



**TriMet
Program Management Plan
For
§5310 Funds and
State of Oregon Special Transportation Funds**

Updated August 7, 2015

TriMet is the federally-designated agency to disburse the Federal Transit Administration's (FTA) 49 U.S.C. 5310 (§5310) Enhanced Mobility of Seniors and Individuals with Disabilities funds for the three-county Portland, OR portion of the Urbanized area. This Program Management Plan describes how TriMet administers the §5310 program and coordinates with other providers in the region to ensure coordinated, effective provision of service that meets federal and state requirements. TriMet also receives funds through the Oregon Department of Transportation (ODOT) §5310 program for urban and rural projects. Although this PMP includes some elements of coordination with distribution of ODOT-supplied §5310 as well as some related state funds, it specifically addresses only the §5310 dollars obtained directly from FTA, and not passed through ODOT.

The current Federal Transportation Bill, also known as Moving Ahead for Progress in the 21st Century Act (MAP-21), merged the New Freedom program (49 U.S.C. 5317) into the §5310 program. As a result, activities eligible under the New Freedom program, including operating expenses, are now eligible under §5310. Consistent with Section 5317, funds are apportioned among large urbanized areas, small urbanized areas, and rural areas instead of only to states (see C_9070.1G, p.I-6 and II-1). Also new for MAP-21, the Job Access and Reverse Commute (JARC) program, under 49 U.S.C. 5316, has been merged with Section 5307 funds and is not covered under this PMP.

TriMet is also the designated "STF Agency" to receive and distribute Special Transportation Funds (STF) from the State of Oregon. Both of these sources of funds are focused on supporting transit service for seniors and persons with disabilities.

1. Program Goals and Objectives: TriMet’s vision for effective management of the §5310 program and use of the funds is to focus on maintaining critical services for seniors and people with disabilities, while strategically developing opportunities for the growth of services and facilities for the years to come. The §5310 program should support a coordinated transportation network that includes, but is not limited TriMet’s services within its own district but also provides for the mobility needs of seniors and people with disabilities in the region but not in TriMet’s service district. The goal of the §5310 program is to improve mobility throughout the region by expanding the transportation options available and removing barriers to transportation services for seniors and individuals with disabilities where public transportation is insufficient, inappropriate, or unavailable. Coordinated with STF and ODOT-provided §5310 funds, the intent is to guide transportation investments toward a full range of options for elders and people with disabilities, foster independent and productive lives, strengthen community connections, and strive for continual improvement of services through coordination, innovation, and community involvement.

TriMet is governed by a seven-member board of directors, appointed by the Governor of Oregon. The board members represent, and must live in, certain geographical districts. The TriMet Board of Directors have the final authority for making funding determinations for §5310 grants. In order to make informed decisions about transportation for seniors and individuals with disabilities, the TriMet Board of Directors appoints an advisory committee called the Special Transportation Funds Advisory Committee (STFAC) to advise TriMet on these issues. This committee was initially set up under a mandate from ODOT, which administers Oregon’s Special Transportation Fund (STF). This fund comes from state sources and is allocated by the Legislature every two years to 42 jurisdictions around the state including TriMet. The STF program is administered by ODOT and its main focus is for transportation for seniors and individuals with disabilities. TriMet has combined many of the program components of the STF and §5310 program management in order to maximize and enhance the coordination of both programs.

The §5310 program includes reporting to and incorporating feedback through the jurisdictions that provide services to seniors and people with disabilities as well as through the regions Metropolitan Planning Organization (MPO) function comprised of the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council. More about their roles is included in the “Roles and Responsibilities” section below. JPACT is made up of mayors, city councilors, county commissioners, that represent the cities and counties of the region as well as executive staff from TriMet, the Port of Portland and ODOT. JPACT is briefed on each year’s investments as part of the coordination of the Metropolitan Transportation Improvement Program (MTIP) process, makes recommendations to Metro Council on MPO activities, and reviews and comments on §5310 and STF funding distribution.

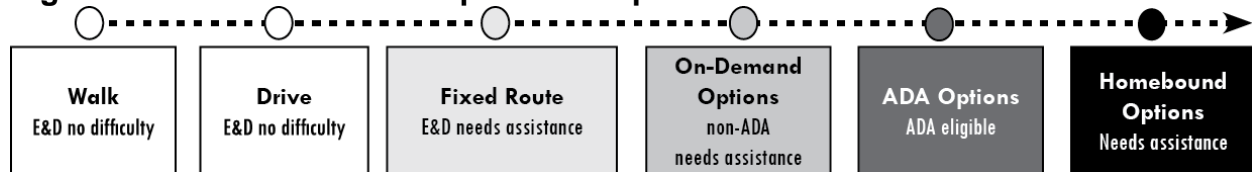
Coordinated Transportation Plan (CTP) for Elderly and People with Disabilities

An Oregon state administrative rule requires that STF Agencies prepare a plan to guide the investment of state-provided Special Transportation Fund (STF) moneys to maximize the benefit to the elderly and individuals with disabilities within that

area. STF funding is dedicated to service for elderly and people with disabilities with similar purpose and eligibility to federal §5310 funds. In early 2007, the Oregon Department of Transportation (ODOT) issued guidance to STF agencies to indicate that STF and §5310 planning efforts would be combined into a single document, referred to as the CTP. The CTP addresses the FTA-direct §5310 grant, the ODOT pass-through §5310 grant, and the STF allocation in one coordinated planning process and a single document.

The Coordinated Transportation Plan for Elderly and People with Disabilities (CTP) describes the region’s vision of a continuum of transportation services that takes into account people’s abilities as they transition through various stages of age and disability. Figure 1 illustrates a Continuum of Transportation Options beginning with transportation for elders and people with disabilities (“E&D” in the Figure) who have no difficulty with mobility, through the life stages where they need some accommodation, to services for people who stay at home because of limited mobility or fragile health, either temporarily or long-term.

Figure 1: Continuum of Transportation Options



Decisions we make today on how best to invest in transportation options for elders and people with disabilities will affect the future quality of life for thousands of tri-county residents. Developing a comprehensive and updated needs assessment is an important part of the planning process. The CTP focuses on the transportation needs, gaps and challenges specific to persons with disabilities and older adults and articulates those needs. Subsequent steps in the planning process identify strategies or solutions intended to address these needs, and also serve as the basis and rationale for potential future applications for both federal and state funding sources.

Key stakeholders involved in planning for and delivering transportation services were consulted in order for them to articulate and share their experiences, perceptions and opinions about which needs are most critical to meet.

2. Roles and Responsibilities.

TriMet

TriMet is the designated recipient of §5310 funds for the Oregon three-county portion of the overall Portland, OR-Vancouver, WA Urbanized area. South Metro Area Regional Transit (SMART), the transit operation that is part of the City of Wilsonville, OR just outside the TriMet district, is a direct recipient. Clark County Public Transit Benefit Area Authority (C-TRAN) is the designated grant recipient for the portion of the Urbanized Area in Washington State. §5310 Funds for the Portland, OR-Vancouver, WA Urbanized area are distributed among TriMet, SMART, and CTRAN by letter agreement. This letter is included in Attachment A.

The amount of funding for each area is distributed in proportion to the percentage of population that is 65 years of age and older, and/or disabled, as established in the 2010 Census. This Project Management Plan (PMP) focuses on the Oregon portion of the Urbanized area. C-TRAN maintains its own PMP.

TriMet develops a coordinated public transit-human services transportation plan (CTP) and updates the plan at least every four years to meet the Federal Transit Administration's (FTA) requirement that projects selected for funding under the §5310 program be included in such plans. Federal law requires these plans to 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." TriMet develops the Coordinated Transportation Plan for Elderly and People with Disabilities (CTP) in coordination with the STF Advisory Committee (STFAC).

Under MAP-21, a minimum of 55% of Enhanced Mobility of Seniors and Individuals with Disabilities program funds must be used on traditional §5310 projects – those “capital projects that are planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.” To meet this requirement, TriMet will work with the STFAC to develop projects that meet this threshold, and utilize the coordinated selection process to ensure the 55% minimum is met or exceeded. In TriMet's role as staff to the STFAC, no potential recommended packages are developed that do not meet the 55% requirement, so the STFAC is not at risk for recommending a package that is not compliant.

TriMet is allocated the Large Urban §5310 target direct from FTA. Additionally, the FTA allocates funds to Oregon Department of Transportation Rail and Public transit Division (RPTD) for the §5310 program statewide target. ODOT RPTD provides STF Agencies estimates for the statewide §5310 targets and STF targets and aggregates them by STF agency to be distributed locally.

ODOT RPTD distributes state, FTA and ODOT Surface Transportation Program funds biannually to improve service to the special needs, seniors, and other transit-dependent populations beyond traditional services. Typical §5310 projects include vehicle fleet growth and maintenance, facilities, signs, equipment, and purchased service. This allows service providers to maintain assets and services that are safe, in good condition, and designed appropriately for the specified routes and services. ODOT RPTD established the §5310 program as a “base” source of ongoing funds to support Coordinated Transportation Plans and to assist communities to provide mobility choices for seniors and individuals with disabilities. ODOT RPTD, with advice from stakeholders, distributes funds using a population-based formula - 50 percent by the STF Agency's area population in proportion to the state population and 50 percent by the area's proportionate ratio of seniors.

TriMet will act as both a direct user and as a granting (“pass-through”) agency overseeing the administration of the grant funds with any applicable sub-grantee, ensuring that all state and federal grant requirements are met. TriMet, the Portland region designated STF Agency, has the role and responsibility to:

- Appoint STF Advisory Committee;
- Develop a coordinated local transportation-human services plan that is adopted by designated STF Agency;
- Notify eligible subrecipients of application cycles and distribute project application materials;
- Determine subrecipient and project eligibility;
- Maintain a list of eligible subrecipients;
- Provide technical assistance to eligible subrecipients;
- Develop and conduct the project selection process for State of Oregon Special Transportation Fund (STF) and §5310 funding, which includes:
 - Develop the application form to distribute to eligible subrecipients;
 - Release a solicitation for project applications to eligible subrecipients;
 - Develop project selection criteria;
 - Notify potential applicants of local priorities and eligibility criteria established in the CTP;
 - Receive and review project applications from subrecipients; If a subrecipient agency or contractor will deliver the transit project, that agency or contractor must submit a completed application to TriMet.
 - Coordinate with the STFAC to score and select projects for funding;
 - Present project funding recommendations to the STFAC;
 - Present STFAC funding recommendation to TriMet Board for approval;
 - Notify successful subrecipients of their award amounts and reporting requirements;
- Apply for Federal funds on behalf of eligible subrecipients as identified by TriMet and manage the program's Federal grants;
- Develop, execute, manage, and amend grant agreements with subrecipients;
- Complete program grant reporting to the FTA on a quarterly and annual basis;
- Work with subrecipients to procure capital items and ensure compliance with all applicable State and Federal requirements;
- Process payments, draw down federal funds, complete financial audits, and complete grant closeouts;
- Collect and maintain financial reports, operating statistics, and vehicle data from subrecipients;
- Monitor subrecipient compliance with Federal requirements (Title VI, Section 504, ADA, etc.);

- Conduct on-site inspections of subrecipient projects;
- Amend the TriMet's Title VI Program, Equal Employment Opportunity (EEO) Plan, Disadvantaged Business Enterprise (DBE) Goals, and other applicable documents to include the FTA-Direct §5310 Program;
- Review subrecipients' Title VI, EEO, and DBE programs;
- Investigate and address Title VI, EEO, and DBE complaints;
- Monitor subrecipients' adherence to maintenance plans and safety standards;
- Develop and revise the program's Program Management Plan (PMP);
- Develop and approve the annual Program of Projects (POP) and ensure that the regional Transportation Improvement Program (TIP) is amended by Metro, the Metropolitan Planning Organization for the Portland region, as necessary;
- Develop and revise the Coordinated Transportation Plan for Elderly and People with Disabilities (CTP) at least every three years in partnership with ODOT;
- Ensure compliance with §5310 Program requirements that at least 55 percent of the Federal funding apportionment is used for traditional §5310 capital projects;
- The Coordinated Plan is a living document and updates shall be made continuously. Coordination of projects to ensure compliance shall be an annual review and solicitation of projects to ensure at least 55 percent is used for traditional §5310 projects; and
- Provide demographic data to help subrecipients comply with Title VI requirements.

TriMet, as a designated recipient of §5310 funds, may allocate apportioned funds to eligible subrecipients, which are limited to:

- Traditional Section 5310 projects
 - 1) A private non-profit organization; or
 - 2) A state or local governmental authority that:
 - Is approved by a state to coordinate services for seniors and individuals with disabilities; or
 - Certifies that there are no non-profit organizations readily available in the area to provide the service (C_9070.1G, p. II-1 & II-2).
- Other eligible Section 5310 activities
 - 1) A state or local governmental authority
 - 2) A private nonprofit organization, or
 - 3) An operator of public transportation that receives a Section 5310 grant indirectly through a recipient.

- Private Taxi Operators as Sub-recipients
 - 1) Private taxi companies that provide shared-ride taxi service to the general public on a regular basis as operators of public transportation. “Shared-ride” means two or more passengers in the same vehicle who are otherwise not traveling together.

Subrecipient Roles and Responsibilities:

The list below summarizes the role and responsibilities of sub-recipients. For more detail on these roles, please see subsequent sections in this document covering Section 504 and ADA Reporting, Civil Rights, Designated Recipient Program Management, and Other Provisions.

- Inform TriMet staff of intention to apply for §5310 Program funds, complete and submit application(s), provide project description(s) and funding information, provide follow-up information, and participate in interviews and/or on-site visits if conducted;
- Work with TriMet staff to procure capital items; assure the procurement regulations are met;
- Develop and maintain a Maintenance Plan to be held on file with TriMet;
- Inspect, insure, and maintain all vehicles funded through the program;
- Complete and submit acceptance certifications to TriMet upon vehicle delivery;
- Deliver the project as described in the grant project application, including local management and administration;
- Provide financial management of the project, including provision of matching funds and assurance that §5310 funds are used for the project identified in the project application;
- Submit financial reports, operating statistics, and vehicle data to TriMet on a quarterly basis;
- Maintain a Title VI program and comply with Federal Title VI requirements;
- Submit to on-site inspections as requested by TriMet;
- Comply with private sector participation requirements in Section 10 of this document; and
- Comply with all applicable State and Federal requirements.

Metro and JPACT

The MPO function in the Portland, OR three-county region is filled by the Metro Council in coordination with the Joint Policy Advisory Committee on Transportation (JPACT). JPACT is made up of mayors, city councilors, county commissioners, that represent the cities and counties of the region as well as executive staff from TriMet, the Port of Portland and ODOT. JPACT makes recommendations to Metro Council on MPO activities, and reviews and comments on §5310 and STF funding distribution.

The Special Transportation Fund Advisory Committee (STFAC)

The STFAC is TriMet's appointed advisory committee to assist the agency in its duties as the Special Transportation Fund Agency (STF Agency) for Clackamas, Multnomah and Washington Counties of Oregon. As required by the STFAC Bylaws, STFAC members reside in the tri-county area, are knowledgeable about the transportation needs of seniors and people with disabilities, and are users of or familiar with public or community based transportation services.

The STFAC serves as the advisory and coordinating body for §5310 federal funds as well as funding provided by the State of Oregon for transportation services to seniors and people with disabilities, called Special Transportation Funds (STF). The Coordinated Transportation Plan (CTP) for Elderly and People with Disabilities was developed with the guidance and assistance of the STFAC. This group is appointed by the TriMet Board of Directors to advise TriMet in making informed recommendations about formula and discretionary grant distributions funded by the §5310 funds and State of Oregon's Special Transportation Fund. More than one-half of the committee is comprised of seniors and/or people with disabilities representing geographic diversity in the tri-county area, including five members of the Committee on Accessible Transportation. The remaining members represent the County Aging and Disability agencies; TriMet; small transit systems; and Ride Connection, which is a network of over 30 non-profit service providers delivering transportation for seniors and people with disabilities.

- Review committee members are considered “public officials”
- All review committee meetings are public, TriMet provides formal notice of meetings
- STFAC meeting locations are ADA accessible
- Public comment opportunity provided
- Protest procedure provided

TriMet's Committee on Accessible Transportation (CAT)

TriMet's CAT committee advises TriMet staff and the Board on TriMet's plans, policies and programs for accessible transportation. Older adults and people with disabilities comprise at least 51% of the CAT membership (and typically a much higher percentage). The remaining members are consumers of TriMet transportation services or representatives of consumers. The CAT has a monthly business meeting, an executive committee, and ad-hoc committees to address special issues as needed.

Ride Connection

Ride Connection is a non-profit organization, located in Portland, Oregon, that receives §5310 funds and acts as a coordinator throughout the 5310 application process. As a provider of traditional and other 5310 programs in the Portland region, Ride Connection coordinates transportation operations of 30+ small community-based providers of transportation for elderly and people with disabilities. In areas of the district where there are no private non-profit partners of elderly and disabled transportation, such as in East Multnomah County and part of Washington County,

Ride Connection becomes the provider, hiring operators and operating the service. In other areas, where there are no private non-profit providers and more capacity is needed, Ride Connection establishes contracts with taxicab companies.

During the application process, TriMet requires that all private non-profit providers and Private Taxi Operators coordinate their grant applications with Ride Connection. This coordination promotes the most efficient and equitable requests for the region that avoid the duplication of service and fulfills the needs identified in the CTP. Ride Connection coordinates, but does not prioritize or limit applications from any applicant. Ride Connection submits all non-profit providers' grant applications, including their own, to TriMet on or by the same due date that is required for state or local governmental authority, private nonprofit organization, and operators of public transportation.

3. Coordination.

MAP-21 requires that transportation providers and human service agencies plan jointly in order to be eligible for the §5310 Program. Coordination under the §5310 program is an ongoing process that parallels the process for State STF allocations, involves a public input process through the STF Advisory Committee, and the development of the Metropolitan Transportation Improvement Program (MTIP) by Metro, and TriMet Board of Directors, comprised of Officials appointed by the Governor, final funding decisions based on input from the STFAC, and the general public.

Coordinated Transportation Plan

TriMet takes the lead on developing the Coordinated Transportation Plan for Elderly and People with Disabilities (CTP), which fulfills the federal requirement for a coordinated human services plan and the planning requirements of the State's Special Transportation Fund (STF) administrative rules.

Six public meetings were held with the STFAC to develop the most recent Coordinated Transportation Plan for Elderly and People with Disabilities (CTP). §5310 projects selected must be consistent with the CTP.

The CTP has established a comprehensive needs assessment serving as the basis and rationale for potential future applications for both federal and state funding sources. The methodology to prepare the needs assessment includes both a demographic profile of the Tri-County area outlining recent and future trends for the total population and older adults and people with disabilities as well as consultation with key stakeholders involved in planning for and delivering transportation services in order for them to articulate and share their experiences, perceptions and opinions about which needs are most critical to meet.

The CTP presents a set of strategic initiatives that the tri-county region can pursue to formulate individual strategies. Each of these action areas supports one or more of the original guiding tenets. The following highlights are the goals and attributes of the strategic initiatives:

1. Encourage use of fixed route transit

- a. Implement Trip Screening and Path of Travel Review
 - b. Bus Stop Improvements
 - c. Paratransit Feeder Services
 - d. Route Deviation
2. Manage ADA Service Demand
 - a. Review LIFT and other providers' service standards
 - b. Develop Comprehensive ADA Paratransit Eligibility Process
 - c. Community-Based Accessible Vans
 3. Enhance Pedestrian Access/Land Use Improvements
 - a. Pedestrian-Friendly Environment
 4. Address Safety and Security Concerns at Transit Facilities and on Transit Vehicles
 5. Improve Information and Referral/Program Outreach
 - a. Provider websites review
 6. Provide Vehicle and Driver Alternatives
 7. Enhance Services for People who stay at home
 8. Coordinated Planning and Operations
 - a. Within the Ride Connection Network
 - b. Intra-Regional Strategies
 9. Improve Regional Connectivity
 - a. Interagency Coordination

Regional Service Providers

The services and providers identified in the CTP demonstrate coordination on local and regional levels to ensure that the communities and stakeholders are engaged and the region's needs are met in the most efficient way possible that also avoids duplication of service.

TriMet partners and coordinates with service providers in the region as a provider of regional transit services and within the role and responsibilities of the designated §5310 recipient and as the designated STF agency for the region to encourage the coordination of existing services for efficiency and creation and implementation of services that meet local and regional transportation needs in the community. TriMet maintains an open line of communication and partnership with transportation providers that receive state and regional §5310 funding. Ride Connection continually evaluates services to avoid duplication, and centralizes services when centralization makes sense, allowing partners to focus on providing rides cost-effectively. Ride Connection provides information on all available travel options for elders and people with disabilities in the region, and refers customers to programs and options

appropriate to their individual circumstances. The centralized service center provides ease of access to customers through a single portal – one accessible regional place to call.

The Clackamas County Transportation Consortium provides coordination between service providers for planned group trips and activities.

STFAC

The STFAC assists TriMet in its duties as the STF Agency and provides advice to TriMet on the distribution of §5310 funding. TriMet holds meetings with the STFAC to periodically update the Coordinated Transportation Plan to reflect current circumstances, to provide recommendations on distribution of §5310 and STF funds when available and to create new programs. Every STFAC meeting is open to the general public and is publicly announced and comment and participation in conversation by non-STFAC members is encouraged. In these meetings, the STFAC evaluates applications for funding received by TriMet, interviews applicants, and advises on recommended levels and distributions of STF and §5310 funding. The STFAC includes all interested members of the Committee on Accessible Transportation (CAT), Clackamas, Multnomah and Washington Counties aging and disabilities service agencies, out-of-district transit providers, seniors and persons with disabilities from the three Counties, seniors and persons with disabilities representing out-of-district consumers, Ride Connection, TriMet and at large members. The STF Advisory Committee uses the CTP as a guide for the coordination of projects. This prevents the duplication of services to any target group and maximizes the efficiency of services on a regional level.

All meetings of the STFAC are conducted in public. Meetings are advertised in the Oregonian, a general circulation newspaper, and posted on the TriMet website.

TriMet Board of Directors

The TriMet Board of Directors reviews and provides approval of the STFAC recommended funding levels to endorse federal §5310 funds disbursement to support coordinated transportation services for seniors and persons with disabilities in the three-county region. This action also authorizes the TriMet General Manager to enter into funding agreements with transportation providers.

TriMet's Committee on Accessible Transportation (CAT)

TriMet's CAT Committee advises TriMet staff and the Board on TriMet's plans, policies and programs for accessible transportation. Older adults and people with disabilities comprise at least 51% of the CAT membership (and typically is at a higher percentage). The remaining members are consumers of TriMet transportation services or representatives of consumers. The CAT has a semi-monthly business meeting, an executive committee, and ad-hoc committees to address special issues as needed.

Metro and JPACT

Metro is the federally mandated metropolitan planning organization designated by the governor to develop an overall transportation plan and to program federal funds.

TriMet coordination with Metro staff ensures that all §5310 projects are listed in the Metropolitan Transportation Improvement Program (MTIP), the federally mandated four year schedule of expenditures of federal transportation funds as well as significant state and local funds in the Portland metropolitan region. As a report, the MTIP provides the upcoming four-year implementation schedule of transportation projects in the Portland region. The MTIP also demonstrates how the transportation projects to be implemented comply with federal regulations regarding project eligibility, air quality impacts, environmental justice and public involvement. For public transportation projects, the public participation process for the MTIP satisfies the public participation process and timing for the Program of Projects.

Comprised of transportation representatives from across the region, the Joint Policy Advisory Committee on Transportation (JPACT) recommends priorities and develops plans for the region. The Metro Council must adopt the recommendations before they become transportation policies. The MPO function in the region involves Metro Council action on JPACT recommendations, ensuring representation from the various jurisdictions in the region. JPACT and Metro Council coordinate with ODOT and transit (TriMet and SMART) prioritization processes for the MTIP adoption. Metro planning and communications staff lead an engagement effort and robust discussions with elected officials, technical staff from jurisdictions, and interested stakeholders, including community-based organizations and advocacy organizations, to provide JPACT members an overview of the MTIP Program goals, the key topic areas for discussion, timeline, and background information for developing the MTIP and the Regional Flexible Fund Allocation (RFFA) policy direction.

4. Eligible Sub-recipients. TriMet is eligible to apply for §5310 funds. TriMet, as a designated recipient of §5310 funds, may allocate apportioned funds to eligible subrecipients, which are limited to:

- Traditional Section 5310 projects
 - 1) A private non-profit organization; or
 - 2) A state or local governmental authority that:
 - Is approved by a state to coordinate services for seniors and individuals with disabilities; or
 - Certifies that there are no non-profit organizations readily available in the area to provide the service (C_9070.1G, p. II-1 & II-2).
- Other eligible Section 5310 activities
 - 1) A state or local governmental authority
 - 2) A private nonprofit organization, or
 - 3) An operator of public transportation that receives a Section 5310 grant indirectly through a recipient.
- Private Taxi Operators as Sub-recipients
 - 1) Private taxi companies that provide shared-ride taxi service to the general public on a regular basis as operators of public transportation. “Shared-ride” means two or more passengers in the same vehicle who are otherwise not traveling together.

The §5310 funds for which TriMet acts as the designated recipient may be used in large urbanized area (UZA) with a population of 200,000 or more individuals, as determined by the Bureau of the Census.. All sub-recipients of direct from FTA §5310 funds operate inside the urbanized area. Private non-profit organizations coordinate their services consistent with the Coordinated Transportation Plan and submit applications for 5310 funding through Ride Connection. Private non-profit organizations applying for grants are required to provide TriMet:

- Articles of Incorporation
- Adopted Corporate Bylaws
- 501(c)3 non-profit approval letter from the Internal Revenue Service
- A description of transportation services and other grants received by the agency

TriMet does not have any eligibility requirements more restrictive than the Federal guidance. If it is determined that a project recipient will contract for goods and services, the entity receiving the funds must follow Federal Transit Administration (FTA) procurement procedures in a separate process.

Eligible grant activities include capital purchases such as vehicles, passenger shelters, and equipment that support transportation to meet the special needs of seniors and individuals with disabilities. The program also funds operational and administrative projects such as purchased service, vehicle and facility preventive maintenance and the development of new systems for improving access to transportation (e.g., travel training, marketing, centralized call centers), provided the projects are designed to meet the special needs of the target population.

Under MAP-21, a minimum of 55% of Enhanced Mobility of Seniors and Individuals with Disabilities program funds must be used on traditional §5310 projects – “capital projects that are planned, designed and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.” The remaining 45% (or less) of program funds may be used for:

- Public transportation projects that exceed the requirements of the ADA;
- Public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit; and
- Alternatives to public transportation that assist seniors and individuals with disabilities.

As designated recipient of §5310 program funds, TriMet promotes and actively seek “traditional” project proposals for funding in an effort to exceed the 55% requirement under MAP-21. A list of potential capital projects has been included in the Program

Management Plan to encourage the submission of and funding for, traditional §5310 projects. In TriMet's role as staff to the STFAC, no potential recommended packages are developed that do not meet the 55% requirement, so the STFAC is not at risk for recommending a package that is not compliant.

5. Local Share and Local Funding Requirements.

The requirements for local match of federal funds are detailed in Chapter III, item 16 of the C.9070.1G document (p. III-16 and III-17). TriMet does not require a local funding match greater than the Federal requirement. In general, a 20 percent local match is required for capital projects and a 50 percent local match for operating costs. Matching funds for the §5310 Program may be provided in cash or in-kind. The Special Transportation Fund (STF) Formula Program administered by the ODOT Rail and Public Transit Division provides state-generated, non-federal funds for transportation services for seniors and people with disabilities. The STF funds have similar requirements and eligibility to §5310 funds and can be used for the local match of §5310 projects. STF dollars are entitlement funds appropriated by the legislature each biennium based on population, application, and administrative cost allocation. STF funds come from State cigarette, photo ID card, and non-highway gasoline taxes, and are allocated to the agencies based on population.

6. Project Selection Criteria. Projects funded through the §5310 program are derived from the CTP and meet the intent of the program. The top priorities for selecting projects are to preserve cost effective services and ensure timely capital replacement to maintain a state of good repair. Project selection for the §5310 program is done in concert with project selection for the State Special Transportation Fund (STF) program. This program is administered by the state and its respective STF Agencies. TriMet is the state-designated STF program for the tri-county region.

Applications are solicited on the TriMet website, advertised in the Oregonian, a general circulation newspaper, and through a list of interested parties (over 150 individuals and organizations) that are contacted by letter and e-mail.

The TriMet Board of Directors' review utilizing the STF Advisory Committee as a resource assures that projects are derived from The Coordinated Plan. TriMet provides all applications to the STFAC for the committee's review in advance of scoring. Scoring and discussion about the details, merits, and any concerns about each application takes place by STFAC members at advertised public meetings.

Project selection criteria:

1. Project preserves existing services.
2. Project is coordinated between providers avoiding duplication.
3. Project is cost-effective.
4. Project implements one of the strategies recommended in the Coordinated Transportation Plan for Elderly and People with Disabilities (CTP) or improves service coverage as recommended in the CTP.

Once projects are scored and ranked, adjustments are made at the following STFAC public meeting. The STFAC strives for a consensus recommendation, taking into account scoring, discussion during meetings, and the balance of competing needs in the face of insufficient funds to meet all identified needs, that is taken to the TriMet board of directors for endorsement. The TriMet Board of Directors vote on the final project recommendation from the STF Advisory Committee, and the approved list is funded.

7. Annual Program of Projects Development and Approval Process.

TriMet is responsible for conducting a local public process to solicit, review and prioritize projects for funding. The review includes evaluation of applicant eligibility, project type and justification, merit, coordination efforts, public involvement, and environmental justice. TriMet may establish other review criteria as well, such as local priorities, project planning, efficiency and effectiveness. The TriMet Board of Directors' review utilizing the STF Advisory Committee as a resource assures that projects are derived from The Coordinated Plan.

The application process will be led by TriMet staff. Each application cycle will have guidance, application forms, and specific tasks, deadlines, and meeting dates that will be identified in the materials that are distributed to eligible subrecipients as appropriate.

1. TriMet staff informs eligible subrecipients of the upcoming application cycle. Along with a public notice published in the local newspaper (The Oregonian), the notice of availability is posted on TriMet's website. Non-profit organizations such as Ride Connection, private transportation providers, members of social service agencies' aging and disability advisory committees, members of TriMet's Committee for Accessible Transportation, school transitional programs, physical therapists, hospital transportation coordinators, aging and disability agency staff, mental health agency staff, non-profit agencies serving elders and people with disabilities, organizations brokering services to people with developmental disabilities, vocational rehabilitation agencies and services, housing facilities for seniors and people with disabilities, rehabilitation centers, medical facilities, and any other members of the general public who have expressed an interest are also notified of the available funds when the notice is published in order to maximize feasible participation by private providers of public transportation.
2. Eligible subrecipients notify TriMet staff of intention to apply;
3. Completed applications are due to TriMet staff;
4. The STFAC reviews and scores the eligible projects to determine which projects receive funding;
5. TriMet staff prepares a draft POP for review by the STF Advisory Committee;
6. The TriMet Board of Directors considers the STF Advisory Committee's POP for §5310 Program funding;

7. TriMet staff notifies applicants of the Board's approval of projects for §5310 Program funding;
8. Applicants receiving §5310 funding work with TriMet staff to develop project agreements; and
9. TriMet staff apply to the FTA for funding for the projects on behalf of the subrecipients.

Applications received from eligible subrecipients are reviewed by TriMet staff and the STFAC. The STFAC reviews, scores, and provides feedback on eligible projects based on the selection criteria and TriMet forwards a recommended POP to the Board of Directors for review and approval. TriMet posts a Public Notice on its external website offering the public an opportunity to submit comments or request a Public Hearing on its plan for §5310 federal transit funding. Upon approval by the TriMet Board of Directors, the Board directs TriMet staff to forward the POP to Metro for incorporation into the Metropolitan Transportation Improvement Program (MTIP). The POP must be consistent with the MTIP in that all the projects in the POP must also be included in the MTIP. The total §5310 Program funding programmed in the MTIP in each year cannot exceed the annual allocation of §5310 Program funds for that year.

The Section 5310 annual POP the recipient submits to FTA for approval must indicate:

1. The total number of subrecipients;
2. Identification of each subrecipient, including whether they are governmental authorities, private non-profit organizations, operator of public transportation, private taxi operators, or Indian tribal governments or tribal transit agencies;
3. A description of each project;
4. The total project cost and the Federal share; and
5. Whether each project is a capital or an operating expense and whether or not it meets the requirements for a "traditional §5310 capital" project.

§5310 and STF Biennial Grant Process Timeline

The general schedule for the biennial §5310 and STF allocation process is as follows¹:

January

- TriMet publishes Notice of Availability of Grant Applications for §5310 and STF funds in newspapers, by email, letter, and on website to interested parties. Grant application materials sent out with notice to interested parties.
- TriMet convenes public meeting with STFAC for a kick-off of the application process for the new biennial funding allocation.

¹ ODOT-provided §5310 and STF funding follow the same general timeline of project decision-making to enhance coordination.

- Private non-profit provider's grant applications due at Ride Connection.
- All grant applications due at TriMet.

February

- §5310 and STF Applications sent to STFAC committee for review and scoring.
- Completed applications are reviewed and ranked by the STFAC at a public meeting
- TriMet board endorses STFAC POP recommendation. TriMet board approves §5310 applications.

March

- TriMet submits §5310 applications in TEAM

April – June

- TriMet awards funds and executes contracts with subrecipients.

8. Administration, Planning and Technical Assistance. TriMet may use §5310 funds for administration, planning or technical assistance as appropriate. However, TriMet minimizes the use of §5310 funds, other than those awarded directly to TriMet through the regional STFAC process. TriMet does not charge additional administrative costs from §5310 for administering the program.

9. Transfer of Funds. This is not applicable to TriMet. All §5310 funds are used for §5310-eligible activities; no funds are transferred to other federal program areas.

10. Private Sector Participation.

TriMet provides maximum feasible participation by private providers of public transportation, including:

- Maintaining a page on the TriMet website dedicated to the STF and §5310 programs that include links to the CTP, Program Management Plan for §5310 Funds, public notice for all STFAC meetings and availability of applications, and monthly performance reports. The CTP provides an assessment of available services that identifies current transportation providers (public, private, and non-profit). All new services are developed with extensive community involvement, reviewed by the STFAC and are documented and recommended for funding in the CTP. While the priority for funding described in the CTP is to preserve existing services, the region has historically been able to add some new services when additional funding is allocated by the State of Oregon and/or the Federal Transit Administration. (<http://trimet.org/meetings/stfac/index.htm>)
- Publishing a notice of grant opportunity on its external website, www.trimet.org, sends a letter to all private transportation providers in the urbanized area (See Attachment D for copy of this letter), and sends email to all recent recipients of funding under either §5310 or STF.

- Coordinating with the Ride Connection partner network of over 30 private nonprofit and volunteer service providers who complement the services provided by the region's transit agencies. The Ride Connection network provides 24% of the region's door-to-door rides for elders and people with disabilities. During the application process, TriMet requires that all private non-profit providers and private taxi operators coordinate their grant applications with Ride Connection. This coordination promotes the most efficient and equitable requests for the region that avoid the duplication of service and fulfills the needs identified in the CTP. TriMet then collects the region's non-profit provider and private taxi operator applications from Ride Connection, along with the for State 5310 funding applications from the fixed-route or deviated fixed-route transit agencies in the tri-county area - SMART (South Metro Area Rapid Transit) in Wilsonville, CAT (Canby Area Transit) in Canby, Mountain Express, SAM (Sandy Area Metro) in Sandy, and SCTD (South Clackamas Transit District).

Additionally, some of the transit providers that are subrecipients of State and Federal §5310 funding contract the operation of their service to private providers through a competitive bid process open to the public.

11. Civil Rights.

TriMet adopted its current Title VI Program in November 2013 using the most recent federal guidelines. This program details how TriMet meets federal civil rights requirements and includes the policies that prevent discrimination against populations of racial minorities, people of other national origins, and people of color. The adopted Program includes clauses that require TriMet to monitor its subrecipients of §5310 funds for Title VI compliance. All subrecipients must comply with Title VI regulations (as well as Equal Employment Opportunity (EEO) and Disadvantaged Business Enterprise (DBE) requirements), or risk federal funding cancellation and withdrawal.

TriMet complies fully with Title VI of the Civil Rights Act. TriMet certifies compliance with Title VI of the Civil Rights Act by sending an annual certification letter to sub-recipients. TriMet validates sub-recipient eligibility, obtains sub-recipient EEO plans, and reviews for key elements, completeness and compliance with requirements. TriMet conducts an annual audit of all sub-recipients, regardless of the amount of funding they receive. All sub-recipient contracts include federally required Title VI clauses. The letter is in Attachment B. Compliance with Civil Rights Act is part of TriMet's review of sub-recipients.

Subrecipients must not discriminate based on race, color, national origin, religion, sex, sexual orientation, marital status, age or disability. To verify compliance with civil rights laws and regulations, the Grant Compliance Analyst reviews equal employment opportunity (EEO) and affirmative action policies and procedures, Title VI plans and updates, and accessibility.

Documentation of TriMet's annual compliance review procedures is fully described on pages 10-15 in TriMet's Sub-Recipient Monitoring and Contracting Procedures document. This document resides on TriMet's internal website for easy access by

Project Managers as well as on the TriMet website. This document is included in Attachment C.

(http://trinet.trimet.org/static/financial-analysis/Reference/new_procedure/final_subrecipient_monitoring_procedures_042814.pdf).

Equal Employment Opportunity Program

Subrecipients and contractors that receive capital or operating assistance in excess of \$1 million, or planning assistance in excess of \$250,000, and employ 50 or more transit-related employees, must submit an EEO plan to the Grant Compliance Analyst, who forwards the plan to the TriMet EEO representative, who reviews and approves the program.

Title VI

Subrecipients are required to develop a Title VI policy that describes how they will ensure non-discrimination to limited English proficiency, minority, and low-income populations in their services. As a designated recipient of FTA funds, TriMet receives, administers, and allocates funds to subrecipients and is responsible for documenting compliance with Title VI. TriMet's responsibilities include monitoring subrecipient compliance with Title VI, collecting and reviewing Title VI documents, including subrecipient Title VI data to FTA, and providing assistance and support to subrecipients.

To assist with the requirement, the Subrecipient's Guide to Title VI Compliance was developed to help subrecipients understand the requirements. If a subrecipient is not in compliance with Title VI regulations, the Grant Compliance Analyst works with the subrecipient to ensure compliance. This includes providing data, information, guidance, and support for the full development and formal adoption of the subrecipient Title VI program components. A subrecipient Title VI work plan is included for guidance.

To track Title VI compliance, the Grant Compliance Analyst:

- Documents subrecipient compliance with the general requirements.
- Collects and maintains subrecipient Title VI program documents on a designated schedule.
- Forwards subrecipient Title VI information as requested by the FTA.

Disadvantaged Business Enterprise

If a subrecipient awards more than \$250,000 in federal funds to one contractor in a calendar year, that subrecipient is required to have a Disadvantaged Business Enterprise (DBE) program. The Grant Compliance Analyst reviews subrecipient awards of federal funds to determine if they need to have a DBE program. If the subrecipient does not have a DBE program, the Grant Compliance Analyst will work with the subrecipient and TriMet Diversity and Equity section to ensure that a DBE program is created that meets requirements.

12. Section 504 and ADA Reporting. TriMet certifies compliance with Section 504 and ADA regulations by sending an annual certification letter to sub-recipients. An

example of the letter is in Attachment B. TriMet validates sub-recipient eligibility, obtains sub-recipient EEO plans, and reviews for key elements, completeness and compliance with requirements. TriMet conducts an annual audit of all sub-recipients, regardless of the amount of funding they receive. All sub-recipient contracts include federally required 504 clauses. Compliance with Section 504 and ADA is part of TriMet's review of sub-recipients.

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service. When a subrecipient contracts for fixed route service, including commuter bus service, all of the buses used in the service must be accessible. Demand response, or vanpool systems, are also subject to equivalent service requirements. A vehicle that an individual with disabilities can use must be made available to and used by a vanpool in which such an individual chooses to participate.

The Grant Compliance Analyst will ensure that subrecipients comply with the ADA requirements when:

- Training drivers;
- Acquiring new, used or remanufactured vehicles or when remanufacturing vehicles;
- Providing equivalent service when acquiring non-accessible vehicles for general public demand-responsive service;
- Maintaining vehicles and facilities that are required, to make them accessible to and usable by persons with disabilities, including wheelchair users; and
- Constructing transit facilities.

Documentation of TriMet's annual compliance review procedures is fully described on pages 10-15 in TriMet's Sub-Recipient Monitoring and Contracting Procedures document. This document resides on TriMet's internal website for easy access by Project Managers as well as on the TriMet website:

(http://trinet.trimet.org/static/financial-analysis/Reference/new_procedure/final_subrecipient_monitoring_procedures_042814.pdf). This document is included in Attachment C.

13. Program Measures. Tri-Met collects the Program Measure data from SMART and TriMet sub-recipients and reports the performance data of the §5310 Program on an annual basis to FTA. The data collected is also distributed to the STFAC and the public via a monthly performance report. Monthly performance reports are located on the TriMet website:

(http://trimet.org/meetings/stfac/ed_monthly_reports.htm)

As the designated recipient of §5310 funding, TriMet will collect and submit both quantitative and qualitative information for each sub-recipient project as available.

Program measures required by each sub-recipient will be set forth in a formal agreement executed between TriMet and any eligible project sponsor. This agreement will include required submission timelines. Examples of such measures are as follows:

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 §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 §5310–supported vehicles and services as a result of traditional §5310 projects implemented in the current reporting year.

Other §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 §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 §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 §5310 projects implemented in the current reporting year.

Documentation of TriMet’s performance reporting procedures are fully described on page 6 on TriMet’s Sub-Recipient Monitoring and Contracting Procedures document. This document resides on TriMet’s internal website for easy access by Project Managers as well as on the TriMet website:

http://trinet.trimet.org/static/financial-analysis/Reference/new_procedure/final_subrecipient_monitoring_procedures_042814.pdf). This document is included in Attachment C.

14. Designated Recipient Program Management.

TriMet complies with the federal Office of Management of Budget (OMB) regulations for the management and oversight of federal grant funds. These requirements are defined by the various OMB circulars. The requirements for the FTA further define the requirements as defined by 49 USC 53, and are detailed by the program circulars. A complete list of program references and requirements is found in each of the FTA circulars. A few of the relevant references are:

- 49 USC Chapter 53: <http://uscode.house.gov/download/pls/49C53.txt>

- FTA grant circulars:
http://fta.dot.gov/legislation_law/about_FTA_circulars_guidance.html
- FTA circular 5010.1D (grant management):
http://fta.dot.gov/legislation_law/12349_8640.html
- 2 CFE §200.317 through §200.326 (procurement):
- 2 CFR §200.327 through §200.319: Performance and Financial Monitoring and Reporting;
- 2 CFR §200.220 through §200.332: Subrecipient Monitoring and Management

Program management responsibilities, processes, and procedures including procurement, financial management, property management, vehicle use, maintenance and disposition, accounting systems, audit, and closeout are documented in TriMet's Designated Recipient Program Management document. These procedures are also described on pages 3-7 in TriMet's Sub-Recipient Monitoring and Contracting Procedures document. This document resides on TriMet's internal website for easy access by Project Managers as well as on the TriMet website:

(http://trinet.trimet.org/static/financial-analysis/Reference/new_procedure/final_subrecipient_monitoring_procedures_042814.pdf). This document is included in Attachment C.

The Project Manager monitors subrecipient activities as necessary to ensure that federal awards are used for authorized purposes; are in compliance with laws, regulations agreements; and performance goals are achieved. Once grants are awarded, the Project Managers properly administer the grants and ensure that grant funds are used for intended purposes, in accordance with laws and regulations, and will lead to agreed upon results. When managing grants, the project manager addresses:

1. Obtaining intergovernmental or subrecipient agreements.
2. Monitoring the financial status of grants.
3. Ensuring results through performance monitoring.
4. Working with the Grant Compliance Analyst to complete required subrecipient monitoring

In providing the assurance that the subrecipient is in compliance with federal funding requirements, the project manager is responsible for contracting with the subrecipient, documenting any capital expenditure certifications.

Accounting Systems

TriMet maintains an accounting system that consistently tracks funding availability, invoices, and expenses tied to federal individual awards. In order to assure that §5310 funds are only used for eligible activities and that appropriate documentation is maintained and accompanying federal requirements met, TriMet maintains all checks, payrolls, invoices, contracts, vouchers, purchase orders, or other accounting documents related to, in whole or in part, the project so that project costs may be clearly identified, readily accessible, and available to FTA upon

request TriMet retains all data, documents, reports, records, contracts, and supporting materials relating to the project throughout the course of the grant and for a period of three years after the date of the final expenditure report submission to FTA. This information may be accessed by FTA, the U.S. Secretary of Transportation, the Comptroller General of the United States, and, to the extent appropriate, the State, or their authorized representatives.

The subrecipient must agree to establish and maintain for the project either a separate set of accounts or separate accounts within the framework of an established accounting system that can be identified with the project. The subrecipient also agrees to maintain all checks, payrolls, invoices, contracts, vouchers, orders, or other accounting documents related to, in whole or in part, the project so that they may be clearly identified, readily accessible, and available to TriMet or FTA upon request.

The subrecipient must agree to retain all data, documents, reports, records, contracts, and supporting materials relating to the project throughout the course of the grant and for a period of three years after the date of the final expenditure report submission to FTA. This information may be accessed by the designated recipient, U.S. Secretary of Transportation, the Comptroller General of the United States, and, to the extent appropriate, the State, or their authorized representatives.

The Project Manager has various tools to monitor the financial status of grants. Fiscal monitoring includes, but is not limited to:

- Reviewing bills, invoices or other fiscal documentation;
- Comparing budgets and/or budget limits to actual costs;
- Obtaining reasonable documentation that services charged to the grant were actually delivered according to the contract;
- Comparing bills with supporting documentation to determine that costs were allowable, necessary and/or allocable, according to the policies of the STF Agency (or federal program if the STF is being used as match to a federal grant).

When reviewing invoices the Project Manager verifies that the charges:

- Occurred after the beginning of the grant;
- Are allowable under the grant;
- Supported with adequate documentation; and
- Are not duplicate charges.

For adequate documentation the invoice submitted to the Project Manager must have enough information so that someone unrelated to the grant could determine that the charges were appropriate.

Procurement

Each recipient, including subrecipients, of FTA seeking Federal assistance to acquire property or services in support of its proposed project is requested to certify to FTA, in accordance with FTA Circular 4220.1 and 2 CFR 200, 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. Certification of compliance will be made a part of each sub-recipient's application and contract with TriMet.

Financial Management

TriMet complies with all applicable standards set forth in 2 CFR 200 and guidance in the FTA "Grant Management Guidelines" (FTA C 5010.1) with regard to accounting records, internal controls, budget control, financial management systems, cost standards, financial reporting requirements, and annual audit. Subrecipients must agree to establish and maintain an accounting system that accurately tracks itemized project costs by line item. Items that are to be reported by subrecipients will be included in the grant agreement.

Property Management

TriMet and subrecipients are responsible for all normal maintenance and upkeep on any vehicles or equipment purchased with Section 5310 funds. The agreement that TriMet will enter into with the subrecipient will outline vehicle and equipment use and requirements.

TriMet will maintain an inventory of all Section 5310 property purchased and will request periodic reports from subrecipients to keep this inventory current. TriMet may also perform site visits to inspect vehicles and equipment.

A subrecipient purchasing revenue service vehicles with FTA funds must ensure that pre-award and postdelivery audits are complete before the recipient enters into a formal contract for the purchase of such vehicles and after vehicles are delivered to the subrecipient. Internal Audit may perform pre-award and postdelivery audits in accordance with CFR. The project manager must coordinate with Internal Audit to ensure that the audits are performed. If the project manager is to perform these audits the project manager is responsible to verify that the following certifications are on file with the subrecipient.

If a grant involves capital expenditures, the Project Manager is responsible for obtaining the following certifications and forwarding the completed certifications to the Grant Compliance Analyst.

- Pre Award and Post Delivery Buy America Certification. This certification states that the subrecipient has either a (1) FTA letter granting a waiver to the vehicles to be purchased from Buy America requirements, or (2) had an independent audit. The independent audit would ensure that the vehicle purchase meets Buy America requirements. The subrecipient must maintain records that component and subcomponent parts of the vehicles to be purchased identified by manufacturer of the parts, their country of origin and costs; and the location of the final assembly point for the vehicles, including a description of the activities that will take place at the final assembly point and the cost of final assembly.
- Pre Award Purchaser's Requirements Certification. This certification is kept on file by the recipient and states that (1) The vehicle the recipient is contracting for is the same product described in the purchaser's solicitation specification; and (2) The proposed manufacturer is a responsible manufacturer with the capability to

produce a vehicle that meets the recipient's specification set forth in the recipient's solicitation.

- Post Delivery Purchaser's Requirement Certification. This certification is kept on file by the recipient and states that a resident inspector (other than an agent or employee of the manufacturer) was at the manufacturing site throughout the period of manufacture of the vehicles to be purchased and monitored and completed a report on the manufacture of such vehicles. After reviewing the report and visually inspecting and road testing the delivered vehicles, the vehicles meet the contract specifications. The inspectors report includes the following:
 - (1) Provide accurate records of all vehicle construction activities; and
 - (2) Address how the construction and operation of the vehicles fulfills the contract specifications.
- Manufacturer's Federal Motor Vehicle Safety Standard *Self-Certification*. If federal motor vehicle standards do not apply, the recipient must provide a certification from the manufacturer stating such. If the standards do apply, a recipient shall keep on file its certification that it received, both at the pre-award and post-delivery stage, a copy of the manufacturer's self-certification information that the vehicle complies with relevant Federal Motor Vehicle Safety Standards.

Vehicle Use

FTA encourages maximum use of vehicles funded under the Section 5310 programs. Vehicles are to be used first for program-related needs for which the grant is made and then to meet other transportation needs of other federal programs or project needs, provided that they do not interfere with the project activities originally funded. If any vehicles are to be removed from service prior to the end of their useful life, TriMet must notify FTA before doing so and in the case of subrecipients, the subrecipient must notify TriMet prior to doing so.

Maintenance and Disposition

Vehicles and equipment must be maintained in good operating order and subrecipients must follow the manufacturer's suggested maintenance schedules. TriMet and its subrecipients will follow all required vehicle and equipment management and disposition procedures and guidance in FTA Circular 5010.12 and CFR 200.

Grant Management and Project Monitoring

Subrecipients will be required to submit to TriMet, on a periodic basis, certain project data, budget, and statistical information, to be outlined in the agreement. This information will allow TriMet to properly monitor subrecipients for compliance with federal requirements. Subrecipients will be required to contact TriMet immediately if they experience any material project or budget changes from the originally outlined project application or sub-agreement.

Monitoring compares actual service delivery with the description of performance objectives and measures as identified in the contract. Program monitoring may include any or all of the following:

- Reviewing the service provisions of the contract to determine what the recipient is to provide and the desired quality;
- Reviewing the contractor's reports and other materials to determine if services are being provided;
- Interviewing direct delivery staff and others to determine if services are being performed according to the contract; and
- Conducting on-site reviews, when appropriate, to check the nature and quality of the services being provided.

Written documentation pertaining to contractor performance, such as progress reports, site visit reports, payment and expenditure data, memoranda of verbal discussions, and written correspondence, should be maintained and reviewed to ensure satisfactory progress.

Audit

TriMet ensures that audits will be performed pursuant to the requirements of Super Circular 2 CFR Part 200 Section F (or Circular A-133 for fiscal years ending in FY2015) and to resolve audit findings and bring problems to FTA's attention. Subrecipients receiving \$750,000 or more in all federal sources in a single fiscal year (\$500,000 or more for the fiscal year ending in FFY2015) will be required to obtain a Federal single audit and provide a copy to TriMet for review.

Reporting Requirements

TriMet must fulfill multiple FTA reporting requirements as designated recipient in addition to triennial reviews by FTA's Office of Oversight, which include an inspection of documentation on file with FTA, a site visit to the designated recipient's office to assess compliance with accounting and grant management requirements, along with visits to the subrecipient locations.

TriMet will ensure that the performance measures listed below are reported for all subrecipients of Section 5310 funding in projects selected by TriMet.

For Traditional Section 5310 Projects:

- "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 individuals 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."
- "Ridership: Actual or estimated number of rides (as measured by one-way trips) provided annually for seniors and individuals with disabilities on Section 5310-supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year."

For Other Section 5310 Projects:

- "Service Improvements: 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."

- “Physical Improvements: 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.”
- “Ridership: 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.”

Closeout

TriMet will initiate project closeout with subrecipients within 90 days after all funds are expended and all work activities for the project are complete. TriMet will similarly initiate grant closeout with FTA within 90 days after all work activities for the grant are completed.

When the project is complete, a final report must be filed with FTA. Financial Analysis and Grants staff notify the Project Manager when a final report on the project is due. The final report consists of a narrative summary of the entire project and must include the actual completion dates for all the project milestones listed in the grant application.

TriMet must initiate close-out of a grant when all approved activities are completed and/or applicable federal funds expended. For large projects, the project manager, in cooperation with Capital Projects or Grants Administration staff, prepares a report stating actual expenditures on the project broken down by each contract and each FTA line item code. The report also identifies all FTA approved variations from the funding Agreement, as originally executed. For grants containing several projects, Grant section senior financial analyst and grant accountant work together with the project manager to complete the grant close-out report.

All close-out documentation must be submitted within 90 days of the completion of all activities in the grant. This requires notifying FTA by letter or e-mail that the grant is ready for close-out. The Grant section senior financial analyst will electronically submit the following in TEAM as part of the grant close-out process:

- (1) Final budget reflecting actual project costs by scope and activity;
- (2) Final FSR;
- (3) Final narrative MPR indicating the actual completion date of each ALI; a discussion of each ALI contained in the final budget and list of project property purchased under the grant;
- (4) Request to deobligate any unexpended balance of Federal funds; and
- (5) Any other reports required as part of the terms and conditions of the grant.

15. Other Provisions TriMet complies with other Federal requirements such as environmental protection, Buy America provisions, pre-award and post-delivery reviews, restrictions on lobbying, prohibition of exclusive school bus transportation, and drug and alcohol testing, including the State’s procedures for monitoring compliance by subrecipients. Moreover, subrecipients of §5310 funds are monitored by TriMet staff for compliance in all of the above mentioned areas.

The process by which TriMet complies with other federal requirements such as environmental protection, Buy America provisions, pre-award and post-delivery reviews, restrictions on lobbying, prohibition of exclusive school transportation and drug and alcohol testing, including the state's procedures for monitoring compliance by subrecipients is fully described in TriMet's Sub-Recipient Monitoring and Contracting Procedures document. This document resides on TriMet's internal website for easy access by Project Managers as well as on the TriMet website (http://trinet.trimet.org/static/financial-analysis/Reference/new_procedure/final_subrecipient_monitoring_procedures_042814.pdf). This document is included in Attachment C.

The following describes TriMet's and subrecipients' responsibilities for complying with each provision:

Environmental Protection

FTA's environmental protection process is based on compliance with the National Environmental Policy Act (NEPA) and rules adopted by FTA to comply with the Act in transportation-related projects. The FTA's regulation requires different levels of analysis and documentation for the various types of funding.

Most projects funded with §5310 federal funding are excluded from FTA environmental regulations because they fall into the "categorical exclusion" definition. The FTA classifies two groups of projects which are "categorically excluded":

- a. The first are activities and projects which have very limited or no environmental effects, such as planning, design, administration and operation of transit programs, and vehicle purchases. For these activities, no environmental documentation is required and subrecipients do not have to fill out a Documented Categorical Worksheet (DCE) form.
- b. The second group includes construction projects with potential for environmental impacts: passenger shelters, bus barns, new construction or expansion of transit service facilities, offices and parking facilities.
- c. FTA determines whether projects meet the requirements for a categorical exclusion.

TriMet Responsibilities:

Review projects to determine those that must have DCE approval, ensure the required documents are provided, and submit the DCE packet to FTA on behalf of the subrecipient;

- a. Provide technical assistance as needed to help subrecipients prepare the required DCE information for FTA; and
- b. Assure a DCE approval for a project has been obtained from FTA prior to finalizing a grant agreement.

Subrecipient Responsibilities for Categorical Exclusions:

When a subrecipient's project requires FTA approval, in category 'b' above, these are the steps required to obtain a DCE for the project:

- a. Review the “Construction Project Environmental Requirements Flow Chart:”
<http://www.oregon.gov/ODOT/PT/PROGRAMS/CAPITAL/SheltersFacilitiesGrants.pdf>
- b. Fill out a Documented Categorical Exclusion form (Access the DCE worksheet from FTA Region 10’s Web site at:
http://www.fta.dot.gov/documents/DCE_Worksheet_FTA_2008.12.10.doc and submit the form with appropriate attachments to TriMet for processing; and
- c. Do not start work on a construction project until approval of the DCE for the project has been obtained from FTA. Ensure a copy is forwarded to TriMet, and that the signed grant agreement with TriMet has been received.

Buy America Provisions, Pre-Award/Post-Delivery Certifications, and New Model Bus Testing

Buy America provisions are federal “domestic content” regulations. Buy America affects vehicle and equipment purchases and construction contracts valued at \$100,000 or more. It provides, with exceptions, that federal funds may not be obligated for transportation projects unless the steel and manufactured products used in them are produced in the United States. FTA makes exceptions to the Buy America requirement in four situations (see references: 49 CFR Part 661; 49 CFR Part 663).

FTA reviews requests for waiver of the Buy America requirements on a case-by-case basis. If a waiver is required, the appropriate time for a subrecipient to seek FTA approval is after bids have been accepted, but before the bid has been awarded. TriMet will receive requests for Buy America waivers and forward them to FTA.

Requirements in effect as of October 24, 1991:

- Assure that all vehicles meet the Buy America requirements, Federal Motor Vehicle Safety Standards (FMVSS) and the subrecipient's specifications.

Pre-award and post-delivery certifications:

- Procurements for vehicles must be in accordance with “Pre-Award and Post-Delivery Audits of Vehicle Purchases” (49 CFR Part 633; Federal Register March 31, 1992). The rule requires that any subrecipient who purchases vehicles certify to the FTA that it has conducted a pre-award and post-delivery audit to assure compliance with its bid specifications, Buy America requirements and Federal Motor Vehicle Safety Standards. Visual inspection and road testing are required when purchasing unmodified vans, cars, or 20 or fewer buses. Resident inspection is required when purchasing more than 20 buses or modified vans from a single manufacturer.

New model bus testing:

New bus models must be tested at the FTA sponsored test facility in Altoona, PA before FTA funds can be expended to purchase them. The FTA rule exempts certain vehicles from testing (usually sedans and vans). The primary purpose of the testing program is to determine the strengths and weaknesses inherent in the

particular model for typical operating conditions. Ideally, subrecipients use the bus-testing report as one of the criteria used to select the vehicle for purchase.

Subrecipients purchasing equipment with federal funds are currently required to receive the Altoona/STURAA bus test report for each vehicle model purchased and include it in procurement files when the test is required. The report should be provided by the vendor prior to subrecipients signing off on post-delivery certification forms and acceptance of the vehicle(s) from the vendor.

TriMet Responsibilities:

- a. Include Buy America, pre-award and post-delivery certifications and New Model Testing requirements in applicable grant agreements;
- b. Review requests for waivers to Buy America requirements and forward them to FTA;
- c. Review agency procedures regarding Buy America, pre-and post-delivery certifications and bus testing requirements during on-site program reviews; and
- d. Review and approve all documentation and certifications provided by the subrecipients prior to making reimbursements on grant agreements.

Subrecipient Responsibilities:

- a. Review the manufacturer's Buy America certification and supporting documentation before a contract is awarded to purchase vehicles (pre-award audit). The documentation review should include vehicle sub-components (place of origin, cost and place of final assembly). Subrecipients must determine to their own satisfaction that the manufacturer can meet the Buy America requirements.
- b. Perform a post-delivery audit after vehicles have been delivered. This post-delivery audit Assures that the manufacturer complied with Buy America, the Federal Motor Vehicle Safety Standards, and the subrecipient's specifications. Subrecipients must complete the post-delivery audits before they accept the vehicles and pay the vendor.
- c. Submit all documentation and certifications to TriMet. Documentation must be received by TriMet prior to final payment to the subrecipient.
- d. Contact TriMet for technical assistance if needed.

Lobbying

Recipients and subrecipients of federal grants from any source exceeding \$100,000 annually must certify that they have not and will not use federally appropriated funds for lobbying. TriMet certifies to FTA; subrecipients certify to the TriMet. TriMet and subrecipients must impose lobbying restrictions on their third-party contractors and must obtain certifications. The regulations are found in 31 U.S.C. 1352 and 49 CFR Part 20.

Contracts, grants and cooperative agreements are actions covered by the restrictions on lobbying. For example, activities such as submitting grant applications, status inquiries, and professional and technical services are not lobbying and do not need to be disclosed. Efforts to influence federal officials about specific grants and contracts or to ask congressional representatives for support of a particular application must be disclosed. Lobbying restrictions do not apply to activities that might influence policy issues.

TriMet Responsibilities:

- a. Assure that subrecipients have signed current year annual certification and assurances and have documentation on file pertaining to lobbying activities as required by 49 CFR Part 20;
- b. TriMet completes and submits a Standard Form–LLL every quarter to FTA regardless if TriMet had any grants awarded; TriMet submits this disclosure for FTA’s information purposes
<http://www.whitehouse.gov/sites/default/files/omb/grants/sflll.pdf> -- (Oregon state law prohibits use of state funds for lobbying. TriMet does not participate in lobby activity. TriMet would submit form LLL if for some reason this activity became part of approved work). Please see attachment E for an example of TriMet’s most recent Lobbying Disclosure that was sent to the FTA.
- c. Obtain Standard Form-LLL from any subrecipient and/or its subcontractor(s) who used non-federal funds to support lobbying
- d. Send forms within 30 days of the calendar quarter in which the activities were conducted to FTA;

Subrecipient Responsibilities:

- a. Sign annual certification of compliance pertaining to lobbying activities;
- b. Where third party contractors are involved, subrecipients must obtain a signed certification of compliance from the contractor;
- c. For each calendar quarter that non-federal funds have been used to support lobbying activities in connection with a grant from TriMet, and the subrecipient receives federal grants exceeding \$100,000, fill out Standard Form-LLL and submit the form within 30 days of the end of the quarter to TriMet; and
- d. If contractors received more than \$100,000 in federal funds and used non-federal funds to support lobbying, subrecipients must obtain the completed Standard Form-LLL from the contractor and submit it to TriMet within 30 days of the quarter in which the lobbying activity was conducted.

Prohibition of Exclusive School Transportation

§5310 subrecipients are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally-funded equipment or facilities may never be used to provide exclusive school bus service. Head Start transportation is considered human service transportation and not school bus service. Regulations are found in 49 CFR Part 605; 49 USC 5323 (f).

Subrecipients are encouraged to identify ways to coordinate with schools. Subrecipients may carry children to school as part of a public transportation program, including services provided before and after school, if provided as part of regularly scheduled service open to the general public and when the service is identified in the published schedule. Such services are commonly called “Tripper Service”.

TriMet does not allow subscription programs for carrying school children on general public systems, if by doing so the general public is excluded.

TriMet Responsibilities:

- a. Obtain certifications of compliance from all subrecipients;
- b. Review service descriptions in applications for funding;
- c. Review service delivery during on-site reviews to assess compliance; and
- d. Provide technical assistance as needed to subrecipients.

Subrecipient Responsibilities:

- a. Sign a certification of compliance pertaining to School Bus regulations;
- b. Report on tripper services as requested by TriMet staff;
- c. Redesign service if required to meet the definition of “tripper service;” and
- d. Read and understand the School Bus regulations if exploring opportunities to share vehicles and resources in local communities.

Drug and Alcohol Testing Regulations

In accordance to FTA circular C_9070.1G, subrecipients that receive only §5310 program assistance are not subject to FTA’s drug and alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver’s licenses (49 CFR part 382). §5310 recipients and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under §5310 projects in their testing program.

“Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” 49 CFR Part 655, revised by the FTA August, 2002, implement the omnibus USDOT drug and alcohol testing act. This part and 49 CFR Part 40, “Procedures for Transportation Workplace Drug and Alcohol Testing Programs” describes policy development and testing procedures required of any agency in receipt of FTA funds.

Subrecipients affected by this requirement are expected to establish and manage an ongoing Drug and Alcohol testing program in compliance with the regulations. They must submit a current drug and alcohol policy and any changes or updates to the policy. They must also submit Management Information System (MIS) forms annually to FTA.

TriMet Responsibilities For FTA Drug and Alcohol Testing:

- a. Conduct review of program policies and procedures periodically, including during site reviews;
- b. Provide regular drug and alcohol testing training for subrecipients and others who have a role in implementing the program; and
- c. Provide MIS reporting information to subrecipients as necessary; assure subrecipients submit annual MIS reporting data as required.

Subrecipient Responsibilities:

- a) Develop an anti-drug use and alcohol abuse policy statement and program in accordance with FTA regulations, “Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” 49 CFR Part 655, and require subrecipients to develop a program;
- b) Assure that agreements include the requirement as appropriate to the purpose of the work;

- c) Sign a certification of compliance to drug and alcohol programs, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655, and testing for year of funding;
- d) Send policy to TriMet upon request; and
- e) Submit MIS data for the previous year (January 1 to December 31) by deadline specified by TriMet each year. This is typically at the end of February.