



Evansville Metropolitan Planning Organization

Section 5310: Enhanced Mobility of Seniors and Individuals with Disabilities Program Management Plan

Adopted _____

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A. Introduction

Title 49 U.S.C. 5310 authorizes the Federal Transit Administration's (FTA's) Enhanced Mobility of Seniors and Individuals with Disabilities formula assistance program. The program provides funding to States and MPOs based on a formula that takes into consideration the disabled and senior population of the State or MPO area.

The Section 5310 program provides grant funds 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.

Eligible applicants include private non-profit organizations that provide transportation services to seniors and/or individuals with disabilities and METS and HART for their paratransit services.

The Evansville MPO area typically receives around \$220,000 each year to distribute to eligible recipients. Recipients are chosen based on an application process. Applications are prioritized by the MPO based on the impact of the specific organization. Those chosen to receive funds are provided with 80% of the cost of the project. The recipient must provide the 20% match.

B. Goals and Objectives

The Evansville MPO's vision is to ensure that the regional transportation system is safe, efficient, multi-modal, and accessible to all users. The following goal and objectives help meet this vision as it relates to the transportation needs of seniors and individuals with disabilities:

- Goal: Provide a safe and efficient mode of transportation for seniors and individuals with disabilities beyond a personal vehicle and the fixed route public transportation systems.
 - Objective 1: Provide and/or improve the access of seniors and individuals with disabilities to shopping, medical needs, jobs, and other necessities.
 - Objective 2: Provide a safe and efficient transportation alternative for seniors and individuals with disabilities.
 - Objective 3: Guide the cooperation and coordination of non-profit and public transportation providers to ensure the most beneficial transportation system for seniors and individuals with disabilities.

Because the MPO is a planning and funding organization, and not an implementing body, it must work closely with METS, HART, and area non-profits to reach these objectives.

C. Roles and Responsibilities

The Evansville MPO is the designated recipient for the Evansville-Henderson Urbanized Area and is responsible for overseeing and administering the Section 5310 Program. The oversight responsibilities include:

- Notifying eligible recipients of funding availability through an annual Call for Projects;
- Reviewing, scoring, and prioritizing applications received;
- Developing an annual program of projects based on project selection;
- Ensuring that all projects are derived from the *Coordinated Public Transit – Human Services Transportation Plan*;
- Updating the *Coordinated Public Transit – Human Services Transportation Plan* as necessary;
- Updating this Program Management Plan as necessary; and
- Ensuring that all subrecipients comply with federal reporting and management requirements.

The MPO is the direct recipient of Section 5310 funds for area non-profit organizations, while METS and HART are direct recipients for their paratransit services. The MPO takes on the responsibility of applying for Section 5310 grants on behalf of non-profit organizations, METS and HART. When a grant is executed for a non-profit project, the MPO assists the non-profit organization in initiating the project, drawing the 80% FTA portion of the funds from the grant, and providing the check for 80% of the project to the non-profit. This typically involves assisting the organization with procuring a van or bus. When a grant is executed for METS or HART, it is their responsibility to complete the project and drawdown the funds.

D. Coordination

Coordination between METS, HART, and area non-profits regarding paratransit and client transportation services for seniors and individuals with disabilities is vital to ensure Section 5310 funds are being used as effectively as possible. The MPO takes on this responsibility by developing the *Coordinated Public Transit-Human Services Transportation Plan*. Plan development includes involvement from METS, HART, local non-profit organizations, and the public, especially seniors and individuals with disabilities.

The Coordinated Plan includes:

- Regional demographics that help in identifying the potential need for transportation;
- A list of public, rural, non-profit, and private transportation providers in the region;
- A list of barrier, gaps, and needs based on public input;
- Recommendations for increased and/or improved services; and
- Implementation strategies to help ensure the best use of FTA funding.

E. Eligible Activities and Subrecipients

Eligible activities for the Section 5310 Program are divided into two categories:

- Traditional
 - Acquisition of buses or vans for the transportation of seniors and/or individuals with disabilities.
 - Accessories for buses or vans, including wheelchair lifts, ramps, and securement devices.
- Other
 - Public transportation projects that exceed the requirements of ADA, such as enhancements to paratransit service beyond what is required.
 - Public transportation projects that improve accessibility, such as improvements that make accessing a fixed route bus easier for seniors and individuals with disabilities.
 - Public transportation alternatives that assist seniors and individuals with disabilities.

Within the Evansville-Henderson Region, METS, HART, and non-profits that serve seniors and/or individuals with disabilities are eligible subrecipients. The focus of the MPO is to provide funding for “Traditional” projects, typical for vehicle acquisition for the METS or HART paratransit systems or for non-profit organizations to serve their clients.

METS and HART are also eligible for “Other” projects, dependent on the amount of Section 5310 funds that are available. While many projects fit the “Other” category, the MPO has a preference for projects that include sidewalk and ramp improvements that help seniors and individuals with disabilities access the fixed route system. The fixed route system may be more beneficial at times than an on-demand paratransit service, if the individual is able to access the fixed route system. Providing easier access to the fixed route system can also open up paratransit time slots for those with the greatest need.

F. Local Share and Local Funding Requirements

All Section 5310 capital grants require a 20% local match. The local share must be provided from sources other than Federal DOT funds. For non-profits, this local share is typically provided from the organization’s general budget, fundraising events, and/or donations. For METS and HART, the local share is typically provided from the City general budget or other City funds. The Kentucky Transportation Cabinet (KYTC) provides a 10% match for all capital projects, so HART’s share is decreased to 10%. Specific State or Federal grants from sources other than the Department of Transportation may be used as the local share. The MPO will work with the organization and FTA to determine eligibility as needed.

As part of the application process, all non-profit organizations must submit a commitment letter from the organization’s President, CEO, and/or Chairman of the Board. The commitment letter must state that the organization has the available funds to not only provide the 20% match, but also operate and maintain the vehicle after delivery. The letter should also note the source of the 20% local share.

The MPO will work with the organization to procure the vehicle. Once the grant is obligated in TrAMS, the MPO will provide a purchase order for 80% of the cost of the vehicle to the vehicle dealer. The organization must have funds secured to cover the 20% share by this time and must provide the 20% purchase order to the dealer. When the vehicle is ready for pick up or delivery, the MPO will provide the non-profit organization with a check for 80% of the final cost of the vehicle. The non-profit will deliver the 80% check and 20% local share check to the dealer for acquisition of the vehicle.

G. Project Selection Criteria and Method for Distributing Funds

Funds will be fairly and equitably distributed through a competitive selection process. The process will be open and transparent and every effort will be made to reach multiple agencies that provide services to the primary target populations, assuring equity of access to the benefits of the grant program among eligible groups, as required by Title VI of the Civil Rights Act.

The MPO has developed a detailed application requesting the organization's contact information and mission statement, the project description and purpose and need, details about the scope of the project and project costs. In addition, the applicant must also submit a financial commitment letter with the application. Assistance in developing strong proposals will be offered to all applicants. Project applications will be submitted to the Evansville MPO, which will rank the projects based on criteria such as, but not limited to, impact of project and people served, with emphasis on coordination and on consistency with the Coordinated Plan. Projects will be ranked on a competitive basis depending on the strength of the proposals. Funds will be distributed to adequately fund the projects with the greatest need first, and as many of the other projects as possible.

H. Annual Program of Projects Development and Approval Process

The Evansville MPO advertises the availability of Section 5310 funding on an annual basis. The MPO maintains a list of potential applicants in the three county planning area and contacts these organizations during the call for projects. The MPO continues to seek other non-profit transportation providers to add to this contact list. Interested organizations may contact the MPO to be added. The call for projects is also posted on the MPO's website.

For an applicant to be eligible for funding, they must ensure they are included in the *Coordinated Public Transit-Human Services Transportation Plan*. The organization provides the MPO with information about their transportation service to be added to the Plan.

After all applications have been scored, all applicants will be informed of their scores. The MPO will then develop and advertise the Program of Projects, which includes the highest ranked eligible projects that fit within the available Section 5310 funding. This is the first step toward a public hearing, approval by the MPO Technical and Policy Committees, and inclusion in the MPO's Transportation Improvement Program (TIP). After these steps are complete, the MPO will request inclusion in the State Transportation Improvement Program (STIP) and can begin the grant application.

Once the MPO receives FTA approval of the grant application, a subrecipient agreement will be provided to the non-profit organization. The agreement will include the responsibilities of each party, the total amount of grant funding, and the term of the agreement, which is equal to the full useful life of the vehicle. The agreement must be signed by the organization's President, CEO, and/or Chairman of the Board.

I. Administration, Planning and Technical Assistance

The Evansville MPO is the Designated Recipient of the Section 5310 Program and uses 10% of the Evansville-Henderson Urbanized Area's Section 5310 allocation for related administration and planning. This includes development of and updates to the *Coordinated Public Transit – Human Services Transportation Plan*, administration of the competitive selection process, and grant development and submittal. The MPO staff also provides technical assistance as needed to the public transportation and non-profit agencies that provide transportation to seniors and/or individuals with disabilities.

J. Private Sector Participation

By Federal statute, the public is required to be involved in the transportation planning process. This includes providers of private transportation services. The MPO provides public notices for all public meetings related to the development and update of the *Coordinated Public Transit – Human Services Transportation Plan*. All of the MPO Technical and Policy Committee meetings are advertised and open to the public. Several private transportation providers are included on Technical Committee announcements and announcements related to the development of Section 5310 grants. The MPO adds new private transportation providers to their contact lists as new providers are developed or discovered.

K. Civil Rights

There are a variety of Civil Rights regulations that the MPO and its subrecipients must adhere to in order to continue to receive Section 5310 funding. These include:

- **Title VI:** Title VI states that no person will be excluded from participation in, or denied the benefits of, a project funded in whole or in part by the FTA (including assistance required for limited English proficient persons) because of race, color, creed, national origin, sex, age, or disability.
- **EEO:** Equal Employment Opportunity (EEO) prohibits any recipient of FTA funds from discriminating against any employee or applicant for employment based on race, color, religion, sex, or national origin.
- **EJ:** Environmental Justice (EJ) principles state that all FTA funded programs, policies, or activities that have the potential to adversely affect human health or the environment involve a planning and programming process that explicitly considers the effects on minority and low-income populations.

- **DBE:** The Disadvantaged Business Enterprise (DBE) Program requires that recipients of FTA funds be responsible for meeting applicable regulations regarding participation by DBEs in U.S. DOT programs set forth in 49 CFR Part 26, or any revision or supplement thereto. Subrecipients must take reasonable steps to ensure that DBEs have the opportunity to compete for and perform contracts. All FTA subrecipients who anticipate that they will award contracts totaling over \$250,000 during the federal fiscal year are required to have a DBE program (49 CFR 26). Contracts to purchase transit vehicles do not count toward the \$250,000 total.

Subrecipients are required to certify compliance to the Evansville MPO concerning a number of assurances, including:

- 1) Equal Employment Opportunity
- 2) Disadvantaged Business Enterprise Program; and
- 3) Compliance with Title VI of the Civil Rights Act of 1964

The Evansville MPO will monitor subrecipient compliance by apprising them of their responsibilities, requiring the appropriate certifications and assurances, reviewing their service hours and other operating characteristics to ensure that accessible and equivalent service is being provided, and collecting other documentation of compliance as appropriate as part of site visits.

The Evansville MPO will comply with federal regulations that no person in the United States shall, on the ground of race, color, sex, age, creed, disability, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program from employment or activity for which it receives federal financial assistance either directly or indirectly from the federal departments, and other federal, state and local government sources as well as any and all national, regional, and local private funds; and gives assurance that it will in all phases and levels of program and activities, act affirmatively to achieve equal opportunities for participation by actively seeking out qualified people for due consideration for availability and job opportunities and encouraging the involvement of the socially and/or physically disadvantaged population in all phases of the program.

L. Section 504 and ADA Reporting

Section 504 requires recipients of FTA funds to make special efforts to provide transportation that is accessible to individuals with disabilities. The Americans with Disabilities Act (ADA) requires that equivalent services are provided to meet the needs of individuals with disabilities.

The Evansville MPO will monitor subrecipient compliance with Section 504 and ADA requirements by apprising them of their responsibilities, requiring the appropriate certifications and assurances, reviewing their service hours and other operating characteristics to ensure that accessible and equivalent service is being provided, and collecting other documentation of compliance as part of site visits.

The Evansville MPO agrees to comply with the requirements of 49 U.S.C. §5301 (d) which state the federal policy that elderly individuals and individuals with disabilities have the same right as other individuals to use public transportation services and facilities, and that special efforts will be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly individuals and individuals with disabilities.

M. Program Measures

The reporting and data collection measures for the Section 5310 Program will be prescribed in the grant agreements with subrecipients. Subrecipients will be required to collect the following specific data when applicable:

- Services provided that impact the availability of transportation for seniors and individuals with disabilities as a result of the Section 5310 project(s) implemented in the current reporting year. Examples include geographic coverage, service quality, or service times.
- Number of calls for information about transportation for elderly individuals and individuals with disabilities and the actual or estimated successful referrals of those calls.
- Additions or changes to the environmental infrastructure (e.g. transportation facilities, sidewalks, etc.), technology, or vehicles that impact the availability of transportation services as a result of the projects implemented in the current reporting year.
- Actual or estimated number of rides (as measured by one-way trips) provided for seniors and individuals with disabilities as a result of the project implemented in the current reporting year.

N. Designated Recipient Program Management

This Program Management Plan (PMP) describes the Evansville MPO's policies and procedures for administering the Federal Transit Administrations (FTA) Section 5310 program. This PMP is designed to meet federal requirements and facilitate the Evansville MPO's management and administration of the Mobility of Seniors and Individuals with Disabilities Program. It will also serve as a guide to the general public and prospective applicants and assist FTA in its oversight responsibilities by documenting the Evansville MPO's policies and procedures for administering this program.

The Evansville MPO will review information provided by the subrecipients of Section 5310 funds on at least an annual basis. The Evansville MPO project manager will establish and maintain a point of contact with each subrecipient and will monitor compliance through review of required reports, telephone inquiries and periodic site visits. When the subrecipient is a 5307 direct recipient, many of the required FTA monitoring safeguards will be in place at the direct recipient level and will be utilized to monitor compliance.

O. Accounting Systems, Financial Management and Reporting

The Evansville MPO has an established accounting and reporting system that meets or exceeds FTA requirements for financial management. In addition, all subrecipients must assure to the Evansville MPO that each has fiscal control and accounting procedures that will permit preparation of the required reports as well as a level of expenditures adequate to establish that such funds are used consistent with the rules and requirements of the program. These systems will also allow for the accurate, current, and complete disclosure of all financially assisted activities, the establishment and maintenance of accounting records which are supported by source documents and which adequately identify the source and application of funds provided, the effective control and accountability of cash, real and personal property, and other assets, the comparison of actual expenditures with budgeted amounts, allowing for the development of performance or productivity data and unit cost information, where appropriate; the application of OMB cost principles, agency program regulations, and the terms of subrecipient's grant agreement to determine the reasonableness, allowability, and allocation of costs; and a procedure for minimizing the time elapsing between the receipt of Federal funds and local disbursement.

All subrecipients receiving operating assistance are required to report financial and operating data on a quarterly and annual basis. Milestone reports are also required for all capital and planning grants. Eligible direct recipients have in place accounting systems, financial management procedures and reporting capabilities adequate to meet the requirements of FTA.

All subrecipients receiving capital assistance are required to keep appropriate property control records on all equipment and real property. Federal Office of Management and Budget and Federal Transit Administration guidelines are used in meeting this reporting requirement.

The Evansville MPO maintains financial management systems for financial reporting, accounting records, internal controls, and budget controls subject to standards specified in state laws enforced by the State Auditor. All systems and procedures for financial management are in compliance with 49 CFR 18 and 19 the "Common Rule". Subrecipients must submit all required certifications and assurances prior to contract signature and annually thereafter.

P. Procurement, Property Management, Vehicle Use, Maintenance and Disposition

All systems and procedures for financial management are in compliance with 49 CFR 18 and 19 the "Common Rule", FTA Circular 4220.1F Third Party Contracting Guidance, and Circular 5010.1E Award Management Requirements. Subrecipients must submit all required certifications and assurances prior to contract signature and annually thereafter.

Q. Designated Recipients That Are Not States

Other Recipients and their subrecipients must comply with provisions in DOT 49 CFR part 18 and guidance contained in the current FTA Circular 4220.1.F Third Party Contracting Requirements. The process must be in compliance with the provisions of applicable Federal, State and local laws. Subrecipients must submit all required certifications and assurances prior to contract signature and annually thereafter.

R. Audits and Close-Outs

Subrecipients are responsible for securing organization-wide or grant specific audits. All audits performed on subrecipients under the Section 5310 Mobility of Seniors and Individuals with Disabilities program will be in accordance with Office of Management and Budget, Circular A-133. The closeout of Section 5310 grants will occur after the Evansville MPO has received, reviewed, and accepted any final grant reports, and notified the subrecipient of such acceptance.

The legally authorized auditing body for units of local government - cities, counties, towns, etc. is the State Board of Accounts. Subrecipients that contract with private companies for transit service must require that these companies provide them with their annual audit. The subrecipient is responsible for reviewing all sub-contractors' audit reports and appropriately resolving and reporting any findings. The subcontractors' audit must be submitted to the Evansville MPO for review and approval.

If the subrecipient is not a Section 5307 direct recipient, the Evansville MPO will perform a project closeout with subrecipients within 90 days after all funds are expended and all work activities for the project are completed. The Evansville MPO will initiate program of project (POP) closeout with FTA within 90 days after all work activities for the POP are completed. The Evansville MPO will electronically submit a final Financial Status Report, final budget, and final POP via the TrAMS system at the time of closeout.

Subcontractors are required to submit a project activity narrative and status reporting with each invoice. Program status reports for FTA grants are provided quarterly.

S. Other Provisions

The Evansville MPO will execute the annual certifications and assurances with the submission of the Section 5310 Program of Projects. All Section 5310 Mobility of Seniors and Individuals with Disabilities applicants are required to execute and submit all required certifications and assurances. The Evansville MPO will monitor compliance with these provisions as part of site visits throughout the operation of the project.

T. Environmental Protection

Section 5310 projects generally have very limited or no environmental effects, and as such would be categorical exclusions. However, the Evansville MPO will screen all projects for compliance with the environmental protection regulations to ensure that all potential projects are compliant.

U. Exclusive School Transportation

Applicants are not permitted to provide exclusive school bus service and will indicate this by executing the appropriate agreement as part of their grant contract.

V. Buy America, Federal Motor Vehicle Safety Standards and Bus Testing

Through pre-award and post-delivery audits of vehicles, the MPO will ensure that all vehicles meet all FTA requirements related to Buy America provisions, Federal Motor Vehicle Safety Standards, and bus testing.

W. Restrictions on Lobbying

Section 5310 subrecipients awarded FTA assistance exceeding \$100,000 must sign a certification stating restrictions on lobbying and must disclose the expenditure of non-Federal funds for such purposes. This certification is gathered at time of subrecipient grant application.

X. Miscellaneous Requirements

Section 5333(b). Requires the applicant to comply with applicable labor requirements and protective provisions for employees of surface transportation providers. Title 49 U.S.C. 5333(b) requires that the interests of employees affected by assistance under most FTA programs shall be protected under arrangements the Secretary of Labor concludes are fair and equitable.

Charter Rule. FTA applicants are prohibited from providing any charter service using FTA funded equipment or facilities if there is at least one private charter service operator willing and able to provide that service that the applicant is proposing to provide.

Commercial Driver's License. All drivers of vehicles designed to transport more than 16 persons (including the driver) must have a commercial driver's license (CDL).

Lease versus Buy Considerations. Capital funds may be used to lease capital assets from another party in cases where it is determined that leasing would be more cost effective than either purchasing or constructing the asset

Evaluation of Floodplain (if applicable, capital transit facilities only). Applicants must conduct analysis of flood hazards if construction is within a floodplain.

Real Estate Acquisition and Relocation (if applicable, capital transit facilities only). Applicants must meet federal requirements for acquisition and relocation of private residents and businesses.

FTA Safety Jurisdiction. Failure to correct any condition FTA believes "creates a serious hazard of death or injury" will result in loss of federal assistance.

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**Section 5310:
Enhanced Mobility of Seniors and
Individuals with Disabilities
Program Management Plan**



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