention. FTA has not required States and designated recipients to ensure an annual financial audit of a subrecipient is performed when assistance is provided solely in the form of capital equipment procured directly by the state or designated recipient. Even if the amount of FTA funds the recipient passes to a particular subrecipient does not trigger the requirement for an A–133 audit, the recipient may wish to review A–133 audit reports prepared for subrecipients that are required to be audited because the total federal funds from all sources exceed the threshold (currently \$750,000). At a minimum recipients should require subrecipients to bring to the attention of the recipient any audit findings relevant to their use of FTA funds.
20. Real Property. Real property acquisition standards are included in the current FTA Circular 5010.1, “Grant Management Guidelines” with a summary in Chapter VIII of this Circular, “Other Provisions.” Subrecipients may use the recipient’s staff appraisers to prepare required independent appraisals.
21. Construction Management and Oversight. The responsibility for construction management and oversight lies with the state or designated recipient. FTA does not approve design plans, specifications, contract terms, etc. for construction projects.
22. Reporting Requirements.
  - a. Annual Program of Projects Status Reports. By October 31 each year, CTDOT submits to FTA a program status report for each active Section 5310 grant, covering the twelve-month period ending September 30. The status reports are submitted electronically and are intended to meet minimal program information needs at the regional and national levels. Reports include an updated POP for each approved grant that contains active projects. The updated POP reflects revised project descriptions, changes in projects from one category to another, and adjustments within budget categories, if applicable.

If revisions to the POP result in changes to the line item budget for the grant, these changes are submitted as budget revisions. Significant civil rights compliance issues occurring during the year (such as Title VI, Equal Employment Opportunity (EEO), or Disadvantaged Business Enterprise (DBE) complaints against the recipient or subrecipients), are addressed in the annual status report. In addition, CTDOT may report notable accomplishments or problems involving Section 5310 subrecipients.

- b. Milestone Progress Reports (MPR). For activity line items for which milestones were required at the time of grant application (e.g., for vehicle procurements, construction projects, and program reserve), the recipient should enter revised milestone dates as part of the annual report. If the estimated completion date for the grant has changed, the revised date should be entered, with an explanation as to why the date has changed.
  - c. Federal Financial Report (FFR). The recipient must submit electronically an annual FFR for each active grant, for the period ending September 30. For the purpose of this report, funds are considered encumbered when agreements are signed with subrecipients. Reports should be prepared using the accrual method of accounting.
  - d. National Transit Database: Section 5335(c) requires all FTA grant recipients, including grant recipients under Section 5310, to report an asset inventory or condition assessment conducted by the recipient to the National Transit Database (NTD). This requirement is subject to a rulemaking and recipients will not be required to report until the rulemaking is complete.
  - e. Disadvantaged Business Enterprise (DBE) Reports. If the state or designated recipient receives planning, capital, and/or operating assistance and awards prime contracts exceeding \$250,000 in FTA funds in a federal fiscal year, DOT regulations require the state or designated recipient to have a DBE program and establish a DBE goal methodology that applies to all direct and subrecipient contracting activity resulting from those funds. Subrecipients must follow the recipient's established DBE program. FTA recipients that meet the above thresholds must submit a DBE goal to FTA for review by August 1 at three-year intervals, based on a schedule established by FTA.
23. Management Plan. The State Management Plan (SMP) is a document that describes CTDOT's policies and procedures for administering the Section 5310 program, in addition to Federal requirements. CTDOT is required to have an approved SMP on file in the FTA regional office. Additions or amendments to the SMP must be made and submitted to FTA whenever significant changes are made to the management of the program or when new program management requirements are imposed by FTA. Changes may be required as the result of a state management review by FTA.



24. FTA Management Review. FTA's administration of the Section 5310 program results in relatively little federal involvement in the day-to-day program activities or in the review of individual applications from subrecipients. To ensure that the program objectives are being carried out, the FTA regional office, with contractor assistance, conducts periodic state management reviews every three years or as circumstances warrant. The review includes an inspection of documentation on file at the regional office, a visit to the state offices to examine the procedures the state uses in administering the program, and local site visits. The review assesses the accuracy and adequacy of the SMP, and may result in recommendations for changes to the SMP. A draft report with preliminary findings is presented at an exit conference. The State has an opportunity to comment on the report and to take corrective actions before a final report is issued. The FTA regional office follows up on corrective actions required in the final report.
25. Other FTA Reviews. FTA also conducts more specific compliance reviews of recipients and subrecipients in particular areas, for example financial management, procurement, drug and alcohol testing compliance, and the various aspects of civil rights compliance, usually in response to a risk assessment or other indication of a possible problem. FTA coordinates reviews of subrecipients with CTDOT.
26. Program Oversight. CTDOT performs Section 5310 project oversight and monitoring to ensure compliance with federal program regulations. This includes but is not limited to open channels of communication with subrecipients via email, facsimile and phone; quarterly reporting; annual certifications; and site visits.
- a. Section 5310 subrecipients are encouraged to contact the CTDOT program manager via email, fax or phone with any questions, comments or inquiries, and engage in an ongoing, familiar dialogue.
  - b. Nontraditional subrecipients of operating funding are required to submit monthly invoices containing requests for reimbursement of services rendered in the previous month. Supplemental documentation and reporting must accompany the invoice and include the number of one-way trips provided, the days and hours of operation, revenue or donations collected, mileage traveled and total expenses.
  - c. Traditional subrecipients are required to submit quarterly operating and maintenance reports on all useful life vehicles being operated. These report forms shall include all maintenance performed on the vehicle within the previous three months. Any vehicle maintenance repair receipts shall be attached for backup documentation. Subrecipients shall also be responsible for maintaining a pre-trip inspection form on file that each driver shall complete prior to operating the Project Equipment.
  - d. Each calendar year Traditional subrecipients sign an Annual Certification of Use for Project Equipment which certifies the Project Equipment received under the

Federal Transit Administration's Section 5310 Program is being used in accordance with Federal regulations.

- e. CTDOT conducts approximately thirty (30) site visits every state fiscal year with Traditional. These site visits allow CTDOT to meet with grantees, monitor compliance with Section 5310 program requirements, review Section 5310 documentation and perform a visual inspection of the vehicle(s), if possible.

The site visit is performed either In-Person or as a Desk Audit Site Visit. There is a minimum of ten (10) In-person on-site visits, with the remaining twenty (20) performed as a Desk Audit. Every month, CTDOT evaluates the list of current subrecipients to determine which will receive a site visit over the next month. Subrecipients that have three (3) or more vehicles in useful life are prioritized for on-site visits, as are subrecipients that have demonstrated an inability to complete the quarterly operating/maintenance reports in a timely or accurate fashion. Whenever possible, CTDOT aims for regional parity; selecting an equal number of subrecipients from each of the five (5) regions in the State as site visit candidates. This amounts to an average of two (2) subrecipients per region for on-site visits, and four (4) subrecipients per region for desk audit site visits.

To conduct an In-Person Site Visit, CTDOT staff contact the subrecipient 1-2 weeks ahead of time to schedule a date and time. Subrecipients are asked to have their Section 5310 program materials available for viewing and to set aside 1-2 hours to discuss their organization's program management and compliance with federal requirements. CTDOT utilizes the In-Person Site Visit questionnaire at the meeting to facilitate discussion about the program and also to gain insight into program compliance and specific topics. The questionnaires are completed by CTDOT staff in real time during the site visit, and are then reviewed and filed once back at CTDOT HQ. If the subrecipient is found to be noncompliant, CTDOT will provide corrective actions and a timeline for completion. Follow up will take place as needed to ensure the corrective actions have been taken.

A Desk Audit Site Visit is conducted via email, phone, and mail. A Desk Audit Site Visit package is emailed for the subrecipient to complete. This package has many of the same questions as the questionnaire for an In-Person visit, but requires that the subrecipient transmit copies of documentation that normally would be reviewed in person. The subrecipient is given three (3) weeks to complete the questionnaire and submit the required support documentation. Upon receipt of a Desk Audit Site Visit package, CTDOT reviews and follows up with any questions or suggestions. If the subrecipient has questions on how to complete the questionnaire or is found to be noncompliant, CTDOT will follow-up via phone to answer questions and/or provide corrective actions and a timeline for completion. If needed, CTDOT would schedule a meeting with the subrecipient. Follow up will take place as needed to ensure the corrective actions have been implemented.

CTDOT maintains a log of subrecipients with vehicles within their useful life. With each completed site visit, the tracking log is updated with the date and the information that was received. In this way, CTDOT ensures site visit information and history is tracked. It also allows CTDOT to ensure all traditional subrecipients receive a site visit at least once in their vehicle's useful life within the Section 5310 program.

## **XVIII. OTHER PROVISIONS**

1. Environmental Protection. All Section 5310 projects seeking FTA financial assistance require compliance with the National Environmental Policy Act (NEPA), FHWA and FTA's Environmental Impact and Related Procedures, Efficient Environmental Reviews for Project Decision-making, and numerous other environmental laws, regulations, and orders including Section 106 of the National Historic Preservation Act, the Clean Water Act, and the Endangered Species Act.

The Clean Air Act (CAA) establishes substantive requirements in order to bring nonattainment and maintenance areas which currently violate the National Ambient Air Quality Standards into attainment by prescribed dates. It is designed to protect the public from airborne contaminants known to be hazardous to human health. The principal requirement with which Section 5310 projects must comply is the transportation conformity rule. In general, transportation plans, programs, and projects must be found to conform with approved State (air quality) Implementation Plans (SIP's) before they can be funded by FHWA or FTA.

The vehicles, radio, and computer equipment and other related equipment items routinely purchased under the Section 5310 program do not involve significant environmental impacts

2. Buy America. Title 49 U.S.C. 5323(j) provides that with limited exceptions, FTA may not obligate funds for a public transportation project unless the steel, iron, and manufactured goods used in the project are produced in the United States. CTDOT and Section 5310 subrecipients must comply with FTA regulations, 49 CFR part 661. FTA's Buy America requirements at 49 CFR part 661 differ from Federal Buy America regulations at 48 CFR part 25. The former applies to all purchases, including materials or supplies funded as operating costs when funded by FTA, if the purchase exceeds the threshold for small purchases (currently \$100,000), whereas the latter applies to direct federal procurements.
3. Pre-Award and Post-delivery Reviews. Procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with 49 CFR part 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases." The regulation requires any recipient or subrecipient that purchases rolling stock for use in revenue service with funds obligated after October 24, 1991, to conduct a pre-award and post-delivery review to ensure compliance with its bid specifications, Buy America requirements, and federal

motor vehicle safety requirements, and to complete specific certifications. Purchase of more than twenty vehicles for use in areas under 200,000 in population (more than ten, for large urbanized areas), other than unmodified vans or sedans, requires in-plant inspection. In the case of consolidated state procurements on behalf of multiple subrecipients, the in-plant inspection requirement is triggered only if a single subrecipient will receive more than ten or more than twenty vehicles, depending on area size.

4. Restrictions on Lobbying. Federal financial assistance may not be used to influence any member of Congress or an officer or employee of any agency in connection with the making of any federal contract, grant, or cooperative agreement. The State, subrecipients, and third party contractors at any tier awarded FTA assistance exceeding \$100,000 must sign a certification so stating and must disclose the expenditure of nonfederal funds for such purposes (49 CFR part 20). Other federal laws also govern lobbying activities. For example, federal funds may not be used for lobbying congressional representatives or senators indirectly, such as by contributing to a lobbying organization or funding a grass-roots campaign to influence legislation (31 U.S.C. 1352). These laws do not prohibit general advocacy for transit. Providing information to legislators about the services a recipient provides in the community is not prohibited, nor is using nonfederal funds for lobbying, so long as the required disclosures are made.
5. Prohibition of Exclusive School Bus Transportation. Title 49 U.S.C. 5323(f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. The implementing regulation (49 CFR part 605) does permit regular service to be modified to accommodate school students along with the general public (“tripper service”). For the purpose of FTA’s school bus regulation, Head Start is considered a social service, not a school program. Rules for the Head Start program limit the types of vehicles that may be used to transport children participating in a Head Start program.