National RTAP
Rural Transit Assistance Program

Transit Manager's Toolkit

Prepared for
National RTAP

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In association with
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Table of Contents

Welcome to the Transit Manager's Toolkit

Welcome to the National RTAP Transit Manager's Toolkit! This online toolkit was developed to give new transit managers the information they will need on day one to ensure their rural transit organizations are operating smoothly and are in compliance with the federal regulations associated with receiving Federal Transit Administration (FTA) Section 5311 funding.

While this toolkit will cover a number of topics regarding compliance, it is important to note that this list is not exhaustive, and transit managers should not rely on this toolkit alone to ensure they are meeting all federal requirements. Currently, the toolkit focuses on the federal regulations in place as of November 2020, with the Fixing America's Surface Transportation (FAST) Act of 2015 being the most recent authorization of the transportation programs of the U.S. Department of Transportation.

The toolkit contains the following section categories: Administration, Operations and Planning, and Compliance. To view the topics included in each section, see the table of contents below or click on any of the sections in the left toolbar to expand your navigation options. The content of full toolkit can be downloaded as a PDF if you would like to save or print the material. Federal circulars are referenced throughout the toolkit, and to learn more about what a circular is, access a list of circulars that are relevant to rural transit managers in the Federal Regulations and Circulars section.

We will be adding to this toolkit additional guidance is issued and new topics arise. If you find that this toolkit does not cover a topic that you are looking for, feel free to use the Suggest a Topic form to submit your topic idea.

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Mission and Leadership

This section of the Transit Manager's Toolkit discusses the importance of a transit organization's mission, vision, and values. It also provides an introduction on working with a transit board. The section is organized in the following subsections:

- Mission, Vision, and Values
    - Creating Mission and Vision Statements
    - Mission and Values
        - Our Mission Is Our Compass—Our Guiding Star
        - Our Values Are How We Live and Work
        - Principles of Leaders Who Manage
- Communicating with Staff about Vision and Mission
    - Professional Development and Establishing Performance Goals
    - Further Reading about Vision, Mission, and Staff Development
- Working with a Board
    - Advisory vs. Governing Boards
    - Role of the Board
        - Stewardship
        - Safety Concerns
        - Legal Concerns
        - Advocacy
- Examples of Transit System Vision and Mission Statements
- Leading During a Crisis
- Section Sources

Mission, Vision, and Values

As detailed in the first section of the National RTAP training module [Roles and Responsibilities of Transit Managers](#), transit leaders need to have a clear vision and mission, identify the core values of the organization.

- A vision statement is a view of an organization at its future best.
- A mission statement identifies why an organization exists.
- A value statement describes core beliefs and principles that guide an organization.

The vision is the highest role the transit manager sees the organization playing in the community both tomorrow and into the long-term future. It is the organization at its best, and each decision is oriented toward achieving this highest role. This vision can change as an organization grows and re-evaluates its purpose.

A transit manager should promote a vision for the organization based on values shared by the management, staff and the community served. Without this vision and a clear mission statement, it

will be difficult to provide appropriate services, develop employee skills, and measure the success of the organization.

The organization's mission and vision drive strategic planning, service planning, and longer-range planning, as discussed in the Planning and Evaluation section of this toolkit. The performance and behavior of the agency's employees should be also related to the mission and vision. The transit manager may also wish to establish written organizational values, principles and beliefs that guide organizational behavior.

Creating Mission and Vision Statements

The mission statement describes what the organization does for the community today and in the near-term future. The mission statement should always align with the vision of the organization.

The organization may or may not have a written vision and mission statement. If it does not, this is an opportunity to establish both statements through a collective process. If the organization does have a vision and mission statement, the statements should be reviewed periodically to ensure they still align with the services the agency provides.

While the process of creating a mission statement should be collaborative, the actual writing of the statement should be handled by one person. The following are characteristics of a strong mission statement:

- No longer than a few sentences
- Sixth grade level of comprehension
- Written in active voice
- Has few superlatives, if any (adjectives and adverbs)
- Direct and hones

Both new and existent statements should be reviewed for their effectiveness and validity. When doing this, keep these questions in mind:

- Is it relevant and current?
- Is it too difficult to understand?
- Will it inspire staff?
- Will it unify staff?

To begin, consider reviewing the vision and mission statements of other transit systems, and then getting input from employees. We have provided a table at the end of this page with examples of rural, tribal and small urban transit systems' vision and mission statements.

Mission and Values

The following is excerpted from "Mission & Values: Meaningful Words," written by Michael Noel and published in *Community Transportation* magazine by the Community Transportation Association of America (CTAA), Expo 2004, Vol. 22 No. 4, pages 12-14, used with permission from CTAA.

Our Mission Is Our Compass—Our Guiding Star

The more often organizational leaders talk about the mission, the more it influences the decisions and behavior of the organization.

While much has been written about the writing of mission statements, the more important question is how are these words used after they're posted on the wall or the official letterhead? At the Area Transportation Authority of North Central Pennsylvania (ATA), a Board-Staff Retreat is held each year to review the previous year and plan out the future. Item One on the agenda is "The Review and Reaffirmation of the ATA Mission." The lesson gained from this activity is that the mission should serve the organization. It should define and guide the organization's decisions made about service, fares, purchases and employee behavior. Also, I know that team-centered organizations, those who engage front-line employees in the development of mission and values, get great buy-in from everybody.

For example, organizations that have a mission that speaks to safety, courtesy and dependability will find the money to train drivers, will set up schedules that are predictable for the customer and will not tolerate rude behaviors. I often tell supervisors and managers that every time they hire or discipline an employee, the mission should be discussed. If an employee is late for work or is rude to a customer, he or she violates not only the work rule but the very mission of the organization. As a compass always points true north, a mission should always provide direction by pointing employees in the organization toward its true purpose.

Our Values Are How We Live and Work

People often struggle to understand the real meaning of values and how they work. I think the easiest way to understand an organization's values is to first understand personal values, those intrinsic commitments that guide our behavior. Organizational values or principles are those beliefs that guide our organizational behavior. The leadership of an organization can be the guiding force in establishing organizational values. Having worked with hundreds of organizations, having carefully observed what works and what doesn't, I will first present the leadership principles I believe anyone can embrace and the organizational performance code resulting from these principles.

Principles of Leaders Who Manage

- Leaders consider both the needs of the people and the organization. They see management as a noble calling. They see management as a sacred trust.

- Leaders live balanced lives within life and work. They care for their own as well as others mental, physical and spiritual wellbeing. They are intrinsically motivated. They have self-integrity (harmony between what they value, believe and do). They practice and apply their faith to their work.
- Leaders are students of their chosen profession. Their work often becomes their hobby. They read everything about their profession and ask others. They see their organization through the eyes of their customers and front-line workers.
- Leaders are visionary. They have and share a positive attitude. They speak openly and often about better things yet to come and plan strategically. They honor the accomplishment of others.
- Leaders don't give up on people. They embrace diversity and treat others as special. They listen carefully to others so as to understand. They hold up standards for people and fairly evaluate their work and not their character.
- Leaders put principles at the center of all activities. They strive to be honest in all of their relationships. They are dependable and consistent. They forgive and seek forgiveness from others.
- Leaders see themselves as a resource for others' success. They share credit. They make careful decisions. They take responsibility.

See the Human Resources section of this toolkit for an example of an employee performance code, excerpted from the same article, that resulted from discussing values, rather than rules, as a way to both simplify what is expected from employees and how they conduct themselves.

Communicating with Staff about Vision and Mission

Vision and mission statements should be shared with the staff and community. If this is not done, staff members may not be aware of the common goals of the organization, and the community will not have accurate expectations of the services that the organization can provide. As a best practice, the vision and mission statements should be developed and periodically updated with input from employees.

Professional Development and Establishing Performance Goals

Vision and mission statements should be considered when establishing professional development programs and employee performance goals. Each milestone should directly support the mission of the organization while developing the skills of the employee. As an organization serves new populations, provides new services, and implements new technologies, employees' training and milestones should reflect these changes and give them the tools necessary to succeed. The success of the organization is dependent on each employee reaching their full potential in the workplace. The previous example of the Transfort Performance Code illustrates how employee behaviors and performance can be tied to the organization's mission and values.

Further Reading about Vision, Mission, and Staff Development

To learn more about vision and mission statements and communicating this information to transit system staff, see National RTAP's Roles and Responsibilities of Transit Managers.

There is also valuable information on mission and leadership in these National RTAP technical briefs:

- Getting Started: Creating a Vision & Strategy for Community Transit and Developing, Designing & Delivering Community Transportation Services technical briefs provide more information on mission and values and their relationship to strategic planning.
- Applying Good Business Practices technical brief provides more information about professional development.

Working with a Board

A transit manager has direct contact with the transit board. It is important to understand the role the board plays in the organization. There are two types of boards, each providing valuable service in different capacities.

Advisory vs. Governing Boards

Members of advisory boards are generally varied in age, gender and professional background but come together due to a shared interest in the service the organization provides. Under the U.S. DOT implementing regulations of Title VI of the Civil Rights Act of 1964, an agency is required to make all efforts to ensure the board is a reflection of the demographics of the community served, and no one can deny board participation based on race, color or national origin. An advisory board rarely has legal or fiduciary responsibility for the organization, but they do provide input on how the organization can better serve the community.

Governing boards, however, have responsibilities that are more directly related to everyday operations such as creating organizational policy, approving the budget, monitoring operational and fiscal performance, and overseeing legal contracts. Unlike the advisory board, the governing board members are elected or appointed to fixed terms and have the authority to give the final opinion on matters concerning the organization.

FTA Title VI requirements related to minority representation on boards can be found in Chapter 3 and Appendix F of FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients.

Role of the Board

Boards are generally involved in higher level planning and policy while it is the staff that is responsible for implementation. While each board will have a unique relationship with its

organization, there are four primary roles that a board serves: stewardship, safety concerns, legal concerns, and advocacy.

Stewardship

A benefit of the board is that it is removed from the daily operations of the organization. With this distance they are better able to balance the needs of the community with the resources available to the transit system. Because of this ability to balance needs with available resources, boards are involved in maintaining the financial health of the organization. This can include reviewing the organization's budget and financial statements as well as having an understanding of funding requirements at the local, state and federal levels. Not only do the numbers need to be checked for accuracy and compliance with funding requirements, but the board should also be evaluating whether the costs and spending align with the organization's mission statement.

Safety Concerns

Through coordination with the staff, boards should actively ensure that proper safety measures are in place. This can include assuring safety training for employees, proper vehicle and facility maintenance, and procedures for emergency situations.

Legal Concerns

In some cases, such as transportation authorities or private nonprofits, the board is the legal body. As such, the members must approve all contracts, labor agreements, personnel policies, etc. If it is a public organization, all board meetings, records and decisions must be made available to the public under federal and state laws related to transparency in government. Such laws vary from state to state, but typically include having open-door meetings that are advertised to the community. As a rule, this is not required of a private organization, although many choose to open their meetings to the public.

Advocacy

Board members must be ambassadors of the organization and public transportation throughout the community. A board member should promote public transportation in his/her daily activities speak positively about the organization's services and be the face of the organization in the community. Each board member should attend board meetings, community meetings and other events where the presence of the organization is needed.

For more information, please see National RTAP's [Boards that Perform](#) training module.

Examples of Transit System Vision and Mission Statements

The following examples were accessed from the Internet in August 2020. Many of the web pages cited also contain examples of values and guiding principles.

Transit System	Mission	Vision	Source
AMTRAN, Altoona, PA (small urban)	To improve the economic well-being and the quality of life of our customers, our community, and our AMTRAN Team through the provision of excellent transportation services.	To be an integral and irreplaceable component of the region's transportation infrastructure, and an innovative leader in public transportation excellence in Pennsylvania and throughout the USA.	http://www.amtran.org/mission-vision-strategies
Benzie Bus, Beulah, MI (rural)	Benzie Bus connects people of all ages and abilities to our community and promotes independence and prosperity through a safe and convenient public transit system.	Benzie Bus envisions a future in our Benzie County community in which: All people can live, learn, work, and play conveniently and independently without driving. People choose to travel via public transportation because it is a safe, affordable, modern, and environmentally friendly way of getting where they want to go. Employers and employees prosper with convenient transportation solutions that support and strengthen communities and the local economy. Families are strengthened and sustained through cost-effective and convenient transportation choices for all family members.	https://www.benziebus.com/about/our-mission/
COAST, Dover, NH (rural)	COAST champions and provides customer-focused public transportation with a commitment to excellence in safety and service.	COAST is an innovative leader in providing a broad range of public transportation services, connecting and coordinating a robust network of transportation options for everyone.	http://coastbus.org/about-coast/mission-vision-and-values
Green Mountain Transit, Burlington, VT (small urban, rural)	The mission of GMT is to promote and operate safe, convenient, accessible, innovative and sustainable		http://ridegmt.com/about-gmt/

Transit System	Mission	Vision	Source
	public transportation services in the northwest and central Vermont region that reduce congestion and pollution, encourage transit oriented development and enhance the quality of life for all.		
Mason Transit. Shelton, WA (rural)	We provide transportation choices that connect people, jobs, and community, increasing the quality of life in Mason County.	Driving our community forward.	http://www.masontransit.org/visionandmission/
Mountain Transit, Big Bear Lake, CA (rural)	Work in partnership with communities, businesses and organizations to develop, deliver and promote innovative and sustainable transportation solutions for travel to and around the San Bernardino Mountain region.	Effortless transportation options for the residents, workforce and guests of our diverse San Bernardino Mountain communities.	https://mountaintransit.org/about-mountain-transit/
North Central Regional Transit District, Española, NM (rural)	The mission of the North Central Regional Transit District is to provide safe, secure and effective public transportation within North Central New Mexico in order to enhance the quality of life of our citizens by providing mobility options and spur economic development throughout the region.	To be an environmentally conscious, sustainable partner, enhancing the quality of life of the north central New Mexico communities and beyond.	https://www.ncrtd.org/about-ncrtd.aspx
OATS Transit, Columbia, MO (rural)	Enhancing quality of life by providing safe, reliable transportation services.	Every OATS community receives superior transportation services.	https://www.oatstransit.org/about
River Cities Public Transit (rural)	River Cities Public Transit is committed to providing safe, reliable and courteous public	To demonstrate a "Standard of Excellence" unparalleled in the small urban and rural transit industry by richly enhancing mobility options	https://www.rcptransit.com/about-us/

Transit System	Mission	Vision	Source
	transportation to the members of the communities we serve by promoting quality of life, livability, self-sufficiency and freedom through mobility.	for residents in the communities River Cities Public Transit serves.	
Sumter County Transit, Wildwood, FL (rural)	To ensure all citizens of Sumter County professional, efficient, and cost-effective transportation services. Sumter County will provide safe, clean, comfortable, and economical transportation; and be alert to citizen needs and prepare for those needs in a timely manner.		https://www.sumtercountyfl.gov/95/Transit
Tompkins Consolidated Area Transit, Inc. (small urban, rural)	To contribute to the overall social, environmental, and economic health in our service area by delivering safe, reliable and affordable transportation and, at the same time, being a responsive, responsible employer.	To become a model community transportation system committed to quality service, employee-management collaboration, and innovation.	https://www.tcatbus.com/about/mission-vision/
Town of Ocean City Transportation (rural)	In a friendly manner and with safety as our primary goal, we are committed together to provide an efficient public transportation system to the residents and vacationers of Ocean City without incident, accident, or inconsistency.		https://oceancitymd.gov/oc/departments/public-works/transportation/
Treasure Valley Transit, Nampa, ID (rural)	The mission of Treasure Valley Transit, Inc. (TVT) is to provide a viable public transportation system where the need is great and	Treasure Valley Transit, Inc. sees the future of the Southwest Idaho region as distinguished by growth. Growth creates the necessity for TVT to provide alternate transportation	https://treasurevalleytransit.com/index.php

Transit System	Mission	Vision	Source
	access is limited.	options. Treasure Valley Transit is well positioned to serve the population and to provide benefits in terms of the environment, the movement of people, and the general quality of life in the region. This will be accomplished with the leadership of TVT working with the community in transit planning efforts.	
Tri-CAP, Waite Park, MN (rural)	The Mission of Tri-CAP is to expand opportunities for the economic and social well-being of our residents and the development of our communities.	The Vision of Tri-CAP is to provide services and programs that empower residents of our area to successfully achieve their goals of economic self-sufficiency.	Rhonda Torgersen and http://tricap.org/

Leading During a Crisis

It is often said that management is a function, while leadership is a role. During a crisis, big or small, how a manager acts and reacts to changing dynamics associated with a crisis will often define the very success or failure of the manager in the eyes of employees, riders and the community. The long-term legacy of the manager will be influenced by how they lead during a crisis.

Within any transit agency, there is the potential for crises, big or small, on an hour-by-hour, day-by-day basis. Here is a list of both internal and external crises that a manager may need to lead through.

Internal

- Serious accident with injuries
- Serious accident with fatalities
- Negative press involving the agency
- Fiscal crisis
- Unexpected death of an employee
- Power outages
- Bus evacuations
- Hostile work environment
- Labor/management issues
- Onboard emergencies
- Assaults
- Harassment
- Legal proceedings

External

- Severe storms – with ongoing recovery
- Declared states of emergencies
- Criminal activity directed at employees, customers or property
- Bus or building fires
- Floods
- Large or localized pandemics

While each crisis will present different challenges and responses, some basic ground rules to follow apply across the board, regardless of the nature, severity, or length of the crisis.

Seven Leadership Roles during a Crisis

1. **Prepare before the crisis.** This involves having well thought-out plans, operating procedures, and supplies in place before something happens. For example, very few transit systems had a pandemic plan prior to the impact created by the COVID-19 pandemic. Few were prepared with internal stockpiles of personal protective equipment (face masks, disposable gloves, disinfectants and cleansers, etc.) prior to the pandemic. Fewer still had pre-determined policies or procedures for staffing, service changes, stay-at-home workers, etc. It is important to have regular planning sessions that address the "What if this happened?" question. This exercise would allow the creation of real, in-place action plans. A representative of the agency should also be involved in the community's Local Emergency Planning Committee (LEPC) which all counties now have to respond to larger community emergencies.

2. **Model the behavior expected in others.** It is vitally important that the manager model the exact behavior expected of employees. Modeling a cool, calm, in-control emotional state is crucial during a crisis. Showing up during all hours to demonstrate to employees support, concern, and understanding of their extra efforts is very important for employee morale. Managers should be aware of what they say and do during a crisis. Blaming others will not fix anything and also gives others permission to speak and act in the same way. A positive "we are all in this together" attitude during a crisis is job number one for the managing leader.

3. **Communicate effectively.** During a crisis, ongoing communication is essential. Have an up-to-date all-call / all-text / all-email system in place to communicate to staff important real-time information. Having an early morning and end of the workday staff meeting to keep everyone on the same page during a crisis is critical. Having a single point of contact for customer information (such as the agency's website) is vital. Daily and even hourly changes in operations must be shared as soon as possible. A single point of contact at the transit agency with local media, such as a public information officer, is important to ensure that messaging is consistent, coordinated, and the transit agency's official statements. All information to the public should come from that single source. The manager is the point of contact for the board of directors. Keeping the board and community leaders informed typically is done through senior management. The media to use (texts, emails, phone calls, etc.) are up to the manager. With virtual communication options available, no one should be left in the dark during a crisis.

4. **Address employee concerns up front.** During a difficult time, employees worry about job security. Let people know the absolute truth about the future. Employees want to know how these events affect them, their families and their futures. Total and complete honesty during uncertain times is paramount. Also, it is so important to let employees know that their manager sees them as people first. Stop and talk. Let them vent. Offer encouragement and

empathy during large scale emergencies. Remember, they may be scared and worried. Show humanity. It can be a comfort for employees and it is the right thing to do.

5. **Take care of yourself.** There is an old saying that "you can't give away what you don't have." It is critical that managers take care of themselves mentally, physically, spiritually and emotionally. Stress during a crisis is real. Taking time for self-care so a manager can be strong for others is not selfish but necessary. Staying strong, well, and under control is vital to both physical and mental health.

6. **Take a broad, holistic view.** During a crisis, it is easy to get trapped into a narrow focus of moment-by-moment decision-making. It is important that the manager empowers operations, dispatch and maintenance to make necessary decisions, which management will support. Employees need to know that the manager trusts them and will "have their back." The manager's job is to see the challenges and face them, as well as to see the opportunities for a better future. The "we will come out of this better" is not just a saying, but it is the manager's responsibility.

7. **Celebrate success.** In a crisis, even small successes matter. Thank people often. Announce success stories to everyone. This is what people need during a crisis. They need to see their manager as someone who appreciates their efforts, acknowledges any positive progress and shares credit. Any chance to share a positive story to the wider community through the media is beneficial during a crisis.

The functions of the manager are ever-changing, but the role of the manager during a crisis will show the true character of the leader.

For additional information on preparation for and leadership during a crisis, refer to the Safety, Security and Emergency Management section of the toolkit. The National RTAP Emergency Information Dissemination technical brief provides guidance on communicating during a crisis, including a case study with best practices.

Section Sources

- FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients
- National RTAP, Applying Good Business Practices: Hiring, Training and Evaluating Employees (2018)
- National RTAP, Boards that Perform: Roles and Responsibilities of Transit Board Members (2008)
- National RTAP, Roles and Responsibilities of Transit Managers: Leading the Rural Transit Agency (2018)
- Noel, Michael, "Mission & Values: Meaningful Words," Community Transportation, Expo 2004, Vol. 22 No. 4, pages 12-14
- Noel, Patti and Michael, Noel Training and Consulting LLC, original content prepared for the Transit Manager's Toolkit.

Budgeting and Finance 101

Introduction

This section of the toolkit introduces budgeting and finance concepts that rural transit managers need to know. Developing and monitoring an annual budget, ensuring that expenses are in line with the budget, and obtaining funding from a variety of sources are key to sustaining the transit system.

The section begins with a brief introduction to the Federal Transit Administration (FTA) financial management requirements for Section 5311 subrecipients. More detailed information can be found in the National RTAP training module Fundamental Financial Management for Rural Transit Agencies.

Importantly, strategic planning is a key element of budget development and financial management. The Planning and Evaluation section of this toolkit includes information about strategic planning.

Also, it is important that any purchases using FTA funds comply with FTA procurement requirements. These are summarized in the Procurement 101 section of this toolkit.

This section of the toolkit is organized into the following subsections:

- FTA Financial Management Requirements for Grantees
- Rural Transit Budget Development
- Budget Monitoring
- Developing a Multi-Year Financial Plan for Rural Transit
- Potential Funding Sources for Rural Public Transportation
  - o FTA Grant Programs
  - o Non-Federal Sources
- Grant-Writing Tips
- Section Sources

FTA Financial Management Requirements for Grantees

Subrecipients of Section 5311 funding must meet federal requirements related to how grant funds and related revenues are controlled, accounted for, spent, reported on, audited, and ultimately closed out. The FTA requirements are primarily based on 2 CFR Part 200, often referred to as the "Super Circular" of the Office of Management and Budget (OMB) (because these regulations superseded several previous OMB circulars). FTA Circular 5010.1E, Award Management Requirements, provides guidance on how the Super Circular applies to FTA grants such as Section 5311. National RTAP's Fundamental Financial Management for Rural Transit Agencies is an in-depth training module on FTA's financial requirements, many of which are introduced here.

Internal controls – Grantees must have internal controls to ensure that:

- Grant-funded financial transactions are conducted in compliance with federal statutes, regulations, and the terms and conditions of the grant award
- Funds, property, and other assets are safeguarded against loss
- Transactions are properly recorded and accounted for

This includes having an accounting system that tracks how grant funds are spent and ensures accuracy and reliability in financial, statistical, and other reports, and cash management procedures to safeguard from theft.

Non-federal share – Most FTA grants require non-federal funds to cover part of the cost of the transit operations, vehicle, or other project being funded by the grant. The non-federal share is often called local match, and can include funding provided by the state. For example, the federally allowed maximum federal local shares for Section 5311 program are generally:

- **Operating**: maximum 50% federal share (minimum 50% non-federal share)
- **Planning**: maximum 80% federal share (minimum 20% non-federal share)
- **Capital**: maximum 80% federal share (minimum 20% non-federal share)
- **Administrative**: maximum 80% federal share (minimum 20% non-federal share)

While these are the general matching rates for Section 5311, it may be helpful to note:

- The match rates are for the net project cost. For operating grants, net project costs are calculated by subtracting fares from the total project cost.
- The maximum federal share for operating and capital grants may exceed the above amounts in states with sliding scale rates under the Section 5311 program (see pages III-16 to III-18 of FTA Circular 9040.1G).
- The federal share may exceed 80% for certain capital projects related to compliance with the Americans with Disabilities Act (ADA) or the Clean Air Act (CAA), or for bicycle facilities. More information can be found on pages III-15 to III-16 of FTA Circular 9040.1G.
- Subrecipients should check with their State DOT for details about the matching rates in their state. States have the discretion to fund grants at lower federal shares, and some states provide state funds toward local match.

The local match requirement typically means the local subrecipient must have resources available to cover the non-federal share (although a state may allow in-kind match for some types of grants). As part of the grant agreement, an organization commits to having the local share available. Local match sources allowed by the federal Section 5311 program include state or local appropriations, dedicated tax revenues, private donations, net income generated from advertising and concessions, in-kind match (such as indirect costs), and non-DOT federal funds (if allowed by that particular funding source).

Financial plan – FTA requires its recipients to have multi-year financial plans (3–5 years) for operating and capital revenues and expenses to implement FTA Awards. State DOTs, as Section 5311 recipients, may pass this requirement on to their subrecipients as they ideally need to know

what their subrecipients' financial plans are in order to develop their own state-level plans for the Section 5311 program. A state may require a transit development plan or other type of plan that includes some type of multi-year financial plan, including costs and funding for administration, operations, vehicles, other equipment, technology, and facilities. Whether or not this a requirement for a grant, a multi-year financial plan is a vital tool for sustaining a transit system, as it allows the system to anticipate future year costs and apply for funding accordingly. Additional information on multi-year financial planning is found later in this section of the toolkit.

Allowable costs – FTA grants must be spent on the project for which the grant was awarded, and must be necessary and reasonable for the project. A Section 5311 operating grant must generally be spent to provide public transportation in rural areas during a specific period of time (the grant "period of performance," such as a fiscal year, or spanning up to three fiscal years). Some costs are shared by multiple programs with different funding sources, such as the cost to insure vehicles that operate on routes funded by different programs. These costs need to be fairly distributed across services through cost allocation. National RTAP has developed a [Cost Allocation Calculator](#) to help rural transit managers allocate their costs. Readers can also find helpful information in National RTAP's [Fundamental Financial Management for Rural Transit Agencies](#) and National RTAP's [Cost Allocation Webinar](#).

In addition to knowing what costs *are* allowed under a grant, it is important to know that some costs are *not* eligible for funding under any federal grants. These include costs incurred before the grant award (unless specifically allowed by FTA), costs that have been funded by another federal grant (which would amount to "double dipping" of federal funds), and costs related to bad debt, fines, and alcoholic beverages.

Indirect costs – Some public transit systems are part of a larger organization, such as a county government or a non-profit corporation with many programs. A larger organization is likely to provide centralized services, the costs of which are shared among all departments and programs, typically through a standard percent added onto the department's or program's own costs. Such indirect or overhead rates must be supported by a Cost Allocation Plan (CAP) or an Indirect Cost Rate Proposal (ICRP) that is approved by FTA or whichever federal agency provides the most funding (referred to as the "cognizant federal agency") to the organization.

Program income – FTA grantees can earn program income through activities such as providing transportation services under contract to social service agencies, selling advertising space, renting out part of a facility, intercity bus ticket sales, and concessions. Depending upon the grant program, other types of program income can be applied toward local match or cash reserves. The Section 5311 program allows income from contracts to provide human service transportation to be used either to reduce the net project cost (treated as fare revenue) or to provide local match for operating assistance (treated as program income). Passenger fares must be deducted from the total operating costs before calculating the maximum federal share of funding.

Audit – Every organization should have an annual audit, and the State DOT may require this of all subrecipients. If an organization spends $750,000 or more in a year in federal assistance from all sources (not just FTA), a federally-compliant "single audit" must be conducted in accordance with [2 CFR Part 200, subpart F](#). If the single audit report contains any findings and recommendations related to the FTA program or other DOT funds, the report must be submitted to the State DOT (who will submit it on behalf of the subrecipient to the FTA), and the findings must be

resolved. Subrecipients should check with the State DOT for state-specific requirements related to audits.

Reporting requirements – States are subject to grant reporting requirements to FTA (including financial reports and milestone progress reports). To prepare their reports, and to help ensure funding is being spent in accordance with the subrecipient grant agreement, states need reports from their subrecipients. Subrecipient financial reporting requirements vary from state to state. Data required for the [National Transit Database (NTD)](#) are common to all states, including total annual revenue, sources of revenue, total annual operating costs, total annual capital costs, fleet size and type, related facilities, revenue vehicle miles, and ridership.

Recordkeeping requirements - Financial records, supporting documents, statistical records, and all other records pertinent to a federal award must be retained at least three years from the date of submission of the final expenditure report. Section 5311 subrecipients should retain grant-related records for three years beyond closeout of the subrecipient grant with the State DOT.

Closeout – A federal grant is generally closed out after all of the actions funded by the grant are complete. FTA requires that grantees (states) close out projects on a timely basis, generally 90 days after the end of the "period of performance" of the grant. To do this, states must close out sub-grants with subrecipients on a timely basis. As stated in Circular 9040.1G, FTA expects grants awarded for a specific program of projects to be completed within a reasonable, specified time frame, generally two to three years. If small amounts of funds remain in an inactive grant, the state should request that the funds be de-obligated and the project closed out. Subrecipients need to be aware that they have a finite amount of time to spend their grant awards, after which the funds could be transferred to another project.

Revenue from sale of FTA-funded assets – Subrecipients that intend to sell FTA-funded facilities, vehicles, or other equipment should check with their State DOT on disposition procedures that must be followed and how the proceeds must be handled. For example, sale of FTA-funded real property or vehicles with remaining useful life valued more than $5,000 will require reimbursement to the FTA of the federal share of the value of the asset. If the value is below this threshold, the state may have its own requirements for how the proceeds can be used. The agency should refer to the State Management Plan to determine what are the disposition requirements for FTA funded real property and/or vehicles.

Rural Transit Budget Development

Whether a transit system is a stand-alone organization or a department within a government or private organization, its annual budget is an essential tool. A realistic budget can help control costs, manage case flow, spend grants appropriately, monitor system performance, and forecast future funding needs. State DOTs (and other grant funding sources) typically require their subrecipients to provide a detailed budget as part of the grant application, as part of the justification of the need for the grant. If an agency is part of a city or county government or a tribe, its budget development needs to fit within the budget development framework of the government. Strategic planning, addressed in the Planning and Evaluation section of this toolkit, also drives budget development. As discussed later in this section under Developing a Multi-Year Financial Plan for Rural Transit, it also vital to have a strong multi-year plan.

Developing a realistic and sustainable budget requires knowing what it costs to operate the service, maintain the vehicles and facilities, and administer and manage programs, based on the level of services currently provided along with planned expansions (or reductions). This involves estimating not only the cost to provide the service, but also what vehicles, other equipment, and facilities are needed for the transit system, when they will need to be replaced (or expanded), and what this will likely cost. It is important to understand that any changes in the scope of an agency's service will have a direct impact on budgeting. Adding or eliminating services in a small or medium sized agency could create a variance of as much as 10-20%. Budget development also requires knowing what funding sources are available to cover costs (including fares, grants, tax revenues, advertising revenue, and in-kind support). Steps involved in developing a rural transit system budget include:

1. **Determine the timeline for developing the budget.** If the transit system is part of a larger organization, such as a local government, tribal government, or non-profit organization, the timeline for transit budget will need to fit within the timeline of the larger organization. As a Section 5311 subrecipient, Section 5311 budget development will also need to fit within the state's grant application cycle. A sample of a State DOT budget cycle for FTA grants is provided as **Figure 1** below. Although some states have different cycles (some are biennial, for example), each state has elements of this example and Section 5311 subrecipients need to be aware of the timing of their state's Section 5311 program, in order to develop grant application budgets accordingly (even though the agency's overall annual budget may be developed on a different cycle).

2. **Determine the team that will be involved in the budgeting process.** This includes managers who should provide input on the budgets they are responsible for managing.

3. **Review current-year budget and year-to-date expenses and revenues.** If the current-year budget reflects actual costs and funding, this provides a realistic starting point for next year's budget. If the current budget doesn't match reality, this provides important information about where costs or revenues may need adjustment in the next year's budget. If it is still early in the current fiscal year, also review the preceding year's actual expenses and revenues.

4. **Review the organization's mission, vision, goals, objectives, and plans for the coming year.** Development of the budget, like any planning endeavor undertaken by the transit agency, should be driven by the organization's mission and vision. Is the agency planning to expand services next year or starting a new program? Will the agency be expanding its fleet (increasing maintenance expenses)? Will the agency need to increase or reduce staffing levels to implement planned changes? Are major organizational changes planned that may result in changes to the indirect/overhead rate? Will any vehicles and/or other equipment need replacement, requiring that local match be budgeted?

5. **Estimate revenues and direct expenses for each program.** Factors to consider in this step include historical revenues and expenses, the organization's goals and objectives for the coming year, external factors (such as the economy, fuel prices, changes in the population of the service area, and anticipated changes to local taxes that fund services), and seasonal trends (for example, service and staffing levels may need to increase to serve visitors to a tourist destination during the summer). Be sure to get input from staff on each of the program budgets they oversee.

6. **Estimate indirect/overhead costs**, by applying the agency's approved indirect cost rate to estimated expenses.

7. **Estimate general funding revenue.** This is revenue that is not specific to one program (program specific funding was estimated in an earlier step).

8. **Explicitly list major assumptions used to prepare the budget.** Assumptions should be presented with the budget to clarify to reviewers and decision-makers the reasons for proposed expenses and revenues (which they may or may not agree with), and facilitate reasoned decision-making.

9. **Put it all together in a budget form**, which includes an overall budget as well as individual budgets for each program.

Figure 1: Sample 5311 Timeline for Apportionment & Budget
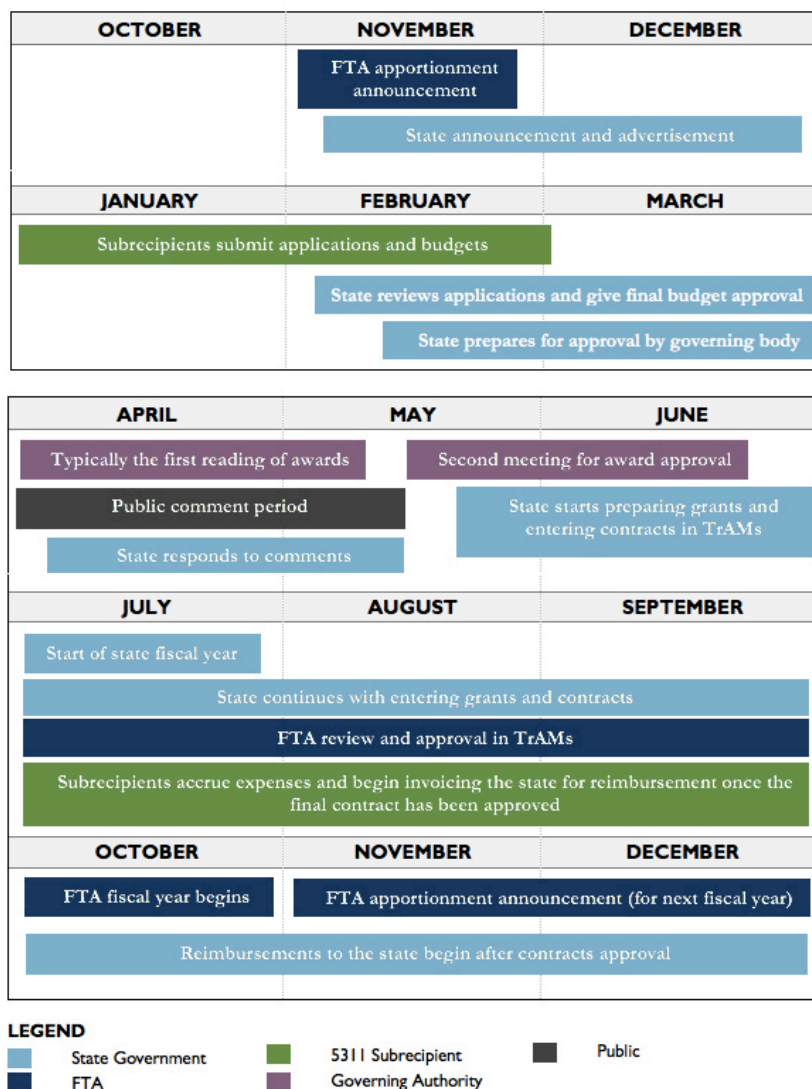
Chart Credit, Curtis Sims, Jr., CSSO, Training, Safety/Security, and RTAP Program Manager Office of Public Transit, South Carolina DOT

More guidance on developing a budget for rural transit can be found in Comprehensive Financial Management Guidelines for Rural and Small Urban Public Transportation Providers, Chapter 5.

Transportation by the Numbers, a toolkit developed by the former National Center on Senior Transportation, provides guidance for determining true costs to provide human service transportation, and can also be useful for rural transit systems.

The National Council of Nonprofits provides links to a number of resources on developing budgets designed for nonprofit organizations.

The Wallace Foundation provides numerous resources on financial management for nonprofits, including budgeting.

For organizations that are part of local governments, there may be state-level resources that provide budgeting guidance. For example, the Municipal Research and Services Center (MRSC), a nonprofit organization that helps local governments across Washington State, provides an overview of the budgeting process for municipalities.

Budget Monitoring

On a frequent basis, transit managers should compare actual revenues and expenses to budgeted amounts to ensure that funding sources are not exhausted before the end of the year. Ideally this should be done monthly. If costs are identified that significantly exceed what was budgeted, the manager will need to find other items within the budget where costs can be reduced or find new funding sources to cover the difference in order to avoid a budget deficit ("going into the red"),

Significant changes to a budget typically require approval from the agency's governing board. Section 5311 subrecipients should also check with their State DOT for any state requirements related to budget modification and/or adjustment.

If actual costs are significantly higher than what was budgeted, grantees should check with the State DOT on options for appropriately using grant funding or covering expenses (when they exceed the budget). Note that FTA-funded grants are usually for a very specific project, and funds must be used for the costs identified in the grant budget. If an organization becomes unable to use an FTA grant as specified in the award, it generally will not have the flexibility to use the grant for other project costs.

Developing a Multi-Year Financial Plan for Rural Transit

A multi-year financial plan is a vital tool for sustaining a transit system, as it allows management to anticipate future year costs and apply for funding accordingly. A three- to five-year financial plan may also be a requirement for Section 5311 subrecipients in some states (sometimes as part of a transit development plan), to help the state prepare their own FTA-required multi-year financial plan.

A multi-year financial plan is based on the organization's:

- Mission, vision, goals and objectives
- Strategic plan
- Plans to increase (or decrease) services during each of the years in the plan. Any changes in an agency's transit service levels will have a direct impact on budgeting, and future plans for service expansions or reductions should be addressed in future year budgets.
- Major service or organizational changes

- Anticipated changes in expenses for current levels of service (for example, rising fuel or insurance costs, new benefits for employees, and overall inflation)
- Potential changes in revenue (for example, implementation of a local sale tax to support transit, or loss of contracted service such as Medicaid non-emergency medical transportation)
- Planned fare policy changes (and its likely impact on ridership and overall fare revenue)
- Replacement or expansion vehicles, equipment, and facilities needed to support operations. They should be related to a service implementation plan and a vehicle replacement and expansion plan.
- Multi-year plans are often developed at a high level (summary), without the line item detail that should be included in the annual budget. They provide annual estimates to help the organization anticipate when additional funding may be needed to ensure sustainability and ideally, planned growth.

If a State DOT requires a multi-year financial plan, they may provide guidance on how to develop this plan, sometimes as part of a larger document. Examples include:

- Florida Department of Transportation's TDP Handbook: FDOT Guidance for Preparing & Reviewing Transit Development Plans (10-year planning horizon)
- Oregon Department of Transportation's Transit Development Plan Guidebook (provides guidance for longer-range plans – up to 20 years – that explore different financial scenarios)
- Texas Transportation Institute's Toolkit for Rural Transit Planning, Five-Year Operations and Financial Plan
- Virginia Department of Rail and Public Transportation's Transit Development Plan Minimum Requirements (10 year planning horizon)

If a State DOT does not require this for rural transit systems, the above resources can still be leveraged for developing a financial plan as a recommended practice. The Texas toolkit provides guidance for developing a five-year plan, while the other resources listed are intend for 10-year plans (or longer).

Potential Funding Sources for Rural Public Transportation

Common funding sources for rural transit systems include both FTA grant programs and non-federal sources.

FTA Grant Programs

Section 5311—Formula Grants for Rural Areas

Section 5311, Formula Grants for Rural Areas, is the FTA program specifically intended for rural public transportation. Section 5311 funds operating, administrative, planning, and capital projects. The maximum federal share under Section 5311 is generally 50 percent of net operating deficit and 80 percent of non-operating costs (with higher shares allowable for vehicles and vehicle-related equipment needed to comply with the ADA and Clean Air Act as well as bicycle facilities; FTA also offers a higher share on a sliding scale for capital and operating grants in several states). FTA

apportions funds to each state (as well as to the territories of American Samoa, Guam, Northern Mariana Islands and Puerto Rico) based on a formula that takes in account rural population and land area.

Each state determines its own approach to distributing funds equitably across the state. Local application for these funds is made to the State DOT, and each state has its own application process and eligibility requirements. Under the federal level, eligible recipients include states and Indian tribes or Alaskan Native villages, groups or communities identified by the Bureau of Indian Affairs (BIA). Eligible subrecipients allowed under the federal program include states and local governmental authorities, non-profit organizations, and operators of public transportation or intercity bus service that receive FTA grant funds indirectly through a recipient. Tribes can also receive Section 5311 funding as a subrecipient through a state. Because each state administers its Section 5311 differently from other states, the best source of information about applying for Section 5311 as a subrecipient is the State DOT.

Note that, within the federal Section 5311 program, there are several sub-programs, including:

- Appalachian Development Public Transportation Assistance: Provides grants to 13 states in the Appalachian region (Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia) for the delivery of safe, reliable public transportation services to rural areas in the Appalachian region. For more information, contact the State DOT.
- Intercity Bus Program: States must use 15 percent of their total Section 5311 funding to support intercity bus service, unless the governor, in consultation with intercity providers, certifies that intercity bus needs are being adequately met. For more information, contact the State DOT.
- Public Transportation on Indian Reservations Program (Tribal Transit Program): Provides grants to tribes as direct recipients for planning, capital, and, in limited circumstances, operating assistance for tribal public transit services. For more information visit the FTA Tribal Transit web page. As a future reference, National RTAP is preparing to develop a new Tribal Transit Toolkit.

Section 5310—Enhanced Mobility of Seniors and Individuals with Disabilities

The Section 5310—Enhanced Mobility of Seniors & Individuals with Disabilities program provides funding to assist in meeting the transportation needs of older adults and people with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned based on each state's share of the population for these two groups. Formula funds are apportioned to direct recipients, which are State DOTs for rural and small urban areas (and designated recipients chosen by the governor in large urban areas), and the direct recipients award grants to subrecipients. Eligible subrecipients allowed under the federal program include private non-profit organizations, states or local government authorities, or operators of public transportation. Rural public transit systems may be eligible for Section 5310 funding depending upon the state program specifics and the types of organizations the state funds under its Section 5310 program. Federal match levels are comparable to those under Section 5311. Projects funded under the Section 5310 program must be included within a locally-developed, coordinated public transit-human services transportation plan. Because each state administers its

Section 5310 differently from other states, the best source of information about applying for Section 5310 as a subrecipient is the State DOT.

Section 5339 - Bus and Bus Facilities Infrastructure Investment Program

The Section 5339 - Bus & Bus Facilities Infrastructure Investment Program provides funding for capital bus and bus-related projects that will support the continuation and expansion of public transportation services. FTA awards grants to designated recipients in large urban areas and states for rural and small urbanized areas. The federal program allows public agencies and private non-profit organizations engaged in public transportation to be subrecipients, and states determine how Section 5339 funds are distributed among subrecipients. The best source of information on about applying for FTA funding as a subrecipient is the State DOT.

CARES Act

FTA provides funding to help the nation's public transportation systems respond to the coronavirus (COVID-19) under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The CARES Act was signed into law on March 27, 2020. FTA CARES Act funding is provided at a 100 percent federal share, with no local match required. It is available to support operating, capital and other expenses generally eligible under those programs, and incurred beginning on January 20, 2020, to prevent, prepare for, and respond to COVID-19. Operating expenses incurred for all rural and urban recipients are also eligible, including operating expenses to maintain transit services as well as paying for administrative leave for transit personnel due to reduced operations during an emergency. CARES Act funding can replace lost revenue (such as fares or sales tax) on a reimbursement basis for expenses incurred beginning January 20, 2020. This includes lost revenue needed to support regular operations as well as expenses directly related to COVID-19 response. CARES Act funding cannot be used as local match for other federal funding programs.

Answers to Frequently Asked Questions about this funding are available on FTA's web site. Rural transit agencies should consult with their State DOT for information on availability of CARES Act funding for transit in their state.

Emergency Relief Program

On March 13, 2020, FTA expanded eligibility of federal assistance available under FTA's Emergency Relief Program to help transit agencies respond to COVID-19 in states where the Governor has declared an emergency. This includes allowing all transit providers to use federal formula funds for emergency-related capital and operating and operating expenses. Emergency Relief funding, which provides up to 80% Federal share for operations, must be directly related to COVID-19 response (or another emergency declared by the Governor or President). For existing Section 5307 and 5311 grants in states with declared emergencies, FTA raised the federal share cap to 100 percent for COVID-19-related public transportation capital or operating expenses, regardless of whether operating expenses generally are an eligible expense for a recipient. This flexibility applies not only to the expenses listed above, but also to administrative leave for personnel due to service reductions or quarantine. For other expenses under existing grants, FTA has also raised the cap on the federal government's share of net operating expenses (incurred March 13 or later) to 80 percent, and allows large urbanized systems to use Section 5307 funds for operating expenses.

FTA Funding under the Next Reauthorization

The most recent authorization of FTA grant programs under the U.S. Department of Transportation is the Fixing America's Surface Transportation (FAST) Act of 2015. The FAST Act is set to expire on September 30, 2021, following a one-year extension included in H.R 8337 - Continuing Appropriations Act, 2021 and Other Extensions Act, signed into law on October 1, 2020. The next reauthorization may result in changes to FTA grant programs in future years. The Investing in a New Vision for the Environment and Surface Transportation in America Act (INVEST Act) is currently a bill in Congress (H.R.7095). Rural transit managers can find updates on reauthorization on the websites of the Community Transportation Association of America (CTAA) and the American Public Transportation Association (APTA).

Non-Federal Sources

State Grant Programs

In addition to administering FTA programs, State DOTs may offer state funding for rural public transportation services. A state's FTA funding application process for FTA programs may also be the application to apply for state funds, but this is not always the case. Contact the State DOT for information about state-level funding opportunities.

Medicaid Non-Emergency Medical Transportation (NEMT) Contracts

As stated in TCRP Research Report 202, "Handbook for Examining the Effects of Non-Emergency Medical Transportation Brokerages on Transportation Coordination," Medicaid is the federal government's largest program for human services transportation. Medicaid funds non-emergency medical transportation (NEMT) services. Historically, Medicaid NEMT contracts have been a major source of funding for rural public transportation providers who often provide coordinated human service transportation services in the context of the public transportation system. Each state administers its own Medicaid NEMT program, with varying approaches and opportunities for contracting to provide these services. Depending upon the state's current approach and the rates offered to transportation providers, a Medicaid NEMT contract may be a viable funding opportunity for an organization. To learn more about the NEMT opportunities in a state, check with the state Medicaid program and peers across the state (for example, through the state transit association).

Human Service Transportation Contracts

Many rural public transportation programs transport consumers of human service agencies whose rides are paid for through a contract with the human service agency. Examples include the Area Agency on Aging and organizations with employment and other programs for people with disabilities.

Local Taxes

Rural public transit systems are sometimes funded through a local tax, such as a portion of local sales or property taxes. If the transit system serves a major tourist destination, and transports

employees and visitors to hotels near this destination, the transit manager may wish to explore the possibility of a lodging tax to support transit.

Local Government Funds

The counties, cities, and/or towns served by a rural public transit system often provide funding for the service as a public service benefiting residents as well as customers and employees of local businesses.

Advertising Revenue

Transit agencies can sell advertising space to other organizations on and in buses, and this is a common source of additional revenue. Advertising space could also be sold on printed brochures, within passenger facilities, and on benches and shelters at bus stops, for example. For more information on selling advertising space on vehicles, see the National RTAP's Advertising Best Practices: Bus Wraps and In-Kind Advertising Spotlight Article.

Public/Private Partnerships and Sponsorships

Some rural transit systems have partnered with local community organizations, businesses, or employers to sponsor transportation services that benefit their customers and employees, and transit managers can sometimes use an entrepreneurial approach to leveraging support. Hospitals sometimes sponsor a transit route to ensure that their patients are able to get to and from their appointments. A major employer with difficulty hiring employees may be interested in sponsoring a transit route connecting their work site to residential areas at shift start and end times. Tourist destinations and colleges/universities with limited parking are other potential sponsors.

Passenger Fares

The fares that passengers pay to use services can also provide a source of funding, though typically fares cover only a small portion of the full cost to provide rural public transportation service.

Volunteers and In-Kind Support

In addition to cash revenues, rural transit agencies can also be partially supported by volunteer and in-kind services. Some rural transit systems rely on volunteer drivers to provide cost-effective services. It may be possible to enlist local college or university classes or student interns to conduct planning studies, develop marketing materials, or to conduct outreach efforts. Other types of in-kind support can include facility use, utility services, or donated staff time. Note that to be eligible as local match for an FTA grant, the value of volunteers and in-kind support must be documented.

Grant Writing Tips

1. Read and reread the funding notification documents, and call the funding source to ask critical questions. There are no dumb questions, but the grant application could face the dire consequence of being eliminated from review for a simple failure to follow the directions.

2. Grant reviewers always cite the same complaint about the grants they review: "They failed to answer the questions." Be certain that the narrative answers all the questions the application asks, and actually responds to the specific questions that are asked.
3. More is not necessarily better. Yes, it is critical that the need statement cite the demographics relevant to the transit service area for which funding is sought, but those demographics should be succinctly stated and remain focused on establishing the need for funding support. Too many statistics will rapidly turn the grant reviewer off.
4. A transit grant application is basically a summation of a proposed transit service plan. Thus, it requires the inclusion of project tasks, benchmarks, key milestones, key personnel, deliverables, routes, and schedules, as necessary to concisely describe that service plan and justify its sustainability, expansion, or additional capital acquisitions.
5. Be sure that the funding request reflects what is required to achieve the service plan's goals. Also, be clear on the match requirements, and whether the match can be made in-kind or must be made with cash.
6. Consult relevant FTA circulars for vital information on allowable costs, eligible project activities, and essential procurement procedures that will drive the project's timeline.
7. Proofread and share the draft with an individual outside of the applicant agency, as they will catch errors program staff may miss. Proofread again and double-check the grant's final assembly against the grant guidance documents.

National RTAP's Grant Writing Made Easy: How to Write a Successful Grant Application Technical Brief offers additional suggestions. In 2017, National RTAP hosted a Grant Writing 101 Webinar, and the webinar slides can also be downloaded.

Section Sources

- 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- Burkhardt, Jon E., Beth Hamby, Littleton C. MacDorman, Brian E. McCollom, and Gordon A. Schreur, Comprehensive Financial Management Guidelines for Rural and Small Urban Public Transportation Providers, prepared for the North Carolina DOT, American Association of State Highway and Transportation Officials (AASHTO) Multi-State Technical Assistance Project (MTAP), and U.S. DOT/FTA (1992)
- Federal Transit Administration, Coronavirus Aid, Relief, and Economic Security (CARES) Act web page
- Federal Transit Administration, Emergency Relief Program web page
- Federal Transit Administration, Frequently Asked Questions from FTA Grantees Regarding Coronavirus Disease 2019 (COVID-19) web page
- Federal Transit Administration, U.S. Department of Transportation Announces Increased Flexibility to Help Transit Agencies Respond to Coronavirus news release (March 13, 2020)
- FTA Circular C 5010.1E Award Management Requirements (2018)
- FTA Circular C 9040.1G Formula Grants for Rural Areas: Program Guidance and Application Instructions (Section 5311) (2014)
- National RTAP, Advertising Best Practices: Bus Wraps and In-Kind Advertising Spotlight Article (2017)

- [National RTAP, Cost Allocation Calculator](#)
- [National RTAP, Fundamental Financial Management for Rural Transit Agencies (2020)](#)

In-house vs. Contracted Management and/or Operations

Introduction

It is a common practice for Federal Transit Administration (FTA) grantees to contract out part or all of the functions of transit systems. There are many factors that might come into play when deciding whether or not to use a third-party contractor for transit management and/or operations: the cost associated with a particular program, available staff hours, level of expertise, convenience, state or local laws, larger planning strategies, control over operations customer service, and training standards. All of these factors should be evaluated in order to determine the best course of action for the agency. The organization's mission, vision, and long-range plans should guide the decision-making process. Keep in mind that using a third-party operator does not relieve the grantee from compliance with federal requirements.

This section of the toolkit is organized in the following subsections:

- Contracting Approaches
- Case Study – Managing Your Operations In-house: Crawford Area Transit Authority, Meadville, PA
- Case Study – Contracting Out Your Services: Franklin Regional Transit Authority, Greenfield, MA
- Section Sources

Contracting Approaches

If the transit manager (or governing board) decides that contracting out a program is the best action for the agency, factors to be taken into consideration how the contractor will be obtained (in accordance with the agency's procurement policies), who will take part in that process, and the length of the contract. Once a contractor is secured, the transit manager should work with the contractor to determine the type of relationship the agency will have with the contractor and clearly define which party is responsible for what tasks.

It is also important to be aware of the different contracting models to decide which model is best for the agency depending on its needs and resources.

- The turnkey model of contracting involves a company that takes care of everything from providing the management team and staff members to owning all necessary capital (vehicles, equipment, and operating/administrative facilities). The responsibilities of an agency as an FTA grantee include planning, applying for and administering the grant, establishing policies, and overseeing the contract.
- Another option is to contract for the key transit management officials while all other employees and capital would be in-house responsibility.

- The next contracting option provides staff employed by a contractor while the agency owns all capital.
- The last option breaks out contracts by service type. For example, the agency could work with different contractors to provide the fixed route service, demand response service, and human service transportation. The agency could also contract out for vehicle maintenance or other support functions.

Regardless of which model chosen, advertise the contract solicitation and requirements to a large audience get as many responses to the proposal as possible. This will ensure that there is a competitive bidding process and will help to find the best fit for the agency.

It is important to remember that whether the program is administered in-house or using a contractor, the agency must be in compliance with all applicable federal regulations.

This includes:

- Conducting a competitive procurement to select a contractor and
- Requiring the contractor to comply with the requirements that would apply to the organization if the services were operated services in-house, such as Americans with Disabilities Act (ADA), civil rights, drug and alcohol testing, and other federal requirements introduced in this toolkit.

According to FTA Third Party Contracting Guidance, "each third party contractor and subcontractor is required to comply with the terms of its third party contract or subcontract, including requirements to extend those federally required clauses and provisions to its subcontractors at the lowest tier required." The person responsible for procurement within the agency must be aware that compliance with federal requirements is a condition of being a subrecipient of federal funds, and must include federally-required clauses in the solicitation and executed contract. Importantly, the grantee is responsible for oversight of the contractor throughout the life of the contract.

The FTA procurement requirements are detailed in [FTA Circular C 4220.1F](#), "Third Party Contracting Guidance." (Note that this circular has not yet be updated to reflect most recent federal regulations, and transit managers should also consult the "Super Circular," [2 CFR Part 200](#), Section 200.318 through Section 200.326.) Federal procurement requirements are introduced in the Procurement 101 page of this toolkit, and expanded upon in the Procurement - Beyond 101 section of this toolkit.

This section presents two case studies: one rural transit agency that contracts out its operations, and another that handles everything in-house. The case studies describe the services provided by each system, discuss the reasons for contracting or operating in-house, and raise issues to consider when deciding whether contracting or in-house operating is right for a transit system.

As illustrated by these case studies, the structure, capacity, environment, needs and resources of systems can be different. Consequently, contracts with a third party will differ case by case. However, some of the advice provided under these case studies might be helpful to make a well-informed decision as to whether or not to contact out and how to structure that relationship.

Case Study – Managing Your Operations In-house: Crawford Area Transit Authority, Meadville, PA

The Crawford Area Transit Authority (CATA) provides service to Crawford and Venango Counties in the northwest corner of Pennsylvania. Services include fixed bus routes and door-to-door transportation. In the past, CATA had contracted out its services, but decided to bring it back in-house to regain direct control over all aspects of operations. In 2016 CATA entered into a management contract with the Venango County Commissioners to operate the Venango County Transportation program, which in 2018 became a member municipality of CATA. This resulted in CATA expanding services and almost doubling in size. The case study is taken from an interview with the General Manager of CATA, Timothy Geibel, who discussed some of the factors considered when deciding whether to bring operations back in-house or outsource them with a contractor.

Scheduling and Personnel Responsibilities

When operations are contracted out, it is the contractor's responsibility to ensure that service is operating on the schedules defined by the transportation provider. The contractor also handles all personnel issues such as absent employees, vacation requests, disciplinary actions, and other issues.

CATA assessed the additional work load that would be created by taking on the scheduling and personnel management, and determined that it was more important to have the internal control over the daily operations than to work with a third-party contractor and simply play the role of overseer. Internal control of operations necessitated the hiring of qualified individuals that know and understand transportation. Recruiting such persons in smaller, non-urban areas can prove to be difficult. Taking advantage of training resources in the region, through the Pennsylvania Department of Transportation (PennDOT) and various national organizations such as National RTAP, greatly aided in CATA's ability to get new staff up to speed on public transportation.

Managing Bus Drivers

When operations are contracted out, the transportation provider does not have direct contact with or authority over the bus drivers. Any issues that arise, such as complaints from riders, typically go through the contractor, not through the transit agency manager. While the agency can establish policies for the bus drivers, it is the contractor who will address the issue with the bus driver. This poses challenges, delays and additional layers of communication when trying to resolve issues and at times may come down to contractual language that is in place with the contractors on how to handle drivers.

By bringing service in-house, CATA is able to quickly address issues with bus drivers by both setting the policies and having direct interaction with the drivers when enforcing those policies.

Training Standards

In contracted operations, the transportation provider can establish guidelines for standard and refresher training, but it is the responsibility of the contractor to ensure that all drivers meet those guidelines.

CATA determined that it was in their best interest to have the ability to directly train, re-train and educate their drivers. Managing operations internally does place a greater administrative burden on the transportation provider; however, from a risk management perspective, the agency will be better positioned to implement stronger training programs, refresher training and ongoing evaluations of bus drivers than would be possible if service was contracted out.

Customer Service

In most cases, under contracted operations, while the transportation provider cannot address issues directly with a bus driver, staff do field all calls, complaints and concerns from the public. If a complaint comes in, the agency must work through the contractor to address the issue. With internal operations, however, the transportation provider can speak directly to the bus driver to remedy the situation.

Cost-Benefit Analysis

CATA has found that properly done internal operations can be a more cost-efficient option than contracting out operations. A public transportation provider may be able to secure better liability and workers compensation insurance than a private provider if the transportation provider can document sound training and hiring practices. Internal operations also alleviate the need for paying contractor wages, contractor profit and overhead expenses at the contractor's facility.

Technology Assessment

Transit managers should assess various technologies that can aid in the direct operation of service and complete a cost-benefit analysis of each technology. Some technologies to consider are:

- **Payroll/Accounting Software** – reduces the need for financial staff along with saving time in preparing payroll and processing monthly financial activities. Web-based models exist that provide low cost service, do not need additional computers, and provide a wealth of data reports to help with tracking state and federal reporting criteria.
- **Scheduling/Dispatch Software** – many models exist for computer aided dispatch (CAD) / automatic vehicle location (AVL) programs that can provide easy, paperless scheduling through mobile data terminals in vehicles. These products also produce a wealth of data reports to help determine efficiency, productivity and more.
- **Maintenance Software** - aids in tracking preventive maintenance and due dates for inspections, and provides a wealth of data on vehicle history and trends.

Technologies are continuing to evolve and must be considered when determining in-house operations. As with any technology, costs need to be considered for the maintenance, upgrade and continual use of the technology.

Mr. Geibel also gave the following advice to systems that are deciding whether or not to contract out their operations:

1. Start planning early. Transitioning operation of service should begin in the planning stages 9-12 months prior to the anticipated transition date.

2. Look at the expense per passenger for the agency's system versus peer transportation providers' expense per passenger. If your costs are significantly higher, consider assessing the feasibility of internal operations.
3. Receive input from the agency's governing board. Transitioning from contracted to in-house operations is a major project that needs buy-in from the board of directors, county commissioners, or whoever is responsible for the oversight of the agency.
4. Keep communication active. Keep the key players informed of what is taking place. Once a decision to operate internally is made, let employees know.
5. When transitioning to internal operations, give contractor employees an opportunity to apply for a position with your agency, and make it known that the agency will hire the best candidates for the positions.
6. When a decision is made that service will be operated internally rather than by a contractor, control the process for public information. Be proactive in discussing any changes with the public. There will most likely be opposition to any change, but if the public can understand that transitioning to internal operations will not adversely affect service on the street, buy-in from the public will be easier to obtain.
7. Expect opposition from the contractor and be prepared to defend the agency's decision to operate service internally. Focus on responsible use of taxpayer funds and providing the most efficient service to the public. In most cases, the contractor will not want to lose the contract as it will result in lost revenue to their organization. After services are brought in-house, there is still potential for the agency to work with the previous contractor on a new, reduced level which may involve maintenance services, towing of vehicles, etc. Try and keep a positive relationship in place.
8. Assess current staffing levels. Does the agency need to create additional positions to properly operate service internally, such as additional dispatchers, supervisors, etc.? These costs should be included in the assessment of making a transition. Technology can aid in this process by streamlining processes for managing staffing levels to ensure regulatory compliance with employment laws. Examples include human resource technologies for tracking employment requirements (driver's license updates, medical certifications for drivers, safety sensitive training requirements, etc.). Payroll technologies further streamline the administrative burden of managing staffing levels.
9. Once the transition is made, track the results. How is the transit agency doing? Are costs where the manager thought they would be? If not, what factors changed? What was missed in the assessment?

Read more about the [Crawford Area Transit Authority](#).

Case Study – Contracting Out Your Services: Franklin Regional Transit Authority, Greenfield, MA

The Franklin Regional Transit Authority (FRTA) provides service to 41 communities throughout four counties in western Massachusetts, covering the largest and most rural geographic area in the state. The FRTA develops, finances and contracts for the operation of transportation facilities and services within its transit area, and daily activities are managed by the administrator, appointed by the advisory board. The following is taken from an interview with the Tina Cote, Administrator of FRTA.

According to Chapter 161B Section 25 of the Massachusetts General Laws, regional transit authorities cannot operate service directly. Instead, they must contract with private operators for the provision of service. For a long time, the FRTA contracted with a local agency, but in 2007, they released a request for proposals (RFP) to find a new contractor to oversee the operations of their fixed route, ADA paratransit, and some of their demand response service. During this period of time, FRTA was consolidating services with another agency and a great deal was in transition, making it a complicated situation for a contractor to take on. A professional management company won the bid and, at the time of the interview (2012), was in the fifth year of its contract with FRTA. FRTA has continued to contract with the same vendor, primarily because there is not a lot of competition to bid on work for rural agencies in the area, and they submitted the only proposal. FRTA awarded a contract that began in July of 2018 with the option to renew for an additional 9 years.

The contractor employs the general manager, assistant general manager, and training manager. The contractor manages the day-to-day operations: maintenance, drivers, dispatchers, schedulers, etc. FRTA pays the contractor a management fee, which covers the cost of manager salaries. FRTA, however, oversees the rest of the budget. FRTA works with the managers employed through the contract on a regular basis to oversee the budget.

Ms. Cote explained that her team has daily contact with the general manager but this does not take much of their time. The contact might be as simple as reporting a request that a passenger's payment card got stuck in a machine and they need change, to verifying a late departure/early arrival or looking into a scheduling issue. Ms. Cote also meets with the operations team (general manager, assistant general manager, and safety and training manager) once a week to go over everything that is taking place. This system works well, and she attributes the success of the partnership to having a good operations team. She also remarked that even if FRTA did operate services in-house, they would still hire a general manager to oversee the daily tasks—a structure not unlike what is currently found with the contractor.

Ms. Cote advises agencies that are considering putting their operations out to bid to be as specific as possible in the RFP and incorporate lessons learned from previous contracting experiences or issues you have run into with your in-house operations. Outlining a payment structure within the contract and other performance measurements are also crucial. She also emphasized the importance of an opt-out clause in case the contractor is not the right fit. The first contract was for one year, with the option to renew for four years after. FRTA had the option to terminate the contract at any point after the first year.

Lastly, she emphasized the importance of a good general manager and having a strong relationship with the contractor. If there is an issue with the general manager, make sure that the contractor will "have your back" in the event changes need to be made, especially if that change involves the general manager. Ask the contractor to include the resume of the person they are proposing to fill the position of general manager and set up an interview with that person. The general manager is the person the transit manager will have the most contact with, and they will be the person who will go to bat for the team when issues arise. Because FRTA has such a strong relationship with their general manager and contractor, they have had a positive experience contracting out their operations.

FRTA also contracts with various councils on aging (COAs) and agencies to operate demand response services that are not covered under the above contract. Because the FRTA service area is so spread out (over 1,100 square miles), it would be extremely difficult to use the same contractor for all 41 towns. Contracts are put in place with each COA to operate an FRTA van. The COAs hire their drivers (who usually become a town employee) and do their own dispatching and driving. FRTA reimburses each agency on a monthly basis for costs incurred as a result of the service being provided. Services are determined by the amount of funding available and the request of each town. A budget is established at the beginning of the fiscal year and monitored by FRTA. The COAs still have to participate in driver training and drug testing, and their drivers are subject to criminal background and driving record checks. In each case, it is imperative that there is a good relationship with the COA and that there is a mutual understanding of how the program operates in addition to a contract that spells out guidelines of the use of the FRTA van.

Read more about [Franklin Regional Transit Authority](#).

Section Sources

- [FTA Circular 4220.1F, "Third Party Contracting Guidance"](#)
- Interviews with Timothy Geibel, Executive Director of CATA, May 2012 and December 2018
- Interviews with Tina Cote, Administrator of FRTA, April 11, 2012 and December 2018

Human Resources

Introduction

Being a transit manager is not just about overseeing a system of buses and schedules, it is also about building a team of workers and creating a positive and productive environment. This section will discuss different policies and tactics an organization can use during the hiring process and after to create an environment that will help employees work to their full potentials and increase customer satisfaction. If you have not already read the Mission & Leadership section of this toolkit, it may be helpful do so before reading this section.

If a transit operation is a division of a larger organization, the agency may already have well-established human resources policies and procedures that will guide personnel administration activities. However, because transit is federally funded there are policies and procedures that apply to transit and nothing else in the organization. An example might be the FTA Drug and Alcohol requirements. There are ADA requirements regarding how staff work with passengers that may be unfamiliar to others in an organization. It is the transit manager's responsibility to ensure that others in an organization understand some of the special conditions staff face while operating the transit system. The many resources listed in this section can assist.

This section of the toolkit introduces general human resources information that applies to most or all of an agency's employees, regardless of their position. The information is organized in the following sections:

- Interviewing and Hiring
- Creating a Positive Work Environment
- Training
- Policies
- Compliance with Federal Labor Laws
- ADA Requirements for Employers
- Working with Unions
- Teleworking
- Succession Planning
- Section Sources

Information that is specific to drivers (operators) is presented in a separate section of the toolkit, Driver Recruitment, Training, and Retention.

For a deeper dive than what is included in this section of the toolkit, the National RTAP Resource Center offers many helpful resources related to human resources, including:

- [Developing & Maintaining a Transit System Personnel Policy Technical Brief (2019)](#)

- [Applying Good Business Practices: Hiring, Training and Evaluating Employees Technical Brief (2018)](#)
- [Roles and Responsibilities of Transit Managers Training Module](#) (2009) - Section 2, Hiring, Training and Keeping the Best People
- [Training Adult Learners: How to Reach and Engage Your Audience Technical Brief (2019)](#)
- Essential Skills for Trainers [Facilitator's Handbook,](#) [Resource Guide](#) and video (1991)
- [Volunteers in Transportation: Some Issues to Consider Technical Brief (2018)](#)

Interviewing and Hiring

The person responsible for Human Resources generally has hiring documents prepared. This documentation includes standard agency employment applications, job descriptions, policies for background checks, and a method for interviewing and selecting applicants. These documents need to be reviewed and updated from time to time to meet new job requirements, new best practice recommendations, and new legal regulations.

The job description should be the basis for advertising open positions. The salary scale for each advertised position should also be reviewed, particularly for any positions that the organization has difficulty filling. For job description and salary range examples, National RTAP completed a job title and salary range survey of rural and tribal public transit agencies in July 2020 that includes responses from 275 agencies. The [Salary Ranges for Transit Jobs](#) spreadsheet contains the database and a summary table. In the database, users are able to filter and sort each column of data by clicking on the arrow to the right of the column title. Clicking on the arrow will display a list of options. Users can sort/filter by FTA Region, job title, union, CDL, full/part-time and/or salary range.

There are many avenues to recruit new personnel including newspapers, agency websites, national, state, and local associations (both in print and electronically), word of mouth, professional and fraternal associations, and posting physical advertisements at selected locations. There are also a number of internet job search agencies such as [LinkedIn](#), [Indeed](#), [Transit Talent](#), and [Idealist](#). In small communities, employers often post job opening announcements on [Facebook](#) and [Craigslist](#). National RTAP does not endorse or recommend any individual job search agencies or job listing websites. The listing can be brief, with a link to a posting with complete information.

The interview can be handled by committee or by one person; however, the questions asked should be identified beforehand, consistent for all applicants and legally allowable. For example, an employer may not ask about age, religion, marital status, and other characteristics which could result in discrimination. The U.S. Department of Labor provides links to [guidance on pre-employment inquiries on a variety of topics](#). Once an applicant is chosen, consistent required background checks (criminal records, driving records, etc.) and screening (such as drug and alcohol) should be conducted.

Creating a Positive Work Environment

In order to have an agency that provides good customer service and transit operations, it is important to create and maintain a positive work environment for employees. While creating a positive work environment is the responsibility of everyone on staff, managers are in a position to be the change they want to see in their staff. In leading by example, a transit manager can foster and transfer habits to the rest of his or her employees.

At a 2012 National RTAP conference, Carol Wright, then Associate Director of Training and Outreach at the Upper Great Plains Transportation Institute's Small Urban and Rural Transit Center, offered these tips to keep in mind in her presentation on Choosing Your Attitude:

- Attitude is communicated to others in three ways: by spoken words (least important), tone of voice, and nonverbal mannerisms (most important).
- Think of three things that happened at work each day that were positive.
- A good attitude does not happen by chance but comes from conscious effort.
- Take ownership over your own attitude. Reflect on the steps *you* have taken to improve the quality of your work environment.
- Be sure to acknowledge positive changes made by employees, no matter how small.
- Decide to make a difference and act as if you can make a change, because you can.

As with spoken communications, written communications can convey attitude, although without accompanying spoken tone and nonverbal mannerisms to temper the words. Today, email and text messages are frequently used in the workplace. If not carefully worded, emails and texts can be interpreted as having a tone that the sender did not intend to use. The speed of composing and replying to digital communications can also lead to disrespectfulness. As stated by P.M. Forni in The Civility Solution: What to Do When People Are Rude, "online communication has unleashed a new magnitude of rudeness. . . . Even when we communicate with people we know, we are less restrained because we don't have to deal with their reactions the way we would if they were present (even as a voice on the phone)." This book and numerous online articles provide tips to foster more positive use of digital communications (and when it is better to communicate via a phone call). Transit agencies that rely on email and texting for workplace communications may wish to discuss with employees the potential attitudinal pitfalls of digital communications and encourage in-person discussions for potentially sensitive topics.

Ideas for Improving Employee Satisfaction and Morale

National RTAP's [Applying Good Business Practices: Hiring, Training and Evaluating Employees](#) technical brief recommends the following approaches to improving employee retention and job satisfaction:

- Providing performance incentives, such as cash bonuses.
- Allowing greater flexibility in the use of time off.
- Focusing on employee wellness. (National RTAP's [Healthy Habits: Reducing Stress and Fatigue and Increasing your Energy](#) technical brief is a tool for helping employees in this area.)
- Improving communication, including use of mentors.

- Recognizing employees for a job well done.
- Providing growth potential.
- Fostering a respectful, supportive work environment where employees are involved in projects and appreciation is expressed for the importance of the work they do.

Other actions that can help improve staff morale include:

- Pay wages that reflect the responsibility, skill level, and challenges of the job.
- Ensure that employees have the training, information, equipment, supplies, and working conditions needed to do their jobs safely and effectively.
- Ask for employee input in problem-solving, policy development, and planning. Whenever feasible, involve employees who will be impacted by changes and decisions in the decision-making process.
- Encourage employees to speak up when they are experiencing problems as well as with ideas for solving problems or making improvements. Let them know that you hear them and what is being done to address the problem.
- Conduct annual performance reviews that give employees the opportunity to self-assess, ask questions, raise concerns, and develop goals and plans for the next year.
- If a manager identifies a "problem" employee, address the problem without delay. Talk with the employee and determine together how to improve the situation. Check-in/follow-up with the employee after providing a reasonable amount of time for improvement. If the employee's actions warrant disciplinary action under the organization's policy, follow the policy. Not doing so creates an environment of unfairness to other employees.
- Periodically surprise employees with something that makes their day a little easier or more fun. Treat them to doughnuts or bagels in the morning, pizza for lunch, or an afternoon snack.
- Celebrate the milestones and achievements of individuals as well as the organization as a whole.
- Recognize birthdays and holidays (including holidays from different religions and cultures).
- Recognize and honor when employees need to time to grieve. Provide bereavement leave.
- Encourage work/life balance.
- Thank employees who "go the extra mile." Let them you that you noticed and appreciate their efforts.

Additional resources include:

- [Zach Stone, "4 Things Every Transit Leader Should Know About Their Front Line," Metro Magazine (June 8, 2016)](#)

Employee Performance Code Based on Organizational Values

Encouraging employees to always treat each other with respect is a value that can help maintain a positive workplace. Transit managers may wish to work their employees to create an employee performance code, based in the organization's mission, vision, and values, to help motivate the team to work together toward the mission. The section of the toolkit on Mission & Leadership provides information on creating mission, vision, and values.

The following example of a performance code is excerpted from "Mission & Values: Meaningful Words," written by Michael Noel and published in Community Transportation magazine by the Community Transportation Association of America (CTAA), Expo 2004, Vol. 22 No. 4, pages 12-14, used with permission from CTAA.

At Transfort in Fort Collins, Colorado, a Performance Code has resulted from discussing values, rather than rules, as a way to both simplify what is expected from employees and how they conduct themselves. This Performance Code is applied to all employees, both labor and management. In all employment activity, a discussion takes place about the Performance Code (Transfort's values). This code was modified from similar codes (values) in place at Cleveland, Ohio's transit system and AMTRAM in Altoona, Pennsylvania. The seven values of the code, and how they apply at work, are:

1. **Report to work on time and fit for duty.** Since our mission is to provide safe, reliable on-time service, we will arrive at work before our assigned time. We will take personal responsibility to be well rested and ready for duty. We will come to work cool, calm, in control and mentally alert. We will care for our mental, physical and emotional help.

2. **Practice safety in all work activities.** Our customers deserve and expect to be safe when using our services. Our families also expect us to return home safe and secure at the end of our work day. We will always put safety ahead of schedule. We will follow all safety rules, pay serious attention to driving defensively and never engage in high-risk activities. We will take seriously the special needs of the elderly and persons with disabilities, and we will be prepared and understand how to deal with emergency situations.

3. **Demonstrate high levels of skill in your jobs.** We are professionals. We will take every opportunity to learn ways to improve our performance while on the job. We will set high standards and constantly search for innovative ways to improve our performance. We will continue to learn through on-going re-education and training. We will take the performance review process as part of our education.

4. **Respect the property of the organization.** We respect that the tools of our trade were purchased by our community. We will diligently care for the equipment through pro-active measures such as careful inspections and reporting. We will set an example for others by caring for our work environment. We will take seriously our responsibility to use facilities or equipment for the gain of the community. We will always respect the privacy of co-workers.

5. **Treat co-workers with dignity and respect.** We understand that our organization is made up of a diverse workforce. We respect the rights of individuals to be different from us. We take an active part in creating a friendly working community. We extend common courtesies to each other. Those who must provide discipline in the workplace will do so with dignity and respect. Rules will be applied fairly while honoring individuals' special needs. We will also be honest with each other by telling the truth.

6. **Treat customers with dignity and respect.** We acknowledge that customers are our business. That each person who uses the service we provide is the essence of why our organization is necessary. We will treat them as guests. We will listen to their questions and provide them with respectful and helpful information. We understand that our mission is to

provide safe, reliable, on-time service that people can depend on. We will welcome them and thank them for using our services. We will treat them with dignity regardless of their age, gender, race, religious beliefs, disabilities, economic or social status. We acknowledge that while the customer may not always be right, they always deserve dignity and respect.

7. **Present a positive image of your company when working.** We acknowledge that we are professionals and act as professionals. This will start with personal responsibility to be neat in our appearance and in clean and appropriate uniforms of clothing. We will be positive with the public when speaking about our organization. We will use the in-house shift/safety meetings and meetings with managers/supervisors to solve problems and improve morale. We will embrace the organization's values and apply them to co-workers and customers.

Diversity, Inclusiveness, and Treating Others with Dignity and Respect

Treating staff and co-workers with dignity and respect, the fifth item in the performance code listed above, is essential to a positive work environment. This begins with recognizing and encouraging the diversity of the workforce and fostering an inclusive organization in which people from different backgrounds feel valued and respected. Employees should be treated with dignity and respect regardless of age, race, color, religion, gender, gender identity/orientation (including those transitioning to a different gender), national origin, and disability.

Transit managers can help all employees to feel valued and respected by:

- Establishing organizational values that reflect the diversity of the workforce and the community the transit system serves
- Adopting, providing training on, and consistently enforcing clear policies that prohibit harassment and discriminatory behavior
- Encouraging career development for all employees
- Encouraging all qualified applicants to apply for employment opportunities and opportunities for advancement
- Making nondiscriminatory hiring and promotion decisions
- Providing training to all employees on treating each other with dignity and respect
- Recognizing that all employees are stakeholders in organizational decisions
- Encouraging participation in problem-solving as a team
- Being a good listener
- Taking employee concerns seriously
- Recognizing different cultural and religious holidays
- Leading by example

Additional resources include:

- National Transit Institute's (NTI) Building Diversity Skills in the Transit Workplace training course, conducted as direct delivery as well as train-the-trainer classes
- NTI's Harassment Prevention course, conducted as direct delivery classes for transit employees and supervisors, as well as well as a train-the-trainer course
- Center for Creative Leadership, The Power of Respect

- Equal Employment Opportunity Commission (EEOC) Training Institute's Harassment Prevention and Respectful Workplaces Training courses, including Leading for Respect and Respect in the Workplace
- Allison Alexander, TCRP Synthesis 147: Attracting, Retaining, and Advancing Women in Transit
- Gwynn Simpson, TCRP Synthesis 46: Diversity Training Initiatives
- The Civil Rights section of this toolkit provides more information on Equal Employment Opportunity (EEO) and other federal requirements related to nondiscrimination.

Training

Employees should receive the training necessary to perform the tasks related to their jobs, both when they first begin working at a transit agency and continually after as refresher training. The training employers are required to provide will vary based on the type of work the employee is performing, whether it is safety sensitive or not, and agency funding sources. For example, subrecipients of Section 5311 funding are required by the FTA to conduct drug and alcohol training for all safety sensitive employees, as well as ADA training for certain staff members. Additional information on these training requirements can be found in the Drug & Alcohol, ADA, and Driver Hiring, Training, and Retention sections of this toolkit. A state may have additional training requirements for its Section 5311 subrecipients. For more information on state requirements, consult with the State Department of Transportation (DOT).

Training programs are successful when learners are able to apply new knowledge to everyday workplace responsibilities. In order to ensure successful learning, agencies must develop training programs that understand and cater to their audiences– adult learners. Focusing on creating a welcoming and comfortable atmosphere, dynamic physical space, interactive presentation style, and content appropriate for the audience will reach and engage learners. If possible, food or snacks in addition to well-placed breaks provide motivation for successful training.

Methods to Train Adult Learners

Trainers may use a variety of methods to train adults. Approaches to training include technology-based learning, simulators, on-the-job-training, coaching/mentoring, lecture, group discussions and role playing.

One proven method for teaching a skill is called Tell, Show, Do, Review. This method is a basic strategy for creating excellent instruction, and includes the following four steps.

- Tell learners the activity and purpose.
- Show them how it's done.
- Do have learners do the activity and practice.
- Review the activity with learners and provide positive feedback.

For more information about training adult learners, see the National RTAP technical brief Training Adult Learners: How to Reach and Engage Your Audience and the National RTAP Essential Skills for Trainers training module.

Training for Drivers/Bus Operators

The Driver Recruitment, Training, and Retention section of the toolkit provides information on driver training.

Training for Managers and Other Employees

Many State RTAP programs sponsor or directly provide training for rural transit personnel, and transit managers should check with their State DOT to find out more. National RTAP provides a Directory of State RTAP Managers and a Directory of Trainers.

National RTAP offers numerous training resources for rural transit managers and other personnel—drivers and beyond, including:

Training for Managers and Administrative Personnel:

- Boards that Perform
- Customer Driven Service
- Fundamental Financial Management for Rural Transit Agencies
- How to Buy a Vehicle
- Essential Skills for Trainers
- Public and Private Partnerships in Rural Transit Systems
- Risk Management for Rural Transit Managers
- Roles & Responsibilities of Transit Managers
- Transportation Coordination

Training for Operations Personnel, including Dispatchers and Supervisors:

- Customer Driven Service
- Emergency Procedures for Rural Transit Drivers
- Essential Skills for Trainers
- Problem Passengers: Managing Difficult Passengers & Situations
- Scheduling and Dispatching for Rural Transit Systems
- START - Safety Training and Rural Transit
- Substance Abuse Awareness Training

Training for Maintenance Personnel:

- Introduction to Preventive Maintenance
- Top Shops: Emergency Management in Vehicle Maintenance Facilities
- Substance Abuse Awareness Training

Other National Organizations that Provide Training Geared toward Rural Transit Managers Include:

- Community Transportation Association of America (CTAA)
- National Aging and Disability Transportation Center (NADTC)
- National Center for Mobility Management (NCMM)

- [National Transit Institute (NTI)](#)
- [Small Urban and Rural Center on Mobility (SURCOM)](#)

Policies

There are many policies of which both management and employees should be aware. A good way to get this information to transit agency employees is through an employee handbook that is distributed upon hire. If the organization has not yet developed written personnel policies, National RTAP's [Developing & Maintaining a Transit System Personnel Policy Technical Brief](#) can help begin this process, as well as to fine-tune existing policies. As recommended in this technical brief, agency legal counsel should review the completed personnel policy manual as well as substantive revisions. A senior staff person in the agency should be responsible for managing the personnel policy manual and changes. If an agency has collective bargaining agreements, the sections of the manual that apply to unionized job classes must not deviate from the terms of these agreements. It's not unusual to have different sections of a personnel policy manual, with different policies for different classes of position, such as a section for unionized positions, or some small differences between hourly and salaried positions on certain policy points. Also, remember to have the agency governing board approve the personnel policy manual, and date the manual and subsequent changes.

As a Section 5311 grantee, a rural transit organization is required to adopt the following personnel-related policies under federal regulations.

- Drug and Alcohol Testing: subrecipients of 5311 funds are required to have a drug and alcohol testing program for safety-sensitive employees, documented in a written policy, that complies with 49 CFR Parts 655 and 40. For more information, see the Drug and Alcohol Programs section of this toolkit.
- Drug-Free Workplace: transit agencies that are direct recipients of Section 5311 funding (such as State DOTs and Tribes) are also required to comply with the Drug-Free Workplace Act of 1988 which requires a written policy. For more information, please see the [Department of Labor web site](#). Note that FTA does not extend this requirement to Section 5311 subrecipients (although a State DOT may do so, and it is a recommended practice).
- Nondiscrimination – any recipient of federal funding is responsible for its own compliance and the compliance of each third-party contractor at any tier and each subrecipient at any tier under the project, with the provisions of 49 U.S.C. Section 5332 of the Federal Transit Laws. The provisions prohibit discrimination on the basis of race, color, religion, national origin, sex, disability, or age. This applies to provision of service as well employment. (Note that FTA grantees and contractors with at least 50 transit-related employees which request or receive more than $1 million in a fiscal year in capital or operating assistance or more than $250,000 in planning assistance are also required to have an FTA-compliant Equal Employment Opportunity (EEO) program as summarized in the Civil Rights section of this toolkit.)

In addition to FTA-required policies, a State DOT may have its own requirements for personnel policies that come with grants administered by the state.

Compliance with Federal Labor Laws

There are numerous labor laws that apply to all employers in the United States, not just FTA grantees. However, transit agencies that are FTA grantees must agree to comply with these laws as a condition of grant funding. More information about the myriad of labor laws an organization must comply with can be found on the U.S. Department of Labor website.

Equal employment opportunity (EEO) requirements for FTA grantees are discussed in the Civil Rights section of the toolkit.

ADA Requirements for Employers

As employers, transit agencies need to comply with ADA requirements for employees, found in 29 CFR Part 1630 - Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act. Employers are prohibited from discriminating against a qualified individual on the basis of disability in employment decisions. The ADA regulations of the U.S. Department of Labor require employers with 15 or more employees to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer. Excluded from this requirement are Indian tribes, the U.S. government, corporations wholly owned by the U.S. government, and any bona fide private membership club (other than a labor organization) that is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1986. For information, visit the Disability Discrimination web page of the U.S. Equal Employment Opportunity Commission.

Working with Unions

If an agency has unionized employees, it is important to have a good working relationship with the head of the union. Transit managers and the agency's governing body have the authority to create policies and procedures within the organization. However, discussing issues with union representation and keeping the union informed of areas that effect the work of their membership is crucial. Working with a union can be positive and productive if both sides are committed to open communication and fair implementation of policies and procedures.

Under 49 U.S.C. Section 5333(b) of the Federal Transit Laws, when FTA funds are used to "acquire, improve, or operate" a public transportation system, the funds come with an obligation to preserve "the rights and benefits of employees under existing collective bargaining agreements, the continuation of collective bargaining rights, the protection of individual employees against a worsening of their positions in relation to their employment, assurances of employment to employees of acquired transit systems, priority of reemployment, and paid training or retraining programs."

The Section 5311 program involves a Section 5333(b) Special Warranty established at the federal level that protects existing transit employees in the service area of the rural transit system. Each Section 5311 application submitted by a state or tribe to FTA must contain a labor section identifying labor organizations representing transit employees of each subrecipient, the labor organizations representing employees of other transit providers in the service area, and a list of those

transit providers. The FTA notifies the DOL of Section 5311 grants the FTA is awarding. The DOL then notifies the labor unions representing potentially affected transit employees of the grant and their rights under the Special Warranty. More information about the Section 5333(b) Special Warranty and compliance can be found on the DOL web site. (It is also referenced within the FTA Circular 9040.1G.)

Teleworking

For some positions within the transit agency, it may be possible for staff to effectively work at home for at least part of their work schedules. The COVID-19 pandemic created a need for many agencies to develop telework policies. Transit systems with positions that do not always require working at the transit offices, on the bus, or within the field may wish to adopt teleworking policies for those job functions that can be performed at home. Examples of such positions and tasks include call center staff and many administrative functions that can be performed entirely by computer and telephone, such as development and review of procurement documents, grant writing, data analysis, preparation of reports, developing planning documents, website maintenance, etc. While teleworking may not be something an organization can feasibly allow permanently, having a telework policy in place can help the organization respond quickly to unexpected office closures due to fire, other disaster, or future pandemic. Telework policies should address requirements such as hours of work, telephone and email staff contact availability, virtual meetings, daily protocols, recordkeeping, performance objectives, home workspace, equipment, and software provided by the organization.

Succession Planning

A 2011 study published by the Transportation Research Board, Strategies to Attract and Retain a Capable Transportation Workforce, defines succession planning as the strategic process of identifying and preparing high-potential employees through mentoring, training, and job rotation opportunities to replace staff, upon exiting the agency. A 2016 study published by the National Center for Transit Research, Workforce Development and Succession Planning to Prepare the Rural Transit Industry for the Future, found that only about 15% of rural transit managers who responded to a national survey have succession plans. To ensure a transit agency will continue to function well after a transit manager retires or transitions to a new job, transit managers need to develop an effective succession plan for their successors. National RTAP hosted a Succession to Transit Twitter Chat in January 2020 during which participants shared recommendations and practical advice for building a succession plan. The recommendations included:

- Incorporate succession planning into/build upon existing planning efforts. Consider succession planning when doing strategic planning. Address as part of emergency planning to support staff who are isolated or made unavailable due to an emergency.
- Develop a plan that supports the agency's mission and vision
- Establish a mentoring program that allows employees to become familiar with processes enabling them to move up in the organization
- Consistently have open form discussions and frequent communications
- Have back up plans
- Cross train staff

- Involve senior leadership as well as human resources
- Carve out time to do this important effort, rather than "back-burnering" it until it is too late; the outcomes are well worth the time invested. (Ideas for saving time to can be found in National RTAP's Time Management for Rural Transit Managers technical brief.)
- Revisit and modify the succession plan every year to adjust to changing needs

For additional tips, refer to the Succession to Transit Twitter Chat Summary in January 2020.

Section Sources

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Driver Recruitment, Training, and Retention

Introduction

The most important part of a transit organization is a team of well-qualified, well-trained, and motivated drivers. An agency's drivers not only essential for operating the service, they are responsible for safe and reliable service, and are the most visible representatives of an organization. It can be challenging to recruit and retain good people, particularly when funding is tight. This section of the toolkit introduces both requirements and suggested practices in the areas of driver recruiting/hiring, retention/motivation, and training. Many excellent resources exist that can provide more details on each of these functions, and these are referenced throughout this toolkit page. While this section of the toolkit is focused on drivers, the Human Resources section of the toolkit provides information that applies to all of the employees in the rural transit organization.

This section includes the following subsections:

- Driver Recruitment and Hiring
  - Suggested Practices for Recruiting and Hiring Drivers
  - Federal Requirements that Affect Driver Hiring Decisions
- Driver Training
  - Federally Required Training
  - Minimum Suggestions for Bus Driver Training
  - Sources of Driver Training
- Keeping Drivers on Board

Driver Recruitment and Hiring

Suggested Practices for Recruiting and Hiring Drivers

When unemployment is low, it can be especially challenging to attract qualified new drivers. The job description should be the basis for advertising open positions. Transit managers should also review the wages and benefit packages for drivers to ensure that the transit organization is a competitive employer. For job description and salary range examples, National RTAP completed a job title and salary range survey of rural and tribal public transit agencies in August 2020 that includes responses from 275 agencies. The spreadsheet contains the database and a summary table. Transit managers should consider the cost of living in their area and typical wage rates and benefits offered by employers in the area to determine if the wages and benefits they are planning to offer can compete with other employers. The state transit association may have this type of information available from other transit agencies in the state, and national associations may also make industry-wide wage and benefits information available to their members.

The following are some ideas for recruiting new drivers and evaluating how well they would likely fit the job.

Recruiting New Drivers

- Promote job openings on the organization website and social media accounts.
- Post driver job openings on popular websites for job seekers, such as Indeed, Transit Talent, Facebook, and Craigslist, (websites are provided for informational purposes only; National RTAP does not endorse or recommend any specific websites) as well as the classifieds of the state transit association.
- Appeal to job-seekers who are interested in making the world a better place and giving back to their community. This can be very important for attracting millennials and retirees. Government and non-profit organizations can post job listings on Idealist.
- Appeal to job-seekers who are veterans, who offer experience, skills, and qualities that transit systems need.
- Consider starting an employee referral program, rewarding employees who refer successful recruits.
- Create a realistic job preview video featuring several drivers talking about what it is like to work for the organization and why they do it. Ideally, the drivers in the video should represent a diverse workforce to appeal to potential recruits from different backgrounds. Post the video online and share it through the organization's website and social media accounts.
- Other ideas for getting the word out include hosting a career day, participating in other organizations' career days, sending job listings to school employment services (including technical schools and community colleges), and posting job advertisements on transit vehicles (because a passenger may know someone who would be interested).

Evaluating Candidates for the Job

- Ideally, the drivers hired will have a positive attitude and enjoy working with people. Transit managers can provide training on skills, but the right attitude is something they should screen for in the hiring process. If an applicant seems to exhibit great customer service skills, but doesn't have for example a CDL, perhaps he or she should be considered and trained in the job function.
- Be mission-driven. See the Mission and Leadership section of this toolkit for more information about this. Talk about the organization's mission with each job candidate and make sure they understand what their role would be if they are hired.
- If salary is an individual's top priority, he or she might not be a good candidate for the job. Consider telling potential applicants, "You may make more money elsewhere, but this may be the most rewarding job you'll ever have." Hiring drivers who seek a hiring salary other than what an agency is able to offer may translate into high turnover which is costly to the organization.

Most of the above suggestions were gleaned from a workshop conducted by Caryn Souza of the Community Transportation Association of America (CTAA) in September 2017. Related resources include:

- Caryn Souza, How to Recruit and Retain Drivers, *Digital Community Transportation*, Summer 2016, pp. 34-36.

- [Recruiting for a Sustainable Driver Workforce,](#) [archived CTAA webinar](#), December 2017, presented by Caryn Souza, Josh Baker, and Lyn Hellegaard.

Federal Requirements that Affect Driver Hiring Decisions

In addition to the general federal requirements that apply to all new hires (introduced in the Human Resources section of this toolkit), the following requirements apply to drivers.

Federal Motor Carrier Safety Regulations Related to New Driver Qualifications

The [U.S. DOT Federal Motor Carrier Safety Regulations (FMCSRs)](#) have a number of requirements that may apply to some or all of the drivers that that are hired, depending upon the vehicle size and weight, and whether they cross state lines.

Under [49 CFR Part 383](#), drivers of the following passenger vehicles (as well as mechanics who test drive these vehicles) must have a valid **Commercial Driver's License (CDL)**:

- Vehicles designed to seat 16 or more passengers including the driver
- Vehicles with a gross vehicle weight rating (GVWR) exceeding 26,000 pounds
- If an agency employs drivers to operate vehicles that require a CDL, it has a responsibility to verify that the drivers have a valid CDL before operating these vehicles. This could be one of the minimum qualifications for the job, or alternately the agency may choose to train new hires without CDLs to prepare them for taking the CDL exam.

Under [49 CFR Part 391](#), drivers of the following types of passenger vehicles must pass a **U.S. DOT physical, background check, and road test** before operating these vehicles:

- Vehicles requiring a CDL
- Vehicles designed to seat 9 to 15 passengers if operating for direct compensation and crossing state lines
- Vehicles with a GVWR exceeding 10,000 pounds

Under [49 CFR Part 380](#), drivers of vehicles requiring a CDL that cross state lines have **entry level driver training requirements**. This will be mentioned again in under driver training requirements.

DOT/FTA Drug and Alcohol Testing Requirements Related to New Driver Qualifications

The [U.S. DOT/FTA Drug and Alcohol testing requirements](#) are summarized in the Drug and Alcohol section of the toolkit. Two of these requirements kick in as part of the hiring process for drivers (and other safety-sensitive positions):

- Pre-employment drug test – [49 CFR Part 655](#) requires a negative drug test before working in a safety-sensitive position. Pre-employment alcohol testing is not required; however, employers may choose to also perform this test.
- Testing records from previous employers – [49 CFR Part 40](#) requires each employer to check on the drug and alcohol testing record of new safety-sensitive employees.

More information on these requirements can be found in the [Drug and Alcohol section](#) of the toolkit.

Driver Training

Well-trained drivers are essential for providing safe, high quality transit services. There are a few federal requirements for driver training which are introduced here, followed by suggestions for training topics and potential sources, shared as best practices.

Federally Required Training

All rural transit drivers *must* be trained in:

- Passenger assistance and sensitivity – Under [49 CFR Section 37.173](#), all drivers (and other staff) must be trained to proficiency to assist people with disabilities in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities. Drivers must be trained to use accessibility equipment and must understand the transit agency's Americans with Disabilities Act (ADA) policies.
- Substance abuse awareness – Under [49 CFR Section 655.14](#), employers must provide at least 60 minutes of training to safety sensitive employees on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use. Employers must also display and distribute informational materials. Although alcohol misuse training is not required for safety sensitive employees, as a recommended practice, employers should also provide information about the effects and consequences of misuse of alcohol. (Note the supervisors and others who are responsible for making the call to conduct reasonable suspicion testing must have 60 minutes of training on the physical, behavioral and performance indicators of probable drug use, and 60 minutes on the indicators of probable alcohol misuse. For more information, see the [Drug and Alcohol Programs section](#) of this toolkit.)

Entry-level CDL drivers that cross state lines must also receive training in FMCSR requirements specified in [49 CFR Part 380](#). An "entry-level driver" is defined in this part as having less than one year of experience operating a commercial motor vehicle with a CDL in interstate commerce. As detailed in 49 CFR Section 380.503, entry-level driver training must address:

A. **Driver qualification requirements:** Under the FMCSRs on medical certification, medical examination procedures, general qualifications, responsibilities, and disqualifications based on various offenses, orders, and loss of driving privileges (as detailed in [49 CFR Part 391](#), subparts B and E).
B. **Hours of service of drivers:** Including limitations on driving hours, the requirement to be off-duty for certain periods of time, record of duty status preparation, and exceptions (as detailed in [49 CFR Part 395](#)), as well as fatigue countermeasures as a means to avoid crashes.
C. **Driver wellness:** Including basic health maintenance and the importance of avoiding excessive use of alcohol.

D. **Whistleblower protection:** Which protects the right of an employee to question the safety practices of an employer without the employee's risk of losing a job or being subject to reprisals simply for stating a safety concern.

Minimum Suggestions for Bus Driver Training

Other than those training requirements listed above, there are currently no national training requirements for transit bus operators. State DOTs, however, may have bus driver training requirements for Section 5311 subrecipients, and rural transit managers should check with their State DOT. In any case, training promotes safety, morale and a greater partnership among employees and management.

New Hire Training

Minimum training suggestions for newly hired bus drivers include:

- Company overview – transit policies and procedures, driver handbook
- Pre-trip process
- Defensive driving (preventing accidents regardless of conditions or the actions of others)
- Emergency procedures
- Safe boarding and deboarding of passengers
- Passenger assistance/safe lift operation and wheelchair/mobility device securement (required)
- Sensitivity and disability awareness
- Customer service
- First aid and CPR
- Bloodborne pathogens
- On the road and route training
- Drug (required) and alcohol (recommended) awareness training
- Responding to accidents and incidents
- Pedestrian awareness
- Other training that should be provided to all employees, not just drivers, such as workplace harassment, diversity awareness, general employee policies and procedures, and human trafficking awareness

Refresher Training

Experienced drivers can also benefit from training. Refresher training should periodically be provided for safety topics, other areas where drivers may need to update their skills, and emerging issues and service needs.

- Every year
  - CPR (if applicable in an agency)
  - System safety, including evacuation
  - New policies and procedures
  - New rules and regulations
- Every two years
  - Defensive driving

- o Passenger assistance/safe lift operation and wheelchair/mobility device securement
  - o Bloodborne pathogens
  - o Security awareness
- Every three years
  - o First aid
  - o Organization-wide topics including diversity awareness and workplace harassment
  - o Drug and alcohol policies

Additional training topics to consider for experienced drivers include winter driving safety reminders, problem-solving for customer service challenges, training on new equipment added to the fleet, and basic Spanish phrases for frequent communications with passengers with Limited English Proficiency (LEP).

Sources of Driver Training

Many State RTAP programs support driver training in some capacity, and transit managers should check with the State DOT to find out more. A Directory of State RTAP Managers and Directory of Trainers are available.

Many excellent programs exist for rural transit driver training. The following are commonly used in the industry on a national level.

National RTAP's training programs and materials for drivers include:

- START - Safety Training and Rural Transit
- Emergency Procedures for Rural Transit Drivers
- Customer Driven Service
- Essential Spanish for Rural Transit
- Problem Passengers: Managing Difficult Passengers & Situations
- Substance Abuse Awareness Training
- 2 The Point Training - Training cards, in English and Spanish, covering a variety of topics designed be quick refresher trainings including:
  - o ADA and Sensitivity
  - o Bloodborne Pathogens
  - o Customer Service
  - o Defensive Driving
  - o Distracted Driving
  - o Drugs and Alcohol
  - o Emergency Management
  - o Passenger Safety
  - o Transporting Non-Ambulatory Passengers

Driver training courses developed by other organizations that are available through the National RTAP eLearning portal include:

Busing on the Lookout's Transit and Human Trafficking
Vendor-produced training videos on wheelchair securement and lifts
FTA Drug Abuse Awareness video

Administration > Driver Recruitment, Training, and Retention

- Small Urban and Rural Center on Mobility (SURCOM) training module on customer service

A helpful resource is FTA's catalog of Safety Training Resources for Bus Transit Agencies.

The U.S. DOT-funded Transportation Safety Institute (TSI) offers a comprehensive train-the-trainer course for transit driver training as well as webinars on specific topics. Although geared toward urban fixed-route systems, rural transit systems can also benefit from TSI offerings which include:

- Instructor's Course for Transit Trainers (5-day instructor-led course held at locations throughout the country; currently $145 tuition)
- Curbing Transit Employee Distracted Driving (30-minute online course; free)
- Fatigue and Sleep Apnea Awareness for Transit Employees (30-minute online course; free)

Among Community Transportation Association of America's (CTAA) training and certification programs is the popular PASS (Passenger Assistance Safety and Sensitivity) Driver training, a three-day train-the-trainer course and a two-day driver training and certification. Certification is valid for three years.

The National Safety Council (NSC) offers 4 to 8 hour defensive driver training and certification geared toward automobile drivers (also applicable to transit drivers) as well as a 4-hour Coaching the Van Driver instructor-led course.

Other sources of defensive driving training for transit drivers include the Smith System and Taptco.

Additional training resources on human trafficking awareness include:

- Busing on the Lookout video from Truckers Against Trafficking
- Southwest Transit Association has links to numerous training resources through their web site
- Blue Campaign Motor Coach video, downloadable from Department of Homeland Security web site

As noted above, transit managers should also check with State RTAP coordinators on the training provided for rural transit programs in the state. Many State RTAPs sponsor some of the programs listed above and/or training customized for the state's rural transit drivers, either at the "train-the-trainer" level or directly training drivers.

State transit associations are another potential source of shared training. For example, the PennTRAIN program provided through the Pennsylvania Public Transit Association provides training on a variety of training topics.

Keeping Drivers on Board

Once a transit manager has recruited, hired, and trained drivers, there is still work to be done to keep employees motivated to perform at their best and stay with the organization. Suggestions for retaining drivers include:

- Create an employee recognition/incentive program, or enhance the program the agency already has - and enlist employees to help design/improve it to ensure the requirements are possible and the incentives are meaningful.
- Provide employees with periodic on-board performance appraisals (suggested 90 days for new hires) aligned to their job descriptions (making sure the job description aligns with their current responsibilities, or updating the job description). Be sure to provide plenty of advanced notice - the appraisal shouldn't be surprise. On-board appraisals are recommended for evaluating drivers because this helps the manager more fully understand the demands of the job and provides a coaching opportunity.
- Consider developing a mentoring program to provide new hires with peer support as they grow within the organization.
- Provide ongoing training opportunities to help employees improve, grow, and stay engaged. Consider cross-training, mentoring, and coaching.
- If the transit agency trains new drivers to obtain their Commercial Driver's Licenses (CDL), as an incentive to prevent them from immediately moving on to a higher paying job requiring a CDL, the transit agency could consider requiring the drivers to reimburse the organization for their training time if they leave before working a minimum span of time (90 days to one year, for example), and paying them a higher wage after they have earned their CDL.
- If the agency relies on seasonal employees, consider providing a bonus at the end of the season (such as an extra dollar per hour) for employees that stay through the full season.
- Even if the organization has a limited budget for a formal employee incentive program, consider giving out thank-you gift cards for "above and beyond the call of duty" performance when it happens, celebrating special milestones (including employment anniversaries and birthdays), and occasionally surprising employees with pizza to express appreciation.
- Finally, transit agencies that have problems with driver hiring and retention may need to take a hard look at the salary scale. While working as a transit driver can be a very satisfying and altruistic job, the bottom line may be the employer's need to pay a reasonable wage.

The above suggestions are in part from "Ten Tips for Hiring and Retaining Drivers," Maryland Transit Update, Fall 2017, p. 4.

Related resources include:

- National RTAP, Applying Good Business Practices: Hiring, Training and Evaluating Employees Technical Brief (2018)
- Caryn Souza, How to Recruit and Retain Drivers, Digital Community Transportation, Summer 2016, pp. 34-36
- "Retaining a Sustainable Driver Workforce," archived CTAA webinar, March 2018, presented by Caryn Souza, Josh Baker, Lyn Helleguard, and Michael Noel (can be accessed through the CTAA Webinar Archive.)

Additional suggestions for improving employee morale are found in the Human Resources section of this toolkit.

Section Sources

- [49 CFR Part 37, Subpart G—Provision of Service, §37.173 Training requirements](#)
- [49 CFR Part 40, Subpart B—Employer Responsibilities, §40.25 Must an employer check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties?](#)
- [49 CFR Part 380, Subpart E—Entry-Level Driver Training Requirements before February 7, 2020](#)
- [49 CFR Part 380, Subpart F—Entry-Level Driver Training Requirements on or after February 7, 2020](#)
- [49 CFR Part 383—Commercial Driver's License Standards; Requirements and Penalties](#)
- [49 CFR Part 391, Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors](#)
- [49 CFR Part 655, Subpart B—Program Requirements, §655.14 Education and training programs](#)
- [49 CFR Part 655, Subpart E—Types of Testing, §655.41 Pre-employment drug testing](#)
- [49 CFR Part 655, Subpart E—Types of Testing, §655.42 Pre-employment alcohol testing](#)
- [Caryn Souza, "How to Recruit and Retain Drivers," Digital Community Transportation, Summer 2016, pp. 34-36](#)
- Caryn Souza, Josh Baker, and Lyn Hellegaard, Recruiting for a Sustainable Driver Workforce, archived CTAA webinar, December 2017 (can be accessed through [CTAA Webinar Archive](#))
- [FTA, Safety Training Resources for Bus Transit Agencies](#)
- "Ten Tips for Hiring and Retaining Drivers," Maryland Transit Update, Fall 2017, p. 4

Safety, Security and Emergency Management

Introduction

On July 19, 2018, the Federal Transit Administration (FTA) published the [Public Transportation Agency Safety Plan (PTASP) Final Rule](#) that required Section 5307-funded urban transit systems to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS). Under current rules, Section 5310 and/or 5311 funded agencies are not required at this time to develop an FTA-compliant safety plan. However, the SMS and safety plan elements presented in this section of the toolkit should be considered as best practices for Section 5310 and/or 5311 funded agencies. Additionally, State DOTs may have established safety program requirements for Section 5310 and/or 5311 subrecipients in the state.

Safety is the **Number One** priority for a Transit Manager! A manager is not typically driving a bus, fixing buses or scheduling customer rides, but their responsibility for system safety should guide their decision-making in all aspects of leading and modeling a culture of safety. The Transit Manager works with the board and leads the employees in the performance of quality service and general morale. That influence extends to making safety and security the highest priority.

This section of the toolkit is organized into the following subsections:

- The Role of the Accountable Executive / Safety Officer
- Safety Management System (SMS) Framework
    - Moving Ahead for Progress in the 21st Century (MAP 21)
    - The National Public Transportation Safety Plan (NPTSP)
    - The Public Transportation Agency Safety Plan (PTASP)
    - The Safety Management System (SMS) – A Brief Overview
    - Safety Management System Overview – 4 Pillars
    - Safety & Overarching Theme
- Manager's Role in Overseeing Daily Vehicle Operations
    - Handling Conflict and Driver De-escalation Skills – Preventing Driver Assaults
    - Drugs on the Bus
- Manager's Role in Security Awareness
- Manager's Role in Emergency Management
- Lessons Learned Lessons Learned from The COVID-19 Pandemic
    - Pandemic Plan
    - Agency Response - Recommended Pandemic Protocols
    - Conflict Resulting from Pandemic Stress
- Section Sources

The Role of the Accountable Executive / Chief Safety Officer

The top executive (usually the Chief Executive Officer or General Manager) of a transit agency shoulders the responsibility, as required by FTA's Safety Management System (SMS) model, for duties of the Accountable Executive. The Accountable Executive will be the person who interacts with the board and executive leadership on plans, policies, purchasing decisions and daily operations that impact safety. The Accountable Executive must also constantly remind employees that safety is the highest priority. A simple message, *Safety Ahead of Schedule*, must be the guiding principle articulated to all employees.

It is a basic management tenet that accountabilities flow from the top down. While the SMS model requires that safety accountability resides with the Accountable Executive of the transit agency, the agency's Board of Directors or other governing body must also play an integral role for establishing a foundation for safety management. The SMS model defines the Accountable Executive as the individual with the ultimate authority and accountability for a transit system's day to day operations. The Accountable Executive plays a central role in the development and implementation of safety plan activities consistent with the SMS model. It is typically at this level that safety objectives, safety performance targets, purchasing decisions and operating budget decisions are made that support safety initiatives.

The Accountable Executive also needs to designate a Chief Safety Officer, who will typically oversee key safety functions. Depending on the size of the organization, the Chief Safety Officer may be a stand-alone position or additional duties assigned to an individual in another position. Within the organizational structure, the Chief Safety Officer must report **directly** to the Accountable Executive for all safety concerns.

As noted in the January/February 2019 FTA Transit Safety and Oversight Spotlight newsletter, the rule also says that a transit agency may allow the Accountable Executive to serve as the Chief Safety Officer. However, the Chief Safety Officer may not serve in other operational or maintenance capacities unless the agency is a small public transportation provider as defined by the PTASP rule (100 or fewer revenue vehicles in peak service and without rail service).

The Chief Safety Officer may vary from agency to agency, but in general, they manage the transit agency's safety function such as compliance with federal, state, and local regulations, and overseeing safety requirements for transit projects. Duties might also include hazard management, accident investigation, coordination with the State Safety Oversight Agency, and safety certifications.

Each agency may choose which type of training the Chief Safety Officer will complete to qualify as "adequately trained." The Community Transportation Association of America (CTAA) offers a Certified Safety and Security Officer (CSSO) program that is geared toward rural transit agencies.

Safety Management System (SMS) Framework

Moving Ahead for Progress in the 21st Century (MAP 21)

The Moving Ahead for Progress in the 21st Century (MAP-21) Act, enacted in July 2012, granted FTA authority to establish and enforce a new comprehensive framework to oversee the safety of public transportation throughout the United States. This authority continues in current and future federal transit funding.

A National Public Transportation Safety Plan was published in January 2017 in the Federal Register. The NTPSP provides guidance for improving transit safety performance, samples of agency's safety policy statements, communications tools, and provide updates for standards, best practices, tools, technical assistance, and other trending resources.

FTA released the final rule in July 2018 on the Public Transportation Agency Safety Plan (PTASP) requirements.

The National Public Transportation Safety Plan (NPTSP)

While the National Public Transportation Safety Plan (NPTSP) does not include any mandatory requirements, it does require performance targets for systems that receive federal financial assistance including:

1. **Fatalities** – total number of reportable fatalities and rate per total vehicle revenue miles by mode
2. **Injuries** – total number of *reportable* injuries and rate per total vehicle revenue miles by mode
3. **Safety Events** – total number of *reportable* events and rate per total vehicle revenue miles by mode (typically reported safety violations, customer safety related complaints, employee close call / near miss reporting, etc.)
4. **System reliability** – total number of *reportable* events and rate per total vehicle revenue miles by mode (typically road calls and mechanical failures)

Thresholds for reportable fatalities, injuries and events are defined in the National Transit Database (NTD) Safety and Security Reporting Manual (downloadable through the FTA NTD Manuals web page.

The Final Rule on the PTASP includes the following definitions:

2. Accident - an event that involves any of the following:
   - loss of life
   - report of a serious injury to a person
   - collision of public transportation vehicles
   - runaway train
   - evacuation for life safety reasons
   - derailment of a rail transit vehicle, at any location, at any time, whatever the

2. Incident - an event that involves any of the following:
- personal injury that is not a serious injury
- one or more injuries requiring medical transport
- damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency

3. Event - an accident, incident, or occurrence.

The Public Transportation Agency Safety Plan (PTASP)

The July 2018 Public Transportation Agency Safety Plan (PTASP) Final Rule (49 CFR Part 673) applies to recipients or subrecipients of funding under 49 U.S.C. 5307 that operates a public transportation system.

- Section 5307 funded agencies operating 100 or fewer revenue service vehicles in peak service (small urban transit systems) are required to develop an FTA compliant agency safety plan.
- Small urban systems may use their State DOT to draft and certify their plan or may develop and certify their own plan.
- Section 5307 funded agencies operating more than 100 revenue service vehicles in peak service (large transit systems) are required to develop their own FTA compliant agency safety plan

The PTASP must:

- Be approved by the agency board of directors or equivalent authority by July 19, 2020
- Be based on the Safety Management System (SMS) approach
- Contain performance targets based on safety criteria established under the National Public Transportation Safety Plan
- Establish a process for annual review

FTA offers a webinar to assist transit agencies and State DOTs with determining whether or not the FTA requires that they develop a PTASP. Section 5310 and/or 5311 funded agencies are not required AT THIS TIME to develop an FTA compliant safety plan; only Section 5307 (urbanized) recipients and subrecipients and rail systems are currently subject to this requirement. The safety plan requirements for 5307 systems should be considered as best practices for 5310 and/or 5311 funded agencies.

FTA offers numerous resources for developing a PTASP in its online PTASP Technical Assistance Center. This includes resources to help small bus transit providers work with their State DOTs on Agency Safety Plan development. Examples of resources include a Sample Bus Transit Provider Agency Safety Plan (ASP), which outlines the requirements of an FTA compliant plan, a PTASP Checklist for Bus Transit, and a Guide to Developing the Safety Risk Management Component of a Public Transportation Agency Safety Plan, which provides more detail on the SMS component of a PTASP.

Note that State DOTs have a responsibility to develop PTASPs for urban transit systems that operate no more than 100 buses (referred to as a "small bus system" in this context) that elect not to develop their own PTASP. Some States also require PTASPs for their rural transit systems. FTA has a web page compiling resources to help State DOTs develop Agency Safety Plans for small public transportation providers in their states.

For State DOTs that are interested in procuring consulting services to assist with PTASP preparation for the State's subrecipients, here is a sample PTASP Scope of Services from Virginia Department of Rail and Public Transportation.

The Safety Management System (SMS) – A Brief Overview

SMS is about strategically applying resources to risk. To do this effectively, the organizational structure includes these elements:

- Defined roles and responsibilities
- Strong executive safety leadership
- Formal safety accountabilities and communication
- Effective policies and procedures
- Active employee involvement
- Scalable to the size of the transit agency and complexity of the service delivery model

Key SMS activities:

- Collecting and analyzing safety data to proactively identify hazards
- Taking actions to mitigate the risk associated with the potential consequences of hazards
- Ongoing monitoring of risk through a system of safety controls
- Using data to support allocation of resources that promote and support safety performance

Key features of SMS:

- Accountability for the management of safety at the highest level of the transit agency
- Collaboration between management and labor to ensure agreement on safety risk priorities
- Structure and strategic decision making for safety resource allocation
- Enhanced service safety performance through proactive safety risk analyses
- Increased confidence in safety risk controls through safety assurance
- Partnership and knowledge sharing between public transportation agencies, state agencies and FTA
- A positive safety culture that supports safety communication and hazard reporting

The role of senior management in SMS:

- Senior management understands and accepts its role of accountability in promoting safety and managing the transit agency safety program

- Senior management ensures employee partnership and participation on all safety matters
- Safety Officer / Manager provides ongoing communication about the SMS to all employees

SMS and the current safety structure:

- Builds on existing transit agency resources, both human and technical, and refocuses activities to more effectively use these resources
- Ensures that safety decision-making is integrated into the management processes that drive the organization

Working with public safety and emergency preparedness, SMS:

- Integrates public safety and emergency preparedness information into the assessment of risk
- Helps management and employees understand their total safety risk exposure and allows for resources to be applied strategically and effectively

SMS and safety culture:

- Facilitates a shift in attitudes for both management and employees concerning the importance of safety in day-to-day activities
- Emphasizes safety training and communication throughout the entire transit agency to ensure safety policies and procedures and hazard reporting needs are understood and
- Encourages management and employees to work together to identify and mitigate safety risk
- Encourages employees to routinely report close calls and near misses with the understanding that positive actions will be taken by the agency to reduce potential negative outcomes
- Prioritizes safety related complaints by passengers and those in the community with the understanding that positive actions will be taken by the agency to reduce potential negative outcomes

Safety Management System Overview – 4 Pillars

SMS is composed of four functional components:

1. Safety Policy
   - The foundation of a safety management system
   - Clear objectives and procedures to accomplish objectives
   - Defines roles of management and employees

2. Safety Risk Management
   - Processes and procedures for identifying hazards or potential hazards
   - Collection, analysis and assessment of risks for hazards
   - Measures to reduce or eliminate risks

3. Safety Assurance
- Ensures performance and effectiveness of safety risk measures developed under safety risk management
- Ensures continuous collection, analysis and assessment of performance data to meet or exceed safety objectives
- Monitors and inspects activities to support oversight and performance

4. Safety Promotion
- Includes training and communication of safety information
- Allows a process for employees to communicate safety concerns without fear of retribution

Safety and Overarching Theme

Throughout all phases of SMS, there are four important questions that should be driving your process.

1. What are your agency's most serious safety concerns? (Risk)
2. How do you know this? (Data)
3. What is your agency doing about it? (Resources)
4. Is what your agency doing working? (Trends)

As the manager performs the review, they should revise and develop their internal safety policies and procedures, and ensure that whatever they have in place effectively leads to the answers of these questions.

Manager's Role in Overseeing Daily Vehicle Operations

While a Transit Manager may not directly supervise daily vehicle operations, they lead the management and operations team in its commitment to safety, security and the agency's role in emergency management. The Manager influences and guides the transit system's employee relations, safety plans and policies, safety committees and meetings, and customer service. The management team shows commitment to safety by example and innovative initiatives to encourage safety procedures and implementation.

The Transit Manager will monitor daily operations through the managers and supervisors in each department of the agency. The Manager's role is to ensure that policies, procedures, training, recordkeeping and monitoring is in place in four critical areas:

1. Vehicle safety –
   The Transit Manager

- Ensures regular vehicle maintenance
- Ensures preventive vehicle maintenance is following bus manufacturers recommendations
- Oversees the on-sight maintenance shop, sub-contracted vehicle maintenance at independent garages, and/or vehicle maintenance performed by any sub-contractors

2. Driving safety –
   The Transit Manager

   - Ensures that hiring managers conduct appropriate background checks and ongoing Motor Vehicle Report monitoring of all bus drivers
   - Ensure that training is in place for new hires as well as veteran bus drivers
   - Ensure that all policies and procedures are being followed on a daily basis
   - Ensures that bus drivers receive initial and ongoing training to include, at a minimum:
       o Pre-trip inspection
       o Defensive driver training
       o Drug and alcohol awareness
       o Responding to onboard emergencies, including safe evacuation
       o All policies, procedures and practices of the agency
         *There are many training programs available through local and national organizations and private companies. The National RTAP <u>START</u> safety training module and <u>2 the Point Training Cards</u> provide high quality training material that can assist in the recommended training.

3. Passenger safety –
   The Transit Manager

   - Ensures that all bus drivers receive training in:
       o Customer service
       o Safe boarding and de-boarding of ambulatory passengers
       o Passenger assistance training including safe boarding, de-boarding and onboard securement of passengers who use mobility devices
       o Ensures that there is a method to mitigate hazards that could impact passenger safety
       o Ensures that there is a method to deal with passenger incidents or accidents
       o Ensures all public health concerns involving passengers are addressed

4. Emergency procedures –
   The Transit Manager

   - Ensures the development and review of documents, protocols and procedures as well as proper training and practice for emergency situations including:
       o Hazardous weather
       o Onboard accidents and incidents
       o Vehicle evacuation
       o Facility evacuation
       o Onboard conflict
       o Vehicle accidents
       o Vehicle or facility fire
       o Community evacuation
       o Ensures that communications and are open and there is cooperation between the transit agency and emergency personnel (local, county and state)
       o Is knowledgeable of the <u>National Incident Management System (NIMS).</u> The website offers free, online training courses.

A helpful resource is FTA's catalog of [Safety Training Resources for Bus Transit Agencies](#).

Handling Conflict and Driver De-escalation Skills – Preventing Driver Assaults

As a manager, it is important to provide resources and training for front-line employees on how to handle conflict and how to de-escalate onboard situations. Onboard conflicts can often be just a disappointment or disagreement between the passenger and bus driver over a policy or service. Conflicts may result in customer complaints (or worse) if not handled well. An out of control situation may quickly escalate to a more serious confrontation or even an assault.

Bus drivers must receive a clear message from management that their job is to inform onboard policies with customers. The driver has a responsibility to inform a passenger about the proper fare or a service policy, etc., and the manager can decide on an enforcement plan should the passenger disregard the rules. Sometimes passengers become angry when they are asked to do something or not to do something. Typically, confrontations start small and can accelerate to a worsening onboard situation. As a result, violent behavior can be directed toward the driver or other passengers.

According to [National RTAP's Customer Driven Service Training Module](#), there are 7 basic needs for all customers: reliability, safety, convenience, cleanliness, simplicity, affordability, and friendly service. Typically, when a bus driver meets the passengers' expectations, things go well. But there are times when a passenger can board a bus who is angry or even dangerous. The driver's actions and reactions to the person can either escalate or de-escalate a situation. Drivers should be trained on how to handle conflict, de-escalate situations and prevent assaults:

1. Always remember that passengers are people with a full range of human emotions. They also may have issues resulting from medical conditions that include dementia and mental illness, , alcohol abuse, illegal drug use, etc. Drivers should approach all passengers with dignity, respect and kindness.
2. Passengers should be greeted with friendliness and confidence. Drivers should convey a helpful and professional attitude toward passengers.
3. It is the driver's role to support and explain policies. Explanations should be polite and consistent. The concept of informing the passenger of a policy is the driver's job. However, proceeding to enforcement (denying service) can sometimes result in passenger anger. Drivers should never threaten a passenger.
4. It is important to stay vigilant when dealing with someone who is upset. Drivers should be aware of the situation and mindful that stress can intensify the situation. They should also know the environment (e.g., to be prepared to stop the vehicle at the nearest safe location).
5. Staying calm is crucial. If a driver's emotions are out of control, the passenger may also lose control. Drivers should not take comments personally.
6. Non-threatening questions are powerful tools to de-escalate a situation (e.g., "What do you need?").
7. In tense situations, the driver's first statement can influence the passenger's attitude. Drivers should slow their speech and lower their voice.

There may be times when the driver cannot de-escalate the situation and will need to bring the conflict to a safe conclusion. Here are some steps:

1. **At first indication, the driver can discreetly contact the dispatcher. Engage a panic button or verbal emergency code**. A transit system can install a panic button that typically sends a silent signal to dispatch that help is needed. In the absence of this technology, a non-threatening phrase the driver can call into dispatch (e.g., "is there any overtime work this Sunday?") will alert dispatch to get assistance to the driver. It may also be appropriate to dial 911 on a cell phone and leave the line open in some situations.

2. **Don't close the door on a dangerous passenger**. The driver can stay in place with the door open and announce a mechanical problem. Simply stated, the driver can let the other passengers exit the bus.

3. **If in route, the driver can pull over to a safe crowded area and open the door**. Never trap an out-of-control person.

A manager has many responsibilities, but few are more important than providing the necessary tools and training to ensure bus driver and passenger safety. Drivers should be reminded to provide friendly and safe services every day and to display a positive attitude with all passengers. Their daily goal is to be safe, go home, and enjoy their time off.

The New Mexico DOT (NMDOT) has developed a Conflict Management and De-escalation for Transit Drivers and Supervisors video. Links to stream and download this video, as well as an accompanying handout, can be found on the [NMDOT Transit and Rail web page](#).

Conflict Resulting from Pandemic Stress

Pandemics can be highly stressful for most people. Self-care during a pandemic should be encouraged among all transit agency staff, especially drivers. Transit agencies may want to offer counseling to staff.

Fear and anxiety, coupled with isolation and loneliness and difficulty in getting what used to be normal activities accomplished, can cause frustration, agitation and inflexible behavior.

During a pandemic, on-board conflict can escalate. A bus driver may find that a passenger may not comply with a request or policy change. A request to wear a mask or to sit in a certain seat to maintain social distancing, etc., may quickly escalate into a conflict where a passenger or even groups of passengers will not comply with a request. While each system will need to determine if a serious safety threat exists that may result in service denial, typically management would teach bus drivers to inform the passenger of the transit agency policy. After the trip, the bus driver should report the incident to management.

There is also the risk of assault by passengers against bus drivers or other passengers during a pandemic. Frontline personnel should receive advanced training in de-escalation. While following policy is very important, especially policies related to protecting the health and safety of passengers and employees, the manager should make it clear to drivers that they should not risk themselves or

other passengers' safety when faced with a person who is threatening violence in reaction to being asked to follow the policy.

A series of action steps to reduce and prevent assaults include:

- **Listen** – drivers should show that they are really listening and absorbing what the passenger is telling them
- **Place the issue on higher ground** – let them know that the driver is concerned about their safety and the safety of other passengers
- **Find something to agree on** – the conversation can be redirected away from the negative toward common good
- **Offer an explanation** – passengers are more willing to accept a negative situation if someone gives them the reason
- **Offer a solution** – drivers should show that they are willing to work to solve the problem
- **Divert attention** – the passenger's attention can be focused away from what they are doing and on to something else
- **Try a compliment** – a compliment can disarm an irritable passenger
- **Ask a question** – drivers may be able to help the passengers in some way
- **Let it go** – drivers should pick their battles wisely and realize when a situation could escalate into a larger issue
- **Present a choice** – passengers should be presented with a positive and negative choice that they can decide about

Drugs on the Bus

One onboard situation any bus driver may face is seeing or hearing that a passenger is showing, selling or using drugs during a bus ride. It is important that the transit manager issues a policy statement concerning passenger behavior while using the transit services. Typically, this list will involve the "dos and don'ts" of riding a bus and would include passenger guidelines for both alcohol and illegal drug use while riding. For example, Transit Triangle from Michigan City, Indiana has 22 passenger guidelines that include:

- No open alcohol beverage containers are allowed on board. Transit reserves the right to ask to see the contents of all packages if the operator suspects a package may contain an open container.
- Illegal drugs are not permitted. We will notify law enforcement.
- At the discretion of the operator, any person intoxicated or under the influence of alcohol and drugs may be refused service.

While a policy is very important, it is vital that the manager makes it very clear that the bus driver should not risk themselves or other passengers' safety when faced with a person showing, selling, or using illegal drugs.

In addition to a written policy, the transit manager should ensure that drivers are trained in responding to this type of situation as part of general conflict management training (which is discussed earlier in this section of the toolkit under Handling Conflict and Driver De-escalation Skills – Preventing Driver Assaults).

In particular, the training should highlight the following considerations and guidelines specific to illegal drugs or persons under the influence on the bus:

- A person under the influence of illegal drugs or alcohol may respond with anger or behavior that quickly escalates towards a negative outcome. The driver should inform the passenger of the rule. Most passengers will respond in a positive manner when informed but may respond negatively to enforcement.

- The driver should treat the individual with dignity and respect but report their observations to supervisors as soon as it is safely possible. Supervisors should inform management, who may choose to report the incident to law enforcement and request their assistance in processing the situation.

- It is important for drivers to recognize that many passengers have various legal medications that can be easily misunderstood as illegal substances. For that reason, it is also important to observe passenger behavior. If the person who is suspected of using drugs shows no signs of poor judgement or behavior, simply remaining aware and delivering the passenger to this destination may be the best outcome.

- Drivers should also be trained to look for suspicious activities items and activities to ensure that drug distribution isn't occurring on their vehicle. For example, they should be trained to look for slits cut into seats (as part of pre-trip and post-trip inspections) and be aware of people switching seats after another rider gets off the bus, and to report anything that seems suspicious to their supervisor.

Manager's Role in Security Awareness

The Transit Manager needs to ensure during this era of increased criminal activity and drug use, heightened national security, and greater technical piracy, that all employees are trained to be the eyes and ears in the community. A system for "if you see something, say something" should be in place for employees and passengers to report suspicious people, activities, vehicles, packages, objects, and behaviors that could pose a potential security risk or incident. All employees should be trained in BOLO (Be On the Lookout) and know who to tell when identifying someone or something suspicious. In addition, with the advent of smart phones, applications have been created for the public to photograph and report anything suspicious.

Manager's Role in Emergency Management

The Transit Manager needs to be aware that the transit system will work with the community first responders in the event of a local, state or national crisis. This could include evacuating residents

during events ranging from severe weather to criminal or terrorism activities within their community. The agency must have in place protocols to deal with accidents, evacuation, relocating vehicles, body fluid spills, sick or ill passengers, smoke or fire incidents both onboard the buses or any facilities owned by the transit system. One of the key steps to ensure that the transit system is working in harmony with local emergency management is active participation in the Local Emergency Planning Committee (LEPC). This group, typically under the authority of the county Emergency Manager, meets regularly to plan and practice emergency response. The Manager should also ensure that a relationship is established with local police and fire personnel who should be familiar with the transit agency's facilities and vehicles to allow for quicker action in the event of emergencies.

Lessons Learned from the COVID 19 Pandemic

In 2020, the United States become one of more than nations that suffered significant number of infections and deaths as a result of the worldwide outbreak and spread of severe acute respiratory syndrome (SARS) - Co V-2, also known as Coronavirus Disease, 2019 or COVID-19. This pandemic spread into all 50 states and U.S. territories. The result led to serious shutting down of many businesses and governmental offices and worksites, and service reductions of transit agencies.

Transit agencies had to make quick and decisive decisions on how to respond, what services to offer, and what steps to take to ensure safety for employees and customers. Most U.S. transit systems had not prepared for a pandemic and found themselves responding in real-time to an ever-changing environment.

Many COVID-19 resources have been developed for transit agencies, such as the guidance and best practices found in these resources:

- FTA's Novel Coronavirus (COVID-19) web page
- National RTAP's Best Practices Spotlight Article on Coronavirus Disease 2019 (COVID-19)
- National RTAP's Coronavirus Disease 2019 (COVID-19): Information and Resources for Transit Technical Brief
- CTAA's COVID-19 Resources and News web page
- American Public Transportation Association's (APTA) Public Transit Response to Coronavirus or COVID-19 web page
- National Aging and Disability Transportation Center's (NADTC) COVID-19 Resources web page
- Centers for Disease Control and Prevention (CDC) Resources for Businesses and Employers - includes links to fact sheets for Bus Transit Operators, Transit Maintenance Workers, and Transit Station Workers

In addition to national-level guidance, some State DOTs have prepared guidance for their grantees. For example, the New Mexico DOT (NMDOT) developed a COVID-19 Safety Guidance for New Mexico Transit Agencies video. Links to stream and download this video, as well as New Mexico COVID-19 Transit Response Guidance, can be found on the NMDOT Transit and Rail web page.

Pandemic Plan

It is very important that every transit agency prepares a pandemic response plan. For example, see the [Heart of Iowa Regional Transit Agency (HIRTA) Pandemic Plan](#).

Key elements should include:

1. Communications: Have systems in place for:
   - Staff communications: Have a system in place to be able to quickly communicate information to all employees through group call, text, and email to provide organizational-wide information. In addition to having a system in place for urgent, time-sensitive communications, transit managers should consider providing updates and reminders to all staff at regularly scheduled intervals (for example, through an employee newsletter or weekly bulletins).
   - Passenger communications: Use the agency website and social media tools to communicate service status to all passengers. This may also include recorded and live voice calls to paratransit customers affected by service changes. Posters, signs, and rider bulletins, can be posted at facilities and on vehicles. Many transit agencies send e-news and email alerts to individuals who subscribe to this service through the transit agency's website.
   - Media communications: Have specific individual(s) as the sole contact with all local media outlets to share important, up to date information.

   National RTAP's [Emergency Information Dissemination technical brief](#) provides recommendations for communicating to the public and the media during a crisis.
2. Staff education: Disseminate information throughout the agency concerning the nature of infectious respiratory diseases and best practices to avoid the spread of virus (hand washing, face covering, and social distancing). Consider hosting socially-distanced in-person driver training to help drivers feel more connected and have an opportunity to talk with a trainer or manager about their concerns.
3. Personal protection equipment (PPE): Develop a substantial inventory of PPE including at least:
   - Employee face coverings/masks (30 masks x number of employees x 90 days)
   - Passenger face coverings/masks (Daily number of passengers x 90 days)
   - Disposable gloves (number of employees x 90 days)
   - Clear curtains or barriers (ready to install as needed)
   - Disinfectant wipes that align with current [CDC recommendations](#) to ensure adequate cleaning and disinfecting of all frequently touched surfaces in bus, at bus stops, transfer facilities, offices and shops for a 90-day period.
   - A supply of hand sanitizer that aligns with current [CDC recommendations](#)
4. Policies in place for sick or high-risk employees to stay at home. Anticipate a minimum of at least 10% reduction in drivers and other staff.
5. Policies and technology in place to allow all employees other than drivers and those who need to be on site the ability to work at home
6. Bus schedules/operations, keeping in mind that transit agencies cannot limit or prioritize trip purposes for ADA Complementary Paratransit:

- Establish and prioritize trips and service areas such as hospitals, medical centers, dialysis centers, etc.
- Establish and prioritize secondary routes for essential services, employment, grocery, social service, government services
- May want to ask riders to avoid making non-essential trips on fixed route and demand response services, in order to save capacity for riders needing to make essential trips.
- Consider converting fixed routes to demand response service requiring reservations for all riders.

Agency Response - Recommended Pandemic Protocols

During a pandemic, it is very important to follow the recommendations of federal agencies (e.g., FTA, CDC) and state agencies (e.g., State DOT, State Departments of Health) to insure accurate information. Transit managers should subscribe to email updates from such agencies where possible.

Caution: many individuals, political leaders, talk radio hosts, Internet media, social media and others may have "opinions" on issues and recommendations to follow during a pandemic. Transit agency decisions should be based on federal and state agencies recommendations.

The following information is summarized from various national sources and best practices. Additional in-depth information can be found on the websites of FTA, CDC, National RTAP, CTAA, APTA, and other reliable sources. Links to key resources are provided below.

1. Face coverings/masks
   - Employees
     o Drivers – recommended use of N95 (or the equivalent KN-95) face masks for all drivers if possible. If N95 or equivalent masks are unavailable, cloth masks are recommended.
     o At-risk drivers – recommended administrative leave for those with CDC-identified high-risk conditions, over 60 or those living with someone over the age of 70
     o Office staff – use N95 or KN95 face masks, if available
   - Passengers
     o Recommended use of face masks by passengers
     o Offer cloth or disposable masks if passengers are not masked
2. Driver compartment barriers
   - Establish barriers with clear material for driver social distancing
   - Cordon off front row seats within six feet of the driver
   - Recommended use of back doors for boarding and deboarding, if available (allowing use of front-door lift or ramp when needed by individuals with disabilities, or for seniors and individuals with disabilities needing access to priority seating)
   - Use the ventilation system in non-recirculated mode or open the windows
3. Onboard social distancing
   - Limit the number of passengers
   - Use larger buses, if possible
   - Seat passengers at six feet apart at a minimum

- Place signs in seats for spacing
4. Vehicle and transit facility cleaning
   - Use disinfectant fogging on all vehicles
   - Clean and disinfect, using disposable gowns and gloves, all high touch surfaces on vehicles and facilities multiple times throughout the day following CDC guidelines
   - Make available onboard hand sanitizing dispensers or wipes
5. Fare collection
   - Consider suspending fares
   - Relocate fare boxes to passenger section
   - Use passes only
6. Mobility device securement
   - Use gloves, masks/shields
   - Require passenger masks (only if required for all passengers)
   - For additional recommendations, see CTAA Best Practices: Wheelchair Securement
7. Essential trip limitations – On demand response service (but not ADA complementary paratransit), the transit agency could prioritize transport for:
   - Healthcare employees
   - First responder employees
   - Grocery, pharmacy, restaurant employees
   - Food and medicine purchasers
   - Non-emergency medical trips
8. At-risk employees
   - Recommended administrative leave for
     o CDC-identified high-risk conditions
     o Those over 60 or those living with someone over the age of 70
   - Provide refresher training for drivers returning to work after an extended leave
9. Known COVID-19 positive passengers
     o Check with state Public Health Department and Medicaid Agency
     o Partner with local EMS providers
     o Use limited, larger vehicles
10. All passengers
     o May employ screening questions
     o Consider use of no-touch temperature check mechanisms

Links to Key Resources:

- FTA, COVID-19 Resource Tool for Public Transportation
- FTA, Frequently Asked Questions from FTA Grantees Regarding Coronavirus Disease 2019 (COVID-19)
- CDC, Cloth Face Coverings
- CDC, Guidance on use and reuse of N95/KN95 Masks
- CDC, COVID-19 Employer Information for Bus Transit Operators (for administrators and management)
- CDC, What Bus Transit Operators Need to Know About COVID-19

- CDC, What Transit Station Workers Need to Know About COVID-19
- CDC, Cleaning and Disinfecting Non-emergency Transport Vehicles

See also "Handling Conflict and Driver De-escalation Skills – Preventing Driver Assaults" which is found earlier in this section of the toolkit under "Manager's Role in Overseeing Daily Vehicle Operations."

Additional resources for managing stress and reducing on-board conflict include:

- CDC, Coping with Stress
- National RTAP, 2 the Point – Customer Service Training Card
- National RTAP, Problem Passengers: Managing Difficult Passengers & Situations

Section Sources

- CDC, Cleaning and Disinfecting Non-emergency Transport Vehicles
- CDC, Cleaning and Disinfecting Your Facility
- CDC, COVID-19 Employer Information for Bus Transit Operators (for administrators and management)
- CDC, Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes
- CDC, What Bus Transit Operators Need to Know About COVID-19
- CDC, What Transit Station Workers Need to Know About COVID-19
- FTA, Frequently Asked Questions from FTA Grantees Regarding Coronavirus Disease 2019 (COVID-19)
- FTA, National Public Transportation Safety Plan
- FTA, Public Transportation Agency Safety Plan (PTASP) Final Rule (49 CFR Part 673)
- FTA, Safety Training Resources for Bus Transit Agencies
- FTA, Transit Safety and Oversight Spotlight, Jan./Feb. 2019, Vol. 4 No. 1, p. 6
- FTA website, NTD Manuals page
- FTA, PTASP Technical Assistance Center
- FTA website, PTASP Sample Bus Transit Provider Agency Safety Plan (ASP)
- FTA website, former Safety Management Systems (SMS) page (accessed December 2019)
- Heart of Iowa Regional Transit Agency (HIRTA) Pandemic Plan (example of rural transit agency pandemic plan)
- National RTAP, 2 the Point – Customer Service Training Card
- National RTAP, Customer Driven Service
- National RTAP, Problem Passengers: Managing Difficult Passengers & Situations
- Noel, Patti and Michael, Noel Training and Consulting LLC, original content created for the Transit Manager's Toolkit.
- Transit Triangle (Michigan City, IN) Passenger Guidelines

Coordination and Mobility Management

Introduction

In addition to Section 5311, transportation services in rural areas are supported by numerous other programs. In 2012, the U.S. Government Accountability Office (GAO) reported that eighty federal programs are authorized to fund transportation services for older adults, people with disabilities, people with lower incomes, and others with limited transportation options (source: GAO-12-647: Transportation Disadvantaged Populations: Federal Coordination Efforts Could Be Further Strengthened). Efforts to coordinate the variety of human services transportation options that are provided through these programs have been ongoing. At the federal level, efforts to break down funding silos and institutional barriers continue through the efforts of the Coordinating Council on Access and Mobility (CCAM). However, transportation services funded by some federal programs continue to present coordination challenges, and rural transit managers need to be aware of this when seeking to coordinate federally-funded services at the local level. Additionally, many states are facilitating the coordination of human services transportation at the local, regional, and statewide levels, and rural transit managers should become knowledgeable of the efforts in their states.

Rural transit managers should also be involved in efforts to improve the coordination of public transit and human services transportation in their community, including through the coordinated transportation planning requirement for the Section 5310 Program discussed in the Planning and Evaluation section of this toolkit. Coordinating other transit planning efforts with human service transportation planning efforts can help facilitate coordination of services. It can also reduce the burden of the planning efforts, potentially even combining the development of two separate plans into a single combined plan.

In recent years, coordination efforts have evolved into mobility management, a term that has come to represent a formal definition of a transportation strategy that focuses more on the customers and their needs, and the meeting of these needs through the coordinated use of a variety of providers. Mobility management is an evolving concept that aims to improve specialized transportation - particularly for veterans, older adults, people with disabilities, and individuals with lower incomes through a range of activities centers. These activities look beyond a single transportation service or solution to a "family of services" philosophy that can offer a wide range of services and options to meet an equally wide array of community demographics and needs, including access to social service programs, employment, education, and a wide range of healthcare-related needs, such as growing needs for rides to dialysis treatments and opioid clinics.

This section also provides an overview of mobility management, discusses the role of rural transit managers in these efforts, and provides a sampling of how some communities are addressing mobility issues through this strategy. Importantly, this section includes links to a variety of coordination and mobility management resources available through national transportation technical assistance centers and national transit associations.

This section is organized in the following subsections:

- What is Mobility Management?
- The Role of Rural Public Transit Managers in Mobility Management
- Successful Mobility Management Approaches and Strategies
- FTA Funding for Mobility Management
    - Sections 5310 and 5311
    - Section 5312 and Section 3006(b) Demonstration Project Funding Programs
        - Mobility for All Pilot Program
        - Access and Mobility Partnership Grants
        - Mobility on Demand (MOD) Sandbox Program
    - Integrated Mobility Innovation (IMI) Demonstration Program
    - Section 5314 Technical Assistance and Workforce Development Program
- Tips from the Field – Two Case Studies
    - Case Study - Northern Arizona Council of Governments, Flagstaff, AZ
        - The Mobility Manager Role
    - Case Study – Tompkins Consolidated Area Transit, Ithaca, NY
- Section Sources

What is Mobility Management?

The National Center for Mobility Management (NCMM) notes that mobility management is an approach to designing and delivering transportation services that starts and ends with the customer. It begins with a community vision in which the entire transportation network—public transit, human service agencies, private operators, volunteer drivers, and others—works together with customers, planners, and stakeholders to deliver the transportation options that best meet the community's needs. Mobility management:

- Encourages innovation and flexibility to reach the "right fit" solution for customers
- Plans for sustainability
- Strives for easy access to information and referral to assist customers in learning about and using services
- Continually incorporates customer feedback as services are evaluated and adjusted

The customized approach of mobility management means no two programs are exactly alike, and a variety of entities, including rural public transit providers, can serve as a mobility manager in a community. However, there are some common components that include:

- Partnerships between multiple agencies and organizations.
- A customer-driven, market-based approach that provides customers with a variety of transportation options through individualized trip planning.
- One-stop travel information and trip planning centers that provide information on available transportation options and coordinate requests for transportation services. This may include operation of a central call center for customers to gain information on available transportation options and to schedule trips.

Many communities across the country are seeking mobility management practices that offer innovative approaches for delivering coordinated transportation services, particularly when serving older adults, people with disabilities, veterans, and low-income individuals. In rural areas the challenges to provide mobility for these groups is especially daunting, as trips are often long in duration and may require crossing multiple jurisdictional boundaries. The mobility management focus on meeting individual customer needs through a range of transportation services is vital as communities balance increasing needs with funding and resources constraints.

The Role of Rural Public Transit Managers in Mobility Management

In an age in which more and more people are using local transportation, consumers and transit agencies alike are identifying a need for more highly coordinated mobility options. Many transit agencies are embracing the concept of mobility management. While programs are varied throughout the country, rural transit managers may operate a mobility management program out of their transit system or may belong to a group of stakeholders through a mobility management program facilitated by another organization in the community.

Shrinking resources have caused communities to think about transportation in new ways, and rural transit managers need to be thinking more broadly than just the current services offered through their organization. For instance, as highlighted by NCMM, technologies, services, and partnerships are rapidly evolving, with the field experiencing the advent of Geographic Information System (GIS) based tracking and monitoring of vehicles, apps that allow customers to more directly interface with services and receive minute-by-minute service updates, and now even automated operations of vehicles.

These advances have been added to the community transportation menu piecemeal, requiring transit managers to figure out how to integrate them into existing mobility options. At the same time rural transit managers need to consider funding, compliance, and other requirements when incorporating these new technologies and strategies. Information about emerging approaches to shared mobility, including a list of frequently-asked questions about Federal Transit Administration (FTA) funding and requirements for non-traditional types of services, can be found on the FTA website. The Shared-Use Mobility Center is another source of information about coordinating shared mobility and new technologies. The website of the National Center for Applied Transit Technology (N-CATT) provides information on emerging technologies for transit, including mobility management.

Successful Mobility Management Approaches and Strategies

Research conducted through the National Cooperative Highway Research Program (NCHRP) Project 20-65 Task 68: Successful Mobility Management Practices for Improving Transportation Services in Small Urban and Rural Areas resulted in a 2018 guide that can serve as a resource in the planning, implementation, and assessment of a mobility management practice.

This guide notes that while the customized approach of mobility management means no two programs are exactly alike, there are common components and specific strategies that are employed by successful practices -- and that can be considered when establishing, expanding or improving a mobility management program. While efforts through mobility management practices are often interrelated, the successful approaches and strategies are primarily segmented by four key categories that are detailed in the guide along with related resources and examples.

- **Community Outreach and Engagement**: Community outreach and engagement is a vital part of any successful mobility management program. The organizations with successful mobility management practices form partnerships with key community stakeholders, promote their services to the community, and lead or participate in coordinated transportation planning efforts. The guide includes a stakeholder checklist with the types of organizations that can help to increase and diversify support for mobility management programs.
- **Needs Assessment and Program Design:** Coupled with community outreach, successful mobility management practices are sensitive to local and regional transportation needs, and build their program around these needs. There is a strong emphasis on listening to their local community, conducting ongoing needs assessments, and designing services and programs to fit the identified needs. The guide includes a variety of tools and resources for conducting needs assessments and designing appropriate services and programs.
- **Program Evaluation and Assessment:** Monitoring and evaluation are important considerations for any mobility management program, especially as funding continues to be constrained for transportation projects and services. Successful mobility management practices employ some form of program evaluation and assessment. They track program outcomes using qualitative and quantitative performance measures with established goals and objectives. The guide discusses various tools and resources for assessing mobility management program outcomes.
- **Funding:** Not surprisingly, funding strategies are the backbone supporting mobility management efforts. While successful mobility management practices explore a variety of funding sources, often the primary ones are through federal programs. FTA programs that fund mobility management are introduced in the following section.

FTA Funding for Mobility Management

Sections 5310 and 5311

Mobility management projects are eligible for capital funding under the Section 5310 and 5311 programs (providing up to an 80% federal share). A list of the types of activities that are eligible for mobility management capital funding can be found in the FTA circulars for each program. Because each state administers its Section 5310 and 5311 programs differently, transit managers should check with their State DOT for funding eligibility of mobility management projects in their area.

In every state, eligibility for Section 5310 funding requires that the project be included in a locally development public-transit human services transportation plan. As noted previously, rural transit managers should be involved in the development of this plan, and some states require this for their Section 5311 program. For more information on the coordinated transportation planning requirements for FTA programs, see the Planning and Evaluation section of this toolkit, as well as FTA Circular 9070.1G. Again, transit managers should also check with their State DOT on state-specific coordination and planning requirements.

Section 5312 and Section 3006(b) Demonstration Project Funding Programs

Mobility for All Pilot Program

In October 2019, FTA announced the new Mobility for All Pilot Program for FY 2020. Authorized under Section 3006(b) of the FAST Act, the new Mobility for All Pilot Program seeks to improve mobility options through employing innovative coordination of transportation strategies and building partnerships to enhance mobility and access to vital community services for older adults, individuals with disabilities, and people of low income. Eligible applicants were designated or direct recipients of 5307, 5310, or 5311 FTA program funds. In June 2020, FTA announced the selection of 17 projects in both rural and urban areas across the U.S.

Access and Mobility Partnership Grants

In September 2018, FTA announced two programs that support mobility management and coordination projects: the Human Services Coordination Research Program and the Innovative Coordinated Access and Mobility Pilot Program.

The Human Services Coordination Research Program [49 U.S.C. 5312(b)] provides grants to implement coordinated public transportation projects with innovative solutions to improve local coordination or access to coordinated transportation services. Eligible applicants include State and local governmental entities, providers of public transportation, and private or non-profit organizations.

The Innovative Coordinated Access and Mobility Pilot Program [Section 3006(b) of the FAST Act, administered by FTA as part of the Section 5310 program] funds innovative coordinated access and mobility projects for the transportation disadvantaged population that improve the coordination of transportation services and non-emergency medical transportation services. Eligible applicants are Section 5310 recipients and subrecipients. The FAST Act authorized this program for five years (FY

2016 through FY 2020). This program has also been referred to as Rides to Wellness as well as the Transit & Health Access Initiative (https://www.transit.dot.gov/ccam/about/initiatives).

In FY 2016, these programs funded Rides to Wellness Demonstration and Innovative Coordinated Access and Mobility Grants. FTA announced FY 2018 and 2019 Access and Mobility Partnership Grant Project Selections in June 2019.

The National Center for Mobility Management website is a good place to watch for future funding opportunities under these and other programs.

Mobility on Demand (MOD) Sandbox Program

The Mobility on Demand (MOD) Sandbox Program [49 U.S.C. 5312] is funding 11 demonstration projects across the nation to research new service options in combination with available technologies that allow for greater individual mobility. To provide an example of one of the projects, the Vermont Agency of Transportation (VTrans) is developing a trip planner that provides access to flexible mobility options. This trip planner, which includes fixed route transit as well as demand response services, will be able to be adapted for use in other areas. The final report on the VTrans demonstration project can be found on the FTA website. The resulting trip planner can be found on the Go!Vermont website.

Although the other MOD Sandbox projects are being conducted in large urban areas, the lessons learned from these projects are likely to be helpful for any area seeking information on new mobility options. Find out more about the MOD Sandbox program.

Integrated Mobility Innovation (IMI) Demonstration Program

FTA's Integrated Mobility Innovation Demonstration program, initiated in 2019, brings together the MOD Sandbox demonstrations and several other FTA technology initiatives. In May 2019, FTA announced the availability of funding under the Integrated Mobility Innovation (IMI) Demonstration Program. Authorized under 49 U.S.C. 5312, the IMI program funds research in the three areas: Mobility on Demand (MOD) demonstration projects, Transit Automation (to explore the use of vehicle automation technologies in bus transit operations), and Mobility Payment Integration (MPI) research. The MPI area funds demonstration projects in two categories: Payment Equity and Human Service Transportation Coordination, and Integrated Mobility and Beyond, which will support multi-modal and multi-provider payment integration, including public transit, specialized transportation, and other modes of transportation. In March 2020, FTA announced FY 2019 IMI project selections.

Section 5314 Technical Assistance and Workforce Development Program

Authorized under the FAST Act, the Technical Assistance and Workforce Development Program [49 U.S.C. 5314] funds a variety of technical assistance projects, as well as standards development and workforce development programs. Technical assistance projects that assist with compliance with the Americans with Disabilities Act (ADA), human services transportation coordination, and meeting the transportation needs of elderly individuals are among the technical assistance activities

that are eligible for Section 5314 funding. To find out about future notices of available funding, transit managers can sign up for updates through the FTA web page on the Section 5314 program.

NCMM and the National Aging and Disability Transportation Center (NADTC) are funded by Section 5314, and both of these centers periodically provide grants that can assist local communities with coordination and mobility management. The NADTC website provides information about previous NADTC grants and other funding opportunities. The NCMM website also includes information about grants.

Tips from the Field – Two Case Studies

Case Study - Northern Arizona Council of Governments, Flagstaff, AZ

Northern Arizona Council of Governments (NACOG) is the regional planning agency responsible for facilitating transportation planning and mobility coordination activities in the vast rural areas of Apache, Coconino, Navajo and Yavapai Counties. NACOG's service area encompasses approximately 49,000 square miles (43% of Arizona). The land area is comparable to two states (Pennsylvania and Louisiana), thereby making NACOG the second largest Council of Governments in the United States. While the region is one of the largest in terms of land area, it is one of the least densely populated. Approximately, 530,000 individuals reside within the quad counties, equating to 11.3 persons per square mile, and comparable to the 45th least densely populated state.

NACOG's Mobility Management Planner, Tod Morris, shared the following thoughts on how mobility management can work in large rural areas and the different roles a mobility manager can play:
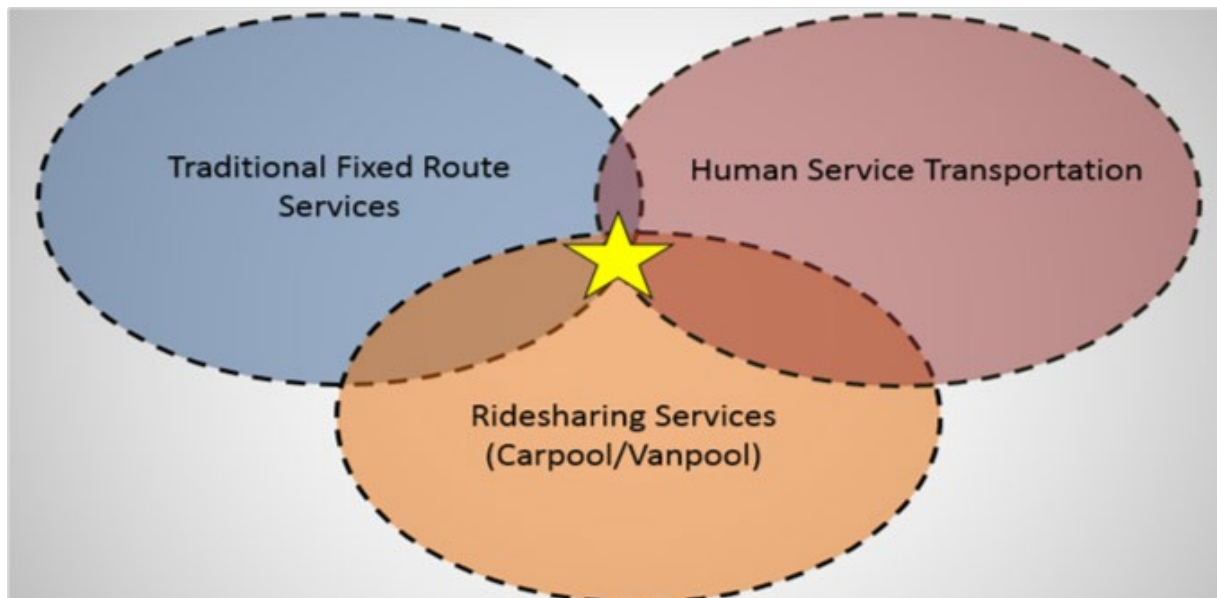
Given this expansive and isolated region, Mr. Morris notes that there are numerous mobility challenges. Long distances along deserted highways separate many of the region's population centers and service providers. Therefore, identifying opportunities to collaborate on mobility issues requires

a strategic approach. This approach includes incorporating a broad spectrum of transportation options under the premise of *passenger transportation*. Referring to all transportation options under *passenger transportation* allows NACOG to comprehensively deploy mobility management strategies with a common goal of addressing isolation via a network of transportation options. The graphic above shows how passenger transportation is at the nexus of three common modes of transportation.

In order to communicate this vision across the vast region, NACOG has adopted two key strategies in an effort to bridge the geographic distance:

- Host Sub-Regional Coordination Meetings
  - NACOG has divided the region into sub-regions based on similar political, cultural and geographic similarities. Local coordination meetings are held to discuss operational issues, planning initiatives and grant opportunities. The intention for these meetings is for service providers and stakeholders to network and discuss shared challenges and collective opportunities. For new mobility managers, developing this type of structure is fundamental to fostering successful relationships.
- Utilizing Technologies
  - Outside of the coordination meetings, the mobility manager also keeps in regular contact with partners in the region. Many times, travel is required for face to face meetings, but often teleconferencing is used reach multiple agencies for specific initiatives. A valuable tool for these meetings is the ability to share screens using web-based technology such as GoToMeeting or Zoom. Sharing a screen creates a more engaged conversation, especially when reviewing grant opportunities, service designs and needs analysis. Mr. Morris highly encourages visual tools such as maps or other graphics to better communicate strategies and ensure partners are on the same page. Mr. Morris has found that use of visual aids often fosters more robust conversations around passenger transportation priorities.

The Mobility Manager Role

In 2012, National RTAP reached out to former NACOG Mobility Management Planner, Jason Kelly, to discuss the many hats a mobility manager wears to build successful partnerships and enhance regional mobility. The seven hats below were outlined by Mr. Kelly as roles a mobility manager may need to play on any given day:

1. Coach/Mentor
2. Champion/Captain
3. Technical Advisor
4. Sounding Board to Providers
5. Planner
6. Artist/Salesman
7. Moderator/Facilitator

Adding on the Mr. Kelly's list, current NACOG Mobility Management Planner Mr. Morris has found the following additional roles for encouraging and sustaining meaningful participation from regional stakeholders and service providers:

8. Educator: There are many exciting developments in the world of transportation. Partners are naturally curious about the progress and of services like Uber and LYFT and technical advancements like autonomous vehicles. In rural areas partners often turn to their mobility manager to learn the latest updates. Keeping up-to-date on these developments can help keep partners engaged and excited about their role in the changing transportation landscape.

Additionally, service providers can become frustrated by day-to-day challenges and wonder if other agencies are facing similar issues. Networking at national and local conferences and keeping an inventory of other transportation providers can help the mobility manager link with agencies that have addressed similar issues.

9. Interpreter: State and FTA documents and requirements can intimidate local transportation providers and stakeholders. Language on the rules and regulations of transit services can seem overwhelming and may even discourage agencies from pursuing new opportunities. A mobility manager can help agencies navigate compliance requirements and assess how they can be incorporated into a service. Furthermore, the mobility manager can help an agency evaluate their capacity to take on additional tasks and identify the feasibility of certain opportunities.

Mr. Morris echoed Mr. Kelly's earlier statement that inactivity is stifling to progress. Identifying incremental objectives allows partners to tackle larger goals in a manageable and sustainable manner. Lofty coordination goals are a great example, where agencies can begin by sharing training and marketing opportunities, then grow into larger activities like vehicle and ride sharing.

Case Study – Tompkins Consolidated Area Transit, Ithaca, NY

Tompkins Consolidated Area Transit, Inc. (TCAT) is a not-for-profit corporation providing public transportation for Tompkins County, New York. In 2018, Tompkins County's population was 104,000 people, with 51% living in the Ithaca urbanized area and 49% in surrounding rural towns. TCAT operates thirty-three (33) bus routes including one hybrid fixed/demand-response route. TCAT was formed in 1997 as a merger of the City, County and Cornell University bus systems. TCAT reorganized as a private non-profit transportation corporation in 2005. Since 2012, TCAT's ridership has exceeded 4 million passenger-trips and 1.5 million revenue miles annually, with a fleet of 53 buses.   TCAT contracts with Gadabout Transportation Services, Inc. to provide ADA Complementary Paratransit service.

TCAT participates in mobility management programs guided jointly by the County Department of Social Services (DSS) and the Ithaca Tompkins County Transportation Council (ITCTC), bringing together a wide variety of service providers, agencies and institutional actors to develop and improve community mobility services. Other partners include Cornell Cooperative Extension of Tompkins County (CCETC), the Center for Community Transportation, Inc. (carshare+), Cornell University, Ithaca College, Tompkins-Cortland Community College, as well as volunteer driver services, taxis, other service providers, the Ithaca Downtown county departments and human service agencies.

Aside from a long-standing commitment to interagency collaboration and the joint leadership provided by ITCTC and DSS, three core principles have been at the heart of the effort to manage the changing mobility landscape in Tompkins County:

1. A willingness to establish coalitions to assess and address evolving, unmet transportation needs, reinvent existing services, and adopt new mobility service models;
2. The creation of non-profit organizations to implement new mobility services and solutions arising out of collaborative efforts, typically with wide-ranging public, institutional and private sector participation; and
3. The knowledge, ability and willingness to share and coordinate all available funding sources to support the full range of mobility initiatives.

The services, programs and initiatives currently underway include:

- TCAT: providing fixed route bus and rural demand response (DR) services and real-time bus location and arrival information to the public with smartphone apps, planning a rural first mile-last mile service pilot, installing Wi-Fi internet access on all buses and buying its first electric transit buses to begin a transformation to an electric bus fleet.
- Gadabout: integrating ADA paratransit service for TCAT with its county-wide demand-response service.
- The County: contracting for the Finger Lakes Rideshare program, led by ITCTC and supported by the Tompkins Rideshare Consortium.
- Cornell University and the Ithaca Downtown Alliance: operating their respective transportation demand management (TDM) programs.
- Cornell Cooperative Extension of Tompkins County (CCETC): providing the "Way2Go" community mobility education program and a one-call / one-click service.
- CCETC: operating Way2go's MoveTogetherNY regional mobility management program to improve regional mobility for commuting and travel to healthcare in seven counties.
- County DSS: leading local stakeholders to develop a business model for a Mobility-as-a-Service pilot through participation in FTA's Mobility On Demand On-Ramp Program.

A community consensus to collaborate, along with an entrepreneurial energy to improve, creates the fertile ground necessary for developing the wide breadth of services that TCAT and its partners provide now and plan for in the future.

Much of the text for this section was based on a former APTA web feature on TCAT, with updates made in 2018 in consultation with Dwight Mengel, Chief Transportation Planner for Tompkins County. For more information on the TCAT, please visit the TCAT web site.

Section Sources

- APTA. Mobility Management Profiles- Ithaca and Tompkins County, NY.
- Gustave Cordahi, Susan Shaheen, Elliot Martin. MOD Sandbox Demonstrations Independent Evaluation – VTrans Open Trip Planner Evaluation Plan, Final Report. USDOT FHWA-JPO-18-679, June 2018
- FTA Circular 9040.1G, Formula Grants for Rural Areas: Program Guidance and Application Instructions
- FTA web pages on current grant programs
- KFH Group, Inc. Expanding Access to Our Communities: A Guide to Successful Mobility Management Practices in Small Urban, final report for National Cooperative Highway Research

Program (NCHRP) Project 20-65 Task 68: Successful Mobility Management Practices for Improving Transportation Services in Small Urban and Rural Areas, 2018
- National Center for Mobility Management (NCMM) web site
- NY Mobility Manager (mobilitymanager.weebly.com) Mobility Management in Tompkins County, NY web page
- Tompkins Consolidated Area Transit web site
- Communications with Tod Morris, Mobility Management Planner for Northern Arizona Council of Governments (NACOG), former NACOG Mobility Management Planner Jason Kelly, and Dwight Mengel, Chief Transportation Planner for Tompkins County
- U.S. Government Accountability Office (GAO), GAO-12-647: Transportation Disadvantaged Populations: Federal Coordination Efforts Could Be Further Strengthened

Planning and Evaluation

Introduction

In this section, we will discuss two fundamental components of operations: planning and evaluating the services rural transit agencies provide to the community. This section touches on strategic planning, service planning, and required planning, providing information and guidance, from effective ways to engage the community to methods for evaluating services. It also introduces planning concerns regarding vehicles, technology, facilities, sustainability, and fare policies.

We also recommend reading these related National RTAP Technical Briefs:

- Getting Started: Creating a Vision and Strategy for Community Transit
- Developing, Designing & Delivering Community Transportation Services
- What Transit Agencies Need to Inform the Public About Before Making Changes

This section of the toolkit is organized into the following subsections:

- Strategic Planning
  - Community Stakeholders
    - Transportation Advisory Committees
  - Relationship to Service Planning
- Service Planning
  - Public Involvement
    - Passenger Surveys
    - Community Surveys
    - Focus Groups and Public Meetings
- Public Involvement and Title VI Requirements
- Required Planning
  - Transit Development Plans
  - Coordinated Public Transit Human Services Transportation Plans
- Service Options
  - Fixed Route
  - Flexible Route
  - Demand Response
- Choosing Vehicles
- Communications and Technology
- Facilities Planning
- Sustainability
- Fare Policies
- Coordination
- Monitoring and Evaluation

- Innovative Approaches
- Section Sources

Strategic Planning

According to an [article in the Oxford Research Encyclopedia of Business and Management](#), strategic planning is "a deliberative, disciplined effort to produce decisions and actions that shape and guide what an organization… is, what it does, and why it does it." It is commonly used by private and public entities to actively guide future activities and direction, rather than simply having to react to what may occur. In the context of public agencies, strategic planning activities typically include:

- Preparing for strategic planning by identifying what elements should be included, the timeline for completion, and the identification of stakeholders who should be included in the process
- Identifying the mission, vision, values, and goals of the agency. This step should include clarifying any applicable legal statutes or mandates
- Conducting a SWOT (strengths, weaknesses, opportunities, threats) analysis to assess both the external and internal environments
- Identifying and analyzing issues that face the agency and identifying potential strategies to address these issues
- Assessing the feasibility of the strategies developed using reasonable criteria
- Incorporating the strategies deemed feasible into agency plans
- Implementing agency plans to achieve the desired outcomes
- Evaluating, monitoring, and updating the plan as results become available
- Reassessing strategies and the strategic planning process on a regular basis

[TCRP Synthesis 59, Strategic Planning and Management in Transit Agencies](#), examines the practice of strategic planning and management in the transit industry and presents a literature review, a survey of transit agencies, and case studies regarding the practice. The report found that some form of strategic planning was used by over 80% of the transit agencies randomly sampled for the project and cited the following internal strategic planning benefits:

- Creating a new organizational vision
- Helping an agency become more customer-oriented
- Creating better alignment between the board, management, and staff
- Aiding in decision-making and priority setting
- Establishing budget priorities
- Redirecting staffing levels
- Creating more effective workflows
- Restructuring services

The same report cited the following external strategic planning benefits:

- Increased external stakeholder awareness, input, and support

- Helpful for obtaining additional funding
- Helpful for defining an agency's core role and responsibilities to the community

Even if an agency does not participate in a formal strategic planning process, management will need to work with the Board of Directors and/or State Department of Transportation (DOT) to determine the service and project priorities for the system. The development of a vision and mission statement can help provide this direction. To read more about mission statements, see the Mission and Leadership section of this toolkit.   Strategic planning should also feed into budget development (addressed in the Budget and Finance 101 section of this toolkit).

Technical and financial resources to help rural transit agencies develop strategic plans may be available through the State Rural Transit Assistance Program (RTAP). As part of the federal Section 5311 program, each state is allocated a specific funding level each year to provide training and technical assistance for rural transportation providers. State RTAP programs typically involve a mix of training opportunities and agency-specific technical assistance. If a transit agency would like to explore the resources available to conduct a strategic plan, the State DOT is a good first contact to discuss what options may be available at little or no cost to the agency.

Community Stakeholders

An important step in the strategic planning process is to fully understand the community's needs. To do this, an agency must become part of the community rather than just serving it. John Martin, in the National RTAP technical brief "Make Business Part of Rural Transit's Business: How to Form Strategic Business Partnerships," explains that it is imperative for transit agencies to reach out to an often-overlooked stakeholder group: the business community. According to John Martin, the business community includes individual companies and business organizations such as the local Chamber of Commerce. Public transit connects local businesses to workers and customers, and establishing a partnership between transit agencies and businesses can benefit all parties involved.

To read more about public transit and the business community, see the National RTAP technical brief Make Business Part of Rural Transit's Business: How to Form Strategic Business Partnerships by John Martin and his recorded webinar (11/19/10) on the topic.

Additional important stakeholders for rural transit agencies are human service agency representatives, whose clients depend upon the services provided by rural public transportation programs. These agencies may serve senior citizens, people with disabilities, and people without access to personal transportation.

Transportation Advisory Committees

Community stakeholders are often called upon to serve on transportation advisory committees (TACs), which are formally appointed groups that typically advise local elected officials on transportation needs within the community. Committee members speak on behalf of their stakeholder groups to give feedback as to whether the transit system is providing appropriate service for the community. There is generally an application/appointment process, and each member has a defined term of service. TACs generally meet quarterly, though some may meet more frequently if specific initiatives are under development. Effective Transportation Advisory Committees: Creating a Group that Reflects all Community Voices, a resource developed in 2012 by Easter Seals Project

ACTION (ESPA), offers tools and guidelines for establishing and maintaining a transportation advisory committee to help guide transportation programs.

Relationship to Service Planning

Strategic planning activities serve to provide transit agencies with a road map to guide them as their communities change over time. This road map provides the structure for service planning activities, which are described in the next section.

Service Planning

The first step in service planning is taking inventory of available resources and the transit needs of the community. Once the agency knows what funding, vehicles/facilities/equipment, and staff are available, and the services currently provided, the transit manager or planner can match those resources and services with the transportation needs of the community. If the organization has conducted a strategic planning process, it will have a clear mission statement and list of system priorities. The services provided should match those values and fulfill the mission of the organization. In addition, many State DOTs have statewide planning priorities, guidelines for the types of activities they will fund, and performance measures that they use to determine a service or project's effectiveness. Choosing services and projects that both fill transit needs in the community and align with the statewide planning priorities/guidelines will ensure that the transit agency is providing necessary services that will be supported by the state.

Public Involvement

In addition to stakeholder involvement, which was discussed above within the context of strategic planning, obtaining public input is also an important step in the planning process. Public input provides concrete direction regarding what transit services are needed and will likely be used. Transit agencies use a variety of methods to obtain public input, including passenger surveys, community surveys, focus groups, and public meetings.

Passenger Surveys

An effective way to find out what the public desires is to simply ask them! There are various ways to ask riders what they want, including on board paper or electronic surveys, online surveys and telephone surveys. Before conducting a survey, establish what specific information is desired from passengers as this will determine the questions asked. Passenger surveys can be used to gather information for a number of planning purposes, including collecting data for a specific service initiative (i.e., should the agency add service on Saturdays?), understanding rider trip characteristics and determining rider satisfaction. The following are examples of questions that can be asked in a passenger survey:

- What is the purpose of the passenger's trip?
- What is the passenger's origin and destination, and how many transfers will they have to make to complete the trip?
- How did the passenger pay his/her fare?

- How often does the passenger use public transit?
- How did the passenger get to the bus stop? How will the passenger get to his/her final destination after getting off the bus?
- How long did the passenger wait for the bus?
- Why did the passenger choose to take public transit and how would they have completed the trip otherwise?
- What time of the day does the passenger usually ride the bus?
- What is the passenger's income? Do they own an automobile?
- How would the passenger like to receive information from the transit system?
- What service changes would be the most helpful?

Responses to questions like these can help a transit system determine common paths of travel, the number of internal and external transfers, whether fare cards or passes are being utilized or are needed, on-time performance, number of choice riders, needs for route changes or extensions, and how to best conduct outreach to customers. A transit system can also ask survey respondents to rate their satisfaction with the agency's services.

Passengers can also be given surveys onboard the bus using a paper system that allows the rider to fill out a hard copy form. The passenger can leave the survey on the bus or mail it back to the transit system. Passengers can also complete an interview survey, with an interviewer asking the questions and recording the answers. on a mobile device. Having the interviewer use this technology allows for location data to be tracked, as well as the opportunity to create an audio recording of the passengers' answers. A spoken survey also facilitates participation by passengers with low literacy.

Regardless of the medium used, limit the survey to the necessary questions to ensure passengers return completed surveys in a timely manner. Asking too many questions can cause passengers to return an incomplete survey or not return the survey at all. The Transit Performance Monitoring System (TPMS) Results report, by McCollom Management Consulting for the American Public Transportation Association (APTA), found that it was more effective to survey passengers on-board than over the telephone and that well-trained surveyors generally yielded a good survey response rate, regardless of the survey method chosen.

To read more about how a transit system used mobile devices to conduct an on-board survey, see the project results presentation, Transit, Technology and Public Participation, by Jeremy Mattson and Del Peterson at the Small Urban and Rural Transit Center.

For more information about conducting on-board survey using paper forms, see the Transit Performance Monitoring System (TPMS) Results report.

Community Surveys

The increased availability of electronic survey media options over the past several years has made it relatively easy and inexpensive to conduct community surveys. These types of surveys are used to obtain information from community members who may not use the public transit system on a regular basis or to help determine the feasibility of starting a new service. Community surveys are helpful in gauging support and awareness of the transit program, as well learning what types of transit services would be needed to attract new riders to the service.

Focus Groups and Public Meetings

Focus groups and public meetings are useful public outreach tools to use when specific service proposals are in the review stage. Presenting service proposals to the public in an interactive setting allows people to better understand the proposals, which can result in insightful comments and suggestions from potential riders. Public meetings are also required in certain circumstances, including as part of some of the requirements of Title VI of the Civil Rights Act of 1964 (see below).

Public Involvement and Title VI Requirements

Not only is public involvement a good business practice, but it is also a requirement if a transit agency receives federal funds. As stated in the Federal Transit Administration (FTA) Title VI circular (FTA C 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients), all recipients of federal funding are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b) (requires programs of projects to be developed with public participation) which reads:

> 5307 (b)
>
> Program of Projects. Each recipient of a grant shall—
>
> (1) make available to the public information on amounts available to the recipient under this section;
>
> (2) develop, in consultation with interested parties, including private transportation providers, a proposed program of projects for activities to be financed;
>
> (3) publish a proposed program of projects in a way that affected individuals, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the recipient;
>
> (4) provide an opportunity for a public hearing in which to obtain the views of individuals on the proposed program of projects;
>
> (5) ensure that the proposed program of projects provides for the coordination of public transportation services assisted under section 5336 of this title with transportation services assisted from other United States Government sources;
>
> (6) consider comments and views received, especially those of private transportation providers, in preparing the final program of projects; and
>
> (7) make the final program of projects available to the public.

As part of the Section 5311 subrecipient grant application process, State DOTs typically require a public participation process that addresses the above requirements, including consultation with private operators and a public hearing (or opportunity for one upon request) about the proposed grant application.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin. Subrecipients of FTA funding are required to prepare and submit a Title VI program that includes a public participation plan, as summarized in the Civil Rights section of this toolkit and detailed in the FTA Circular. According to the Title VI Circular, public participation plans must include "an outreach plan to engage minority and limited English proficiency populations, as well as a summary of outreach efforts made." This plan does not have to be limited to minority populations alone and it can include outreach to other traditionally underserved groups such as low-income populations, people with disabilities, and others. When developing a public participation plan, an agency has the ability to develop policies appropriate to current projects and the community, but public involvement is always required when developing new programs or projects.

The Title VI circular also states that grant recipients are required to comply with the public participation requirements of 49 U.S.C. Section 5307(c)(1)(I) (requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service), and some states extend this requirement to their Section 5311 subrecipients.

There are additional Title VI considerations for service planning. Services must be provided in a non-discriminatory manner, with services equitably provided to minority populations. All FTA funded transit systems that operate fixed route services must establish system-wide service standards and policies.

For more information about Title VI requirements, see the Civil Rights section of this toolkit and the Title VI Circular. FTA's Environmental Justice Circular also gives information about designing an outreach strategy for environmental justice populations in a community. More about Environmental Justice is also found in the Civil Rights section in this toolkit.

An important element of public involvement is public notification. National RTAP's 2019 What Transit Agencies Need to Inform the Public About Before Making Changes technical brief provides a checklist of activities that trigger the need for public notification.

Required Planning

Several State DOTs require local transit agencies to develop multi-year plans, both as a function of their role in oversight of these agencies and as a way to help plan their own multi-year budgets. Federal rural public transportation funds are administered through the states, which means that State DOTs must weigh the needs of all of their local transit grantees in the annual budget process. Having multi-year plans in place for local transit programs gives DOTs an idea of the level of investment that is likely to be needed for each of their grantees for several budget years. These plans are typically called transit development plans (TDPs) or short-range transit plans.

Transit Development Plans

A Transit Development Plan (TDP) is a short-range plan that reviews and updates a transit agency's goals, evaluates the existing conditions and needs, and identifies ways to meet near-term and long-term needs and goals. A TDP will typically include recommendations with regard to the:

- Services the agency intends to operate

- Capital that will be required
- Multi-year budget estimates

The planning horizon for a TDP is typically between five and ten years.

State DOTs often will fund the development of these plans. For example, in the Commonwealth of Virginia, TDPs are required for local grantees and the Virginia Department of Rail and Public Transportation (DRPT) has a standard outline for the structure of the plans. DRPT hires professional planning firms to conduct the technical work for these studies, which are guided by the local transit agencies. The Maryland Transit Administration and the North Carolina Department of Transportation, Public Transportation Division, also conduct local transit planning efforts in a similar manner, as do many other State DOTs.

Coordinated Public Transit Human Services Transportation Plans

In addition to state-specific planning requirements, FTA has planning requirements associated with its Section 5310 grant program. The following excerpt from the FTA Section 5310 web page summarizes the requirements to develop a coordinated public transit- human services transportation plan, a requirement of the grant program:

> "Federal transit law requires that projects selected for funding under the Enhanced Mobility for Individuals and Individuals with Disabilities (Section 5310) Program be "included in a locally developed, coordinated public transit-human services transportation plan," and that the plan be "developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers and other members of the public" utilizing transportation services. These coordinated plans identify the transportation needs of individuals with disabilities, older adults, and people with low incomes, provide strategies for meeting these needs, and prioritize transportation services for funding and implementation."

Details about what must be included in this plan can be found in the Section 5310 circular.

Many State DOTs have assisted counties and local regions to develop and update these coordinated plans. Technical assistance in developing these plans can also be found through FTA's Coordinating Council on Access and Mobility web site.

Service Options

Decisions about what types of services provided by the transit agency will be based on the information gathered during the inventory of resources and public outreach. This section will describe each of the basic service types—fixed route, flexible route, and demand response service—and will provide guidance about when each service type should be used. There are different Americans with Disabilities Act (ADA) requirements associated with each type of service, and for more information about that topic see the ADA section of this toolkit as well as the ADA Toolkit.

Fixed Route

According to National RTAP's Scheduling and Dispatching for Rural Transit Systems training module, fixed route services are "services provided on a repetitive, fixed schedule basis along a specific route with vehicles stopping to pick up and deliver passengers to specific locations. Each fixed route service trip serves the same origins and destinations." This type of service is typically provided by urban systems and funded through the FTA Section 5307 Urbanized Area Formula Program, although rural systems may also provide fixed route service. A general rule of thumb is that fixed route services can be effective in areas with population densities of over 2,000 people per square mile.

Flexible Route

Common service types in rural areas that are not strictly "fixed" are route deviation and point deviation. For route deviation service, the bus may deviate from the scheduled route to stop at locations within a defined distance (for example, ¾ mile or 2 blocks) of the route. When this is done, the bus must return to the route where it deviated to continue service. For a route with point deviation service, there are scheduled stops at mandatory times, but the bus is free to pick up and drop off passengers anywhere within a prescribed radius as long as they reach the mandatory stops at the required times. Flexible routes are appropriate in areas where there is some clustering of origins and destinations, but not a high enough population density to support fixed route services.

TCRP Report 6, Users' Manual for Assessing Service-Delivery Systems for Rural Passenger Transportation, states that route deviated services work well when the following is true:

- The deviations are a relatively small part of the overall demand and the overall running time of the route
- The majority of the riders are not time-sensitive
- Door-to-door service is important to some, but not all, passengers
- There are other positive reasons for providing services that are more like fixed route than demand response services

TCRP Report 6 also states that route deviated service does not work well if the following is true:

- Most of the trips are time sensitive
- Some sort of route structure is not desirable for the community

In regard to point deviation services, TCRP Report 6 states that these services are more similar to demand response service, and that "point deviation services may be preferable to route deviation services in rural areas because the routes between checkpoints can be flexible, allowing the driver more routing options for maintaining the schedule, and requests for service can be negotiated or deferred so that the schedule is maintained."

When designing flexible services, such as route and point deviation services, transit agencies must ensure that ADA requirements are met.

Chapter 3 of TCRP Report 6 Users' Manual for Assessing Service Delivery Systems for Rural Passenger Transportation goes into great detail about how to choose the appropriate service type.

To read more about route and point deviated services, see TCRP Report 140, A Guide for Planning and Operating Flexible Public Transportation Services and TCRP Synthesis 53, Operational Experiences with Flexible Transit Services.

More information about fixed route services can be found in Best Practices in Transit Service Planning, a resource by the Center for Urban Transportation Research (CUTR) at the University of South Florida (USF).

Demand Response

According to National RTAP's Scheduling and Dispatching training module, demand response service is "characterized by the fact that vehicles that do not operate over a fixed route or on a fixed schedule." Because they do not operate on a fixed route or schedule, passengers must request a trip by contacting the transit agency. This training module also divides demand response services into these four categories:

- Many origins - Many destinations
- Many origins - One destination
- One origin - Many destinations
- One origin - One destination

There are a variety of ways in which transit systems provide these services: reservation service, subscription service, ADA complementary paratransit service, taxicab service, vanpool service, carpool service, volunteer drivers, and transportation network companies (TNCs, such as Lyft or Uber).

For more information about the categories and delivery methods above, see the National RTAP Scheduling and Dispatching training module.

For more information on ADA complementary paratransit service, see the ADA section of this toolkit.

TCRP Report 6 breaks demand response services into three different categories: subscription services (a rider requests a repetitive ride), advanced reservation (a rider requests one particular ride ahead of time) and real time scheduling (a rider calls to request the service just before the ride is needed).

TCRP Report 6 states that demand response subscription service works well in the following situations:

- Travelers are relatively clustered around the same origins and destinations
- The demand for trips is once or twice a day (not all day long)
- The same persons take the same trips (that is, the same origins and destinations at the same times) on a frequent, regular basis, but the level of demand is not high enough to justify fixed route or fixed schedule service

- Travel demand densities are relatively low

TCRP Report 6 states that demand response advanced reservation service works well in the following situations:

- The trips are not taken on a regular pattern (such as those on subscription services)
- Ride sharing is used to reduce the cost per trip for each passenger
- Overall demand levels are low and trip origins are dispersed

TCRP Report 6 states that demand response real-time scheduling works well in the following situations:

- Highly personalized services are appropriate
- Service needs are immediate
- Door-to-door services are desired
- Origins and destinations are variable and do not necessarily fit any preestablished patterns
- Demand densities are not very low and trip distances are not very long

Real-time scheduling is sometimes used in conjunction with advance reservation demand response service, such as when a system uses "will-calls," meaning that once the rider has been dropped off at their destination, they "will-call" when they are ready to be picked-up for their ride home.

TCRP Report 6, Users' Manual for Assessing Service Delivery Systems for Rural Passenger Transportation, Chapter 3, gives great detail about how to choose the appropriate service type and the advantages and disadvantages of each service type.

TCRP Report 136, Guidebook for Rural Demand Response Transportation: Measuring, Assessing and Improving Performance, lists factors that influence rural demand response performance over which a transit manager has direct influence. These are:

- Vehicle operators
- Operating staff- scheduler, dispatch and operations supervisor
- Scheduling/dispatch
- Certain operating policies
- Vehicles
- Administrative expenses
- Safety

To view the details of this list, see TCRP Report 136.

Choosing Vehicles

Rural transit programs typically operate fleets that may include the following types of vehicles:

- Accessible vans

- Modified mini-vans
- Light transit vehicles, including a number of different sizes

Larger buses and specialty vehicles may also be included in some fleets, depending upon the services provided by the agency.

There are several factors to consider when choosing vehicles for a fleet. Within the Ohio DOT's Vehicle Catalog & Selection Guide for local transit programs, the following considerations are listed:

- Capacity needs/safety
- Client needs/comfort
- Purchase price
- Type of service/environment
- Operating and preventive maintenance cost
- Future needs
- Regulatory requirements
- ADA requirements
- Ability to train or hire drivers with a Commercial Driver's License (CDL)

While the Ohio guide is geared to transit providers within the state, sections on legislation, regulations, and accessibility are useful and applicable across the country.

Interest in alternative fueled vehicles has grown among rural transit agencies in recent years. National RTAP's Alternative Fuels Topic Guide provides links to numerous resources on this topic.

Communications and Technology

The area of communications and technology in public transportation is continually evolving. The most basic communication and technology need in public transportation is making sure customers have a way to get in touch with the transit agency and staff have a way to reach drivers while they are on the road (and vice versa).

Typical devices used to communicate with drivers while they are in-service include the following:

- Two-way radios
- Cellular phones
- Mobile data computers/terminals (MDC or MDT)
- Tablets

Automatic vehicle location (AVL) technology is also becoming commonly used, particularly in association with MDCs and tablets. This technology allows people to see where each of the vehicles are throughout a service area.

It should be noted that the Federal Motor Carrier Safety Administration (FMCSA) restricts the use of all hand-held mobile devices by drivers of commercial motor vehicles. Drivers of commercial motor vehicles are restricted from holding a mobile device to make a call, or dialing by pressing more than a single button. Commercial motor vehicle drivers are permitted to use a hands-free phone located in close proximity.

The following factors should be considered when choosing communications and technology devices and tools:

- What level of sophistication is right for the agency?
- Does the agency have in-house technical expertise to keep MDCs and tablets operating effectively?
- What is the geographic range for various technologies in the service area? Are there dead areas for either two-way radios or cellular phones?
- Is there a need to extract data from the communication device (i.e., MDCs and tablets can be used for multiple data collection purposes).
- Does the agency use paper or electronic driver manifests (i.e., daily assignments for each driver, such as passenger pick-up and drop-off details for demand response drivers, and route assignments for fixed-route drivers)?

The National Center for Mobility Management (NCMM) provides links to additional information about transit technology, as does the National Center for Applied Transit Technology.

Note that any FTA-funded intelligent transportation systems (ITS) technology must be consistent with and conform to the National ITS Architecture, as well as to U.S. DOT-adopted ITS Standards. ITS projects and programs are also required to be a part of a locally approved Regional ITS Architecture. More information about this requirement is available on the FTA website.

Facilities Planning

There are several types of facilities that may be needed for a transit program, depending upon the size, organizational arrangements, and complexity of service. These include the following:

- Administrative/operations center (or office)
- Vehicle maintenance garage
- Vehicle storage area
- Passenger facilities, such as transfer facilities, bus stops, and shelters

At the very minimum, a transit agency is likely to need secure vehicle parking and the use of an office. When planning to construct a new vehicle storage facility, maintenance facility, or operations center is required to conduct a Title VI equity analysis during the planning stage with regard to the location of the facility. For more information, see the FTA Title VI Circular (C 4702.1B, pages III-11 to III-12).

The following resources address various elements of facilities planning for rural and small urban transit providers:

- Several sections of the Ohio Department of Transportation's Rural Transit Manual
- Transit in Small Cities: A Primer for Planning, Siting, and Designing Transit Facilities in Oregon
- Independent Cost Estimates for Design and Construction of Transit Facilities in Rural and Small Urban Areas – Transportation Research Board, Transportation Research Results Digest 397

Sustainability

Sustainability is an important consideration in service planning, strategic planning, and budget development. The Rural Transportation Toolkit, published online by the Rural Health Information Hub includes a module on sustainability. This module covers the following topics:

- The importance of sustainability planning
- Transportation program sustainability strategies
- Federal agencies and programs that provide funding for transportation
- Foundations working on rural transportation issues
- Partnerships

This module discusses the following key issues to consider when planning for sustainability:

- Planning for the continued engagement of stakeholders and partners
- Considering what contributions stakeholders can make
- Monitoring population demographics and trends in the community
- Considering what fees may be appropriate for service
- Tracking the impact of the program
- Leveraging human, financial, and in-kind resources from the community

Fare Policies

The development of fare policies for rural transportation programs typically considers the following factors:

- How much can the rider afford to pay?
- Is there a fare recovery goal? (i.e. a certain percentage of the overall costs that are expected to be covered by rider fares). According to the 2020 Rural Transit Fact Book, which reports 2018 NTD data, the average farebox recovery for rural transit systems was 9%.
- How much money is needed from farebox revenue? What are the other funding sources?
- How much do peer agencies charge?
- What is the mode of service? (i.e. demand response, deviated fixed route, fixed route)

- Will there be a differential based on distance traveled or time of day?
- Does the agency wish to incentive ridership through fare policy? (this would apply to agencies considering fare-free programs)
- Are there local political policies that may affect fare policy?

There are several TCRP publications that discuss various aspects of fare policy as well as fare collection and payment options. These can be found in the [APTA TCRP publications catalog](#).

Coordination

Coordination allows service providers to leverage all of the resources in a community to increase mobility for everyone. For more information, see the Coordination and Mobility Management section of the toolkit.

Monitoring and Evaluation

A community's needs and resources are always changing. In order to ensure that services are as appropriate today as they were yesterday, it is important to have a system for monitoring and evaluation.

Transit Performance Measurement, a document adapted from a former National Transit Institute (NTI) course entitled Improving Transit System Performance: Using Information Based Strategies, identified these six steps in the performance evaluation process:

1. **Establish goals and objectives** - While goals can be general, it is important to identify measurable objectives with collectable data.
2. **Select performance indicators** - Choose indicators that are commonly understood, to allow comparison with other systems, and that can be calculated easily. Choose what part of the service each indicator will measure (for example, will it measure overall performance or performance on a specific aspect?). Decide how frequently to measure performance.
3. **Collect and tabulate data** - Ensure that all data are collected and analyzed consistently.
4. **Analyze and interpret indicators** - There are three approaches for analyzing results: compare against the agency's own data over time; compare against peer systems; compare against industry norms/standards. The most complete performance evaluation will include all three approaches.
5. **Present the results** - It is important to present the results in a way that is clear and can be understood by agency staff as well as outside constituencies. Graphical presentations can increase clarity and understanding.
6. **Take corrective actions and monitor results** - The last, and most important, step is to use the results of the evaluation to make changes to the system to increase efficiency and effectiveness.

This process should be repeated on a regular, scheduled interval.

Another important method for collecting service evaluation data is having a manager ride the bus. This allows the manager to see first-hand the condition of the buses and shelters, how the driver interacts with passengers, passenger behavior on the bus, the sections of a route that carry the

most riders, whether the bus runs on schedule, and the overall experience of using the service. While it does take time out of a manager's day to ride the bus, it is a valuable tool for assessing the quality of the service the agency is providing.

Other resources on transit performance measurement include:

- TCRP Report 88: A Guidebook for Developing a Transit Performance-Measurement System
- TCRP Report 136: Guidebook for Rural Demand-Response Transportation: Measuring, Assessing, and Improving Performance

Innovative Approaches

Transit managers seeking new ideas for innovative rural transit services and creative problem solving can learn from the following resources:

- Progressive Rural Transit Services Offer Lessons in Mobility, Access for All, Metro Magazine – This November 2019 article highlights innovative approaches by Greenway Public Transportation (Conover, North Carolina), the Travel Washington Intercity Bus Program of Washington State Department of Transportation (providing four intercity bus routes across the state), the South Central Tennessee Development District Mule Town Trolley Service (Mount Pleasant, Tennessee), and Kayak Public Transit (Pendleton, Oregon).
- National Cooperative Highway Research Program (NCHRP) Research Report 861: Best Practices in Rural Regional Mobility – This research report discusses the roles of state transit program policies and regional planning agencies in developing rural regional public transit services and shares 12 case studies (from California, Colorado, Iowa , Kansas, Maine, Michigan, Minnesota, Montana, New Mexico, Oregon, Vermont, and Wisconsin). The report provides a checklist for developing a rural regional route.
- Transit Cooperative Research Program (TCRP) Synthesis 94: Innovative Rural Transit Services – This synthesis of transit practice showcases innovations of four rural transit agencies (in Idaho, Texas, Vermont, and Virginia as well as the Oregon Department of Transportation.
- Rural Health Information Hub's Transportation to Support Rural Healthcare – Models and Innovations web page – This web page compiles reports on projects to provide innovative rural transportation practices to support rural resident access to health care.

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Communicating with the Public

Introduction

Communicating with the public is an important element of multiple aspects of managing a public transit system. This section of the toolkit is intended to provide guidance on each of the ways a rural transit agency gives information to and engages with the community it serves. The section summarizes the various parts of public communications and introduces requirements and recommendations that are detailed in other sections of this toolkit, as well as other National RTAP resources. This section of the toolkit is organized into the following subsections:

- Keeping the Public Informed about Services
- Public Notice and Engagement as Part of Planning
- Communicating in a Crisis
- Providing Customer Service
- Education and Outreach
- Hosting Public and Stakeholder Meetings

A key resource referenced throughout this section of the toolkit is the National RTAP Marketing Toolkit.

Keeping the Public Informed about Services

An essential characteristic of a public transit system is ongoing publicly available information about the transit agency's services and how to use them. Promoting the service as open to the public is an important aspect of providing public transportation. Informational materials typically used by rural public transit agencies include:

- **Rider's Guide** – As noted in the Fundamental Communications section of the Marketing Toolkit, whatever type of service the transit agency operates — fixed route, demand response, or any other type— a rider's guide is one of the most basic and important information tools. A rider's guide is also commonly referred to as a "how to ride" guide or a passenger guide. Rider's guides will vary with the type of service(s) operated; common elements include:
  - Information on geographic coverage as well as days and hours of service (for fixed routes, this would include route maps and schedules)
  - Fare information, including payment methods, how to qualify for reduced fares, and fare transfers between routes
  - How to access the service (which could include how to identify a bus stop, how to request a deviation, how to make a demand response trip reservation, and how to apply for eligibility for services with eligibility requirements)
  - Passenger code of conduct (including rules/policies about prohibited behaviors, such as smoking or eating on the bus)

- o Information about accessibility of the service to riders with disabilities
- o Contact information, including a website address and reference to Google Transit trip planning, if available

For more detailed suggestions, refer to the Fundamental Communications section of the Marketing Toolkit. For examples, the Marketing Templates section of the Marketing Toolkit includes templates for passenger guides for fixed route and demand response services.

- **Route Maps and Schedules** – Transit agencies that operate fixed routes and route deviation service should publish route maps and schedules of key timepoints for each route. A system map is also helpful, so that riders can more easily identify where the routes intersect and what routes they can use to complete their trip. Each map should indicate key bus stop locations (at a minimum, each timepoint listed in the schedule), landmarks, and key destinations clearly noted on the map. The Marketing Templates section of the Marketing Toolkit includes templates for route maps and schedules as part of a rider guide.
- **Fare Policy** – It is important to notify the public of the costs to ride the service, including the regular general public fare, reduced fares for groups such as seniors, people with disabilities, veterans, and students, as well as eligibility criteria for reduced fares, options for multi-ride tickets/passes (and where to purchase them), and other details about paying to ride the transit system.
- **Passenger Policies** – Policies about passenger code of conduct on board the bus, consequences for prohibited behavior, policies for accommodating people with disabilities on all services, eligibility requirements for services that are only open to a limited population, and other important policies should be documented in writing and made available to the public.
- **Notices of Service Changes** -- It is important to alert passengers and the public of service changes so that they know to alter their personal travel plans to adjust for the transit system changes. Service changes can occur now or in the future, be unexpected or planned, and temporary or permanent. The transit agency should have a system in place for preparing and posting notices quickly and with as much notice as possible to passengers and potential passengers.

Typical strategies for sharing public information include:

- **Printed materials** – Printed materials are an important means to share information with members of the community who may not have access to the Internet. Transit agencies should consider stocking rider guides, route maps, and schedule brochures at community information centers such as public libraries, government service buildings, social services buildings, and visitors' centers within the transit service area. Templates for brochure designs, as well as stock photos and graphics, can be found in the Marketing Tools section of the Marketing Toolkit.
- **Website** – At a minimum, the transit agency's website should detail each of the services operated and provide contact information. It should also include a Title VI notice (as discussed in the Civil Rights section of this toolkit, and contact information for requesting any materials in a different format (discussed later in this section of the toolkit under

Ensuring Information Is Understandable and Accessible). National RTAP's Website Builder app is a free resource that rural and Tribal transit agencies can use to create and maintain their websites.

- **General Transit Feed Specification (GTFS) data** – National RTAP offers the GTFS Builder web app that rural and Tribal transit agencies can use to develop and generate schedule and geographic data (route alignment and bus stops) for uploading. GTFS files can then be used in Google Transit, Apple Maps, and other apps that provide transit information from GTFS data. Many transit agencies use Google maps created with their GTFS data to serve as route maps on their website.

- **Social media** – Social media such as Facebook and Twitter are good strategies for getting time sensitive information out quickly and in a format that can easily be shared. National RTAP provides several resources on using social media to share information on rural transit services, including a Best Practices Spotlight Article on Social Media and the Leveraging Social Media: Spreading the Word and Enhancing Community Participation Technical Brief.

- **Emailed service announcements and alerts** – Transit agencies can build an email list of subscribers to which they can send electronic newsletters and service change alerts. This is a way of quickly reaching all riders who have chosen to subscribe, including those who do not regularly use social media. National RTAP's Website Builder web app includes a contact form that can be used to develop an email list. Transit agencies that are part of government organizations may be able to be part of the government organization's electronic subscription service.

- **Notices posted onboard buses** – Onboard notices help share important information with passengers who are able to read the notices. This means of communication will not be useful for informing riders with vision disabilities or those who are unable to read the language(s) the information is posted in.

- **Signage posted at transit facilities (including bus stops at fixed stops)** – If a transit facility has a bulletin board or passenger shelter -- route, schedule, and fare information can be posted. It can also be helpful to post notices and signs at transfer centers and bus stops that are served for routes that have or will be changed. As noted in the Marketing Toolkit, posting up-to-date information at the bus stop is particularly important on low frequency routes.

- **Telephone support** – As stated in the Marketing Toolkit, one of the most basic and essential means of communicating passenger information is the telephone. For example, seniors and people with low literacy may prefer and better understand telephone calls and messages. Options offered on an automated phone answering system should be very clear and include an option for speaking with a real person during office hours.

- **Real-time information** – The Marketing Toolkit explains real-time information as "how long until the bus gets here." Transit agencies with automatic vehicle locator (AVL) technology can provide real-time information to riders through smart phone or tablet apps, the agency's website, text message, or an automated phone system.

The Marketing Toolkit provides more information, recommendations, and templates for keeping the public informed about transit services.

Public Notice and Engagement as Part of Planning

As discussed in the [Planning and Evaluation section of the toolkit](#), there are several types of planning efforts conducted by rural transit agencies that need and sometimes require public involvement. These include:

- **When planning changes in services and fares** – Public input on what services are needed and what fare levels riders are willing and able to pay can help a transit agency plan new and changed services and fares that are designed to meet the needs of the community. Some State Departments of Transportation (DOTs) require their Section 5311 subrecipients to conduct a public hearing before implementing service and fare changes.
- **When developing local coordinated plans** – Some State DOTS require rural transit grant projects to be included in locally developed, coordinated public transit-human services transportation plans. Local coordinated transit planning typically includes a public involvement process.
- **When applying for grants** – Under FTA's Title VI requirements (discussed in the [Civil Rights section of the toolkit](#)), all recipients of federal funding are required to include public participation as part of the development of the program of projects for an FTA grant. This requirement is discussed under [Public Involvement and Title VI Requirements in the Planning and Evaluation section of the toolkit](#). State DOTs typically require a public participation process, including consultation with private transportation providers and a public hearing (or opportunity for one upon request) about the proposed grant application.
- **For projects that require an Environmental Impact Statement** – Under the U.S. DOT Environmental Justice requirements and corresponding FTA guidance (discussed in the [Civil Rights section of the toolkit](#)), FTA recipients are required to engage minority and/or low income populations during the transportation decision making process for projects that require an Environmental Impact Statement (such as construction and rehabilitation of certain types of facilities). This includes public outreach and engagement in the planning process to ensure that community members have an opportunity to express their concerns about the proposed project.

The above list of planning activities that necessitate public notice and/or engagement is not exhaustive, and does not notices that may be required for other types of state or federal requirements discussed in other sections of the toolkit.

National RTAP developed a checklist called [What Transit Agencies Need to Inform the Public About Before Making Changes](#) that lists these planning efforts and other transit agency policies and programs that necessitate notifying the public.

Examples of public notice and engagement strategies include passenger surveys, community surveys, focus groups, and public meetings. Email or postal letters can be used to provide notice of surveys and meetings to stakeholders such as municipalities, tribes, private providers, social service agencies, advocacy organizations, major employers, educational facilities, and other organizations.

Hosting public and stakeholder meetings is discussed later in this section of the toolkit. Other resources on conducting public notice and engagement activities include:

- Public Involvement Techniques for Transportation Decisionmaking
- Developing and Advancing Effective Public Involvement and Environmental Justice Strategies for Rural and Small Communities
- How to Engage Low-Literacy and Limited-English-Proficiency Populations in Transportation Decisionmaking

Ensuring Information Is Understandable and Accessible

It is very important that the public information provided by transit agencies is understandable and accessible by as many members of the public as possible. There are federal requirements for translating essential information into languages other than English in communities with concentrations of people who speak another language. There are also federal requirements to make information accessible to individuals with disabilities.

- **Language assistance for Limited English Proficiency (LEP) populations** -- As discussed in the Civil Rights section of the toolkit, FTA-funded transit agencies are required to take reasonable steps to ensure meaningful access to information, services and the benefits of their programs for LEP persons. This can include, but is not limited to, translating service information into commonly spoken languages or using images to convey information instead of words. Commonly spoken languages are determined through a required analysis conducted by each transit agency. National RTAP developed the Essential Spanish for Rural Transit training module and related resources for transit agencies that serve Spanish speakers.
- **Information accessibility for people with disabilities** – Transit agencies must make service information available to people with disabilities, including those with vision, hearing, and speech disabilities. The Rider Information section of the ADA Toolkit discusses this requirement and approaches to providing accessible information. Examples include accessible websites, accessible electronic documents, large print, audio recordings, text telephone (TTY) (including TTY relay services (available nationwide by dialing 711), and more.

When preparing written communications, it is a good idea to use plain language so that it is easily understandable by as many readers as possible. For tips on writing clearly using principles of plain language, see National RTAP's Plain Language for Rural Transit: Writing for Readability and Clarity Technical Brief.

Communicating in a Crisis

During critical incidents, what is said to the public is extremely important. National RTAP's Emergency Information Dissemination Technical Brief guides transit managers to develop and deliver emergency information to the public, community leaders, and the media, in an appropriate manner that will aid everyone involved.

Communications are also discussed in the Mission and Leadership section of the toolkit under Leading During a Crisis, as well as the Safety, Security and Emergency Management section of the toolkit under Lessons Learned from The COVID-19 Pandemic.

Providing Customer Service

Communication is a critical element of customer service. All frontline transit employees – drivers, schedulers, dispatchers, transfer center staff, front desk staff, supervisors, staff and management who respond to customer inquiries by phone or email, and anyone else who may interact with transit passengers during the course of their work day should be trained in providing excellent customer service.

National RTAP offers resources for use in training, including the Customer-Driven Service training module and 2 the Point - Customer Service training card for drivers (available in English and Spanish).

In addition to providing day-to-day customer service as a good business practice, transit managers and staff need to be aware of additional customer service considerations for:

- **Serving individuals with disabilities** – Under the U.S. DOT ADA regulations, which are introduced in the ADA section of this toolkit, drivers and other staff must be trained to properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities. An in-depth discussion on this requirement, along with communication and customer service tips for passengers with different types of disabilities, can be found in the Passenger Assistance and Customer Service section of ADA Toolkit. Also, as discussed earlier in this section under Ensuring Information Is Accessible to All, transit agencies need to ensure communication methods with disabilities are accessible.
- **Customers making complaints** – From time to time, even the best managed transit systems will receive complaints from passengers and members of the public. Transit agencies need to have policies and procedures in place for receiving and investigating complaints, solving identified problems, responding to complaints, and documenting how each complaint was handled and resolved. As mentioned in the ADA and Civil Rights sections of the toolkit, federal regulations require complaint procedures for complaints related to discrimination.
- **Difficult situations** – Drivers and other frontline transit agency staff may routinely face difficult passengers and situations. Successfully managing such situations requires effective communications. The Customer Service Breakdowns chapter of the Customer-Driven Service training module and National RTAP's Problem Passengers: Managing Difficult Passengers & Situations training module focus specifically on defusing these types of situations. Tips for handling potentially volatile situations that could escalate to violence are provided in the Safety, Security and Emergency Management section of the toolkit under Handling Conflict and Driver De-escalation Skills – Preventing Driver Assaults and Conflict Resulting from Pandemic Stress.

Education and Outreach

Another important facet of communication is educating the public about the transit agency and its services. This involves reaching out to the community to ensure the information is easy to obtain, as well as offering the community opportunities to ask questions and share feedback.

Educating the community about the rural transit agency can be conducted using various approaches. Common approaches and reasons include:

- **Speaking to community leaders, stakeholders, and decision-makers** to help them understand the importance of transit services to the local community—for example, the role of transit in:
  - helping residents who cannot drive or cannot afford to drive to connect to essential needs and employment.
  - helping senior residents stay active and maintain their independence.
  - helping employers attract and retain employees who otherwise would not have the means to travel to work.
  - bringing customers and visitors to local businesses and tourist destinations.
  - reducing traffic congestion by reducing the need for residents and visitors to drive to their destination.
- **Speaking to organizations that support people in need** to educate them on which transit services their clients may find helpful.
- **Speaking in community settings** to potential passengers, caregivers, and others who may know people who need transportation. Examples of community settings include:
  - Hosting public meetings at local government buildings, public library branches, and the transit agency facility.
  - Staffing a booth or table at community events, such as the county fair and fairs/informational events for seniors, job seekers, etc.
  - Staffing a table or speaking to specific groups who gather at food banks, community meals, cultural centers, senior centers, etc.
- **Written approaches to distribute information** through news media and social media. This includes issuing press releases and public service announcements, and helping social media users learn about the availability of transit services through frequent posts. The transit agency's website can be another important educational platform.
- Educating new and future passengers on how to use transit services:
  - One-on-one travel training and/or coaching, which can be helpful for anyone who needs someone to "show them the ropes" on how to ride before they feel confident traveling independently, as well as riders with disabilities who may need practice on riding specific routes.
  - Bus familiarization training for groups, such as school classes or seniors. Educating schoolchildren about the transit system not only prepares them to ride the bus, it can also help raise awareness of the value of transit to the next generation of community leaders.

- o Distributing a rider's guide, discussed earlier in this section of the toolkit under Keeping the Public Informed about Services.
- o Helpful resources and information on travel training and bus familiarization training include:

  - National Aging and Disability Transportation Center
  - Association of Travel Instruction
  - National Center for Mobility Management

In smaller rural transit agencies, the transit manager may be responsible for most of these educational activities. In other organizations, the mobility manager or marketing manager may be responsible for some or all of these activities. Even in larger organizations, one of the many hats typically worn by the transit manager involves speaking to community leaders, stakeholders, and decision makers.

National RTAP's Marketing Toolkit provides more information with links to additional resources and templates in its section on Strategies for Building Awareness, Image, and Support.

Hosting Public and Stakeholder Meetings

As noted earlier under the Public Notice and Engagement as Part of Planning section, public meetings are a strategy for getting input from the public when developing plans. They are also an important means for sharing information with the public and with stakeholders about the transit agency and its plans and projects.

To ensure transit agency's riders are able to attend, public meetings should be held at locations served by the transit agency during times when it is possible to arrive and depart using transit. The facility needs to be accessible to people with disabilities, and the information that is provided at the meeting should be available in accessible formats as well as languages determined by the transit agency's LEP plan. The meeting should be announced several weeks in advance, and the notice should provide instructions for requesting a sign language interpreter and other accommodations that would not be provided automatically. Notices about and invitations to the meeting should be sent to stakeholders and news organizations, as well as posted to the transit agency's website and social media platforms. Formal public hearings may require placing a legal notice in the local newspaper. The transit agency should document all notices about the meeting, ask attendees to sign a sign-in sheet upon arrival, and document comments made by meeting attendees.

During the COVID-19 pandemic, virtual online meetings became an alternative to in-person meetings. Even after the pandemic subsides, transit agencies may wish to continue hosting online meetings in addition to in-person meetings to facilitate public involvement opportunities.

For discussion on making public meetings accessible to people with disabilities, refer to the Public Meetings and Outreach section of the ADA Toolkit.

Section Sources

- Federal Highway Administration, How to Engage Low-Literacy and Limited-English-Proficiency Populations in Transportation Decisionmaking
- Federal Highway Administration, Public Involvement Techniques for Transportation Decisionmaking
- Federal Highway Administration, Developing and Advancing Effective Public Involvement and Environmental Justice Strategies for Rural and Small Communities
- National RTAP, ADA Toolkit
- National RTAP, Best Practices Spotlight Article on Social Media
- National RTAP, Essential Spanish for Rural Transit training module
- National RTAP, GTFS Builder
- National RTAP, Leveraging Social Media: Spreading the Word and Enhancing Community Participation Technical Brief
- National RTAP, Marketing Toolkit
- National RTAP, Plain Language for Rural Transit: Writing for Readability and Clarity Technical Brief
- National RTAP, Problem Passengers: Managing Difficult Passengers & Situations training module
- National RTAP, Transit Manager's Toolkit
- National RTAP, Website Builder
- National RTAP, What Transit Agencies Need to Inform the Public About Before Making Changes

Engaging with Tribes

Introduction

The information found in this page is for rural transit managers whose transit system's service area includes American Indian and Alaskan Native populations, and/or travel in or near tribal lands. For such transit agencies, there are numerous benefits to engaging with tribes. Many tribes operate transportation services that are open to the general public as well as to tribal members.

Tribes may have transportation needs that could be met through collaboration with local transit services, resulting in increased opportunities for the entire community. Working with tribes involves considerable communication between the transit provider, the tribe, and the State Department of Transportation (DOT). This page provides information on how to begin such a dialogue.

This page is organized in the following subsections:

- Benefits of Engaging with Tribes and Tribal Transit Programs
- Tribal Sovereignty
- Initiating Relationships with Tribes
- Types of Coordination
- Tribal Liaison Contacts within State Departments of Transportation
- Opportunities to Address Rural and/or Tribal Transportation Challenges
- Tribal Transit Program Startup
- Section 5311 and the Tribal Transit Program
- Tribal Transit Program
- Section 5310 and Tribal Human Services Transportation
- Funding and Writing Competitive Transit Program and Tribal Transit Program Grants
- Frequently Asked Questions
- Section Sources

Benefits of Engaging with Tribes and Tribal Transit Programs

It may be helpful for rural transit program staff, rural government administrators, and rural transit riders to have formal discussions about the numerous professional development, program expansion, collaboration, coordination, and communication improvement returns that may result

from tribal transit partnerships. The following list of potential benefits offers a starting place for these internal transit program enhancement conversations, and provides some rural transit planning strategies and prompts, which stakeholders may not yet have considered.

- Sharing information about respective rural and tribal transit programs and services to help more people access transportation to health care, employment, education, and other basic needs.
- Obtaining tribal members' input on how local rural transit services could more effectively meet community transportation needs and reduce transit system gaps/overlaps.
- Improving the transportation equity and social justice within the existing transit system.
- Cross-jurisdictional coordination and engagement to enhance regional transit and grow collaborative systems with shared system investments.
- Potential to administer the tribal portion of a rural regional transit system, if the tribe is too small to take on transit administration or desires tribal transit service provision, but prefers not to self-administer the service.
- Improving rural transit system sustainability/longevity by sharing costs and pooling financial resources for service provision (e.g., partnerships can reduce administration and/or training costs to both rural and tribal transit systems.)
- Cross-cultural, historic, and political exchange/dialogue, relationship development, and refined intergovernmental communication.
- Increased access to grant funds (i.e., rural transit grant applications become more competitive when funding requests are for service provision to a broader population.)
- Added transit system connections to cultural, historic, and tourism sites.
- Creating pathways towards generational healing between communities and governmental systems.
- Providing a firm foundation for additional future intergovernmental partnerships to achieve numerous common multidisciplinary goals.

Tribal Sovereignty

It is critical to understand the significance of the unique legal status of tribes within the United States and the unique political relationship between tribes and the United States.

Tribal sovereignty in the United States is the concept of the inherent authority of indigenous tribes to govern themselves within the borders of the United States.

Rural transit managers need to understand that tribal sovereignty is grounded in the United States Constitution and that tribes govern as independent sovereign nations on par with the U.S. federal government.

 "Tribal sovereignty ensures that any decisions about the tribes with regard to their property and citizens are made with their participation and consent" (BIA, 2016). As stated above within Section 5311 and Section 5310 portions of this section, unlike rural communities, tribes have the option of being direct recipients of federal funds in addition to the option receiving federal funds as subrecipients of their state.

- To read a short brief about tribal sovereignty, please see the Bureau of Indian Affairs' Frequently Asked Questions (FAQ) section "The Nature of Federal-Tribal and State-Tribal Relations.
- A more thorough understanding of tribal sovereignty may be obtained by reading the Tribal Sovereignty section (pp. 7 - 9) of Chapter 1 within TRB's Transit Cooperative Research Program (TCRP) Report 154: Developing, Enhancing, and Sustaining Tribal Transit Services: A Guidebook).

Initiating Relationships with Tribes

Meaningful engagement with tribes requires demonstrated respect of each distinct tribe's sovereignty as recognized by the U.S. federal government. Above all else, this requires sustained tribal inclusion in decision-making processes that will impact tribal interests.

Some suggested practices that can help rural transit managers initiate or maintain engagement with tribal partners:

- Contact FTA Regional Tribal Liaisons, tribal transportation associations and organizing bodies, or State DOT transit programs to learn about tribal transit in the state
- Learn who the primary contacts/champions are (e.g., Community Health Representatives (CHRs), Indian Health Service (IHS), Tribal Health Authority, Tribal Transit Program, Tribal Transportation Program Director, or Tribal Transportation Program Planner)
- Convene meetings to identify common goals, overlaps and gaps in services, connection points, shared funding opportunities
- Collaborate with tribal partners to draft Memoranda of Agreements (MOAs), Memoranda of Understanding (MOUs), or Intergovernmental Agreements (IGAs) to define/formalize service collaborations/mutually beneficial program supports
- Garnering Transit Board/Committee/Task Force support and/or Tribal Council Approval may be required to ensure outcomes reflect all parties' best interests

Each tribe's governmental entities and governance structure are unique. These practices must be tailored to ensure effective partnership with each distinct tribe.

Types of Coordination

Transportation needs and issues take precedence over jurisdictional lines, and there are many issues that require rural communities and tribes to work together. Transportation is one example of this as the same road can extend through tribal and local lands. Regardless of how the relationship is structured, rural transit managers and tribal representatives should collaborate throughout the transportation planning process. Maintaining regular, open conversation between a rural community and its neighboring tribe is one step that a rural transit program can take to ensure that planning conversations bring local and regional transit needs to the table.

NCHRP Synthesis 366 "Tribal Transportation Programs, a report prepared for the Wisconsin Department of Transportation (CTC and Associates 2004), identifies four common methods through which a rural transit manager might coordinate tribal communication:

- Contacting tribes through Tribal Liaisons within State Departments of Transportation (DOTs), either as designated individuals or offices (Alaska, Arizona, California, Minnesota, Montana, New Mexico, Washington State, and Wyoming were noted).
- Attending statewide or regional tribal safety summits, held as communication or coordination meetings (Idaho, Iowa, Minnesota, New Mexico, Pennsylvania, Washington state, and Wisconsin were noted).
- Consulting transportation resource guides, either printed or online, which can help rural transit managers understand a tribe's role in transportation issues (California, Minnesota, and Washington state were noted).
- Inviting local or regional tribes to join your rural or regional advisory committee, and include discussion of both rural and tribal transportation issues on the agenda (Alaska, Arizona and California were noted).

In addition to the steps detailed above, if a rural transit system is interested in developing, or improving upon, a relationship with a neighboring tribal community, another good starting point might be to see if the State DOT or rural planning organization currently has any of the four communication methods in place.

Tribal Liaison Contacts within State Departments of Transportation

The Federal Highway Administration (FHWA) Office of Planning, Environment, and Realty provides State Tribal Liaison contact information. Contact information for the Alaska Department of Transportation and Public Facilities Tribal Liaison may be found at http://dot.alaska.gov/tribalrelations/.

Opportunities to Address Rural and/or Tribal Transportation Challenges

Low-Density Population

Because both rural and tribal communities may be both physically isolated and at significant distances from urban centers, they often have low-density populations. The long distances between passengers requiring rides can diminish routing efficiency and result in low passenger productivity. Coordination of rural and tribal transit service provision could potentially ensure that rural and tribal community members can travel from their remote home communities to urban centers to access employment, medical services, educational opportunities, goods and services.

Large Service Areas

Many rural and tribal transit systems are faced with service provision across vast areas. Combined with the low population densities in these regions, service reliability and cost are stressors to transit system success that partnership creation may help overcome. For example, Helping Hands Agency, Inc. is a human service agency in Page, Arizona, which operates the Helping Hands Express, a public transit system with routes into the Navajo Nation communities of Tuba City, Cameron, Kaibito, and Shonto, Arizona. Helping Hands Express connects Page riders to Navajo Nation businesses, medical providers, behavioral health organizations, educational institutions, and social service agencies while enabling tribal members to have access to the numerous services and opportunities in the larger community of Page. Helping Hands Agency and Hopi Senom Transit have initiated discussion about developing transit connections between the two services in Tuba City, which would allow Hopi Senom Transit Route 4 riders from Kykotsmovi to transfer at Tuba City to the early morning Helping Hands Express route to Page for work.

Long Travel Distances and Dispersed Destinations

High density populations, concentrated destinations, and the installation of easily accessible pedestrian infrastructure make for effective transit programs. As noted in the Planning & Evaluation section of this toolkit, a general rule of thumb is that fixed route services can be effective in areas with population densities of over 2,000 people per square mile. Examples of concentrated destinations are typically found in cities or towns, such as a core downtown, retail centers, clusters of medical facilities, and concentrations of jobs and/or government services. However, these are not the characteristics generally found in rural or tribal service areas. As stated above, rural and tribal transit systems have large areas of service, long travel distances, and provide service from hubs that are secluded from other communities in their region. Yet, they are charged with transporting riders to stops and urban centers that people must access for amenities and services. Working to isolate, address, and alleviate these transit planning and operating factors can prove difficult at best.

Founded in 1979, Clallam Transit, in Clallam County, Washington, provides both public transportation and paratransit services for riders with disabilities, and connects with the Makah Indian Reservation to provide intercounty commuter bus service to Port Angeles and Forks. Located on the Olympic Peninsula's northwest tip at Neah Bay, the reservation is 60 miles from the closest town of Forks, 75 miles from Port Angeles, and 150 miles from Seattle. Thus, the collaboration and interconnectivity of the two services helps Makah tribal members overcome the transportation challenge of living in such a remote area, and guarantees Clallam Transit consistent ridership.

Service Coordination and Technical Capacity

Consensus building, relationship and budget development, technical and analytical abilities are all skill sets required for successful transit service planning, creation, and expansion. Nevertheless, both rural and tribal transit systems frequently are defined by limited staffing, administrators who are new to the field of transportation, and smaller operating budgets. Therefore, in partnering to coordinate transit service provision and enhance technical capacity, rural and tribal transit systems can realize mutual benefits.

Between 2009 and 2012, two rural Arizona regional planning organizations, the Central Arizona Association of Governments (CAAG) and the Southeastern Arizona Governments Organization (SEAGO) administered Pathways Out of Poverty programs. Funded by the U.S. Department of Labor Employment and Training Administration through the American Recovery and Reinvestment Act of 2009, Pathways Out of Poverty programs addressed communities' economic recovery needs by training and placing disadvantaged individuals in jobs with opportunities for advancement along career pathways in green, high growth, and emerging industries.

Arizona's southeastern and central regions encompass vast rural areas within the state, which have high poverty rates and large Native American populations. Program participants under CAAG's and SEAGO's jurisdictions were challenged by lost job opportunities and high unemployment. Due to the region's size, transportation to CAAG and SEAGO technical training, job placement, and job retention services was a barrier – particularly based on travel time and fuel expense. Consequently, the partnerships that both CAAG and SEAGO developed with San Carlos Apache Nnee Bich'onii Services for transportation service provision to Pathways Out of Poverty program sites was a foundational step towards program success while providing Nnee Bich'onii Services with consistent ridership during a period of the system's growth.

San Carlos Apache Nnee Bich'onii Services offers public transportation within the San Carlos Apache Reservation, to Safford, Globe, and other off-reservation areas on a daily basis. In the San Carlos Apache language, Nnee Bich'onii means "Helping the People," which the unique program accomplishes by operating as a combined Temporary Assistance to Needy Families (TANF) and transit program with the goal of ending tribal enrollee dependence on public assistance. Accordingly, the typical TANF program focus on welfare is shifted to employment, training, education, vocational training, and transportation services instead. For example, Nnee Bich'onii trained and employed several of its former TANF recipients, including the provision of CDL training to several of those individuals, who then became drivers for the program. Today, tribal members, people with disabilities, the elderly, tribal TANF recipients, and non-tribal members have additional options to become self-sufficient through Nnee Bich'onii Services.

Territoriality and Unwillingness to Coordinate Services

Rural and tribal transit managers may find themselves so focused on addressing their clients' needs that they lose a sense of how best to maximize the use of scarce resources. Buses may not have full occupancy, or may sit idle for periods of the day. Existing routes may duplicate those run by a neighboring service provider, and program managers may be hesitant to share the precious vehicles and services they have labored diligently to acquire and build for fear of vehicle damage or poor attention to client service provision by a potential new partner. Further, recognizing that transportation dollars from states and the federal government are limited and require competition to win, rural and tribal transit programs may become territorial.

The North Central Regional Transit District (NCRTD) in Santa Fe, New Mexico overcame some of these concerns in the NCRTD's early development stages via careful review of rural and tribal organizational issues. Small Pueblos' Organizing Committee members expressed anxiety that their needs would be overlooked in the service plan, because of their relative population size compared to other Organizing Committee members. For instance, within the NCRTD's service area, Pojoaque Pueblo has about 300 enrolled tribal members while the Santa Fe City and County areas each have

over 85,000 residents. Thus, the NCRTD crafted a unique "Voting Strength Analysis for NCRTD Members," which was published on their website for stakeholder distribution. The result was a weighted voting formula that divides all members into population divisions of 5,000/10,000/20,000/40,000, and 80,000. While all members receive one vote on the NCRTD Board, each additional division offers a member additional votes. With this set of thresholds in place, the relative voting strength of the larger members is lowered and the pueblos realize an equitable share of the relative voting strength. In this way, territoriality is diminished, and NCRTD members have greater willingness to take some limited, but shared risks, to realize the direct and indirect benefits of regional service coordination.

Tribal Transit Program Startup

Tribal Transit Programs are initiated in numerous different ways depending on the distinct needs of the tribe in question (e.g., connecting tribal community residents to medical services, education, or employment.) Maintaining access to a diversity of destinations offers the chance for tribal members to enhance their capacities for personal and professional growth. The result of which translates into the improved economic development, security, and stability of the community and the region as a whole.

Many tribes are contemplating public transit development, but have not yet determined how they wish to pursue startup. When that is the case, initiating discussions with them about collaboration with existing rural transit programs and starting a new transit program might be very welcome.

Section 5311 and the Tribal Transit Program

Before beginning a dialog with tribes regarding potential transit service coordination, collaboration, or partnership, rural transit managers will want to have as much familiarity as they can with the procedures involved for tribal receipt of FTA Section 5311 funds ([U.S. Code Title 49, Section 5311)](#) through the Section 5311 program and/or through the Section 5311(c) Tribal Transit Program (tribes can receive funding from both programs in the same fiscal year).

Tribes as Subrecipients

If the neighboring tribe receives funding through the Section 5311 program, it is often the case that the state is the FTA direct recipient, and the tribe is a subrecipient of the state. As a subrecipient of the state, the tribe has the same grant program administration requirements and responsibilities as other tribal and non-tribal Section 5311 subrecipients (see the 5311 Grant Management Requirements section of this toolkit for an introduction to subrecipient requirements). Tribal subrecipients enter into written agreements with the state that indicate the terms and conditions of assistance for their project, and the state submits certifications, assurances, and National Transit Database (NTD) data to the federal government on their behalf.

Tribes as Direct Recipients

Federally-recognized Indian tribes or Alaska Native villages, groups, or communities identified by the U.S. Department of the Interior (DOI) Bureau of Indian Affairs' (BIA's) annual Federal Register

listing of "Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs" are eligible direct recipients under the Public Transportation on Indian Reservations Program (Tribal Transit Program) in Section 5311(c)(1). Federally-recognized tribes may also elect to become direct recipients under Section 5311 in lieu of being subrecipients under a state 5311 program.

As a direct Tribal Transit Program recipient, tribal requirements are slightly different from those under the Section 5311 program. The section below will discuss the Tribal Transit Program, and how its requirements differ from those under the Section 5311 program.

Tribal Transit Program

The Tribal Transit Program was established under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or SAFETEA–LU in 2006 as part of the Section 5311 program. The program has continued, and the "Fixing America's Surface Transportation (FAST) Act" (signed into law December 4, 2015), authorizes the Public Transportation on Indian Reservations Program (Tribal Transit Program or TTP) for Fiscal Years 2016-2020.

The TTP is still a takedown from the Formula Grants for Rural Areas (Section 5311) program, but now consists of a $30 million formula program and a $5 million competitive grant program subject to the availability of appropriations. A 10 percent local match is required under the competitive program; however, there is no local match required under the formula program.

Only federally-recognized tribes are eligible recipients under the Tribal Transit Program. Nonetheless, tribes, which are not federally-recognized, remain eligible to apply to the state as subrecipients under their state's apportionment for 5310, 5311, or 5307 funding.

Federally-recognized tribes may use the funding for capital, operating, planning, and administrative expenses for public transit projects that meet the growing needs of rural tribal communities. Examples of eligible activities include: capital projects; operating costs of equipment, and facilities for use in public transportation; and the acquisition of public transportation services, including service agreements with private providers of public transportation services.

Formula Program

The Formula Grants for Public Transportation on Indian Reservations Program is authorized under Section 5311(j). These formula funds are distributed to federally-recognized tribes providing public transportation on tribal lands. In order to receive formula funds, a tribe must report to the National Transit Database on an annual basis.

According to the Section 5311 Circular (FTA C 9040.1G) - Formula Grants for Rural Areas: Program Guidance and Application Instructions, the formula program apportions funds to tribes using the following three tiers:

- **Tier I** – Fifty percent (50%) of the funds available under the formula program are apportioned based on vehicle revenue miles (VRM), as reported to the National Transit Database.

- **Tier II** – Twenty-five percent (25%) of the funds available under the formula program are apportioned equally among tribes providing at least 200,000 VRM annually, as reported to the NTD.
- **Tier III** – Twenty-five percent (25%) of the funds available under the formula program are apportioned to tribes providing public transportation on tribal lands (i.e., American Indian Areas, Alaska Native Areas, and Hawaiian Home Lands [AIANAHH], as defined by the U.S. Census Bureau) where more than 1,000 low-income persons reside as determined by the Bureau of the Census. No recipient shall receive more than $300,000 under Tier III.

Because allocations under Tiers I and II are calculated based on most recent available NTD data, tribes interested in receiving Tribal Transit Program formula apportionments must first report to NTD. The reporting deadline to NTD depends on the reporting agency's fiscal year and is detailed in the most recent [NTD Reporting Policy Manual](#). It may take up to two or three years between first reporting to NTD and inclusion in the apportionment. There is no local match requirement for funds received under the formula program.

Competitive Program

Competitive program funds are available annually, and federally recognized tribes can apply for such funds even if they are not current FTA recipients. Unlike the formula program, there is a ten percent local match required unless a tribe can demonstrate financial hardship. Funding opportunities are announced by FTA in a Notice of Funding Opportunity (NOFO), which are published in the Federal Register and posted on FTA's website.

For more information about the competitive Tribal Transit Program, which may vary year to year, visit the [Tribal Transit Program](#) page on the FTA website. Final project selections from previous years are available.

As stated earlier, information about the Tribal Transit Program under MAP-21 and the FAST Act can be found in the [Section 5311 Circular](#) (FTA C 9040.1G) - Formula Grants for Rural Areas: Program Guidance and Application Instructions, last update 11/24/2014. See specifically Chapter X - Public Transportation on Indian Reservations, pages X-1 to X-4.

Section 5310 and Tribal Human Services Transportation

While not all tribal communities have transit programs in place at this time, most will have some form of medical transportation and non-emergency medical transportation to which non-tribal transit and non-tribal medical transportation systems can link. Coordinating development of an effective voucher program with tribal Community Health Representatives, Elderly Services programs, Indian Health Service clinics, and tribal health departments (in many tribal communities known as Tribal Health Authorities) pools local medical support and transportation resources, and could provide transit programs in adjacent rural communities with additional financial support and stability, while enhancing tribal members' access to essential medical transportation. Additionally, partnering with a tribal paratransit system might also allow a rural transit program to achieve compliance with the requirement to provide paratransit if that rural community lacks those services, but the neighboring tribal community offers them. Conversely, tribal 5311 programs, which lack

paratransit, may welcome the chance to meet their paratransit compliance requirement via partnership with an adjacent rural 5310 program.

Additional information about the Older Americans Act Title VI Program may be found at the Administration on Aging.

More information about 5310 grant management requirements is available in the grant management section of the toolkit.

Funding and Writing Competitive Transit Program and Tribal Transit Program Grants

Competitive grant writing depends on an understanding that the process is not just about the money; rather the funding is the means through which transit programs sustain, improve, or expand their service provision, develop or enhance agency partnerships, and increase client access to opportunity. National RTAP's 2017/2018 Transit Provider Survey found that "successful grant writing" and "funding/scheduling staff training" were "Hot Button" issues. When asked about their agency's top two priorities, 87 of 360 respondents (or 23%) indicated "financial sustainability/securing adequate or expanded funding."

Twenty-four percent of the rural and tribal transit respondents to the 2015/2016 Transit Manager Survey suggested their top priority was "…ways to develop local funding, match, partnerships for contract operations, and grant opportunities with state and federal partners." As a result, it is clear that rural and tribal transit managers are thinking beyond just winning grant dollars, but also about how the implementation of those grant projects can help them further their transit programs' missions, visions, short and long-term goals.

When looking at potential transportation coordination, rural transit managers and tribes together will want to maintain awareness of grant programs in which the funding goes directly to states in order to take full advantage of available federal funds to grow area transit programs. Where tribes have the financial capacity/desire to make the required funding match, it may be beneficial for the tribe to be a subrecipient of the state in order to access those funding sources (for more information on subrecipient status, please see the earlier "Tribes as Subrecipients" section). For example, in Washington State, the Sauk-Suiattle Indian Tribe was awarded just over $402,000 in Washington Department of Transportation Consolidated Grant Program funding to sustain existing Darrington-Concrete Direct Shuttle fixed route services. In this example, Sauk-Suiattle Indian Tribe is a subrecipient of grant funds through the State of Washington, while the State of Washington is the primary recipient.

Tribal grant applications will be more competitive with the support of rural transit programs in their respective areas, and rural grant application reviews by the state also will benefit from tribal support. When rural transit programs and tribes agree to collaborate and coordinate service provision, open and consistent communication with State DOTs is vital to help ensure tribal notification when state grant opportunities arise. Applicants should include narrative detail as to how their coordinated service will increase people's access to jobs, education, medical support services, etc.

As part of the tribal collaboration process on potential Tribal Transit Program grant application submissions, rural transit managers will want to double check their neighboring tribe's eligibility via the Federal Register's annual January publication of the list of "Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs. In addition, developing a clear understanding of the principles of tribal sovereignty will create a secure foundation upon which to form strong and lasting intergovernmental relationships defined by the pooling of grant funding resources and shared service coordination goals. (Please see the Frequently Asked Questions section for more about tribal sovereignty.)

Frequently Asked Questions

Question: I want to learn more about my neighboring tribe before I reach out to them, where can I find accurate information?

Answer: The most accurate source of information about a particular tribe is the tribe itself. Nonetheless, many tribes and Alaska Native villages lack web sites, or due to limited Information Technology staffing, may only have websites that are little more than landing pages. The following suggestions provide potential sources of contact information as well as helpful background information.

- Rural transit managers may wish to consult the National Congress of American Indians' (NCAI's) Tribal Directory and/or the Bureau of Indian Affairs' Tribal Leaders Directory.
- At the "About Tribes" tab of the NCAI's website, rural transit managers can download the *Tribal Nations and the United States: An Introduction* guide developed by the National Congress of American Indians to offer a historic overview of the underlying principles of tribal governance, to ensure that policy decision makers at the local, state, and federal level understand their relationship to tribal governments as part of the American family of governments, and to provide critical information as to how to engage effectively with contemporary tribal nations.
- Quoting "The Importance of Cultural Competency" - topic 2 on the University of Arizona's Research, Discovery and Innovation Native Peoples Technical Assistance Office's "Getting Started: Research and Engagement" web page, "Tribal nations are extremely diverse in terms of cultures, languages, lands, governance structures, economies, and decision-making authorities. Each Native nation has its own laws, codes, regulations, procedures and/or departmental guidelines governing activity occurring on tribal land. Most indigenous groups share common understandings that they as a people have access to land, have a form of self-government, and want to preserve important parts of their culture and worldviews. Familiarize yourself with the culture of the Native nation with whom you intend to work. Native nations are the keepers of their knowledge, cultural practices, and traditions…"
- Regional intertribal organizations generally maintain accurate records of their tribal members.
- Tribal Transit Program grantee lists (please scroll down the page to "Project Selections" to view these lists beginning with fiscal year 2014) can inform a rural transit manager as to whether their neighboring tribe has received funding and whether that funding was for planning, capital program development, or operations.

Question: How can I find contact information for tribes that lack an online presence or have a website that hasn't recently been updated and which provides no Tribal Directory?

Answer: See the response to the question above, "I want to learn more about my neighboring tribe before I reach out to them, where can I find accurate information?" Further, rural transit program managers may wish to reach out to their State Department of Transportation's Tribal Liaison(s) or to the FTA's Tribal Transit Program's Regional Tribal Liaison(s) to obtain tribal contact information, if they are not finding it readily online.

Question: How does transportation program administration differ for tribes who are under Bureau of Indian Affairs or Federal Highway Administration transportation program administration?

Answer: Quoting the Federal Highway Administration Tribal Transportation Program Delivery Guide-2017 "Prior to SAFETEA-LU, Indian Tribal governments worked directly with the BIA or the DOI, Assistant Secretary of Indian Affairs in implementing the TTP program.

Since SAFETEA-LU, Indian Tribal governments have a choice in administration of the TTP program. As a result, under 23 U.S.C. 202(a)(2), the Secretary of Transportation is authorized to enter into a Tribal Transportation Program Agreement (TTPA) with an Indian Tribal government to carry out a transportation program and projects. This allows Tribes the option of working directly with the FHWA in the administration of their Tribal Transportation Program." In addition, the BIA can also enter into a TTPA with a Tribal government to carry out their transportation program." Thus, tribes have four Tribal Transportation Program Delivery Options available to them. (See the figure below from page 8 of the *Federal Highway Administration Tribal Transportation Program Delivery Guide-2019* and note that under Option 3: Tribal Transportation Program Agreement, a Tribe can enter into a Tribal Transportation Program Agreement [TTPA] with either BIA or FHWA.)
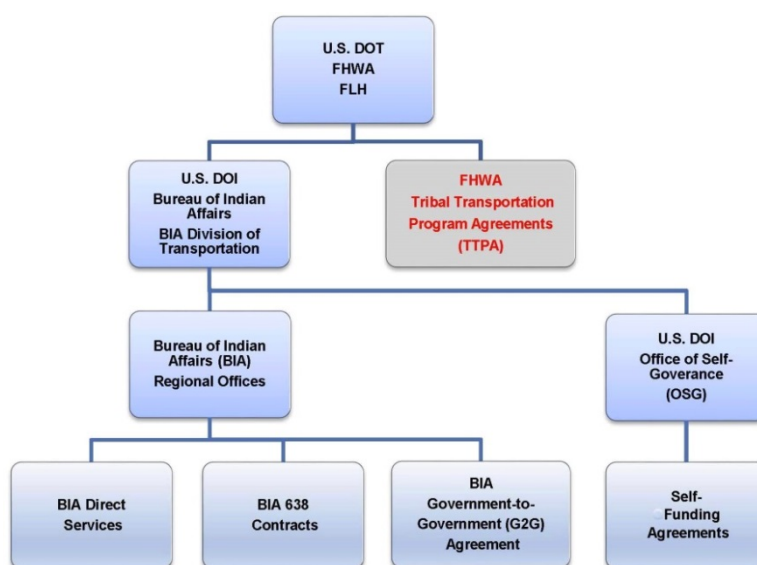
Due to the efficiency and empowerment that tribes experience through Tribal Transportation Program Agreements with the FHWA, there are new tribes entering into FHWA TTPAs almost daily. Thus, rural transit managers will want to inquire of either the tribe itself, the Federal Highway

Administration Division Office within their state, or their regional Lands Highway Division office to learn if their neighboring tribe's transportation program administration is through FHWA or BIA.

Question: What are some of the titles that Tribal Transit Program administrators are identified by?

Answer: Tribal Transit Manager, Tribal Transportation Program Director, Tribal Transportation Program Planner, Tribal Transportation Program Coordinator, Tribal Community Planner, Tribal Planner, Transportation Program Manager, etc.

Question: Every tribe is different, so how do I learn which tribal department(s) administer my neighboring tribe's transit program?

Answer: A phone inquiry with the tribe's administrative offices can usually get rural transit managers to the correct individual; however, sometimes a tribal receptionist may need a prompt for the tribe's transportation program, bus, or services for elders or people with disabilities. For tribes, which have not yet started a public transit service, an inquiry for the Community Health Representative (CHR) often will connect you to the right individual and department with knowledge about the tribe's Section 5310 or Title VI transportation.

Question: If the tribe doesn't currently have a transit program, who should I contact to share information about my program's service offerings and to ask for input on future service changes?

Answer: Outreach to the Tribal Transportation Program, Public Works, Planning, Community Health Representative, or Elderly Services departments, and/or Indian Health Service or tribal clinic generally can help rural transit managers make contact with the correct individuals. If such a call or email fails to result in a connection to the right individual, a phone or email inquiry with the tribal administration may provide the contact information needed. Finally, as was suggested above in the "Types of coordination" section, contacting the state DOT Tribal Liaison(s), attending statewide or regional tribal safety summits, consulting local, state, or regional transportation resource guides or transit associations, inviting local or regional tribes to join your rural or regional advisory committee will allow rural transit managers to provide tribes with information about their transit services and obtain their input about future service changes.

Question: Where do I find guidance for collaborating on budget development between rural and tribal transit programs?

Answer: Here are two resources with guidance on this topic:

- See the Chapter 1 – Planning Considerations "Relationship with State and Local Governments" and "Funding" sections (pp. 11 - 13) within Report 154: Developing, Enhancing, and Sustaining Tribal Transit Services: A Guidebook.
- Also see Chapter 8 - Funding Tribal Transit Programs (pp.92 – 117) within Report 154: Developing, Enhancing, and Sustaining Tribal Transit Services: A Guidebook

Question: Where do I find guidance on Section 5310 program development and tribes https://www.transit.dot.gov/funding/grants/enhanced-mobility-seniors-individuals-disabilities-section-5310?

Answer: See the following case studies for exemplary Tribal Transit Programs:

- FHWA's compilation of Case Studies for both "Collaboration, Consultation, and Partnership in Transportation Planning" and "Case Studies of State, MPO, and Tribal Coordination in Transportation Planning (Sitka Tribe of Alaska, South Dakota DOT, Arizona, North Central New Mexico, and Washington State were noted)."
- Chapter 10 - Tribal Transit Program Case Studies within TRB's Transit Cooperative Research Program (TCRP) Report 154: Developing, Enhancing, and Sustaining Tribal Transit Services: A Guidebook.

Question: What is Tribal Sovereignty?

Answer: "Tribal sovereignty ensures that any decisions about the tribes with regard to their property and citizens are made with their participation and consent" (Bureau of Indian Affairs, 2016). Rural transit managers need to understand that tribal sovereignty is grounded in the United States Constitution and that tribes govern as independent sovereign nations on par with the U.S. federal government. As stated above within Section 5311 and Section 5310 portions of this section, unlike rural communities, tribes have the option of being direct recipients of federal funds or of receiving federal funds as subrecipients of their state.

- To read a short brief about tribal sovereignty, please see the Bureau of Indian Affairs' Frequently Asked Questions (FAQ) section "The Nature of Federal-Tribal and State-Tribal Relations".
- A more thorough understanding of tribal sovereignty may be obtained by reading the Tribal Sovereignty section (pp. 7 - 9) of Chapter 1 within TRB's Transit Cooperative Research Program (TCRP) Report 154: Developing, Enhancing, and Sustaining Tribal Transit Services: A Guidebook).

Question: What is Indian Preference?

Answer: The Department of the Interior published a document that details the statutory requirements of Indian Preference, which is derived from Section 7(b) of the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 88 Stat. 2205, 25 U.S.C 450e[b]). These requirements state that any contract or subcontract entered into in accordance with any act authorizing contracting with tribes or contracting for the benefit of tribes, is required to include the following (this list is taken directly from the Department of Interior Acquisition Regulation [DIAR] document):

- that preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and
- that preference in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organizations and to Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (88 Stat. 77).

Read the full Department of the Interior Acquisition Regulation (DIAR) document.

Section Sources:

- NCHRP Synthesis 366, "Tribal Transportation Programs"
- FHWA Tribal Transportation Planning State Government Tribal Department of Transportation Contacts
- Washington State DOT Tribal Transportation Planning Organization
- 49 USC 5311: Formula grants for rural areas
- Fixing America's Surface Transportation (FAST) Act
- Section 5311 Circular (FTA C 9040.1G)
- Tribal Transit Program
- FHWA's Transportation Decision making: Information Tools for Tribal Governments- Tribal Transportation Best Practices Guidebook
- FHWA Tribal Transportation Policy and Guidance Resources
- National RTAP's Tribal Transit Topic guide
- U.S. Department of the Interior Indian Affairs FAQ Section
- Federal Highway Administration Tribal Transportation Program Delivery Guide-2019
- FHWA Office of Legislative and Governmental Affairs Tribal Transportation

Please note that the National RTAP will be developing a new Tribal Transit Toolkit that will provide guidance and best practices for tribal governments that operate or seek to develop their own transit services. Transit resources geared toward tribes can also be found through the National RTAP's Tribal Transit topic guide.

Federal Regulations and Circulars

Introduction

This section of the toolkit introduces the primary sources of Federal Transit Administration (FTA) guidance on the federal regulations that apply to rural public transit providers. This section is organized in the following subsections:

- Federal Regulations and Laws
- FTA Circulars
- Office of Management and Budget "Super Circular"
- Circulars and CFRs

Federal Regulations and Laws

Throughout this toolkit, there are acronyms that refer to rules, regulations and laws. Federal regulations are detailed in the Code of Federal Regulations (CFR). The Government Printing Office defines the CFR as "the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government." The regulations established by the U.S. Department Transportation (U.S. DOT) are found in Title 49 of the CFR. The CFRs that have been established by FTA are found in Parts 600 through 699. Parts 1 to 99 of the Title 49 were established by the Office of the Secretary of the U.S. DOT, and some of these are very important to be aware of, such as 49 CFR Part 37, which includes many of the Americans with Disabilities Act (ADA) rules that apply to public (and private) transportation providers. A table is provided at the end of this section with links to CFRs with which rural public transit managers need become familiar

Federal agencies such as FTA and U.S. DOT are authorized by legislation (statutory law) to establish these rules and regulations. The laws themselves are documented in the Code of Laws of the United States (U.S. Code, or U.S.C.). The federal transit laws are codified at Title 49 U.S.C. Chapter 53, and are periodically reauthorized and amended through new legislation. In 2015, the Fixing America's Surface Transportation (FAST) Act amended the federal transportation laws and reauthorized the Federal Transit Administration (FTA) funding programs through Federal Fiscal Year 2020. The Section 5311 Formula Grants for Rural Areas Program (49 U.S.C. 5311) is among the programs reauthorized by the FAST Act. The FAST Act is set to expire on September 30, 2021, following a one-year extension included in H.R 8337 - Continuing Appropriations Act, 2021 and Other Extensions Act, signed into law on October 1, 2020. The next reauthorization may result in changes to FTA grant programs in future years.

Some of the requirements established by federal agencies come from Executive Orders, which are directives that are signed by President of the United States and have the force of law. An example is Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency. (The requirements related to this executive order are introduced in the Civil Rights section of this toolkit.)

FTA issues guidance on how to comply with federal rules, regulations, and requirements. In FTA guidance documents that were issued prior to the passage of the FAST Act, earlier federal transit authorizing legislation is referenced, such as the Moving Ahead for Progress in the 21st Century Act (MAP-21), so it may be useful to know what these are. A history of the authorizing legislation for the Section 5311 program can be found on pages I-6 to I-7 of FTA Circular C 9040.1G.

Here are links to web pages that provide more information about MAP-21 and the FAST Act.

FTA Circulars

FTA often communicates guidance on regulations through circulars, which assist grantees in understanding and complying with statutory requirements. FTA circulars describe the regulations, and sometimes provide additional guidance on matters on which the CFRs are silent. FTA circulars provide instructions to grantees or other stakeholders on how FTA grants will be administered. This guidance provides grantees with direction on program-specific issues and statutory requirements. Grantees are required to comply with all circulars and agree to do so by signing FTA Certifications and Assurances that are released annually. States and other direct recipients do this within FTA's Transit Award Management System (TrAMS).

Subrecipients do this as part of their grant application to the state (with each state determine their own application process). The FTA Master Agreement which is incorporated in each FTA grant agreement also obligates grantees to comply with federal requirements. More information about the Certifications and Assurances and Master Agreement can be found in the FTA Compliance Requirements of this toolkit.

Read more about how FTA develops regulations and circulars and find a full list of FTA circulars on the FTA website, with a list of those most relevant to Section 5311 subrecipients listed below.

Note that the FTA website URLs sometimes change. Although National RTAP regularly checks the functionality of all links in this toolkit, there may occasionally be a "broken" link. In this case, look for the FTA Circulars page through the FTA home page under Regulations and Programs.

Any funds subrecipients are still spending that were authorized and appropriated while MAP-21 (Federal FY13-FY15) was in effect will follow FTA's regulations under those acts. Funds apportioned in FY16-FY20 will fall under FAST Act requirements. When in doubt, follow this simple advice from FTA, "old money, old rules; new money, new rules," and check with the State DOT to confirm which federal authorization funds the specific grant.

FTA circulars that apply, or may be of interest, to subrecipients of Section 5311 funds under FAST Act and MAP-21, include:

Number	Name	Last updated	What it covers
C 4220.1F	Third Party Contracting Guidance	2013	Procurement requirements

Number	Name	Last updated	What it covers
C 4702.1B	Title VI Requirements and Guidelines for Federal Transit Administration Recipients	2012	Title VI requirements
C 4703.1	Environmental Justice Policy Guidance for Federal Transit Administration Recipients	2012	Environmental Justice guidance
C 4704.1A	Equal Employment Opportunity (EEO) Act: Guidance	2017	EEO requirements
C 4710.1	Americans with Disabilities Act (ADA): Guidance	2015	ADA requirements
C 5010.1E	Award Management Requirements	2018	General requirements for all FTA grants
C 5100.1	Bus and Bus Facilities Program: Guidance and Application Instructions (Section 5339)	2015	Section 5339 requirements
C 9040.1G	Formula Grants for Rural Areas: Program Guidance and Application Instructions (Section 5311)	2014	Section 5311 requirements
C 9070.1G	Enhanced Mobility of Seniors and Individuals with Disabilities: Program Guidance and Application Instructions (Section 5310)	2014	Section 5310 requirements

Office of Management and Budget (OMB) "Super Circular"

In December 2013, OMB published the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly referred to as "the Super Circular," which applies to any organization receiving federal funding. It consolidated eight circulars into uniform regulations in Title 2 of the Code of Federal Regulations (CFR), specifically 2 CFR Part 200. The Super Circular applies to federal grants and agreements awarded on or after December 26, 2014.

The Super Circular sets forth pre- and post-award requirements for grantees, including standards for financial and program management; property standards; procurement standards; performance and financial monitoring and reporting; record retention and access; closeout; cost principles; audit requirements; and more. Grantees should consult the Super Circular before applying for a grant and while administering a grant.

The Super Circular was adopted by the U.S. DOT in 2 CFR Part 1201, which repealed the former 49 CFR Parts 18 and 19 for grants and cooperative agreements executed on or after December 26, 2014.

The Super Circular is reflected in FTA Circular C 5010.1E, Award Management Requirements, which was updated in 2018, but various other FTA circulars have not yet been updated to reflect the Super Circular. There may still be references in the older circulars to the former 49 CFR Parts 18 and 19 and OMB Circulars A-87, A-122, A-133, and others, all which were superceded by the Super Circular.

CFRs

In addition to the FTA circulars and the Super Circular, rural transit managers need to be aware of the many CFRs that apply to their grant or their services. A table with links to each CFR is provided at the end of this section of the toolkit. The OMB Super Circular is found in 2 CFR Part 200 and the U.S. DOT adoption of the Super Circular is found in 2 CFR Part 1201. The U.S. DOT regulations are found in Title 49 of the CFR.

- Parts 26, 27, and 37 through 40 of Title 49 were established by the Office of the Secretary of the U.S. DOT, and include requirements related to Disadvantaged Business Enterprise (DBE), nondiscrimination on the basis of disability, and procedures for drug and alcohol testing.
- Parts 604, 605, 625, 630, and 655 were established by FTA and include numerous requirements with which FTA grantees must comply, including charter bus, school bus, transit asset management, National Transit Database (NTD), and drug and alcohol testing programs. Parts 661, 663, and 665 are procurement-related FTA requirements: Buy America, pre-award and post-delivery audits, and bus testing.
- Parts 382 through 396 were established by the Federal Motor Carrier Safety Administration (FMCSA). The Part 382 FMCSA drug and alcohol program requirements may apply to Section 5310 grantees if they have safety sensitive employees and are not subject to FTA's drug and alcohol program requirements under Part 655. As part of the grant agreement with the FTA (Section 33, Motor Carrier Safety of the FY2020 Master Agreement), Section 5311 grantees agree that they will comply with certain insurance and safety requirements of the FMCSA. These requirements, included in the Federal Motor Carrier Safety Regulations (FMCSRs), include requirements for passenger carriers and employers of drivers of vehicles that require a Commercial Driver's License (CDL). The FMCSRs can be found on the FMCSA website. Section 5311 grantees specifically need to comply with 49 CFR Parts 383/384 (federal and state CDL requirements), 387 (minimum insurance requirements – with the exception that Section 5311 grantees must only obtain the highest amount required by any state in which the public transportation provider operates), and 390 – 397 (safety requirements), to the extent applicable.

Federal regulations with which rural transit managers need to be familiar:

Title/Part of CFR	Name	What it covers
2 CFR	Uniform Administrative	OMB "Super Circular" – includes

Title/Part of CFR	Name	What it covers
Part 200	Requirements, Cost Principles, and Audit Requirements for Federal Awards	requirements for financial management, equipment and real property management, procurement, reporting, recordkeeping, grant closeout, cost principles, and audits. Superseded previous OMB Circulars including A-21, A-87, A-102, A-110, A-122, and A-133, and others.
2 CFR Part 1201	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards	U.S. DOT adoption 2 CFR Part 200. Superseded and repealed the requirements of former U.S. DOT Common Rules (49 CFR Parts 18 and 19) for grants and cooperative agreements executed on or after December 26, 2014.
49 CFR Part 26	Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs	U.S. DOT requirements for Disadvantaged Business Enterprise (DBE) participation in procurement
49 CFR Part 27	Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance	U.S. DOT requirements under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794, "Section 504") See also 49 CFR Part 37
49 CFR Part 37	Transportation Services for Individuals with Disabilities (ADA)	U.S. DOT requirements under the ADA for programs and services – including general nondiscrimination, service requirements, when facilities must be made accessible, when vehicles that comply with 49 CFR Part 38 must be purchased
49 CFR Part 38	Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles	U.S. DOT requirements under the ADA for vehicle specifications – vehicle procurements must meet these standards
49 CFR Part 39	Transportation for Individuals with Disabilities: Passenger Vessels	U.S. DOT requirements under the ADA for waterborne passenger transportation service (including ferries and water taxis)
49 CFR	Procedures for Transportation	U.S. DOT requirements for drug and

Title/Part of CFR	Name	What it covers
Part 40	Workplace Drug and Alcohol Testing Programs	alcohol testing procedures, employer responsibilities, and qualifications of service agents See also: 49 CFR Part 655 (for Section 5307, 5311, and 5339 grantees) 49 CFR Part 382 (for Section 5310 grantees that employ CDL drivers)
49 CFR Part 604	Charter Service	FTA requirements that protect private charter operators from unauthorized competition from FTA funding recipients
49 CFR Part 605	School Bus Operations	FTA requirements that prohibit FTA funding recipients from providing exclusive school bus transportation in competition from private operators
49 CFR Part 625	Transit Asset Management	FTA Transit Asset Management (TAM) planning and reporting requirements
49 CFR Part 630	National Transit Database	FTA National Transit Database (NTD) reporting requirements
49 CFR Part 655	Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations	FTA drug and alcohol testing programs requirements that apply to Section 5307, 5311, and 5339 grantees See also 49 CFR Part 40
49 CFR Part 661	Buy America Procedures	FTA procurement requirements to ensure steel or manufactured products meet minimum domestically produced contents
49 CFR Part 663	Pre-Award and Post-Delivery Audits of Rolling Stock Purchases	FTA procurement requirements for reviewing passenger vehicle procurements to ensure compliance with Buy America, Federal Motor Vehicle Safety Standards, and purchaser's specifications

Title/Part of CFR	Name	What it covers
49 CFR Part 665	Bus Testing	FTA procurement requirement that FTA funds be used to procure only vehicle models that pass federally-required testing
49 CFR Part 673	Public Transportation Agency Safety Plans	FTA requirements for states and transit agencies to establish safety plans for FTA grantees; not applicable to agencies that only receive Section 5310 and/or Section 5311
49 CFR Part 382	Controlled Substances and Alcohol Use and Testing	FMCSA drug and alcohol testing requirements (applies to employers of CDL drivers that don't receive Section 5307, 5311, or 5339 – these are instead subject to 49 CFR Part 655) See also 49 CFR Part 40
49 CFR Part 383	Commercial Driver's License Standards; Requirements and Penalties	FMCSA requirements for drivers of commercial vehicles to have CDLs and medical certification; employer requirements to ensure
49 CFR Part 384	State Compliance with Commercial Driver's License Program	FMCSA requirements for states to comply with 49 CFR Part 383
49 CFR Part 387	Minimum Levels of Financial Responsibility for Motor Carriers	FMCSA requirements for insuring commercial vehicles that cross state lines
49 CFR Part 390	Federal Motor Carrier Safety Regulations; General	FMCSA general requirements, definitions and applicability
49 CFR Part 391	Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors	FMCSA qualifications for drivers of commercial vehicles and employer responsibilities
49 CFR Part 392	Driving of Commercial Motor Vehicles	FMCSA requirements related to safe operations of commercial vehicles
49 CFR Part 393	Parts and Accessories Necessary for Safe Operation	FMCSA requirements for vehicle safety equipment
49 CFR Part 395	Hours of Service of Drivers	FMCSA requirements for maximum driving time and recordkeeping

Title/Part of CFR	Name	What it covers
49 CFR Part 396	Inspection, Repair, and Maintenance	FMCSA requirements for vehicle inspections, repairs, and maintenance

Brief summaries of the requirements in the above CFRs can be found in the FTA Compliance Requirements section of the toolkit, with additional details in several of the requirements found in other sections of the toolkit.

ADA (Americans with Disabilities Act)

Introduction

The Americans with Disabilities Act of 1990 (ADA) is a civil rights law that prohibits discrimination against and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation.. As stated in Chapter 2 of the FTA ADA circular, "as a comprehensive civil rights law, the ADA grants the same rights and responsibilities to individuals with disabilities as are available to all individuals. Fundamentally, the overarching requirement of the law is that entities cannot discriminate against individuals with disabilities."

Transit managers should be aware that compliance with the ADA covers virtually every aspect of transit operations, including transit system employees, service provision, vehicle purchasing, transit facility design, and information about transit services. Daily operations are impacted by the need to deliver consistent, high quality service to members of the riding public regardless of their disabilities or abilities.

The ADA regulations issued by the U.S. Department of Transportation (DOT) are in 49 CFR Parts 27, 37, 38, and 39 are extensive and often complex. This ADA page in the Transit Manager's Toolkit provides a very brief introduction to the major requirement areas new rural transit managers need to be aware of on the first day on the job. The National RTAP provides a separate ADA Toolkit containing more expansive information which all rural transit managers should become familiar with. Refer to FTA Circular 4710.1, Americans with Disabilities Act: Guidance, for FTA guidance on the U.S. DOT ADA regulations, in-depth compliance information, and recommended practices.

This section of the toolkit is organized in the following subsections:

- Overarching Requirements
    - Nondiscrimination
    - U.S. DOT Regulatory Definition of "Wheelchair"
    - Reasonable Modification of Policies, Practices, and Procedures
    - Complaint Process
- ADA Requirements for ALL Service Types
- Requirements for Specific Service Types
    - Fixed Route Bus Service with ADA Complementary Paratransit
    - Demand Responsive Service
    - Route Deviation Service
- Accessibility Specifications for Transportation Vehicles
- ADA Requirements for Transportation Facilities
- Additional Requirements
    - Passenger Assistance and Customer Service
    - Rider Information

Compliance > ADA

- o Public Meetings and Outreach
- Section Sources

This section introduces the ADA requirements for public transportation entities. Note that even if a public transportation provider is a private entity, these requirements may still apply. When a public entity contracts with, or has another arrangement (such as a grant) to operate fixed route or demand responsive service, the public entity's ADA requirements also apply to the public transportation operated by a private entity, which is considered to be "standing in the shoes" of the public entity (49 CFR Section 37.23). For more information on whether a private organization or contractor must follow the requirements for public entities, see Section 1.3.2 of FTA Circular 4710.1.

Also note that these are highlighted aspects of the ADA regulations as they pertain to public transportation entities and not an exhaustive list of all compliance requirements. ADA regulations are also issued by other federal agencies such as the Departments of Justice (DOJ), Education (DOE), Health and Human Services (HHS), Labor (DOL), Interior (DOI), and Housing and Urban Development (HUD). If an organization provides services other than transportation and/or receives grant funding from federal agencies other than the FTA, it may have additional requirements that apply to these services or funds. As an employer, an organization is also subject to employment-related ADA requirements.

The information presented in this section is based on the U.S. Department of Transportation (U.S. DOT regulations in 49 CFR Part 37- Transportation Services for Individuals with Disabilities (ADA).

First, several overarching requirements are briefly discussed. Next, service requirements that apply to all providers regardless of the type of service are introduced, followed by requirements that only apply to specific types of service, labeled accordingly. Then, this section touches upon ADA requirements for transportation facilities. Finally, this section touches upon ADA requirements for vehicles and transportation facilities, as well as communications-related requirements.

Overarching Requirements

Nondiscrimination

The nondiscrimination requirements in 49 CFR Section 37.5 state that, 'No entity shall discriminate against an individual with a disability in connection with the provision of transportation service." This is the overarching requirement that needs to be applied throughout transportation system and the entire organization.

Clear organizational and operating policies can help a transit agency clarify exactly how it will deliver public transit service in a nondiscriminatory manner. If the agency has not already done so, it is a good idea to develop a set of service policies so that passengers know exactly what they can expect from the transit system. These policies are applicable to ALL passengers regardless of ability. Well-articulated policies demonstrate that all passengers are being treated equitably. They should be posted on the transit agency's web site available in accessible formats upon request.

Examples of policies that the U.S. DOT regulations explicitly cite as discriminatory include compelling an individual with a disability to use a separate transportation service than the general public service when they are capable of using the public service, imposing special charges, or requiring an individual with a disability to be accompanied by an attendant (49 CFR Section 37.5). For additional examples and guidance, see Chapter 2 of FTA Circular 4710.1.

U.S. DOT Regulatory Definition of "Wheelchair"

When reviewing this section of the toolkit, it is important that transit providers understand what mobility devices fall under the definition of "wheelchair" in the U.S. DOT regulations. As defined in 49 CFR Section 37.3, a wheelchair is "a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered." Three-wheeled mobility scooters fall under the U.S. DOT definition of wheelchair, and the transit systems must accommodate three-wheeled mobility scooters as wheelchairs. Additional information is found in the Accommodating Riders Using Mobility Devices section of the ADA Toolkit.

Reasonable Modification of Policies, Practices, and Procedures

Public transportation entities are required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary for an individual with a disability to use the service, subject to certain limitations, and need to have a process in place for considering modification requests (49 CFR Section 37.5). For examples and guidance, see Chapter 2 of FTA Circular 4710.1 as well as Appendix E to 49 CFR Part 37.

Complaint Process

Every transportation provider is required to designate a responsible employee and adopt procedures for resolving ADA-related complaints. Complaint procedures must be accessible for people with disabilities, include due process, and document responses (49 CFR Section 37.17). For more information, see Chapter 2 of FTA Circular 4710.1 as well as the General Requirements for All Service Types section of the ADA Toolkit.

ADA Requirements for ALL Service Types

The following requirements apply to all of public transportation services, including fixed route, ADA complementary paratransit, route deviation, and demand responsive.

- **Maintenance of accessibility features:** A transit agency must ensure that all vehicles and related transit facilities are maintained in operative condition so that they are usable by individuals with disabilities [49 CFR Section 37.161(a)]. This includes keeping vehicle lifts/ramps in operative condition through a system of regular and frequent maintenance checks of lifts [49 CFR Section 37.163(b)], such as cycling the lift as part of each pre-trip inspection as well as conducting interval-based preventive maintenance. All accessibility features must be promptly repaired if they are damaged or out of order, and reasonable steps to accommodate individuals with disabilities who would otherwise use the feature must be taken until it has been repaired [49 CFR Section 37.161(b)].

- **Use of accessibility features:** Vehicle drivers and other personnel must make use of the accessibility-related equipment or features that are required under 49 CFR Part 38 [49 CFR Section 37.167(e)]. This includes using the wheelchair lift or ramp, securement devices, and audio equipment for certain fixed route announcement requirements on fixed route. Drivers must assist individuals with disabilities who need or request assistance with the use of securement systems, ramps and lifts. If this requires the vehicle drivers to leave their seats, they must do so [Section 37.165(f)]. They must also permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle [Section 37.165(g)]. Drivers must provide individuals with disabilities adequate time to complete boarding or disembarking from the vehicle [49 CFR Section 37.167(i)]. Drivers cannot refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless:
  - o the lift cannot be deployed,
  - o the lift will be damaged if it is deployed, or
  - o temporary conditions at the stop, not under the control of the transit driver, preclude the safe use of the stop by all passengers [49 CFR Section 37.167(g)].
- **Accommodating people who use wheelchairs and other mobility aids:** Although not a complete list, the following are some of the requirements to accommodate riders in wheelchairs and other mobility aids. Three or more wheeled scooters that are primarily designed for use by individuals with mobility impairments fall within the U.S. DOT definition of wheelchair. Accommodating mobility device users includes:
  - o Accommodating riders who use wheelchairs if the lift and vehicle can physically accommodate them. 49 CFR Part 38 requires that vehicles accommodate occupied wheelchairs weighing a minimum 600 pounds and measuring 30" x 48." However, many vehicles and lifts are manufactured to accommodate larger and heavier wheelchairs. A transit system is obligated to carry a wheelchair and occupant if the lift and vehicle can physically accommodate them, unless doing so is inconsistent with legitimate safety requirements. "Legitimate safety requirements" include such circumstances as a mobility device of such size that it would block an aisle or would interfere with the safe evacuation of passengers in an emergency (49 CFR Section 37.165 and Appendix D to Part 37 under Section 37.165).
  - o Providing service to a wheelchair user even if their mobility device cannot be secured or restrained satisfactorily by the vehicle's securement system. However, an agency is not required to permit wheelchairs to ride in places other than designated securement locations (49 CFR Section 37.165), nor to transport an individual who *refuses* to allow their wheelchair to be secured if the agency's policy requires securement (FTA Circular 4710.1, section 2.4.3, page 2-14).
  - o Asking that individuals sitting in the priority seating area, or fold-down seats in the wheelchair securement area, relocate if an individual needs to use that priority seating because of a disability or needs to secure a wheelchair [49 CFR Section 37.167(j)].
  - o For more information on accommodating riders who use mobility aids, see [FTA Circular 4710.1](#), Section 2.4 Lift/Ramp and Securement Use, as well as the [Accommodating Riders Using Mobility Devices](#) section of the ADA Toolkit.
- **Allowing service animals:** U.S. DOT defines a service animal as "any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing animal protection or

rescue work, pulling a wheelchair, or fetching dropped items" (49 CFR Section 37.3). Transit agencies must allow service animals to accompany individuals with disabilities in vehicles and facilities [49 CFR Section 37.167(d)]. Staff may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but cannot require special ID cards for the animal or ask about the person's disability. However, a transit agency may refuse to transport a service animal that would "pose a direct threat to the health or safety of drivers or other riders, create a seriously disruptive atmosphere, or are otherwise not under the rider's control" (FTA Circular 4710.1, Section 2.6, Pages 2-17). For more information on accommodating service animals, see FTA Circular 4710.1, Section 2.6 Service Animals, as well as the Service Animals section of the ADA Toolkit.

- **Allowing portable oxygen:** A transit agency cannot prohibit an individual with a disability from traveling with a respirator or portable oxygen supply (provided the devices are properly secured per 49 CFR Subtitle B, Chapter 1, Subchapter C. U.S. DOT Office of Pipeline Safety and Hazardous Materials) [49 CFR Section 37.167(h)].

- **Training requirements:** Transit agencies must ensure that all personnel (including contractors) are trained to proficiency, as appropriate to their duties. Personnel must be able to operate vehicles and equipment safely and properly assist individuals with disabilities using the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities (49 CFR Section 37.173).

- **Information accessibility:** Service information (and other essential public information such as policies, public notices, application forms, and complaint procedures) must be available in accessible formats to individuals with disabilities [49 CFR Section 37.167(f)]. This means printed materials must be made available, upon request, in a format that is accessible to the person making the request, such as large print, braille, or electronic files that can be read by screen reading technology. As stated in FTA Circular 4710.1, Section 2.8 Accessible Information, 2.8.1 Accessible Formats, the information needs to be made available in a format the person can use, and FTA encourages agencies to work with individuals who request information to determine the most appropriate alternative formats. Online information also needs to be accessible to people who use screen readers. Audio information needs to be available in visual formats for people with hearing disabilities. For more information, see Section 2.8 - Accessible Information of FTA Circular 4710.1 as well as the Rider Information section of the ADA Toolkit.

Requirements for Specific Service Types

While many requirements apply to all agencies providing public transportation service, there are some requirements that are specific to different modes of service.

Fixed Route Bus Service with ADA Complementary Paratransit

Fixed route service operates "along a prescribed route according to a fixed schedule" (49 CFR Section 37.3). If a rural public transit system includes fixed route service, the following non-exhaustive list introduces the requirements that apply to this service (in addition to the requirements that apply to all types of transit services.)   For more information, refer to Chapters 6, 8, and 9 in FTA Circular 4710.1 as well as the Fixed Route Bus Requirements and ADA Complementary Paratransit Requirements sections of the ADA Toolkit.

- All new vehicles purchased for operation in fixed route service must be accessible to people with disabilities including those who use wheelchairs (49 CFR Section 37.71), i.e., meet the accessibility requirements detailed in 49 CFR Part 38 [49 CFR Section 37.7(a)].
- If a lift becomes inoperable, and there is a spare vehicle available, the vehicle with the inoperative lift must be taken out of service before the beginning of the vehicle's next day of service and the lift must be repaired before the vehicle returns to service. If there is not a spare vehicle available, or if taking the vehicle out of service would reduce the availability of transportation service provided, a transit agency may keep the vehicle with the inoperative lift in service for no more than five days in a rural area or three days in areas with a population of over 50,000 [49 CFR Section 37.163(e)].
- Internal announcements must be made to inform riders of upcoming stops. At a minimum, these announcements must be made at transfer points with other fixed routes, at major intersections and destination points, at intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location, and at any requested stop. [49 CFR Section 37.167(b)] This obligation can be met by requiring bus drivers to announce stops or by using an automated stop announcement system onboard the vehicle. For more information, see Section 6.6 - Stop Announcements of FTA Circular 4701.1.
- If a system has stops served by more than one bus route, riders with a disability must be provided with the means of identifying which bus has arrived or to identify themselves as a person seeking a ride on a particular route [49 CFR Section 37.167(c)]. External route identification announcements can be automated or spoken by the driver. For more information, see Section 6.7 - Route Identification of FTA Circular 4701.1.
- An agency is required to provide ADA complementary paratransit services for those who are unable to use accessible fixed route services as detailed under 49 CFR Part 37, Subpart F. (This requirement does do not apply to commuter or intercity bus services.) ADA complementary paratransit is origin to destination service that is comparable to the fixed route service in terms of geographic coverage, days and hours of service, and fares. Trip requests must be accepted up until close of business on the preceding day, for any trip purpose, without capacity constraints for eligible individuals (49 CFR Section 37.131). U.S. DOT regulations limit eligibility to individuals with disabilities who are unable to use the fixed route service for all or some of their trips. This includes the inability to access vehicles, transit stops, or facilities, or to independently navigate through the system (49 CFR Section 37.123). The ADA complementary paratransit requirements are extensive and complex. For a more expansive introduction, consult the [ADA Complementary Paratransit Requirements](#) section of the National RTAP ADA Toolkit, and refer to Chapters 8 and 9 in FTA Circular 4710.1 for in-depth guidance.

Demand Responsive Service

According to U.S. DOT ADA regulations, a "demand responsive system" is any system of transporting individuals which is not a fixed route system (49 CFR Section 37.3). This type of service is also commonly referred to as "demand response," but for this section of the Transit Manager's Toolkit, the U.S. DOT/FTA term is used.

General public demand responsive service is found in many rural and tribal areas. As stated in Chapter 7 of FTA Circular 4710.1, "demand responsive systems encompass a wide variety of service

types, including traditional dial-a-ride service, taxi subsidy service, vanpool service, and route deviation service." Requirements for route deviation service are introduced in the next section.

A demand responsive system must operate accessible vehicles. All vehicles acquired for use in providing demand response service must be accessible to and usable by individuals with disabilities, including wheelchair users see 49 CFR Part 38. Inaccessible vehicles may only be acquired for demand-responsive service if the service, when viewed in its entirety, provides equivalent service to individuals with disabilities, including individuals who use wheelchairs. The service provided to individuals with disabilities must be equivalent to the service provided to other individuals with respect to the following service characteristics [Section 37.77(c)]:

- Response time
- Fares
- Geographic service area
- Hours and days of service
- Restrictions or priorities based on trip purpose
- Availability of information and reservation capability
- Any constraints on capacity or service availability

For more information, refer to Chapter 7 in FTA Circular 4710.1 as well as the Demand Response Service Requirements section of the ADA Toolkit.

Route Deviation Service

Route deviation service, also referred to as deviated fixed-route or flexible route service, is often operated in rural areas. For the purpose of ADA requirements, this type of service can be hard to categorize. Accurately categorizing a system is important because it will determine the requirements that systems will be required to follow. ADA regulations categorize transit systems as either fixed route or demand responsive. While some systems are clearly one or the other, systems that provide deviated route service can vary depending upon the specific service characteristics.

In order to be considered demand-responsive, a route deviation system must deviate in response to a request from any passenger.

Some rural transit agencies operate route deviation service that does not deviate for all riders. A route deviation service that does not deviate for all riders is not demand-responsive service within the context of the U.S. DOT ADA regulations. Unless the route deviates for any passenger, it is not demand responsive and therefore subject to the requirements for a fixed route system, including the provision of ADA complementary paratransit service.

Another approach to route deviation service taken by some rural transit systems is to provide "commingled" fixed route and ADA complementary paratransit service. This type of service operates on a fixed route basis for members of the general public, and provides ADA complementary paratransit through route deviation (deviating only for those individuals who are

eligible for ADA complementary paratransit). It is challenging to fully meet all of the requirements for ADA complementary paratransit in 49 CFR Part 37 Subpart F through this approach, including the ADA paratransit service criteria, with an eligibility determination (and appeal) process for those who would like to use the service.

For more information, see the Route Deviation Service Requirements section of the ADA Toolkit. To read about the distinction between route deviation service that is considered to be demand responsive as compared to commingled route deviation service blends fixed route with ADA complementary paratransit, see Section 7.5.4 (pages 7-10 to 7-12) of FTA Circular 4710.1. National RTAP's Moving from Demand Response to a Deviated Fixed-Route Best Practices Spotlight article is a helpful resource for transit agencies that are considering route deviation service.

Accessibility Specifications for Transportation Vehicles

Generally, all vehicles acquired for public transit operations must be accessible to riders who use wheelchairs. Inaccessible vehicles may only be acquired for demand response services if the system, when viewed in its entirety, provides equivalent service to individuals with disabilities, including individuals who use wheelchairs, according to specific regulatory standards which are listed above under Demand Responsive Service.

When procuring new passenger vehicles that are required to be accessible, the vehicles must be manufactured to comply with U.S. DOT ADA regulations. Minimum vehicle accessibility specifications for buses and vans are defined in 49 CFR Part 38, Accessibility Specifications for Transportation Vehicles, Subpart B, with specifications for other types of vehicles (such as trains, over-the-road buses, and trams) found in other subparts. Vehicle accessibility requirements include:

- mobility aid accessibility and securement systems
- specifications for doors, steps, and thresholds
- signage at priority seating and securement areas
- specifications for interior handrails and stanchions
- requirements for lighting
- specifications for fare boxes and exterior destination and route signs on vehicles that have these elements

Vehicles longer than 22 feet have additional requirements, including specifications for public address systems and stop request controls. For more information, see Chapter 4 of FTA Circular 4710.1 as well as the Vehicle and Facility Accessibility section of the ADA Toolkit.

ADA Requirements for Transportation Facilities

If a public entity constructs new facilities to be used for providing designated public transportation services, they must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs and other mobility aids (49 CFR Section 37.41). If a public entity alters an existing facility or part of an existing facility used for providing designated public

transportation services, and that alteration affects or could affect the usability of the facility, alterations must be made in a way that is readily accessible to and usable by individuals with disabilities (Section 37.43). This applies to improvements made at bus stops, such as installing shelters or constructing sidewalks. For more information, see Chapter 3 of FTA Circular 4710.1 as well as the Vehicle and Facility Accessibility section of the ADA Toolkit. For guidance on bus stop accessibility, see the Toolkit for the Assessment of Bus Stop Accessibility and Safety developed by Easter Seals Project ACTION.

Additional Requirements

In addition to ensuring that services, vehicles, and facilities are accessible for people with disabilities, transit agencies need to communicate with riders and the public in ways that are accessible, understandable, and respectful.

Passenger Assistance and Customer Service

As noted under ADA Requirements for ALL Service Types, transit agency personnel must be trained to proficiency to operate vehicles and equipment safely and properly assist individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities. Respectful and courteous assistance includes communicating with individuals with different kinds of disabilities, including vision, hearing, speech, and intellectual disabilities. Refer to the Passenger Assistance and Customer Service section of the ADA Toolkit for information on communicating with customers with different types of disabilities.

Rider Information

As noted earlier under ADA Requirements for ALL Service Types, service information must be made available to people with disabilities, including those with vision and hearing disabilities. Section 37.167(f) of the U.S. DOT regulations requires that transportation agencies provide adequate communications, through accessible formats and technology, to enable users to obtain information and schedule service. Accessible formats and technology include braille, large print, audio, electronic files and web pages usable with text-to-speech technology (also known as screen reader technology), and TDD/TTY telephone communications. The type of format needed will vary by individual, and upon request must be provided in a format that the requestor is able to use Section 37.125 in Appendix D to Part 37. For more information, refer to Chapter 2. Section 2.8 of FTA Circular 4710.1, Americans With Disabilities Act (ADA): Guidance, as well as the Rider Information section of the ADA Toolkit.

Public Meetings and Outreach

As described in the Planning and Evaluation section of the Transit Manager's Toolkit, transit agencies have public participation requirements. When conducting public meetings and community outreach, transit agencies need to make sure people with disabilities are able to attend and participate. This includes not only holding meetings in an accessible facility, but also providing information in accessible formats and ensuring accessible two-way communication (see the Rider Information section of the ADA Toolkit for additional information on accessible formats and communication methods). There are also specific requirements for transit agencies that provide

ADA complementary paratransit service to create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services. Even if a transit agency does not provide ADA complementary paratransit, it is important to engage people with disabilities on an ongoing basis (e.g., through a citizen advisory committee) and especially when planning any changes to policies or services that impact service accessibility for persons with disabilities. For more information, refer to the Public Meetings and Outreach section of the ADA Toolkit.

Section Sources

- Easter Seals Project ACTION, Toolkit for the Assessment of Bus Stop Accessibility and Safety
- FTA Circular 4710.1, Americans with Disabilities Act: Guidance (11-4-15)
- National RTAP, ADA Toolkit
- 49 CFR Part 37, Transportation Services for Individuals with Disabilities (ADA)
- 49 CFR Part 38, Americans with Disabilities Act (ADA) Accessibility Specifications For Transportation Vehicles

Grant Compliance Requirements

Contents of this Section

- Introduction
- FTA Role in Section 5311 Program Administration
- State Role in Section 5311 Program Administration
- Basic Grant Requirements under MAP-21 and the FAST Act
    - Background
    - Legal Matters
    - Financial Management and Capacity
    - Technical Capacity
    - Satisfactory Continuing Control
    - Property and Equipment Management
    - Transit Asset Management
    - Procurement
    - Civil Rights Requirements
    - Private Sector Protections
    - Employee Protections
    - Drug-Free Workplace
    - Drug and Alcohol Testing
    - Planning
    - Safety
    - Construction Projects
- Requirements Specific to Section 5311
- Requirements Specific to Section 5310
- Ensuring Compliance
- Section Sources

Introduction

The Section 5311 program (Formula Grants for Rural Areas) provides federal funding to states to support public transportation in rural areas with populations of less than 50,000. Funds from the Federal Transit Administration (FTA) are awarded to states, as well as American Indian tribes. States in turn award funds for local projects to "subrecipients," which can include local governments, tribes, transit authorities, and private nonprofit organizations that provide rural public transportation.

Subrecipients of federal funding must agree to certain terms, conditions and grant requirements that are tied to FTA grants such as Section 5311 funding. This section begins by explaining the role of

the FTA and the state in Section 5311 program administration, and it summarizes each requirement with which subrecipients are expected to be in compliance.

Section 5311 is the focus of this section of the toolkit because Section 5311 is the federal grant program that specifically supports rural public transportation (as well as National RTAP). In addition to Section 5311, rural transit systems may receive other FTA grant funding that is administered through the state, such as Section 5310 (Enhanced Mobility of Seniors and Individuals with Disabilities Program) or Section 5339 (Bus and Bus Facilities Program). Rural transit systems that operate services into an urbanized area (population 50,000 or more) may also receive Section 5307 (Urbanized Area Formula Program). Tribal transit systems may receive Section 5311(c) funding through a state and funding from the Section 5311(c) Tribal Transit Program directly from FTA. Each of these programs is subject to a common set of federal grant management requirements, as well as requirements that are unique to the Section 5311, 5310, and 5307 programs.

This section of the toolkit begins with a summary of the role of the FTA in funding rural transit, followed by a discussion of the role of the state in administering the Section 5311 program. The FTA grant compliance requirements common to most FTA grants are then presented, with an emphasis on how these apply to Section 5311 program. Next, requirements that are unique to Section 5311 subrecipients are introduced, along with requirements specific to the Section 5310 program that may support some rural transit systems. The section concludes with a summary of what a rural transit system can expect as part of a Section 5311 compliance review conducted by their state DOT. (Note that the additional requirements specific to Section 5307 are not covered in this toolkit.)

Sources of information in this section include the following FTA documents:

- Circulars C 5010.1E, 9040.1G, and 9070.1G (see the FTA Circulars section of this toolkit)
- FY20 Comprehensive Review Guide, which the FTA uses to ensure direct recipients (such as states) manage their FTA grants in compliance with federal requirements (including ensuring that local subrecipients comply with these requirements)
- FY2020 Master Agreement for FTA Grants - The Master Agreement is the official FTA document containing FTA and other cross-cutting federal requirements applicable to the FTA recipient (i.e., the state for Section 5311) and its grant agreement. The Master Agreement for each federal fiscal year is effective the first day of the fiscal year (October) and is incorporated by reference as part of the grant agreement. The FTA recipient is responsible for ensuring that its subrecipients comply with requirements in the Master Agreement.
- FY2020 Certifications and Assurances - Certifications and assurances are a consolidated group of federal requirements the applicant must agree to comply with before the FTA may fund its project. Subrecipients must submit signed certifications and assurances with each FTA grant application to the state. Each state submits its own certifications and assurances for each grant with FTA, essentially providing the subrecipients' documents to the FTA on their behalf. In doing so, both the subrecipient and the state are agreeing to comply with FTA's terms. The required certifications and assurances are published each fiscal year in the Federal Register and are updated in the Transit Award Management System (TrAMS) system (which the state uses to apply for and report on FTA grants), and the Federal Register notice details which certifications and assurances apply to all grantees and which are specific to the

type of award or grant section. Most of the requirements for a Section 5311 subrecipient are summarized below. Please check each year's list of certifications and assurances for any changes that might be made, available here: FTA Certifications & Assurances web page.

NOTE: The requirements introduced on this page are based on the most recent authorizing legislation (FAST Act, which is set to expire September 30, 2021), and may change with the next federal reauthorization. We strongly advise referring to each grant agreement with the state for the requirements that apply to that grant, and consulting with the state program manager for the most current requirements within the state. Contact info@nationalrtap.org for any questions.

FTA Role in Section 5311 Program Administration

At its highest level, the Section 5311 program is administered by the U.S. Department of Transportation's (U.S. DOT) Federal Transit Administration (FTA). The role of FTA headquarters is broad, and it deals with program-level concerns about the administration of the program as explained in the 9040.1G Circular. For example, FTA:

1. provides overall policy and program guidance for the Section 5311 program;
2. apportions funds annually to the states;
3. develops and implements financial management procedures;
4. initiates and manages program support activities; and
5. conducts national program reviews and evaluations.

The role of FTA regional offices is closer to the ground as they take care of the day-to-day concerns of the administration of the program. According to Circular 9040.1G, FTA regional offices are responsible for the following:

1. reviewing and approving state grant applications;
2. obligating funds; managing grants; overseeing the state's implementation of the annual program including revisions to the program of projects;
3. receiving state certifications;
4. reviewing and approving State Management Plans (SMPs);
5. providing technical assistance, advice and guidance to the states as needed; and
6. performing state management reviews every three years, or as circumstances warrant.

Contact information is available on FTA regional offices on the FTA website.

To read more, see page II-4 of Circular 9040.1G.

As a Section 5311 subrecipient, unless a transit agency is also a Section 5307 (urban) grantee or Tribal Transit Program direct recipient, the transit manager will most likely interact with the state-administered Section 5311 program rather than the FTA regional office.

State Role in Section 5311 Program Administration

Section 5311 grants are awarded by states, as sub-grants of the state's grant from the FTA. The FTA gives the states a great deal of freedom to design and manage 5311 programs (and other FTA programs) that address their specific public transportation needs. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR part 1201 allows states to use their own, rather than federal, laws and procedures for financial management systems, equipment and procurement. (See "Basic Grant Management Requirements under MAP-21 and the FAST Act" below for additional information.) State laws and procedures can be passed down to subrecipients that are public agencies and to private providers of public transportation services that enter into third party contracts with a state or subrecipient. Subrecipients should be aware that a state policy, law or procedure may sometimes supersede a published federal policy, law or procedure. In order to find this information, consult the contract or grant agreement with the state agency that administers the 5311 program. The contract/grant agreement will give detailed instructions on the regulations with which the transit agency will be expected to be in compliance. Federal regulations will be introduced later in this section.

Each state's governor has designated a state agency (typically the state's Department of Transportation) to administer the 5311 program, and that state agency is responsible for the following tasks found in Circular 9040.1G:

1. document the state's procedures in a State Management Plan (SMP);
2. notify eligible local entities of the availability of the program;
3. plan for future transportation needs, and ensure integration and coordination among diverse transportation modes and providers;
4. solicit applications;
5. develop project selection criteria;
6. review and select projects for approval;
7. forward an annual program of projects and grant application to FTA;
8. certify eligibility of applicants and project activities;
9. ensure compliance with federal requirements by all subrecipients;
10. monitor local project activity;
11. oversee project audit and closeout; and
12. file a National Transit Database (NTD) report each year for each subrecipient.

To read more about the state's role in 5311 program administration, see page II-3 of Circular 9040.1G.

State Management Plan

A State Management Plan (SMP) can be a good source of information on how a state administers its Section 5311 program. The SMP is a document that describes the state's policies and procedures in administering the Section 5311 program, including the state's objectives, policies, procedures, and administrative requirements. All states are required to have an approved SMP for the Section 5311 program on file with FTA, and to provide an opportunity for review by stakeholders (such as subrecipients) when it develops a new SMP or significantly revises an existing SMP. The Section

5310 and 5339 programs also require SMPs. Some states choose to combine two or more of these FTA programs into a single SMP.

Other state-specific sources of information, which vary from state to state, can include the Section 5311 grant application package, local grants management handbooks or manuals, sample policies and templates, and the checklist used by the state to ensure compliance by subrecipients.

Basic Grant Requirements under MAP-21 and the FAST Act

Background

Part of the U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 1201 adopts the basic federal grant management requirements for state and local governments under the Office of Management and Budget's (OMB) 2 CFR Part 200. Commonly referred to as the "Super Circular," 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," took effect December 26, 2014. 2 CFR Part 1201 superseded and repealed the U.S. DOT "Common Grant" rules under the former:

- 49 CFR Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" and
- 49 CFR Part 19, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations."

States and subrecipients of FTA grants are subject to the provisions of 2 CFR Part 1201 and 2 CFR Part 200, which are summarized in this portion of the toolkit.

A state enters into a written agreement with a subrecipient, stating the terms and conditions of assistance for the project, and this agreement also states which federal and/or state requirements for which the subrecipient must be in compliance. The state is responsible for assuring the federal government that all of its subrecipients are in compliance with the federal requirements that are explained below. In this section of toolkit, the federal requirements are introduced and generally grouped by FTA compliance areas in the FY 20 Comprehensive Review Guide. (These are the areas for which FTA conducts oversight of states and which states are required to ensure subrecipient compliance.)

Please note that this section is merely an introduction to each requirement. Some of these requirements are expanded upon in other sections of this toolkit, in which case a reference is made to the appropriate section. For more information, or to view the source of all information and quotes in the text, refer to page numbers in the circulars cited under each requirement. It is important to note that as of the latest revision of this toolkit section in 2020, many FTA circulars have not yet been updated since the passage of the FAST Act in December 2015. In some cases, they have not been updated since the Super Circular superseded and repealed the Common Grant rules (December 26, 2014), and circulars may contain outdated language.

As a general rule, best source of guidance on the requirements that apply to a specific FTA grant(s) is the state program that awarded the grant.

Legal Matters

Debarment and Suspension

As stated on page V-8 of Circular 9040.1G, federal grant funds cannot be provided to anyone who has been "debarred, suspended, determined ineligible or voluntarily excluded from participation in federally-assisted transactions." Before awarding a contract or grant subagreement of $25,000 or more, the subrecipient must ensure that they are not entering into an agreement with someone who has been excluded or disqualified. (See also Procurement – Day 1, "Awarding to a Qualified and Responsible Contractor.") More information can be found on page V-8 of Circular 9040.1G, 2 CFR Part 180, Subpart C, and 2 CFR Part 1200.

Lobbying Restrictions

Recipients and subrecipients are prohibited from using federal funds to lobby for federal funds. As stated on page XI-12 of Circular 9040.1G, "federal financial assistance may not be used to influence any Member of Congress or an officer or employee of any agency in connection with the making of any Federal contract, grant or cooperative agreement." Included in the prohibition is indirect lobbying, "such as by contributing to a lobbying organization or funding a grass-roots campaign to influence legislation." General advocacy for transit is *not* prohibited, such as "providing information to legislators about the services a recipient provides in the community." Nonfederal (local) funds *may* be used to lobby for transit purposes if this information is reported quarterly through OMB Standard Form LLL.

If the subrecipient or any of its contractors receive more than $100,000 of FTA funding, a certification must be signed saying the subrecipient (and applicable contractors) will not participate in federally-funded lobbying activities, and disclose the use of non-federal funds for the activities listed above. For more information about lobbying restrictions, see FTA Circular 9040.1G page XI-12, FTA FY2018 Comprehensive Review Guide page 1-3 question L-3, 49 CFR Part 20.

Financial Management and Capacity

Financial Management

As stated in Circular 5010.1E, pages VI-4 to VI-5, the financial management systems of each recipient or subrecipient (other than a state, which must follow its own laws) must meet standards for financial reporting, accounting records, internal control, budget control, allowable cost, source documentation, and cash management. Financial reporting must provide for "accurate, current, and complete disclosure of the financial results of federally assisted activities... made in accordance with financial reporting requirements." Accounting records must "adequately identify the source and application of funds provided for federally assisted activities" and "contain information pertaining to the Award or subawards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income." Effective control and accountability must be maintained; recipients and subrecipients must adequately safeguard the grant funds, property, and other assets and ensure they are used only for the authorized purposes. Actual expenditures must be compared with the grant award budget and financial information must be related to performance or productivity data. Costs allowable under the grant are subject to applicable OMB principles, as detailed in the Super Circular, specifically 2 CFR Section 200.403 - Factors Affecting Allowability of

Costs. First and foremost, the cost must "be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles" (Section 200.403 (a)).

As stated in Circular 5010.1E, "accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contracts, and subrecipient documents." Subrecipient financial reports are necessary for states to meet their financial reporting and grant cash draw-down requirements—necessary to reimburse their subrecipients. As required in 2 CFR Section 200.333, "financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report." As a subrecipient, upon close-out of the sub-grant with the state, the responsible person should check with the state as to when this three-year period begins, since the sub-grant is likely one of several sub-grants within the state's grant, and may be closed out long before the state submits its final expenditure report on the grant to the FTA.

More information on financial management requirements for recipients and subrecipients of federal grants can be found in FTA Circular 5010.1E pages VI-4 to VI-5 and 2 CFR Part 200 Subpart D, as well as Section 200.331. More information can also be found in the Budgeting and Finance 101 section this toolkit.

Indirect Costs

To charge indirect costs to a federal grant award, a subrecipient must meet requirements for indirect costs rate as detailed in 2 CFR Section 200.414. The subrecipient must either have a cost allocation plan (CAP) or indirect cost rate proposal (ICRP) that has been approved by the cognizant agency (which is generally the federal agency that provides the highest portion of federal grants, which may or may not be the FTA). If the subrecipient has never had an approved indirect cost rate, a de minimis rate of 10 percent may be charged. Cost allocation concepts are introduced under Budgeting and Finance 101 in this toolkit. For more information on the indirect cost rate requirement, see FTA Circular 501.1E pages VI-9 to VI-11 and 2 CFR Section 200.414.

Audit

Subrecipients that spend $750,000 or more in a year in federal assistance from all sources must have a federally-compliant audit conducted in accordance with 2 CFR Part 200 Subpart F, submit documentation required (by the state for their subrecipients) including reporting any audit findings related to the FTA sub-grant, and resolve identified issues. For more information, see 2 CFR Part 200 Subpart F (as well as Section 200.331), and pages VI-14 to VI-15 of Circular 5010.1E.

Technical Capacity

Reporting Requirements

Each State DOT determines the reporting requirements for its subrecipients. At a minimum, the state will need to collect subrecipient information needed for the reports that the state is required to submit to the FTA:

- Annual Program of Projects Status Report—The state must submit to FTA a program status report for each active grant, and this may include notes about Section 5311 subrecipients.
- Milestone Activity Reports—The state must enter any revised milestone dates in the annual report. These are based off of activity line items (ALIs) for which milestones were required at the time of grant application (for example, for vehicle procurements, construction projects, and program reserve).
- Financial Status Report—The state must electronically submit an annual financial status report for each active grant, and a grant is considered "active" when subrecipients sign their agreements with the state.
- National Transit Database (NTD) Reports—All recipients, subrecipients and beneficiaries of FTA's Section 5311 program grants are required to submit data to the NTD. For subrecipients that benefit from the Section 5311 grant program, states will report on their behalf, and the state determines how subrecipients will submit the required data. The NTD section of the FTA website provides details on what information is collected. Each year, the NTD publishes a series of reporting manuals. Section 5311 subrecipients are considered "reduced reporters," and for FY2020 data, states will use the 2020 NTD Reduced Reporting Policy Manual for their Section 5311 subrecipients. **Section 5310 subrecipients are only required to complete the transit asset management reporting requirements (see Transit Asset Management section of the toolkit)**. For more information on NTD reporting requirements, see page III-11 to III-12 of Circular 5010.1E, 49 CFR Part 630, and the NTD section of the FTA web site.
- Disadvantaged Business Enterprise (DBE) Reports—States are required to report progress on their DBE goals (see the Civil Rights section of this toolkit), and include FTA-funded subrecipient procurements within their state-level DBE reports.

Closeout

FTA requires that grantees (states) close out projects on a timely basis, generally 90 days after the end of the "period of performance" of the grant. To do this, states must close out sub-grants with subrecipients on a timely basis. As stated in Circular 9040.1G (page V-13), "FTA expects grants awarded for a specific program of projects to be completed within a reasonable, specified time frame, generally two to three years. If small amounts of funds remain in an inactive grant, the state should request that the funds be deobligated and the project closed out." Subrecipients need to be aware that they have a finite amount of time to spend their grant awards, after which, the funds may be deobligated. According to the FTA FY2020 Comprehensive Review Guide (page 3-15), for the Section 5311 program, the period of performance is limited to the year of federal apportionment plus two years (three years total).

For information on closeout requirements for FTA recipients, see pages III-19 to III-20 of Circular 5010.1E and 2 CFR Section 200.343.

Satisfactory Continuing Control

Recipients and subrecipients must ensure that FTA-funded property (including equipment and real property) will remain available to be used for its originally authorized purpose throughout the property's useful life or until disposition. When acquiring, building, or improving capital equipment or facilities with FTA funds, a recipient or subrecipient must have a system that can "assure the

satisfactory continuing control of that capital and facilities." Subrecipients of the funds must maintain this responsibility unless control and responsibility was transferred to another subrecipient (as authorized by a designated state agency), even if vehicles or equipment are operated by a contractor. This includes:

- maintaining inventory records on the status of property
- conducting a physical inventory of property and equipment with the results reconciled at least once every two years
- submitting required reports
- using property solely for its originally authorized purpose (potentially allowing real property to be used in part under an FTA-approved incidental use arrangement)
- maintaining bus fleets in accordance with FTA requirements for spare ratios and contingency fleets
- disposing of FTA-funded property in accordance with 2 CFR 200 and FTA requirements,
- only using FTA capital assistance to lease of any transit facilities or equipment if a cost-effectiveness determination was conducted with certification provided to FTA

For more information about the requirements for satisfactory continuing control, see Circular 9040.1G pages V-1 to V-3, Circular 5010.1E pages IV-13 to IV-33, FTA FY20 Comprehensive Review Guide Section 7, and 2 CFR Part 200, Subpart D Property Standards.

Property and Equipment Management

Disposition

FTA-funded property must usually achieve minimum useful life standards before disposal. Circular 9040.1G (page V-1) states that "states may use, manage, and dispose of equipment acquired under a Section 5311 grant according to state law and procedures." Subrecipients must consult the grant agreement or contract to find out whether they will be following state or federal procedures. The following are the federal regulations regarding equipment management. Under federal regulations, states can transfer Section 5311-funded facilities and equipment to another entity that provides public transportation as long as that new entity complies with state and federal 5311 requirements in their use of the facilities and equipment. For all vehicles purchased with 5311 funds, the states establish and implement their own requirements. This includes the following list from Circular 9040.1G:

1. establish their own minimum useful life standards for vehicles;
2. use their own procedures for determining fair market value; and
3. develop their own policies and procedures for maintenance and replacement of vehicles.

Subrecipients must follow any established state laws and procedures for disposing of equipment and real property. As stated in Circular 5010.1E, page IV-21, "FTA retains a federal interest in any federally assisted property financed with FTA assistance until, and to the extent that, FTA relinquishes its federal interest in that federally assisted property. This applies to real property, equipment and supplies." If a transit agency disposes of any FTA-funded property before it achieves minimum useful life, the agency may be required to return to FTA the federal share of the proceeds from the disposition of equipment.

Maintenance and Warranty

As stated in Circular 5010.1E, page IV-34, "recipients must maintain federally assisted property in good operating order" and "must have a written vehicle maintenance plan and a facility/equipment maintenance plan. These plans should describe a system of periodic inspections and preventive maintenance to be performed at certain defined intervals." Recipients must also maintain maintenance records and pursue warranty claims.

Vehicle Spare Ratio

As stated in Circular 5010.1E, page IV-28, "the number of spare buses in the active fleet for recipients operating 50 or more fixed-route revenue vehicles should not exceed 20 percent of the number of vehicles operated in maximum fixed-route service. FTA does not set a specific spare ratio for smaller operators, but expects the number of spare buses to be reasonable, taking into account the number of vehicles and variety of vehicle types and sizes." The spare ratio is the total number of spare vehicles available for fixed-route service divided by the total number of fixed-route vehicles required for peak service, typically expressed as a percentage.

Transit Asset Management

FTA grantees are required to collect and use asset inventory and condition data, set "state of good repair" performance targets, develop strategies to prioritize investments, and prepare a plan to meet those targets. "State of good repair" is defined in the implementing regulations ([49 CFR Part 625](#)) as "the condition in which a capital asset is able to operate at a full level of performance." "Capital assets" include vehicles, other equipment, and facilities. Annual reports must be submitted on the status of each category of capital asset into the NTD. The state DOT develops a group plan in which its Section 5311 and 5310 subrecipients can participate, and submits annual reports on their behalf. See the Transit Asset Management section of the toolkit for more information.

Procurement

Subrecipients' procurement policies and procedures must comply with FTA requirements, which are described in the Procurement sections of this toolkit. A state may require that subrecipients also comply with state procurement requirements. To the extent permitted by federal statutes and regulations, the state can use the same policies and procedures for procurements funded by both federal and non-federal sources. It may also set a threshold for micro-purchases and/or small purchases that is lower than the federal threshold for itself and subrecipients.

Buy America

Under this requirement, explained on pages V-6 to V-7 of Circular 9040.1G, all steel, iron and manufactured products used in federally-funded public transportation projects must be produced in the United States. This applies to all Section 5311 recipients and subrecipients. Buy America requirements apply to any purchase that exceeds $150,000. See the Procurement 101 of this toolkit for more information.

Capital Leases

If a grantee finds that it is more cost effective to lease capital assets rather than purchase or construct them, capital funds may be used for this purpose. The subrecipient should consult with their state about this topic as the state may have a policy in its State Management Plan about leasing versus buying capital assets. For more information on this FTA requirements related to capital leases, see pages IV-30 to IV-33 of Circular 5010.1E.

Bus Testing

Buses and vans acquired with FTA funds must be tested for weight rating, durability, performance, compliance with manufacturer's specifications, reliability, safety, and structural integrity in accordance with the requirements in 49 CFR part 665, and grantees must obtain a copy of the resulting test report before FTA funds can be released. This testing is sometimes referred to as "Altoona testing," because the testing site has historically been located in Altoona, Pennsylvania.

FTA's website currently addresses bus testing requirements through a page of frequently asked questions. For more information, until the Section 5311 circular has been updated to reflect current requirements, consult the regulatory language in 49 CFR part 665.

Pre-award and Post-delivery Reviews

As indicated on pages V-5 to V-6 of Circular 9040.1G, FTA requires grantees that are purchasing more than 20 passenger buses or modified vans for serving rural areas and small urbanized areas to conduct reviews of vendor compliance with Buy America requirements, the grantee's bid specifications, and Federal Motor Vehicle Safety Standards (FMVSS). These reviews include pre-award and post-delivery audits. If 20 or fewer vehicles are procured to serve a rural area (or urbanized area with a population less than 200,000), the procurement is exempt from both pre-award and post-delivery reviews. There is also no review requirement when procuring unmodified vans, regardless of the quantity that is purchased. More information about this requirement is found on the FTA Buy America Pre-Award and Post-Delivery Review Requirements web page. Guidance on conducting pre-award and post-delivery audits is provided in FTA's Conducting Pre-Award and Post-Delivery Audits for Rolling Stock Procurements.

Civil Rights Requirements

As stated on page 50 of the FY 2020 Master Agreement, "The Recipient agrees that it must comply with applicable federal civil rights laws, regulations, and requirements, and follow applicable federal guidance, except as the Federal Government determines otherwise in writing. Therefore, unless a Recipient or a federal program, including the Indian Tribe Recipient or the Tribal Transit Program, is specifically exempted from a civil rights statute, FTA requires compliance with each civil rights statute, including compliance with equity in service requirements." By signing the Master Agreement, the grantee agrees that it will "prohibit discrimination based on race, color, religion, national origin, sex (including gender identity), disability, or age." The civil rights requirements for FTA grantees are introduced in two sections of this toolkit: Civil Rights and Americans with Disabilities Act, as indicated in each of the following categories of requirements.

Title VI

Title VI of the Civil Rights Act of 1964 states that "no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance" [see 42 USC Section 2000(d)]. All organizations receiving FTA funding are subject to Title VI and DOT's implementing regulations [49 CFR Part 21] There are specific Title VI requirements related to overall policy, handling of complaints, service delivery, planning, public outreach, providing information for people with limited English proficiency, and location selection for facilities. For more information, see the Civil Rights section of this toolkit as well as FTA Circular 4702.1B.

Environmental Justice

As stated in FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires federal agencies to "address disproportionately high and adverse human health or environmental effects of ... programs, policies and activities on minority populations and/or low income populations." The circular notes the following three guiding principles of environmental justice for FTA:

- To avoid, minimize, and mitigate disproportionately high and adverse effects
- To ensure the full and fair participation by all potentially affected communities
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations

The circular provides recommendations for how to fully engage environmental justice populations in the transportation decision-making process (as part of public involvement efforts, involving a demographic analysis), determine adverse effects of a public transportation project, policy, or activity on environmental justice populations, and how to avoid, minimize, or mitigate these effects. FTA recommends in the circular that environmental justice principles be included as part of statewide, metropolitan, and local long- and short-range planning process, as well as local planning activities and service delivery of local transit providers.

U.S. DOT requires consideration of environmental justice issues during preparation of an Environmental Impact Statement (EIS). An EIS is developed as part of a project subject to National Environmental Policy Act of 1969 (NEPA) review process. For rural transit agencies, the NEPA review process is most likely to be required when planning for a project involving new construction, major rehabilitation or renovation of a facility, because other types of FTA-funded rural transit projects are generally considered "categorical exclusions" under the NEPA requirements.

A State DOT may also require that principles of environmental justice be considered by their subrecipients when planning transit service changes or new services, potentially in conjunction with the Title VI analysis that is required for some transit agencies. Transit managers should refer to the transit planning requirements of their State DOT before planning major service changes or new services. For more information, see the Civil Rights section of this toolkit as well as FTA Circular 4703.1.

Equal Employment Opportunity (EEO)

Equal Employment Opportunity (EEO) refers to statutes and regulations that prohibit employment discrimination and provide employees and job applicants with protections and remedies against employment discrimination. FTA grantees are prohibited from discriminating against a person because of race, color, religion, national origin, sex, disability, or age (49 U.S.C. Section 5332(b)). To ensure non-discrimination in employment, FTA requires that grant applicants, recipients, subrecipients, and contractors that employ 50 or more transit-related employees and 1) request or receive capital or operating assistance in excess of $1 million in the previous Federal fiscal year, or 2) request or receive planning assistance in excess of $250,000 in the previous federal fiscal year to prepare and maintain an EEO Program. Those organizations that do not meet these thresholds must still have an EEO complaint process and post EEO notices visible to employees, applicants for employment and union members. For more information, see the Civil Rights section of this toolkit as well as FTA Circular 4704.1A.

Disadvantaged Business Enterprise (DBE)

The U.S. DOT DBE requirements are intended to create a level playing field for DBEs in competing for federally-funded contracts. A DBE is a for-profit small business owned and controlled by a socially and economically disadvantaged individual. FTA grantees that receive FTA planning, capital or operating assistance and award prime contracts exceeding $250,000 in FTA funds in a federal fiscal year (excluding vehicle purchases) must develop a DBE program. Subrecipients participate in the State DOT's DBE program and report to the state on DBE contracting activity. Also, FTA-funded vehicle procurements must require transit vehicle manufacturer bidders to certify that they have complied with FTA DBE program requirements. For more information, see the Civil Rights section of this toolkit as well as 49 CFR Part 26.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 (ADA) is a civil rights law that protects the rights of individuals with disabilities to equal opportunity and access to employment, public services, and public accommodations and services operated by private entities. The ADA regulations that focus on FTA grantees and transportation providers are found in 49 CFR Parts 27, 37, 38, and 39. For more information, see the ADA section of this toolkit, the standalone ADA Toolkit, and FTA Circular 4710.1.

Private Sector Protections

Charter Service

The FTA Charter Service Rule, 49 CFR Part 604, protects private charter operators from unauthorized competition from FTA recipients. The rule defines "charter services," specifies exceptions when charter services may be provided, established a registry and notification system for private charter operators, and established a process for private charter operators to file complaints against the rule. For more information about charter service restrictions, see the FTA Charter Bus Service webpage. Note that the 9040.1G circular does not include complete information about the Charter Service Rule. Refer directly to the 49 CFR Part 604 regulations or the FTA Charter Bus Service webpage for more information.

School Transportation

As detailed in 49 CFR Part 605, FTA grantees are prohibited from using FTA funds (or FTA-funded vehicles) to provide service that is exclusively for school students and school personnel. A transit agency can, however, modify regular service to accommodate school students as well as the general public. As stated on page XI-13 of Circular 9040.1G, for this regulation, Head Start is considered a social service, not a school program.

Employee Protections

Requirements related to employee protections are listed on pages 79 to 82 of the FY 2020 Master Agreement. These include requirements under the:

- Fair Labor Standards Act
- Contract Work Hours and Safety Standards Act
- Davis-Bacon Act
- Copeland "Anti-Kickback" Act
- U.S. Department of Labor (U.S. DOL) regulations under these and other laws

Under 49 U.S.C. Section 5333(b) of the Federal Transit Laws, when FTA funds are used to "acquire, improve, or operate" a public transportation system, the funds come with an obligation to preserve "the rights and benefits of employees under existing collective bargaining agreements, the continuation of collective bargaining rights, the protection of individual employees against a worsening of their positions in relation to their employment, assurances of employment to employees of acquired transit systems, priority of reemployment, and paid training or retraining programs." The Section 5311 program involves a Section 5333(b) Special Warranty established at the federal level that protects existing transit employees in the service area of the rural transit system. The FTA does not generally apply the conditions of 49 U.S.C. Section 5333(b) to Section 5310 subrecipients. More information is provided in the Human Resources section of this toolkit, with details found on the U.S. DOL Special Warranty web page.

Drug-Free Workplace

Under the Drug-Free Workplace Act of 1988, federal grant recipients are required to maintain a drug-free workplace for all award-related employees, report any convictions occurring in the workplace, and have an ongoing drug-free awareness program. These provisions, detailed in 49 CFR Part 32, only apply to FTA's direct grantees (for example, states and tribes receiving Tribal Transit Program funding); they do not apply to subrecipients (although some State DOTs extend drug-free workplace requirements to their subrecipients). For more information, see pages XI-6 to XI-7 of FTA Circular 9040.1G.

Drug and Alcohol Testing

FTA drug and alcohol regulations (49 CFR Part 655) require Sections 5307, 5309 and 5311 recipients or subrecipients to establish a drug and alcohol program and to conduct drug and alcohol testing of safety-sensitive employees. The drug and alcohol testing procedures must comply with DOT regulations in 49 CFR Part 40. Page XI-6 of FTA Circular 9040.1G introduces these

requirements. See the section on of this toolkit on Drug and Alcohol Programs for more information.

Note: Although Section 5310 subrecipients are not subject to the FTA drug and alcohol requirements under Part 655, if they employ Commercial Driver's License (CDL) drivers, the U.S. DOT requirements under 49 CFR Part 382 may apply. For more information on 49 CFR Part 382 requirements for employers, see the Overview of Drug and Alcohol Rules for Employers web page on the Federal Motor Carrier Safety Administration web site.

Planning

Project Inclusion in STIP/TIP

As noted on page IV-1 of FTA Circular 9040.1G, in order to receive an FTA grant for a project, it must be a product of the metropolitan planning process and/or the statewide planning process. The State DOT prepares and updates the Statewide Transportation Improvement Program (STIP) which incorporates Section 5311 subrecipient projects. The STIP is a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and metropolitan area Transportation Improvement Programs (TIPs). For projects outside metropolitan planning boundaries (which is typically the case for Section 5311 projects), they are only required to be in the STIP.

Projects within metropolitan planning boundaries must be included in the metropolitan planning organization's (MPO) TIP. (Subrecipients that serve metropolitan areas should consult regional, county, or metropolitan transportation planning agencies to find out how to ensure their projects are included in the TIP.)

For more information about Metropolitan, Statewide & Non-Metropolitan Planning requirements, see pages IV-1 to IV-2 of FTA Circular 9040.1G as well as the section of the FTA website on this topic.

Public Hearing Requirements

As stated in the FTA Title VI circular (FTA C 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients), all recipients of federal funding are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b), which requires an opportunity for a public hearing on a proposed program of projects included in an FTA grant application. As part of the Section 5311 subrecipient grant application process, State DOTs typically require a public participation process that includes a public hearing (or opportunity for one upon request) about the proposed grant application. For more information, see the Planning and Evaluation section of this toolkit.

Intelligent Transportation Systems (ITS) – National ITS Architecture

As stated on page IV-53 of FTA Circular 5010.1E, FTA recipients that have transportation projects that include ITS must be participants in a regional or statewide ITS Architecture process and their ITS projects must be included in the locally approved Regional ITS Architecture. For more

information, see the FTA web page on its National ITS Architecture Consistency Policy for Transit Projects.

Private Sector Participation

As part of the federal requirements for public involvement in the transportation planning process, private providers must be afforded an opportunity for consultation when developing transportation plans and programs (in both urban and rural areas), as noted on page XI-10 of FTA Circular 9040.1G. As part of the Section 5311 subrecipient grant application process, State DOTs typically require notice to the private sector with an opportunity to formally comment on the proposed grant application.

Environmental Protections

The National Environmental Policy Act (NEPA) was signed into law on January 1, 1970, and its purpose is to ensure that environmental issues are considered alongside social, economic, and other competing concerns that arise when planning a project. As stated on page 50 of FTA Circular 4703.1, many transit projects are considered "categorical exclusions" that do not have a significant environmental effect. Most Section 5311 projects are categorical exclusions, and the State DOT should screen potential projects to determine which projects clearly meet the Federal Highway Administration (FHWA) / FTA criteria for categorical exclusions. For more information, see the Environmental Programs section of the FTA web site and the National Environmental Policy Act website.

Clean Air Act (CAA)

Clean Air Act (CAA) requirements apply only in areas (generally urbanized areas) that have violated or continue to violate National Ambient Air Quality Standards (NAAQS), which are generally a result of transportation-related pollutants. As noted on page XI-5 of FTA Circular 9040.1G, the conformity process is the main requirement with which FTA-funded projects must comply, and these requirements can be found in Environmental Protection Agency (EPA) regulation 40 CFR Part 93. Clean Air Act requirements are not typically relevant to Section 5311 projects.

Safety

In the FY 2020 Master Agreement, Sections 32, 33 and 34 (pages 89 to 91) list specific safety requirements for FTA grantees.

Public Transportation Agency Safety Plan

FTA grantees must comply with applicable federal laws, regulations, and requirements and follow applicable guidance that implement the Public Transportation Safety Program provisions of 49 U.S.C. Section 5329. On July 19, 2018, FTA published the Public Transportation Agency Safety Plan (PTASP) Final Rule, 49 CFR Part 673. This regulation requires Section 5307-funded urban transit systems to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS).

Section 5310 and/or 5311 funded agencies are not required at this time to develop an FTA compliant safety plan; however, the safety plan requirements for Section 5307 systems should be considered as best practices for 5310 and/or 5311 funded agencies. For more information, see the toolkit section on Safety, Security and Emergency Management and the PTASP section of the FTA website.

Motor Carrier Safety

FTA grantees must comply with the following Federal Motor Carrier Safety Administration (FMCSA) requirements:

- Minimum insurance requirements: FTA Section 5311, 5310, and 5307 grantees that cross state lines must generally obtain the highest amount of insurance required by any state in which the public transportation provider operates.
- Federal Motor Carrier Safety Regulations: FTA grantees must comply with FMCSA regulations within 49 CFR Parts 390 to 397. Some of these requirements are described in the section of the toolkit on Driver Recruitment, Training, and Retention.
- Commercial driver's license (CDL) requirements (49 CFR Part 383): FTA grantees that employ drivers of vehicles designed to seat 16 or more passengers including the driver or with a gross vehicle weight rating (GVWR) exceeding 26,000 pounds required to ensure these drivers have valid CDLs. Mechanics who drive these vehicles must also have a CDL.
- Section 5310 subrecipients that employ CDL drivers must also comply with the FMCSA drug and alcohol testing requirements under 49 CFR Part 382. (Section 5311 subrecipients are subject to the more rigorous FTA drug and alcohol testing requirements under 49 CFR Part 655.)

Safe Operation of Motor Vehicles

FTA grantees agree to adopt and promote on-the-job seat belt use policies and programs and include a "seat belt use" provision in each third-party agreement related to the grant. Grantees also agree to adopt and enforce workplace safety policies related to districted driving including a ban on text messaging while driving. For more information, see Section 34 (pages 90-91) of the FY 2020 Master Agreement.

Construction Projects

Real Property Acquisition

Real property acquisition standards can be found in the most current FTA Circular 5010.E Award Management Requirements and in Chapter X, Other Provisions. Subrecipients may use their state's staff appraisers to prepare required independent appraisals.

Construction Management and Oversight

The state has responsibility for Section 5311-funded construction management and oversight, and FTA does not approve subrecipients' design plans for construction projects.

FTA-funded construction projects must comply with the prevailing wage requirements of the Davis-Bacon Act. They must also comply with the Contract Work Hours and Safety Standards Act, the Copeland "Anti-Kickback" Act, and the following the U.S. DOL regulations: Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act) (29 CFR Part 5), Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States (29 CFR Part 3), Recording and Reporting Occupational Injuries and Illnesses (29 CFR Part 1904), Occupational Safety and Health Standards (29 CFR Part 1910), and Safety and Health Regulations for Construction (29 CFR Part 1926).

Requirements Specific to Section 5311

Use of 5311 Funds for Public Transportation Projects

Section 5311 funds support public transportation projects (services which are open to the public on a regular and continuing basis) in rural areas. As stated on page III-6 of FTA Circular 9040.1G, Section 5311 service may be designed to maximize use by members of the public who are transportation disadvantaged, including seniors, people with disabilities, and low-income individuals. Page 21-1 of the FTA FY 2020 Comprehensive Review Guide states that coordinated human service transportation that primarily serves seniors and persons with disabilities, but that is not restricted from carrying other members of the public, is considered open to the general public if it is promoted as public transportation service.

Although there are no federal requirements specifying how a public transportation service is to be promoted, many states require that their subrecipients educate the public about their services. National RTAP's Marketing Toolkit is a great resource for developing a marketing plan and public education materials for rural public transit.

Meal Delivery and Incidental Service

As stated on page III-6 FTA Circular 9040.1G, a rural transit provider may use a Section 5311 vehicle for non-passenger transportation on an occasional or regular basis, such as package delivery. This is referred to as "incidental use" which must not result in a reduction of service quality or availability of public transportation service. Section 5311 transit providers may also coordinate and assist in providing meal delivery service for homebound people on a regular basis, if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers. As stated on page III-6 FTA Circular 9040.1G, FTA expects that the nutrition program will pay the operating costs attributable to meal delivery, and Section 5311 capital assistance may not be used to purchase vehicles or equipment used solely for meal delivery.

Requirements Specific to Section 5310

Use of 5310 Funds for Public Transportation Projects

Section 5310 funds support the provision of transportation services to meet the specific needs of seniors and individuals with disabilities. As stated on page III-9 of FTA Circular 9070.1G, Section 5310 projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although they may be used by the general public.

Coordination and Vehicle Use

Section 5310 subrecipients are encouraged to the extent feasible to provide service to seniors and people with disabilities not affiliated with their agency, and on an incidental basis to the general public, if such service does not interfere with transportation services for seniors and people with disabilities (page VI-4 of FTA Circular 9070.1G).

FTA encourages maximum use of Section 5310-funded vehicles. Page VI-4 of FTA Circular 9070.1G states that the subrecipient "must, when practicable, make the vehicle itself available to provide transportation service to other seniors and people with disabilities at times the agency is not using the vehicle for grant-related purposes. The recipient shall use the vehicle in the project or program for which it was acquired as long as needed, even if the project does not continue to receive federal funding." The circular also states, "During the period the vehicle is used to serve the project or program needs for which it was acquired, the recipient or subrecipient shall make it available for use on other projects or programs, as long as such other use does not interfere with the service for which the vehicle was originally acquired. First preference for such other use will be given to other projects or programs sponsored by FTA, and second preference will be given to projects or programs sponsored by other federal agencies. Finally, vehicles may be used by non-federally funded providers, first to meet the needs of seniors and people with disabilities, and then to serve the transportation needs of the general public on an incidental basis."

Page VI-4 of FTA Circular 9070.1G also states that subrecipients "may coordinate and assist in providing meal delivery services for homebound people on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers." However, FTA funding will not fund vehicles and equipment needed for meal delivery capacity.

Coordinated Planning Requirement

Section 5310 projects must be included in a locally developed, coordinated public transit-human services transportation plan. More information about this requirement can be found in the Planning and Evaluation section of the toolkit, as well in Chapter V of FTA Circular 9070.1G.

Ensuring Compliance

State Review of Subrecipient Compliance

States are required to ensure that their subrecipients comply with all of the federal requirements that apply to the FTA grant. Each State DOT determines its own oversight requirements for Section 5311 and 5310 subrecipients. Many states conduct periodic compliance reviews of their subrecipients. Although each state's process is different, subrecipients can expect the compliance review process to include:

- A review of the subrecipient's written policies and procedures. This is sometimes called the "desk review" portion of the compliance review. The state may require that these be submitted In advance of a site visit. Submitting all requested items by the state's deadline will help minimize the amount of time involved with on-site portion of the review.
- A site review that involves interviews with key members of a transit agency staff and sometimes governing board members, spot inspections of vehicles and vehicle maintenance records, spot inspections of procurement files, and a tour of the facility during which the reviewer will check to verify that required notices and certain policies are posted. The state will typically schedule this in advance and may send the detailed questionnaire that the site reviewer will be using to help the organization prepare for the interviews. The transit manager should also gather questions in advance on any compliance requirements which challenge the organization, and ask for the state for technical assistance for coming into compliance. Rural transit systems can expect a site visit to take as long as two full days to complete, particularly if an organization is a new grantee or is experiencing challenges with compliance.
- Identification of any deficiency findings identified during the "desk review" and site visit, along with a timeline in which to correct each deficiency.
- Follow-up communications with the state demonstrating that each deficiency has been corrected. This is an important step, since future funding may be contingent upon satisfactorily achieving full compliance the FTA requirements (as well as any state-specific requirements that come with the grant).

State DOTs can provide information on the state's compliance review process for subrecipients.

FTA State Management Reviews

As stated earlier in this section, FTA has little involvement in the day-to-day Section 5311 program activities, and is not regularly involved in the review of individual applications from subrecipients. In order to ensure that Section 5311 program funds are being used appropriately, FTA employs contractors to conduct state management reviews every three years (or as necessary). According to Circular 9040.1G, the review includes the following:

- inspection of documentation on file at the regional office
- visit to the state offices to examine the procedures the state uses in administering the program
- local subrecipient site visits

If a state undergoes an FTA State Management Review, subrecipients could be randomly selected for a site visit to evaluate the state's effectiveness in meeting federal requirements and its own State Management Plan (SMP). According to Circular 9040.1G, FTA also conducts more specific compliance reviews of recipients and subrecipients in particular areas, for example financial management, procurement, drug and alcohol testing compliance, and the various aspects of civil rights compliance, usually in response to a risk assessment or other indication of a possible problem. This is typically done through questionnaires and supporting documents providing the details of required programs, and this is coordinated through the state.

Section Sources

- 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (OMB "Super Circular")
- 2 CFR Part 1201, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 49 CFR Part 20, New Restrictions on Lobbying
- 49 CFR Part 604, Charter Service
- 49 CFR Part 605, School Bus Operations
- 49 CFR Part 625, Transit Asset Management
- 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations
- 49 CFR Part 665, Bus Testing
- U.S. Department of Labor (DOL) / Office of Labor-Management Standards (OLMS) Special Warranty Arrangement web page
- EPA General Conformity web page
- FMCSA Federal Motor Carrier Safety Regulations web page
- FTA Certifications & Assurances web page
- FTA Charter Bus Service web page
- FTA Environmental Programs web page
- FTA National ITS Architecture Consistency Policy for Transit Projects web page
- FTA Pre-Award and Post-Delivery Review Requirements web page
- FTA Private Sector Participation web page
- FTA Public Transportation Agency Safety Plan (PTASP) web page
- FTA Regional Offices web page
- FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients (2012)
- FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients (2012)
- FTA Circular 4704.1A, Equal Employment Opportunity (EEO) Act: Guidance (2016)
- FTA Circular 4710.1, Americans with Disabilities Act (ADA): Guidance (2015)
- FTA Circular 5010.E Award Management Requirements (2018)
- FTA Circular 9040.1G, Formula Grants for Rural Areas: Program Guidance and Application Instructions (2014)

- [FTA Circular 9070.1G, Enhanced Mobility of Seniors and Individuals with Disabilities: Program Guidance and Application Instructions (2014)](#)
- [FTA FY2020 Certifications and Assurances](#)
- [FTA FY2020 Comprehensive Review Guide](#)
- [FTA FY2020 Master Agreement for FTA Grants (Oct. 1, 2019)](#)
- [National Environmental Policy Act (NEPA) web site](#)

Drug and Alcohol Programs

Introduction

This section of the Transit Manager's Toolkit summarizes the requirements for public transit systems to have a Federal Transit Administration (FTA)-compliant drug and alcohol testing program. In accordance with FTA drug and alcohol regulations 49 CFR Part 655, recipients or subrecipients of Sections 5307, 5309 or 5311 federal funding must test all safety-sensitive employees regardless of the size of the system or the number of employees. The drug and alcohol testing procedures must comply with U.S. Department of Transportation (U. S. DOT) regulations in 49 CFR Part 40. The FTA regulations in Part 655 detail specific requirements for the transit agency's drug and alcohol testing program.

The sources of information in this section include FTA's 2009 Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit and 2019 Implementation Guidelines for Drug and Alcohol Regulations in Public Transportation, guidance and technical assistance published on the FTA web site, and the current regulatory text in 49 CFR Parts 40 and 655. Transit managers need to be aware that changes are periodically made to the U.S. DOT regulations under Parts 40 and 655. To keep abreast of such changes, periodically checking the FTA Drug & Alcohol Program web page and subscribing to FTA's Drug & Alcohol Regulation Updates newsletters is strongly recommended.

This section of the toolkit is organized in the following subsections:

- Program Requirements Overview
- Drug and Alcohol Policy Statement
- Training and Education
- Referral to a Rehabilitation and Treatment Program
- Qualifications of Testing Facilities and Service Agent Personnel
- Recordkeeping and Reporting
- Employer Responsibility to Check Previous Drug and Alcohol Testing Records
- Compliance as Condition of FTA Funding
- Testing for Marijuana in States Where It Has Been Legalized
- Fitness for Duty Considerations
  - Policy on Prescription and Over-the-Counter Medications
- Staffing Levels to Accommodate Drug and Alcohol Testing Requirements
- Section Sources

Program Requirements Overview

FTA regulations require that impacted transit systems develop a drug and alcohol testing program with the following elements:

Compliance > Drug and Alcohol Programs

- Formally-adopted drug and alcohol policy statement
- Training and education program
- Drug and alcohol testing procedures
- Procedures for referring employees who test positively to Substance Abuse Professional

The regulations also establish:

- Qualifications of testing facilities and service agent personnel
- Recordkeeping and reporting requirements
- A requirement to check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties
- Compliance as a condition for FTA funding

Requirements for each of these elements are summarized in following sections.

Following the requirements, this section also introduces consideration of a policy on prescription and over-the-counter medications.

National RTAP's Substance Abuse Awareness Training, Testing, and Compliance Technical Brief, updated in 2017, is a helpful resource with information about the requirements, including frequently asked questions and links to a host of federal regulations and resources.

Drug and Alcohol Policy Statement

FTA regulations under Part 655 require that the local governing board of the employer or operator adopt an anti-drug and alcohol misuse policy statement. The statement, which must be made available to each safety-sensitive employee, must contain each of the elements described in the following list. The FTA website has a policy builder tool that can help transit managers create or update their organization's policy statement.

- **The identity of the person, office, branch and/or position designated by the employer to answer employee questions** about the employer's anti-drug use and alcohol misuse programs. FTA's 2009 Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit recommends that each transit employer designate a Drug and Alcohol Program Manager (DAPM), and it is best if the person chosen already performs administrative duties such as human resources, personnel or risk management. The DAPM will be the primary contact for any issues or questions related to drug and alcohol policies, and the DAPM is responsible for record keeping, the testing process, preparation of the annual Management Information System (MIS) report, and serving as the Designated Employee Representative (DER) and liaison with the drug and alcohol testing service agents.
- **The categories of employees that are subject to testing**. The policy must include a list of the actual positions/categories covered at the organization. Part 655 requires that all individuals who perform or will perform a safety-sensitive function be tested. To determine who is a safety-sensitive employee, the manager should consider the full list of tasks an employee performs each day and not rely solely on job titles. As defined in Part 655, the following are "safety-sensitive" functions:

- o Operating a revenue service vehicle, including when not in revenue service.
  - o Operating a nonrevenue service vehicle that requires a driver to hold a Commercial Driver's License (CDL).
  - o Controlling dispatch or movement of a revenue service vehicle. Note: whether or not dispatchers could impact public safety should be determined by each transit system based on the tasks they perform.
  - o Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service. (However, if maintenance services are contracted and the transit agency receives Section 5311 or is in an area of less than 200,000 in population, the contracted maintenance employees are not subject to this requirement.)
  - o Carrying a firearm for security purposes.
  - o See Chapter 2, Section 3 of FTA's [2009 Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit](#) for guidance on what are (and aren't) safety-sensitive functions.
- **A specific description of what is considered prohibited behavior and conduct:**
  - o The consumption of the following **drugs** is prohibited at all times: marijuana, cocaine, amphetamines, opioids, and phencyclidine (PCP).
  - o The consumption of **alcohol** is prohibited while on duty or on call to perform safety-sensitive functions or within four hours prior to perform safety-sensitive functions. If an employee is involved in an accident that requires post-accident alcohol testing (described later in this section), they are also prohibited from consuming alcohol for eight hours following the accident or until the test is completed. An employee with a blood alcohol concentration of 0.04 or more is prohibited from performing a safety-sensitive function. An employee with blood alcohol concentration of 0.02 to 0.039 must also be removed from the safety-sensitive duty until they test below 0.02.
- **The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse.** Five kinds of tests are required by Part 655:
  - o **Pre-employment (drug test only)** – All applicants or employees are required to submit to a drug test and produce a verified negative result before being placed in a safety-sensitive position. This keeps those with a history of high-risk behavior (such as drug use) out of a transit system.   Alcohol testing is not required at this point; however, employers may choose to also perform this test.
  - o **Reasonable suspicion** – If a safety-sensitive employee has exhibited signs of drug use or alcohol misuse through appearance, behavior, speech or body odor, the employee may be subjected to both a drug and alcohol test. Any person who is requesting the reasonable suspicion test must be trained in the facts, circumstances, physical evidence, physical signs and symptoms, and behavior that are associated with use, and they must also be trained in how to approach an employee for testing. See the bullet on supervisor training in the training and education program section above.
  - o **Post-accident** – This type of testing must occur after the operation of a revenue service vehicle is associated with the loss of life. It must also be conducted following all other nonfatal accidents unless the operator's performance can be completely discounted as a contributing factor. In order for an incident to be considered an accident under this category, any of the following must take place:
    - ▪ an individual dies

- ▪ an injured individual receives medical treatment away from the scene of the accident
- ▪ a public transit bus, electric bus, van or automobile incurs disabling damage and must be towed away from the scene by another vehicle
- ▪ a public transit rail car, trolley car, trolley bus or vessel is removed from service
- ▪ Tests should be administered as soon after the accident as possible, and no later than 8 hours after for alcohol or 32 hours after for drugs.

- o **Random** – This is required of all safety-sensitive employees, and it acts as a strong deterrent against employees beginning or continuing prohibited drug use and alcohol misuse. Random tests must be spread reasonably throughout the calendar year and conducted at all times of day when safety-sensitive functions are performed, and employees notified of selection for random drug or random alcohol testing must proceed to the test site immediately. The system by which employees are randomly selected should be scientific and there should be no inherent or perceived bias in the process. Recommended methods include the use of a random-number table or a computer-based random-number generator (each number matched to an employee's identification number). Methods to avoid include picking numbers from a hat or other manual techniques. The annual testing rate is determined by FTA based on positive test rates during the two preceding years. For example, during calendar year 2019, the number of random drug tests conducted per year must equal at least 50%, and for alcohol at least 10%, of the total number of employees in the test pool. These testing rates could change, and transit organizations need to follow whatever rates are published by FTA. Due to the sensitive nature of random testing, it is important to assure the selected employee that she/he was not singled out for a particular reason. Many very small rural systems enroll in a drug testing consortium. This enlarges the pool and reduces the likelihood that the same employee will be picked over and over again.

- o **Return-to-duty** – For transit systems that have a "second chance" policy rather than a "zero tolerance" policy (see note below), before an employee can return to work after a positive test or refusal to test, the employee must be evaluated by a Substance Abuse Professional (SAP) and pass a return-to-duty test. Before the test is administered, the SAP must determine that the employee has followed all recommended rehabilitation steps. While the employee may have only tested positive for drugs or alcohol, they must pass **both** a drug and alcohol test before returning to work. **Note that FTA does not require that an employer to allow employees to who test positive to return to work ("second chance" policy.** Many transit agencies have a "zero tolerance" policy under which testing positive results in termination.

- o **Follow-up** – For transit systems that have a "second chance" policy, once an employee is permitted to return to duty, the employee will be subject to unannounced follow-up testing for at least 12 months (but no more than 60 months). A minimum of six tests should be conducted within the first 12-month period. Employees who are subject to follow-up testing should also continue to be in the random testing pool, and also submit to tests as called upon in that process.

- • **The procedures that will be used to test for prohibited drugs and alcohol**. The procedures should protect both the employee and the integrity of the testing process. They should also safeguard the validity of the test results and ensure they are attributed to the

correct employee. The testing procedures must comply with DOT regulations in Part 40. Part 40 requires testing for the following drugs only:

- o Marijuana metabolites
- o Cocaine metabolites
- o Amphetamines
- o Opioids
- o Phencyclidine (PCP)

Note that in November 2017, U.S. DOT published a final rule for 49 CFR Part 40 that added four semi-synthetic opioids (hydrocodone, hydromorphone, oxycodone, and oxymorphone) to the drug testing panel (changing the former opiates category to opioids), and also made changes under the amphetamines category. These changes took effect January 2018. To read more about the currently required panel of drugs to be tested, see the January 2018 edition of the FTA Drug and Alcohol Regulation Updates newsletter and the November 2017 final rule for 49 CFR Part 40.

Also note that later in this section of the toolkit there is information about testing for marijuana in states where it has been legalized and for fitness-for-duty considerations related to prescription drugs.

- **The requirement that all safety-sensitive employees will be tested** for prohibited drugs and alcohol in accordance with Part 655.
- **A description of the types of behavior that constitute a refusal to test**, stating that a refusal to test constitutes a violation of the employer's policy.
- **A description of the consequences of testing positively or refusing to test.** Testing positively for prohibits drugs or a blood alcohol concentration of 0.04 or more requires immediate removal from the safety-sensitive function and referral to a substance abuse professional. (If an organization has a "zero tolerance" policy, the employee would also be terminated.) A description of the consequences for an alcohol concentration of 0.02 or greater, but less than 0.04, is also required (removal from the safety-sensitive duty until testing below 0.02.
- If an organization imposes **any additional anti-drug use or alcohol elements that are not required by FTA regulations**, employees must be informed that these additional elements are not required by 49 CFR Part 655. As an example, the FTA manual notes that that organizations may to test non-safety-sensitive employees under their own authority, although these employees must be in a separate testing pool from safety-sensitive employees. And if an agency wants to test for other types of drugs than the five required by DOT/FTA, this may only be done by collecting a separate urine specimen in addition to the FTA specimen, and the agency must notify the employee that this specimen is being tested under the organization's authority.

The FTA website provides a checklist of items that must be included in the policy and a template for creating a policy.

Each aspect of the policy statement should be clearly defined and must be shared in writing with employees and management staff. The agency should obtain signed acknowledgement of receipt of the policy from each employee.

Training and Education

FTA regulations in Part 655 require specific training for safety-sensitive employees and their supervisors. While the regulations do not require refresher training for safety-sensitive employees, it is recommended that training programs go beyond the required elements. Transit organizations are also required to keep detailed records of their employee and supervisor training for 2 years. This includes copies of attendance rosters, dates and times of trainings, and certifications of training compliance.

- **Safety-sensitive employee training** – This includes both general education and training components.
  1. Each employer must *display* and *distribute* information about the effects of drugs and alcohol, and a community hotline phone number (if available in the community) for any employee that may be having difficulties with substance abuse. Information for distribution can be obtained from an agency's Employee Assistance Program (EAP - if the organization currently has one), and/or their health insurance carrier or local government mental health agencies.
  2. Employers must also provide each safety-sensitive employee with a written notice of the organization's drug and alcohol policies and testing procedures.
  3. And, employers must provide a 60-minute training for safety-sensitive employees on the effects, signs and symptoms of drug use and alcohol misuse. While it is required to provide one hour of training, it is suggested that employers take 2-3 hours to cover the necessary material.
     - National RTAP offers a free Substance Abuse Awareness eLearning course that fulfills the required 60 minutes of training. To access the course, register on the National RTAP eLearning system. Email elearning@nationalrtap.org with any questions.
     - Another option for the 60-minutes of training is FTA's Drug Abuse Awareness Video, which was published in September 2018.
     - National RTAP also offers a printable 2 the Point - Drugs and Alcohol training card for use in driver training. This resource is also available through the National RTAP eLearning system.
- **Supervisor/company officer training** – Training must be given to supervisors and others who are authorized to determine when it is appropriate to administer reasonable suspicion drug and/or alcohol tests. Because only one supervisor's/officer's opinion is necessary to require a reasonable suspicion test, proper training is important. Supervisors and others in this position are required to complete 120 minutes of training: 60 minutes on the physical, behavioral and performance indicators of probable drug use, and 60 minutes on the physical, behavioral and performance indicators of probable alcohol misuse. As with employee training, it is recommended that employers exceed the required amount of training time. This resource is also available through the National RTAP eLearning system.

Referral to a Rehabilitation and Treatment Program

An employer must advise employees who are found abusing substances about resources available to evaluate and resolve problems associated with drug use or alcohol misuse, even when a company

policy allows for the termination of employment. If an employee is permitted to return to work (under a "second chance" policy), it is the substance abuse professional's (SAP) responsibility to ensure that the employee is not a threat to public safety. Because of this there are many regulations as to the SAP requirements, qualifications, roles, responsibilities and procedures. Employers can also implement Employee Assistance Programs (EAP) as a way to address substance abuse issues before they become a problem in the workplace. While FTA does not require employers to provide or pay for rehabilitation or treatment programs, they are often an integral part of substance abuse programs.

Qualifications of Testing Facilities and Service Agent Personnel

U.S. DOT regulations in Part 40 establish qualifications for laboratories and personnel involved in conducting tests and reviewing results. Only testing laboratories that have been certified by the U.S. Department of Health and Human Services (DHHS) under the National Laboratory Certification Program (NLCP) are qualified to conduct U.S. DOT drug testing (49 CFR Part 40, Subpart F). Individuals who collect urine specimens must meet training requirements detailed under 49 CFR Part 40, Subpart C, and those who conduct alcohol tests must be certified technicians as detailed in Subpart J. Only a licensed physician can serve as the Medical Review Officer (MRO) who reviews and verifies test results. Minimum qualifications for SAPs are stated in 49 CFR Part 40, Subpart O. Transit agencies are responsible for verifying that the testing laboratory and personnel engaged in testing meet the U.S. DOT qualifications.

Recordkeeping and Reporting

Employers subject to Part 655 must submit reports to FTA's Drug and Alcohol Management Information System (MIS) reporting system. Proper U.S. DOT forms must be used, the forms must be completed correctly, the records must be stored in a secure location with limited access, and the records must be maintained for the required amount of time. Both U.S. DOT and FTA have requirements for employers and service agents on what documentation should be kept and for how long. The following records must be kept:

- Test results
- Testing processes
- Return-to-duty process (for transit agencies with a "second chance" policy)
- Employee training
- Annual reports to FTA regarding testing program activities and results. To learn more about reporting and to download the necessary forms, see the FTA website.

The retention period begins on the record creation date, and there are requirements specific to each type of document. For a detailed checklist of retention periods, see Appendix B, pages 106-107 of the 2019 Implementation Guidelines for Drug and Alcohol Regulations in Public Transportation or 49 CFR Part 655, Section 655.71.

Note that employers that conduct tests under their own authority (i.e., that are beyond the testing required by U.S. DOT/FTA rules) must not use U.S. DOT forms for these tests.

Employer Responsibility to Check Previous Drug and Alcohol Testing Records

Part 40 requires each employer to check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties. This applies only to employees who would begin performing safety-sensitive duties for the organization for the first time, including new hires as well as employees seeking to transfer into a safety-sensitive position. The employer must obtain written consent from the employee to request their drug and alcohol testing records from U.S. DOT-regulated employers who employed them within the previous two years. For details about this requirement, see 49 CFR Section 40.25.

Compliance as Condition of FTA Funding

FTA recipients and subrecipients must annually certify compliance with Part 655. Rural transit systems do not certify directly through FTA, but rather through their state. The state should ask for certification of compliance either through an annual grant submission or through a separate letter. A compliance self-assessment checklist can be downloaded from the Drug and Alcohol Tools and Resources page on the FTA web site.

If a transit agency fails to implement or properly administer the required program components, it can lose FTA funding.

Testing for Marijuana in States Where It Has Been Legalized

Although some states have passed legislation to permit legal use of medical and/or recreational marijuana, leaf-based marijuana remains a federally-banned and tested substance for safety-sensitive employees. Safety-sensitive employees must be tested for marijuana use under FTA regulations regardless of local or state ordinances/laws allowing such use. Use of "medical marijuana" does not constitute a valid medical explanation under federal law and will be considered a positive drug test result.

The U.S. DOT issued a notice on recreational marijuana as well as a notice on medical marijuana reaffirming the prohibition of use of marijuana by safety-sensitive transportation employees.

Fitness for Duty Considerations

Whether or not a drug is legal or illegal, if its use impairs the ability to be fit for duty and to safely perform the functions of a job, an employee whose performance is impaired is a safety risk. The Federal Motor Carrier Safety Administration (FMCSA) regulations include requirements related to

fitness for duty requirements for commercial vehicle drivers in 49 CFR Part 392. Section 392.3, Ill or Fatigued Operator, prohibits operation of a commercial motor vehicle "while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle." Section 392.4, Drugs and Other Substances, prohibits being on duty and possessing, being under the influence of, or using not only the substances tested under 49 CFR Part 40, but also "any other substance, to a degree which renders the driver incapable of safely operating a motor vehicle." An exception is allowed for "possession or use of a substance administered to a driver by or under the instructions of a licensed medical practitioner…who has advised the driver that the substance will not affect the driver's ability to safely operate a motor vehicle."

As noted in Chapter 2 of FTA's Best Practices Manual: FTA Drug and Alcohol Testing Program, some employers include optional provisions (which must be clearly identified as not being part of the U.S. DOT/FTA testing requirements) prohibiting and testing for other substances beyond those required by U.S. DOT/FTA, and requiring a second urine specimen for the additional tests. One example in this manual "'reserves the right' to test, under its own authority, for any drugs that an employee is reasonably suspected of abusing."

As a best practice, transit agencies are encouraged to establish and follow policies for fitness for duty and medical qualification. The Indiana RTAP has developed a sample medical qualification policy which can be downloaded from the Indiana RTAP web site.

Policy on Prescription and Over-the-Counter Medications

Although the FTA regulations do not require a policy on prescription and over-the-counter medications, as a best practice, transit agencies are encouraged to address these legal medications which can impair an individual's ability to perform safety-sensitive functions. For more information, see pages 5-5 to 5-6 of FTA Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit and FTA's Prescription and Over-the-Counter Medications Tool Kit (February 2012).

The Prescription and Over-the-Counter Medications Tool Kit and other FTA tools and best practice resources can be downloaded from the FTA web site.

In addition to the sample medical qualification policy mentioned above, the Indiana RTAP has also developed a sample prescription and over-the-counter medications policy which also can be downloaded.

Staffing Levels to Accommodate Drug and Alcohol Testing Requirements

The need to remove drivers from service for random testing should be factored into staffing levels needed to maintain operations. Having additional back-up drivers on call can be invaluable in the event an employee tests positively, is removed from service for reasonable suspicion testing, or is otherwise unfit for duty.

Section Sources

- [49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs](#)
- 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations
- DeCoste, Lori, Implementation Guidelines for Drug and Alcohol Regulations in Public Transportation, prepared by Volpe National Transportation Systems Center for FTA (2019)
- FTA Drug and Alcohol MIS Reporting web page
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- U.S. DOT, What Employers Need To Know About DOT Drug and Alcohol Testing (2015)
- Gaumer, Robert L., Best Practices Manual: FTA Drug and Alcohol Testing Program - Revised October, 2009, prepared by EG&G Technical Services for FTA
- National RTAP Drug and Alcohol Testing DOT and FTA Compliance technical brief
- National RTAP Substance Abuse Awareness eLearning course
- Sarles, Robbie L., FTA, Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit, authored prepared by RLS and Associates for FTA (2009)
- Volpe National Transportation Systems Center, Prescription and Over-the-Counter Medications Tool Kit, prepared for FTA (2012)

Civil Rights

Introduction

U.S. Department of Transportation (U.S. DOT) / Federal Transit Administration (FTA) civil rights regulations address non-discrimination in planning and service provision (Title VI), contracting/procurement (Disadvantaged Business Enterprise - DBE), planning (particularly for but not limited to construction projects) and public involvement (Environmental Justice), and employment (Equal Employment Opportunity - EEO). As the manager of a rural public transit system, you must be aware of (and comply with) the following civil rights requirements as you design your programs, hire employees, contract out work, provide services, and develop facilities.

Additionally, the Americans with Disabilities Act (ADA), which prohibits discrimination against people with disabilities, is also considered a civil rights law. The ADA requirements for public transit systems are introduced in the ADA section of this toolkit.

This section is organized in the following subsections:

- Title VI
    - Language Assistance for Persons with Limited English Proficiency (LEP)
    - Additional Requirements for Transit Agencies with Fixed Route Services
    - Title VI Equity Analysis When Selecting Location of Some New Facilities
- Disadvantaged Business Enterprise (DBE)
    - DBE Program Elements
    - DBE Certifications for Transit Vehicle Manufacturers
- Environmental Justice
- Equal Employment Opportunity (EEO)
    - EEO Program Requirements
    - Requirements for Other FTA Recipients and Subrecipients
- Section Sources

Title VI

Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (see 42 U.S. Code Section 2000d). All organizations receiving FTA funding are subject to Title VI and the U.S. DOT's implementing regulations (49 CFR Part 21). This applies to both recipients and subrecipients, with the basic requirements applying to all FTA grantees. Additional requirements are triggered by operation of fixed route services, and other requirements are triggered by peak fixed route fleet size and population served. Contractors and subcontractors do not have to

prepare or submit their own separate Title VI programs, but they are responsible for being aware of and complying with the Title VI program of the recipient with whom they are contracting.

The following are general Title VI requirements for all FTA recipients and subrecipients, as detailed in [FTA Circular 4702.1B]:

- Submission of an annual Title VI certification and assurance to FTA (subrecipients submit to the state or other primary recipient passing through FTA funds)
- Development of Title VI complaint procedures, including procedures for submitting, investigating, and tracking such complaints
- Tracking of Title VI investigations, complaints, and lawsuits
- Development and implementation of a public participation plan that includes an outreach plan to engage minority and limited English proficient populations
- Provision of meaningful access to individuals with Limited English Proficiency (LEP) (described below)
- Notice to the public of protections offered under Title VI
- Efforts to encourage minority representation on transit-related non-elected planning and advisory bodies (see the Mission and Leadership section for more information)
- Submission of a Title VI program to FTA (subrecipients submit to the state or other primary recipient) every three years, including:
  o Title VI notice and instructions on how to file a discrimination complaint
  o List of any Title VI investigations, complaints or lawsuits
  o Public participation plan along with a summary of public outreach and involvement activities, and a description of steps to ensure that minority and low-income people have meaningful access to activities
  o Plan for providing language assistance to people with LEP
  o Procedures for tracking and investigating Title VI complaints
  o If the recipient or subrecipient has any transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, a table depicting the racial breakdown of the membership of the group and a description of efforts made to encourage the participation of minorities.
  o If the recipient/subrecipient has constructed a facility that requires a Title VI equity analysis (introduced below)
  o If the recipient/subrecipient operates fixed route service, system-wide services and policies (introduced below)

For more information on Title VI Programs, and to view sample checklists, templates, standards, etc., see the Title VI Requirements and Guidelines for Federal Transit Administration Recipients circular, FTA C 4702.1B (effective October 1, 2012).

Language Assistance for Persons with Limited English Proficiency (LEP)

Limited English Proficiency (LEP) persons are persons for whom English is not their primary language. They are also limited in their ability to speak, understand, read or write English. Transit agencies that receive FTA funding are required to take reasonable steps to ensure meaningful access to information, services and the benefits of their programs for LEP persons. This can include, but is not limited to, translating service information into commonly spoken languages or using images to convey information instead of words.

Recipients/subrecipients are required to conduct a "Four Factor Analysis" to determine the specific language services that are appropriate to provide:

- **Factor 1:** Determining the Number and Proportion of LEP Persons Served or Encountered in the Service Area
- **Factor 2:** Determine the Frequency with Which LEP Individuals Come into Contact with the Agency's Programs, Activities, and Services
- **Factor 3:** Determine the Importance to LEP Persons of Your Program Activities and Services
- **Factor 4:** Determine the Resource Available to the Recipient and Costs

This analysis takes into account the size of the LEP populations in your service area, communication needs to provide meaningful access to important programs and services, and the resources available/costs to provide language assistance services.

For more information about LEP programs, see Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons.

Additional Requirements for Transit Agencies with Fixed Route Services

All transit agencies that operate fixed route services, regardless of size or rural service area, must set system-wide standards and policies for each type of fixed route service they operate. The purpose of this requirement is to ensure that service and amenities are distributed fairly across the transit system and operations practices do not result in discrimination on the basis of race, color, or national origin. Fixed route modes for the purpose of this requirement include local bus, express bus, commuter bus, bus rapid transit, light rail, subway, commuter rail, and passenger ferry.

As detailed in FTA Circular 4702.1B, Chapter VI, system-wide **standards** are quantitative, and must include, for each mode:

- **Vehicle load** – typically expressed as the ratio of passengers to the total number of seats on a vehicle – indicates what would be an acceptable level of crowding on a vehicle. For example, a transit agency's maximum vehicle load might be 100%, which would mean its standard is to have no standees on a fixed route. If a transit agency experiences heavy ridership on a regular basis, its maximum vehicle load might allow for standees. For example, if a vehicle seating capacity is 25, and it can comfortably accommodate 5 standees, or 60 passengers total, the ratio would be 30 divided by 25, or 120%.
- **Vehicle headway** – typically expressed as the amount of time between two vehicles traveling in the same direction on a given route – indicates service frequency. For example, a transit agency might set a standard of 60-minute headways, meaning each fixed route would operate on an hourly basis. In very rural or remote areas, the headway standard might be much less frequent, such as every 90 minutes or every 2 hours.
- **On-time performance** – indicates number of vehicle runs completed as scheduled – must define what is considered to be "on time." For example, a transit agency might define "on time" as departing each designated time point along the route no earlier than the published time point and no later than 5 minutes after the published time point. Then it might set its

standard as having 95% of its vehicle runs operated within this 5-minute window of flexibility.

- **Service availability** – a general measure of the distribution of routes within a transit provider's service area, such as the percentage of all residents in the service area are within walking distance to a route, or the maximum distance between stops. For example, a transit agency might set a standard of placing bus stops along its fixed routes as no further apart than every quarter mile in more densely populated areas, and every mile in more sparsely populated areas.

Appendix G to FTA Circular 4702.1B, as well as pages VI-5 to VI-6 of the circular, provides additional examples of fixed route service standards.

System-wide policies for fixed route mode must include:

- **Distribution of transit amenities** – including items of comfort, convenience, and safety that are available to the general riding public, such as benches, shelters, signage, and trash receptacles. Fixed route transit providers need to set a policy to ensure equitable distribution of transit amenities across the system. For example, a transit agency might establish a policy to place amenities based on proximity to places such as affordable housing, social services, employment training centers, hospitals and other locations, as well as distributing equitably across the fixed route system.
- **Vehicle assignment** – how vehicles are assigned to routes, which could include such factors as age or capacity of vehicles. For example, a transit agency might establish a policy to rotate vehicles assigned to fixed routes to ensure that newer vehicles are not always assigned to the same routes.

Appendix H of FTA Circular 4702.1B, as well as page VI-6 of the circular, provides additional examples of fixed route policies.

Transit agencies that serve large urbanized areas in addition to rural areas, and operate 50 or more vehicles in peak fixed route service, have more extensive requirements, such as conducting equity analyses for service and fare changes and collecting, reporting, and monitoring data, that are detailed in FTA 4702.1B, Chapter IV.

Title VI Equity Analysis When Selecting Location of Some New Facilities

A recipient/subrecipient that is planning to construct a new vehicle storage facility, maintenance facility, or operations center is required to conduct a Title VI equity analysis during the planning stage with regard to the location of the facility. This requirement is intended to prevent potential discrimination in determining the preferred site for a new facility's location. This requirement does not apply to bus shelters, which are considered transit amenities, or transit stations which are subject to National Environmental Policy Act (NEPA) requirements under the project development. For more information, see FTA Circular 4702.1B, pages III-11 to III-12.

Disadvantaged Business Enterprise (DBE)

The U.S. DOT DBE requirements are intended to create a level playing field for DBEs in competing for federally-funded contracts. A DBE is a for-profit small business owned and controlled by a socially and economically disadvantaged individual. An FTA recipient must develop a DBE program if it receives FTA planning, capital and/or operating assistance and will award prime contracts (excluding vehicle purchases) exceeding $250,000 in FTA funds in a federal fiscal year. Subrecipients participate in the State DOT's DBE program and report to the state on DBE contracting activity. Also, FTA-funded vehicle procurements must require transit vehicle manufacturer bidders to certify that they have complied with FTA DBE program requirements.

DBE Program Elements

The following are the required elements of a DBE program document, as presented by the FTA in a training webinar for Region VI entitled U.S. DOT's Disadvantaged Enterprise (DBE) Program: The Basics, supplemented with requirements detailed in 49 CFR Part 26:

- **Policy statement** – this is a written statement of commitment to the DBE program, and it should be signed by the highest officer in the organization and circulated throughout the organization and to the business communities that perform U.S. DOT-assisted work for the organization.
- **Standard contract assurances** – a nondiscrimination clause should be included in every contract signed with a contractor and every contract that contractors sign with subcontractors (when drafting, use exact language from 49 CFR Part 26.13 (b)).
- **DBE liaison officer** – this is the individual responsible for the implementation of the DBE program.
- **DBE goals and goal-setting methodology** – the organization must set an overall goal for DBE participation in U.S. DOT-assisted contracts, with transit-specific overall three-year agency goals, which must be submitted to FTA annually and updated at least every three years. A DBE goal should be based on ready, able and willing DBE firms relative to all firms available to perform on all contracts. Goal-setting methodology requirements are detailed in 49 CFR Section 26.45. The State DOT includes its subrecipient procurements in the state's DBE goal, and the subrecipient needs to comply with the state's DBE program requirements, which may require more frequent goal-setting.
- **Prompt payment and retainage provisions** – the organization must establish a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment made to the prime contractor. The organization must also ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Methods to comply with this requirement are detailed in 49 CFR Section 26.29.
- **Good faith efforts criteria** – the transit agency must make good faith efforts to meet the organization's DBE goals through methods detailed in 49 CFR Section 26.51.
- **Monitoring and enforcement mechanism** – to ensure that DBEs are performing the contracted work, including written certification that the manager has reviewed contracting records and monitored work sites for this purpose. (See Section 26.37 for greater detailed requirements.)

- **Small business provision (new rule)** – the organization needs to fosters small business participation in its contracts, taking all reasonable steps to eliminate obstacles to small business participation, as detailed in 49 CFR Section 26.39.

The Unified Certification Program (UCP) is the state-level entity responsible for certifying eligible firms as DBEs. To be counted toward meeting the agency's DBE goal, a firm must be certified as a DBE by the state's UCP at the time of the execution of the contract.

FTA and U.S. DOT requirements and guidance on DBE can be found on several pages of the FTA website, include the DBE Overview web page, DBE Regulations, DBE Guidance, and DBE training materials.

The Southern Nevada Transit Coalition provided a sample transit agency DBE program plan.

DBE Certifications for Transit Vehicle Manufacturers

To be eligible to bid or propose on FTA-assisted transit vehicle procurements, each transit vehicle manufacturer must certify that it has complied with FTA DBE program requirements. Generally, a transit vehicle manufacturer must be listed on FTA's Eligible Transit Vehicle Manufacturers (TVMs) List at the time of solicitation. Vehicle contract awards may only be counted toward achievement of an organization's DBE goal if this is approved by FTA.

Effective November 2014, FTA recipients must submit to the FTA, within 30 days of making an award, the name of the successful bidder and the total dollar value of the contract. This is done online using the FTA's Transit Vehicle Award Reporting Form, which is used to report the required information on transit vehicle procurement awards via the TVM web page. If a State DOT has a statewide vehicle contract, they may do the reporting for vehicles ordered off the state contract; the transit manager should check with the State DOT.

Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires federal agencies to address "disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and/or low-income populations." Environmental justice is an important planning consideration for rural transit providers when they are planning for a project involving new construction, major rehabilitation or renovation of a facility. FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients contains information to assist State DOTs, metropolitan planning organizations (MPOs) and transit providers in (1) engaging minority and/or low-income populations ("EJ populations") during the transportation decision-making process; (2) determining the impact of projects, policies and activities on EJ populations, and assessing whether those impacts are disproportionately high and have adverse human health or environmental effects; and (3) avoiding, minimizing, or mitigating these negative effects. The circular provides recommendations, clarification and guidance.

The following are the three fundamental environmental justice principles as defined in the FTA circular:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

FTA regulations state that Title VI and environmental justice apply to all U.S. DOT programs, policies, and activities, including, but not limited to: contracting, system planning, project development, implementation, operation, monitoring, and maintenance.

The circular provides recommendations for how to fully engage environmental justice populations in the transportation decision-making process (as part of public involvement efforts, involving a demographic analysis), determine adverse effects of a public transportation project, policy, or activity on environmental justice populations, and how to avoid, minimize, or mitigate these effects. FTA recommends in the circular that environmental justice principles be included as part of statewide, metropolitan, and local long- and short-range planning process, as well as local planning activities and service delivery of local transit providers.

The U.S. DOT requires consideration of environmental justice issues during preparation of an Environmental Impact Statement (EIS). An EIS is developed as part of a project subject to National Environmental Policy Act of 1969 (NEPA) review process. For rural transit agencies, the NEPA review process is most likely to be required when planning for a project involving new construction, major rehabilitation or renovation of a facility, because other types of FTA-funded rural transit projects are generally considered "categorical exclusions" under the NEPA requirements. An environmental justice analysis includes:

- Demographic analysis to determine the EJ populations that could be affected by the proposed project
- Determining the adverse effects of the proposed project on the surrounding community, and whether or not these adverse effects would be disproportionately high on human health or the environment for EJ populations compared to other community members (and likewise if non-EJ populations would experience the potential benefits of the project significantly more than the EJ populations)
- Public engagement in the planning process, involving substantial outreach, ensuring that EJ populations and other community members have an opportunity to express their concerns about the proposed project

Rural transit agencies that plan to undertake new construction and major rehabilitation or renovation projects should consult with their State DOT regarding environmental justice requirements associated with the project.

A State DOT may also require that principles of environmental justice be considered by their subrecipients when planning transit service changes or new services, potentially in conjunction with the Title VI analysis that is required for some transit agencies. Transit managers should refer to their State DOT's requirements before planning major service changes or new services. For more

information, see the Civil Rights section of this toolkit as well as FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients.

Equal Employment Opportunity (EEO)

Equal Employment Opportunity (EEO) refers to statutes and regulations that prohibit employment discrimination and provide employees and job applicants protections and remedies against employment discrimination. These protections and remedies were established under a series of Federal laws that are enforced by the U.S. Equal Employment Opportunity Commission. These laws prohibit discrimination against a job applicant or an employee on the basis of race, color, religion, sex, pregnancy, gender identity, sexual orientation, national origin, age (40 or older), disability or genetic information. It is also against the law to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. EEOC regulations are detailed in 29 CFR Parts 1600-1699.

As stated in FTA Circular 4704.1A, EEO Guidance, "Under Federal Transit Laws, FTA is responsible for ensuring that its recipients do not engage in employment discrimination:

A person may not be excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance under this chapter because of race, color, religion, national origin, sex, disability, or age. (49 U.S.C. Section 5332(b))"

To ensure non-discrimination in employment, FTA requires that FTA applicants, recipients, subrecipients, and contractors that employ 50 or more transit-related employees and either: 1) request or receive capital or operating assistance in excess of $1 million in the previous Federal fiscal year, or 2) request or receive planning assistance in excess of $250,000 in the previous Federal fiscal year to prepare and maintain an EEO Program.

EEO Program Requirements

FTA applicants, recipients, subrecipients, and contractors that meet the dollar thresholds and have 100 or more transit-related employees must submit a full EEO program to FTA every four years. Such organizations that employ between 50-99 transit-related employees and meet the dollar thresholds have reduced requirements. The smaller organizations must develop an abbreviated EEO Program that is only required to be submitted to FTA if requested by FTA. The abbreviated EEO Program includes the following elements:

- **Statement of policy** – FTA requires a signed and dated EEO policy statement issued by the agency's Chief Operating Officer (CEO) / General Manager (GM) covering all employment and personnel practices, including recruitment, hiring, promotions, terminations, transfers, layoffs, classification, compensation, training, benefits, and other terms and conditions of employment.
- **Dissemination, both internally and externally** – FTA requires agencies to publicize and disseminate their EEO policy statement by posting it in conspicuous locations so that employees, applicants, and potential applicants are aware of the agency's commitment to EEO. Agencies are required to disseminate their EEO policy internally and externally.

- **Designation of personnel responsible for carrying out the EEO Program, including the designation of an EEO Officer** – FTA requires agencies to designate an executive as EEO Officer who will report to and is directly responsible to the agency's CEO/GM. FTA requires agencies and their senior managers to give the EEO Officer support and assign sufficient staff to successfully carry out the EEO Program, as appropriate. The EEO Officer's contact information must be published in all internal and external communications regarding the agency's EEO Program.
- **Assessment of the agency's employment practices** – FTA requires agencies to document their employment practices with sufficient detail to identify trends and any practices that may operate as employment barriers, identify all problem areas, and propose a program of corrective actions as part of their EEO Program.

Organizations that employ 100 or transit-related employees must also include the following elements in their EEO programs:

- **Utilization analysis** – identifying job categories that have an underutilization or concentration of minorities and women in relation to their availability in the relevant labor market (showing where problems may exist in the agency).
- **Goals and timetables** – setting numerical goals to correct employment practices that contributed to any identified underutilization or concentration for the next four-year period.
- **Monitoring and reporting** – establishing an internal monitoring and reporting system to assess the results of action plans taken since the last program submission, evaluate the EEO Program at least semiannually and to take any necessary corrective action regarding the development and execution of programs, goals, and timetables, and produce documentation that supports actions to implement the plan for minority and female job applicants or employees and informs management of the program's effectiveness.

For more information, refer to [FTA Circular 4704.1A](#).

Requirements for Other FTA Recipients and Subrecipients

Organizations that do not meet the FTA EEO Program thresholds are not required to submit an EEO Program to FTA, but they are still required to comply with all applicable EEO statutes and regulations. This includes having a process for accepting, investigating, and resolving EEO complaints including directing individual complaints to the EEOC (required under [29 CFR part 1691](#)). Employers must post EEO notices visible to employees, applicants for employment and union members (29 CFR Section 1601.30).

As a best practice, FTA recipients and subrecipients that do not meet the thresholds triggering an FTA EEO Program should nonetheless adopt an EEO statement of policy, disseminate the policy internally and externally, and designate an EEO officer. Some State DOTs require these for their FTA subrecipients.

For more information on each of these Civil Rights topics, see the FTA [Civil Rights/ADA web page](#).

Section Sources

- [49 CFR Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs](#)
- [DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons](#)
- [FTA Circular 4702.1B, October 1, 2012, Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#)
- [FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients](#)
- [FTA Circular 4704.1A, Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients](#)
- [FTA Civil Rights / ADA web site](#)
- [National RTAP Essential Spanish for Rural Transit training module](#)
- [National RTAP Understanding DOT'S Disadvantaged Business Enterprise (DBE) Program technical brief](#)
- [Southern Nevada Transit Coalition. Sample Transit Agency DBE Program Plan](#)
- [U.S. Equal Employment Opportunity Commission web site](#)

Procurement 101

Introduction

As a subrecipient of federal funds, each time an organization makes a purchase or awards a contract using federal funds, how to go about deciding to which vendor to use is subject to federal procurement requirements (as well as any state or local requirements that apply to the organization). This is true for anything the agency purchases or contracts for with Federal Transit Administration (FTA) funding: vehicles and equipment, outsourced maintenance and repairs, materials and supplies, computer technology, professional services, construction, etc.

Each FTA subrecipient is required to have its own written procurement procedures and to follow them. Subrecipient procurement policies and procedures are expected to comply with FTA requirements, as well as any requirements from State DOTs. The federal requirements ensure that an agency uses federal funding to obtain the best and most appropriate product or service at the best price. The requirements are also designed to ensure that all vendors capable of providing a good or service are given an opportunity to compete for a contract. In addition, an agency needs to maintain written standards of conduct governing employees engaged in the awarding and administering third-party contracts, so as to prevent personal conflicts of interest or the acceptance of gifts or favors.

This Procurement 101 section of this toolkit offers an introduction to the FTA requirements and the general steps to take before making a purchase or awarding a contract. The Procurement – Beyond 101 section of this toolkit information a transit manager will likely need to know within the first few months, as well as links to additional trainings and resources. Transit managers are encouraged to review Procurement 101 in its entirety first, to gain an overall understanding of the federal procurement requirements and where the supplemental information in Procurement - Beyond 101 fits in.

Keep in mind this not a comprehensive guide to procurement, and transit managers should consult the outside documents provided for further guidance. FTA procurement requirements and guidelines are lengthy and complex, and new managers may find it easier to get an overview first, and then delve deeper when it comes time to make a purchase.

Much of the information here comes from Circular 4220.1F, "Third Party Contracting Guidance" (revised 2013) and the "Best Practices Procurement Manual" (revised fall 2016) on the FTA website. In addition, this page has been updated to incorporate changes from the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (2 CFR Part 200, commonly known as the "Super Circular"). The Super Circular consolidated eight circulars into uniform regulations located in Title 2 of the Code of Federal Regulations. It applies to all federal grants and cooperative agreements awarded for fiscal years beginning on or after its effective date of December 26, 2014. Per the FTA's FY 2020 Comprehensive Review Guide, the Super Circular requirements should be the point of reference over Circular 4220.1F where there is conflicting information between the two.

This section of the toolkit is organized in the following subsections:

- General Information and Key Terms
- Procurement Process Steps
  - Steps 1 & 2 - Establish Need for Procurement and Evaluate Options
  - Step 3 - Select Procurement Method
    - Independent Cost Estimate (ICE)
    - Federal Procurement Methods
      - Micro-Purchases
      - Small Purchases
      - Large Purchases
  - Step 4 - Develop Final Solicitation
    - For Micro-Purchases and Small Purchases
    - For Large Purchases: Drafting an IFB/RFP
    - Federal Clauses and Certifications
    - Buy America Requirements
    - Disadvantaged Business Enterprise (DBE) Requirements
    - Preparing Vehicle Specifications
    - Protest Procedures
  - Step 5 - Execute Solicitation
    - Micro-Purchases and Small Purchases
    - Large Purchases
    - Awarding to a Qualified and Responsible Contractor
  - Step 6 - Contract Administration
    - Procurement Contract Files
- Section Sources

General Information and Key Terms

In reviewing the requirements and recommended practices on this page, keep in mind the following:

In general, the dollar amount of a purchase or contract impacts how much effort must be put into finding and evaluating the potential choices. As an introduction, the following three ranges are specified by the FTA. These dollar ranges/thresholds and the requirements they invoke, as well as what is meant by a formal competitive solicitation, will be discussed under "Procurement Process Steps."

- $10,000 or less is considered a "micro-purchase," which involves the fewest federal requirements.
- Over $10,000 up to $250,000 is considered a "small purchase" and triggers additional requirements, including comparing costs from multiple vendors.
- Over $250,000 is considered a larger purchase, and triggers the need for a formal competitive solicitation and other additional requirements.

These dollar thresholds took effect for FTA recipients and subrecipients on June 20, 2018. Note that the Federal government may adjust the thresholds for micro-purchases and large purchases

periodically for inflation in the Federal Acquisition Regulations (FAR) (48 CFR Subpart 2.1). These thresholds were increased by Office of Management and Budget (OMB) Memorandum M-18-18, issued on June 20, 2018. On August 13, 2020, OMB made changes to 2 CFR Part 200, including increasing the micro-purchase and small purchase thresholds to $10,000 and $250,000 respectively, and rescinded Memorandum M-18-18.

As noted previously, the Super Circular requirements should be the point of reference over Circular 4220.1F where there is conflicting information between the two.

When in doubt, the subrecipient should check with the State DOT as to the thresholds that apply to their specific grants. If the State DOT is uncertain, the FTA Regional Office would be the point of reference. There must be a cost or price analysis, to ensure a fair and reasonable price is obtained.

The type of goods or services being procured also impacts when certain federal requirements are triggered. For example, buying a vehicle entails special requirements, while construction contracts have different requirements. For specifics, refer to Appendix D of FTA Circular 4220.1F.

State DOTs may have additional requirements or lower dollar thresholds for when requirements are triggered, and new transit managers are advised to ask their state representatives about state requirements before purchasing or procuring anything that might make use of federal or state transit funds. If a transit program is part of a local government, it will also need to follow applicable local requirements.

Ensuring that written procurement procedures comply with applicable federal, state, and local levels of requirements, following organizational policies and procedures, and maintaining well-organized documentation of each procurement will help avoid potential issues in the event a procurement system comes under scrutiny. FTA places emphasis on oversight of grantees' procurement practices, and requires states to ensure that their subrecipients are following the FTA rules.

Also, here are a few key procurement terms a manager will need to know along the way:

- A *solicitation* is a purchasing entity's request for offers, including a telephone request for price quotations, an invitation for bids, or a request for proposals.
- An *offer* is a promise to provide goods or services according to specified terms and conditions in exchange for material compensation.
- *Acceptance* is agreement to the terms of an offer. In most jurisdictions, 'award' by a public agency can constitute acceptance, and may create an enforceable contract.

Procurement Process Steps

While there are many different ways a manager can procure goods and services, there are general steps to be considered before beginning the procurement process. Transit agencies should include such steps within written procurement procedures. According to the APTA Standards Development Program, there are six major steps in a typical procurement process:

1. Identify and explore the need
2. Evaluate options and establish need for procurement

3. Select procurement method
4. Develop final solicitation
5. Execute solicitation
6. Contract administration

The sections below highlight some key issues to be aware of before starting a procurement process using federal funds.

Steps 1 & 2 - Establish Need for Procurement and Evaluate Options

The first two steps in the [APTA Standards Development Program's](#) recommended transit procurement process involve 1) determining what good or service a transit agency needs in order to achieve a goal, and 2) whether that good or service needs to be procured or obtained in some other way (for example, by relying on in-house staff to conduct market research rather than contracting with a consultant).

The following sections assume that the transit manager has already completed these two steps (see the [APTA Standards Development Program's document](#) for more detail) and knows that the particular good or service needs to be procured. For the most common types of procurements of rural transit operations, these steps can be relatively straightforward. For more complex projects, more study is needed to determine whether and why the agency needs special technology, a new facility, etc. This need analysis may even be necessary to justify grant funding.

Step 3 - Select Procurement Method

If it is determined that a procurement is necessary, the next step is to decide which procurement method is appropriate. Factors to be considered in this decision include:

- Type of project (for example, vehicles, professional services, architectural engineering, etc.)
- Estimated cost (based on an independent cost estimate, discussed next in this section)
- Federal and state requirements

This section of the toolkit provides general information about how each of these factors dictates which method used for a procurement and what each method involves. Please note that this is not a comprehensive guide to procurement. For further guidance, consult the Procurement – Beyond 101 page and the documents referenced in this section.

Since procurement method options depend in large part on the dollar value of the eventual contract, an important step—and one required by FTA—is to conduct an Independent Cost Estimate (ICE) for the good or service the system will be buying. Once a realistic estimated budget has been established, select the most appropriate procurement method.

Independent Cost Estimate (ICE)

Conducting an ICE to establish a reasonable price range for the goods or services being procured should be done regardless of the size of the procurement. As introduced earlier, FTA requires a price or cost analysis with every procurement action. The ICE serves as the first price/cost analysis

required in every procurement process. Read more about price or cost analysis on the Procurement – Beyond 101 section of this toolkit.

After bids or proposals are received (which happens in step 5, Execute Solicitations), the ICE can be used as the basis for the cost or price analysis that is required for all procurements. It is important for the integrity of the ICE that it be prepared before receiving bids or proposals. More about cost and price analysis can also be found in Section 4, Evaluation of Proposals and Contract Award, in FTA's Best Practices Procurement & Lessons Learned Manual and in FTA Circular 4220.1F.

To develop an ICE, use information such as: current market prices for commercial items, estimates based on previous, similar purchases or projects, informal cost estimates from manufacturers for the type and number of items being procured, or prices received by other transit agencies for goods or services comparable to the project.

More information about conducting an ICE can be found on the Independent Cost Estimate page on the FTA website and in Section 4.6, Cost and Price Analysis, of FTA's Best Practices Procurement & Lessons Learned Manual. An example of a form used to document an ICE can be found in Appendix B, page B-49 of FTA's Best Practices Procurement & Lessons Learned Manual.

Federal Procurement Methods

This section describes the federal procurement methods which are related to the dollar amount of the procurement: micro-purchases, small purchases, and large purchases. Please note that states may have a lower threshold for each category, and if this is the case, use the state thresholds. States may also have different names for these methods, or additional methods. It should also be noted that grantees should not split a larger purchase into two or more smaller purchases in order to avoid the competitive proposal process.

Micro-Purchases
On June 20, 2018, the micro-purchase threshold increased from $3,500 to $10,000, per OMB Memorandum M-18-18, and in OMB changes to 2 CFR Part 200 on August 13, 2020. A purchase of $10,000 or less is considered a micro-purchase and does not require obtaining competitive quotations, if it is determined that the price to be paid is fair and reasonable. It should be noted that construction contracts exceeding $2,000 do trigger the requirements of the Davis-Bacon Act and the Copeland "Anti-Kickback" Act, both of which protect construction employees.

While a competitive process is not required, it is a good practice to informally compare prices from different vendors to ensure the price that was quoted is in fact fair and reasonable. For more information on micro-purchasing, see the FTA Circular 4220.1F.

Small Purchases
As described in Section 3.4.2 of the Best Practices Procurement and Lessons Learned Manual, small purchase procedures are used for the acquisition of services, supplies or other property that cost less than the federal simplified acquisition threshold. This threshold was fixed at $150,000 in 2 CFR Part 200 (the Super Circular), which applies to the administration of all federal grants and cooperative agreements awarded for fiscal years beginning on or after December 26, 2014, and increased to

$250,000 in OMB memorandum M-18-18 issued on June 20, 2018, as followed by changes to 2 CFR Part 200 on August 13, 2020.

Note that subrecipients must follow thresholds established by the State DOT, which may be lower than the federal thresholds. Small purchases do not require a full competitive proposal process, but subrecipients do have to get solicitations and quotations from at least two sources. This can be done either in writing or orally. For more information about small purchases, please see the Best Practices Procurement Manual, Section 3.4, "Procurement Methods" and Circular 4220.1F.

Large Purchases
Any purchase that is above the small purchase threshold is considered a large purchase and must have a competitive procurement, most commonly either through a sealed bid (also referred to as "invitation for bid method" or "formal competition") or competitive proposal (also referred to as "request for proposals method" or "competitive negotiation") process.

- **Sealed Bids -** According to FTA Circular 4220.1F, the sealed bid process is one in which "bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is lowest in price." An example of this is the purchase of diesel fuel.
- **Competitive Proposals -** According to FTA Circular 4220.1F, the competitive proposal process should be used when "the nature of the procurement does not lend itself to sealed bidding and the recipient expects that more than one source will be willing and able to submit an offer or proposal." Examples of this would be contracting for professional services such as consulting or operations management, or purchasing dispatching software.

Other special types of procurements may be used depending on what is being procured and the specific circumstances. While there is no overarching federal requirement that dictates that a particular method must be used when purchasing a particular good or service, some states may have a law with this requirement.

More information about competitive procurement methods can be found in the Procurement - Beyond 101 section of this toolkit, in FTA Circular 4220.1F (page 88/VI-9), and the Best Practices Procurement Manual, Section 3, "Types of Contracts."

Whichever method is used, in some circumstances it may be appropriate to share in a competitive procurement effort with another organization, through a collaborative process known as a joint procurement, or by purchasing through another organization's FTA-compliance contract through an approach referred to as "piggybacking." Refer to the Procurement - Beyond 101 section of this toolkit for more information on joint procurements and piggybacking.

Step 4 - Develop Final Solicitation

For Micro-Purchases and Small Purchases

As noted above, purchases below the micro-purchase threshold have relatively few federal requirements (although states may have their own set of requirements for projects of this size).   There are no federally-required solicitation documents for micro-purchases.

For small purchases, it is a good practice (though not federally required) to prepare a written request for quotations that details the specifications for what is needed—with such variables as quantity, size, function, when needed, etc.—so that a manager can share consistent information with all of vendors from whom they solicit quotes.

Small purchases require certain contract clauses, with additional clauses triggered when contracts exceed $10,000, $25,000, and $100,000. Also, construction contracts exceeding $2,000 must require contractors to comply with the Davis-Bacon Act and the Copeland "Anti-Kickback" Act, both of which protect the wages of construction employees. The appropriate FTA contract clauses for the specific procurement must be included with the purchase request or request for quotes. The FTA clauses may impact a vendor's price, willingness, or eligibility to provide the goods or services being procured. The clauses that apply to various types and sizes of contracts are specified in Appendix D to FTA Circular 4220.1F.

More discussion of federally required contract clauses is found later on this web page. Federally required clauses are available through National RTAP's ProcurementPRO 2.0 web application. To access ProcurementPRO 2.0, either create a new National RTAP in the Cloud account or log into an existing account. Individuals who have used ProcurementPRO prior to February 14, 2019 will need to create a new Cloud account the first time they use the current ProcurementPRO 2.0 application.

Again, states may have a lower small purchase threshold, and if an ICE exceeds the state-imposed threshold, plan on conducting a competitive procurement.

For Large Purchases: Drafting an IFB/RFP

If a purchase will exceed the federal (or state) small purchase threshold, a formal solicitation package is required. This will usually be an invitation for bids (IFB) for the "sealed bid" method, or request for proposals (RFP) for the "competitive proposal" method. More information about these types of solicitations can be found in the Developing Competitive Solicitations part of the Procurement – Beyond 101 section of this toolkit.

Federal Clauses and Certifications

When procuring goods with federal funds, ensure that all federal clauses and certifications are included in the contract (as these requirements are passed down to the contractor), and the clauses and certifications that must be included will depend on the particular procurement project. National RTAP's ProcurementPRO 2.0 web app uses the project information provided to determine, and list, the required federal clauses and certifications that must be included in the procurement document.

Appendix D to FTA Circular 4220.1F specifies the clauses that apply to various types and sizes of contracts. The FTA Best Practices Procurement and Lessons Learned Manual also has a list of federal clauses and certifications in Appendix A.

Buy America Requirements

According to the FTA's Buy America requirements, all procurements costing more than $150,000 of iron, steel and manufactured products used in FTA-funded projects must be made in the United States, using at least the minimum required percentage of domestic content, and the manager is

responsible for ensuring that all of the materials the contractor or bidder uses are in compliance with this requirement. While it is possible under the law to apply for and receive waivers for this requirement, it is rare that they will be granted.

On December 20, 2019, the National Defense Authorization Act for Fiscal Year 2020 added new limits to the use of FTA funds (as well as local funds under some circumstances) to purchases from certain transit vehicle manufacturers. This restriction is being phased in through December 20, 2021. FTA published guidance on these restrictions, which are under 49 U.S.C. Section 5323(u), in the form of Frequently Asked Questions Regarding Section 7613 of the National Defense Authorization Act for Fiscal Year 2020.

For more information, see FTA's Buy America web page and the Buy America Handbook, which lays out the necessary steps to meet pre-award and post-delivery audit requirements. For more information about FTA's policy on Buy America waivers, see this policy letter on the FTA website as well as the "Buy America" page.

Disadvantaged Business Enterprise (DBE) Requirements

FTA has a national goal of ensuring 10 percent of all contracts go to DBE contractors, and each time a grantee enters into a contract with a DBE contractor it is counted toward this goal. State DOTs may have DBE program goals that are higher than the FTA goal. To read more about DBE requirements, see the Civil Rights section of this toolkit.

Preparing Vehicle Specifications

Many states procure vehicles for their subrecipients by entering into a contract with a vehicle manufacturer and placing orders based on the needs of all of the agencies in the state. However, if a transit agency is conducting its own procurement, there are some considerations to keep in mind. When considering what type of vehicle is needed, ensure that it can cover both current and projected needs. There are many questions to ask to fully understand what is needed in a vehicle, and National RTAP's How to Buy a Vehicle: A Primer for Rural, Tribal and Small Urban Transit Operators presents some of these questions in its first chapter. Such questions include what size vehicle is needed in terms of numbers of riders and efficiency for the routes it will serve? Are there specific environmental characteristics that will impact the type of vehicle needed? What is the capability of maintenance staff and are there particular warranty concerns? Lastly, consider the budget for this purchase.

After establishing baseline requirements for the vehicle, research what the various manufacturers offer (state vehicle procurement programs may have helpful information and negotiated prices). If an independent procurement process is conducted, list the specifications for the vehicle and include a description of how the vehicle will be used. Based on this written list and description, the next step should be to review any state or federal regulations that would apply. Requirements that should be considered are Buy America, DBE, pre- and post-award audits, and ADA. It is important to do this to avoid procuring a vehicle that will raise issues down the road. For more information about preparing vehicle specifications, please see National RTAP's How to Buy a Vehicle training module.

Protest Procedures

According to Circular 4220.1F, there must be written protest procedures for both the sealed bid and competitive proposal methods (not needed for small purchases), and a protester must go through these procedures before they can appeal the organization's decision to FTA or the state DOT. More information on what should be included in written protest procedures can be found on the Procurement – Beyond 101 section of this toolkit.

Step 5 - Execute Solicitation

Micro-Purchases and Small Purchases

For micro-purchases, FTA requires only that subrecipients need to determine that the price to be paid is fair and reasonable (based upon an ICE), and to the process of how this determination was made was documented. This could be accomplished by simply researching prices published through vendor websites, or by calling a couple of vendors and asking for prices or verbal quotes. Whichever approach is taken, it is a good idea to keep written notes or screen printouts in procurement files. Because FTA Circular 4220.1F indicates that micro-purchases should be equitably distributed among local suppliers, a good practice is to work with different vendors on a rotating basis.

For small purchases, FTA requires subrecipients to obtain price or rate quotations from "an adequate number of qualified sources" (at least two, according to the Best Practices Procurement and Lessons Learned Manual). This can be accomplished in writing or orally; just be sure to maintain some form of written documentation in procurement files. States may have additional requirements.

Large Purchases

Large purchases (competitive solicitations) require a formal process that includes advertising the solicitation well in advance of the bid or proposal due date (allowing sufficient time for responses), typically allowing questions to be submitted. Sealed bids must be publicly opened at the time and place prescribed in the invitation for bids and are awarded to the lowest qualified bidder. Competitive proposals typically must be submitted by a specific date and time and are evaluated based on the factors specified in the solicitation document (technical factors in addition to price).

Further important information on executing large purchase solicitations can be found on the Procurement – Beyond 101 section of this toolkit.

Awarding to a Qualified and Responsible Contractor

Before awarding a contract, ensure that intended contractor has not been disqualified to conduct federal-funded projects. As detailed in Circular 4220.1F, FTA requires that 'FTA-assisted contract awards be made only to "responsible" contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract. Responsibility is a procurement issue that is determined by the recipient after receiving bids or proposals and before making contract award.' Ability and willingness will generally be demonstrated by information submitted as part of the bid or proposal. Integrity is harder to verify, but two important activities are checking references

and checking to make sure the organization and its principals have not been excluded from work under federally-funded contracts.

Contracts valued over $25,000 specifically require a contract clause ("suspension and debarment") certifying that the contractor and its principals have not been excluded or disqualified from participating in federally-funded contracts. Regardless of the size of the purchase, for the agency's own protection, it is a good practice to check for potential exclusions on the https://sam.gov/SAM/ (SAM) web page, as well as on states' list of contractors who have been barred from doing business with a public organization in the state.

Step 6 - Contract Administration

Procurement Contract Files

According to the Super Circular (2 CFR Part 200, Section 200.333) (described in the FTA Circulars section of this toolkit), non-federal entities must retain records (including procurement records) pertinent to a federal award, and these files must be kept for three years after the date of submission of the final expenditure report. FTA, on their Contract Files web page, states that the minimum information that must be kept in the project file includes: "the rationale for the method of procurement; selection of contract type; reasons for contractor selection or rejection; and the basis for the contract price." On this same web page, FTA also gives a detailed list of specific items that should be kept in the contract file:

- A signed copy of the complete contract
- All signed amendments including rationale for the contract change and justification for the resulting cost/price or delivery date change
- All correspondence with the contractor
- Approvals or disapprovals of contract deliveries
- Requests for waivers or deviations and the associated responses
- Documentation regarding settlement of claims and disputes
- Documentation regarding stop work or suspension of work orders
- Contract closeout documentation
- Written record of procurement history

For more information about the procurement contract file, see Sections 4.7, Documentation of Procurement Actions and Section 5 Contract Administration, of the Best Practices Procurement and Lessons Learned Manual.

Section Sources

- APTA Standard Bus Procurement Guidelines (2013)
- APTA Standards Development Program, Recommended Practice, The Process of Transit Procurement (2013)
- APTA Transit Procurement: A Guide for Transit Board Members (2010)
- FTA Best Practices Procurement and Lessons Learned Manual (2016)

- [FTA Buy America Handbook (2017)](#)
- [FTA Buy America web page](#)
- [FTA Circular 4220.1F, Third Party Contracting Guidance (2013)](#)
- [FTA Circular 9040.1G, Formula Grants for Rural Areas: Program Guidance and Application Instructions (2014)](#)
- [FTA Contract Files web page](#)
- [FTA Existing Recipients web page](#)
- [FTA Frequently Asked Questions Regarding Section 7613 of the National Defense Authorization Act for Fiscal Year 2020](#)
- [FTA FY 2020 Comprehensive Review Guide](#)
- [FTA Guide for Procurement System Reviews (2013)](#)
- [National RTAP ProcurementPRO 2.0 web application](#)
- [OMB, Guidance for Grants and Agreements, 2 CFR Parts 25, 170, 183, and 200, Federal Register, August 13, 2020](#)
- [OMB Memorandum M-18-18, Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance](#)
- OMB, [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200, "Super Circular")](#)
- [U.S. DOT, FTA Master Agreement](#)

A variety of additional resources, including trainings and templates, can be found on National RTAP's [Procurement topic guide](#).

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Procurement - Beyond 101

This section provides supplemental information about Federal Transit Administration (FTA) procurement requirements that rural transit managers will need to know sooner or later. Review the Procurement 101 section of this toolkit before delving into this section, which build on the procurement information transit managers need on "day one."

This section is organized in the following subsections:

- Price and Cost Analysis
- Large Purchase Methods
    - Sealed Bids
    - Competitive Proposals
    - Architectural and Engineering (A&E) Services Procurements
    - Sole Source (Noncompetitive) Procurements
- Joint Procurements and Piggybacking
- Developing Competitive Solicitations
- Protest Procedures
- Executing Competitive Solicitations
    - Advertising Solicitations
    - Allowing Questions
    - Evaluating Proposals
- Section Sources

The primary sources of information for this section were the FTA Best Practices Procurement and Lessons Learned Manual and FTA Circular 4220.1F, Third Party Contracting Guidance.

Price and Cost Analysis

FTA requires a cost or price analysis for every procurement decision, to ensure subrecipients are getting a fair and reasonable price. Two examples of forms used to document a cost or price analysis can be found in Appendix B, of the FTA Best Practices Procurement and Lessons Learned Manual, pages B-51 to B-53. FTA has also prepared a Pricing Guide for FTA Grantees. (Note that this guide does not reflect current federal micro-purchase and small purchase thresholds at the time of publication of this toolkit.)

The Independent Cost Estimate (ICE) required at the beginning of the procurement process is the first such analysis, necessary for deciding what type of procurement method to use. An example of a form used to document an ICE can be found in Appendix B, page B-49 of FTA's Best Practices Procurement and Lessons Learned Manual. Subrecipients will also need to conduct a cost or price analysis when reviewing offers (including contract options), and before deciding whether to execute options down the road, or to pursue a new procurement.

The ICE provides an important foundation for each of the decisions a manager may face. Once an understanding is reached about what the good or service should cost, use this information to analyze the price quotes in the bids or proposals received. How does the proposer or bidder's price quote compare to the expected price range (the price range determined through the ICE)? If it is much higher than the expected price range, there is a risk of overpaying for the goods or services by choosing that contractor. However, if the quote is significantly lower than the expected price range, carefully review the bid or proposal to ensure it contains all of the project elements requested. The range determined in the ICE provides a baseline of comparison to conduct a price/cost analysis, review bids or proposals and review contract options.

Cost analysis is the appropriate approach in several circumstances:

- when proposers have been asked to submit the elements of their proposed cost, as is typical when professional consulting or architectural and engineering (A&E) services are being procured. Examples of proposed cost elements include:
    - labor
    - overhead
    - direct expenses
    - profit
- when price competition is insufficient to determine the reasonableness of a proposed cost
- for sole source procurements

To conduct a cost analysis, look at each cost element and how it was developed to determine if it is reasonable. In such cases, the ICE will need to be broken down into cost elements as well, in order to use it to evaluate the proposer's price.

Price analysis may be used under other circumstances. Price analysis considers the total proposed price without examining separate cost elements. As explained in Section 4.6, "Cost and Price Analysis," of the Best Practices Procurement and Lessons Learned Manual, the techniques for price analysis include:

- adequate price competition
- prices set by law or regulation
- established catalog and market prices
- comparison to previous purchases
- comparison to a valid recipient independent estimate
- value analysis

More information about cost and price analysis and the different techniques can also be found in Section 4.6 of the Best Practices Procurement and Lessons Learned Manual and in FTA Circular 4220.1F.

Large Purchase Methods

For purchases valued over $250,000 (effective June 20, 2018), a competitive procurement must be conducted, most commonly either through a sealed bid (also referred to as "invitation for bid

method" or "formal competition") or competitive proposal (also referred to as "request for proposals method" or "competitive negotiation") process. These two processes are appropriate for different types of projects. If a transit agency is developing a new facility or making improvements to an existing facility, a third method specifically for procuring architectural and engineering services should be used. And under certain circumstances, it may be appropriate to conduct a non-competitive "sole source" procurement. While there is no overarching federal requirement that dictates that a particular method must be used when purchasing a particular good or service, some states may have a law with this requirement.

Sealed bids, competitive proposals, architectural and engineering, and sole source procurements are described below, with more information found in Section 3, "Types of Contracts" and Section 4, "Evaluation of Proposals and Contract Award" of the Best Practices Procurement and Lessons Learned Manual, FTA Circular 4220.1F, and APTA's Standard Bus Procurement Guidelines.

Sealed Bids

According to FTA Circular 4220.1F, the sealed bid process is one in which "bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is lowest in price." An example of this is the purchase of diesel fuel. See FTA Circular 4220.1F (page 88/VI-9) and the Best Practices Procurement and Lessons Learned Manual (Sections 3.4 and 4.2) for more information about sealed bids.

FTA Circular 4220.1F states that this is the most appropriate method of procurement under the following conditions:

- The description of what you are purchasing is complete, realistic and precise.
- There are at least two responsible bidders who are willing and able to compete for the business.
- Generally speaking, the procurement lends itself to a firm fixed price contract. In this type of contract, the final price is established in the contract, and, except for allowable adjustments or incentives, does not change regardless of what the contractor spends to deliver the good or service.
- A successful bidder can be selected based on price and price-related factors.
- There will be no need for discussions with bidders after their proposals are submitted as the decision will be made on price.

If the sealed bid process is used for a procurement, the agency must advertise an invitation for bids (IFB) that includes a detailed description of the property or goods desired, and an adequate amount of time must be provided for bidders to prepare their responses before the bid opening date. Bids must be opened and recorded at the time they are advertised on the IFB; bids should not be opened before this point. Ensure that bids are received from at least two sources, and a firm fixed price contract is awarded in writing to the successful bidder.

Competitive Proposals

According to FTA Circular 4220.1F, the competitive proposal process should be used when "the nature of the procurement does not lend itself to sealed bidding and the recipient expects that more

than one source will be willing and able to submit an offer or proposal." Examples of this would be contracting for professional services such as consulting or operations management, or purchasing dispatching software. This includes the following circumstances:

- The services or goods needed are described using "performance or functional specifications," and price is not the only deciding factor. There may also be detailed technical specifications or the need for discussions.
- The agency does not know how many potential bidders there are, and is not allowed, by law, to enter into a contract if there is only one bidder.
- The agency will not base its decision on price alone.
- The agency expects that there will be discussions with bidders after they have submitted their proposals.

If a competitive proposal process is appropriate for a purchase, the request for proposals (RFP) must be publicly advertised with an adequate amount of time provided for proposers to prepare their responses before the proposal submission deadline. The RFP advertisement must include the evaluation factors (and their relative importance) used to evaluate the proposals received. Before the evaluation process begins, ensure there are an adequate number of proposals, and a system in place to evaluate the proposals. The successful proposal should be the most advantageous to the program when price and other factors are considered.

More information about Competitive Proposals can be found in the Best Practices Procurement and Lessons Learned Manual Sections 3.4-3.7 and 4.3.

Architectural and Engineering (A&E) Services Procurements

According to FTA Circular 4220.1F, A&E services include "program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping or related services." Use the qualifications-based method of procurement when these types of services are directly connected with the "construction, alteration or repair of real property." This means that the contract must be awarded to the most qualified proposer, and cost of the proposals can only be considered after the most qualified proposer(s) have been identified. If an agency is not able to come to agreement with the most qualified proposer on a reasonable price for the service or good, at that point it can move on to the next most qualified proposer. This process continues until the agency has found a proposer that can provide the product or service at a reasonable price.

Sole Source (Noncompetitive) Procurements

If supplies or services that are only available from only one source are required, and a proposal is solicited from this single source, this is considered a "sole source" (noncompetitive) procurement, which FTA allows only in very limited circumstances. Amendments to existing contracts that were not in the original scope are also considered sole source procurements. Because there are very specific requirements for sole source procurements and very few instances that qualify, this procurement method is not recommended. A discussion of the rules, as well as best practices, can be found in Section 3.4.10 of the Best Practices Procurement and Lessons Learned Manual.

Joint Procurements and Piggybacking

Whichever competitive procurement method is used, in some circumstances it may be appropriate to share in a procurement effort with another organization.

In certain cases, more than one agency will simultaneously go through the procurement process and collaboratively produce a solicitation that addresses the needs of all of the agencies involved. These are joint procurements, and a great deal of advance planning is needed to do this successfully.

Section 3019 of the Fixing America's Surface Transportation (FAST) Act expanded joint procurement opportunities by:

- Allowing states and transit agencies to participate in cooperative interstate procurements of capital assets (rolling stock and related equipment). Subrecipients should contact the State DOT for information about cooperative interstate procurements in which they may be able to participate.
- Creating a pilot program through which nonprofit organizations can participate in cooperative procurement contracts. As stated in the FAST Act, a pilot program will be established and carried out to demonstrate the effectiveness of cooperative procurement contracts administered by at least three nonprofit entities. In August 2017, FTA requested expressions of interest from nonprofit entities in participating in the Pilot Program for Nonprofit Cooperative Procurements. Eligible nonprofits included nonprofit cooperative purchasing organizations (that are not an FTA grantee or subgrantee) and consortiums of eligible nonprofit cooperative purchasing organizations. In May 2020, FTA announced the selection of one nonprofit participant, the Vermont Energy Investment Corporation (VEIC), and solicited additional expressions of interest.
- Establishing a Joint Procurement Clearinghouse through which procurement partners can be identified. The clearinghouse can be accessed FTA's Transit Award Management System (TrAMS). Section 5311 subrecipients do not have access to TrAMS, and should contact the State DOT for more information on participating in the FTA Joint Procurement Clearinghouse.

There are instances when an agency unintentionally acquires more than is needed through a contract. In those cases, if the original contract includes an "assignability" clause, it is permissible for another agency to take on the contract rights for the additional goods or services after ensuring the price is fair and it can abide by the original terms of the contract. This is called piggybacking, and it is defined in FTA Circular 4220.1F as "an assignment of existing contracts rights to purchase supplies, equipment, or services."

FTA gives specific cases in which piggybacking is acceptable, and they are listed on the Piggybacking page of the FTA website. Purchasing vehicles through another FTA grantee's contract is one of the more frequent uses of the piggybacking. While this is a legal option, due to the complexity and specific requirements of the process, including ensuring that the original procurement meets all FTA requirements, the FTA discourages this as a common practice.

To read more about joint procurements and piggybacking, please see FTA's Piggybacking web page; the Piggybacking Worksheet and Section 3.3, Rolling Stock Contracts of the Best Practices

[Procurement and Lessons Learned Manual](#); and the Administrator's Policy Letter, [Clarification on Joint Procurements and Piggybacking.](#)

Developing Competitive Solicitations

When drafting an invitation for bids (IFB) or request for proposals (RFP), it is important to be clear about what is needed from the procurement and how the respondent should present his/her offer. Bids or proposals that are submitted in response to a clear and simple IFB or RFP are more likely to accurately address the needs of an agency and present competitive options.

According to FTA's [Best Practices Procurement and Lessons Learned Manual](#), the following elements should be included in every IFB or RFP:

- A form which acts as the solicitation document (this is signed by the bidder and if his/her offer is accepted it serves as a binding contract).
- A description of the various representations and certifications that are required to be made by the bidder or offeror in conjunction with the procurement at the time of bid or proposal submission. The bidder/offeror signs these representations and certifications (which may indicate such things as what type of business the offeror is, their DBE status, their agreeing to comply with FTA requirements, etc.).
- Solicitation instructions and conditions. This should include:
    - Any requirements related to preparing the submission (Addressing such items as: When is the deadline for submission? Where should it be delivered? How many copies? Is there a page limit? What items must be included and is there a required sequence that must be followed?)
    - Instructions relating to acknowledging amendments to the solicitation
    - Rules related to late submissions, modifications or withdrawals of offers, etc.
- Special contract requirements or provisions (as opposed to general provisions) relating to this particular solicitation and contract that are not addressed elsewhere in the solicitation. Examples of special contract requirements include bonding, insurance requirements, special permits or licenses required, liquidated damages, etc.
- Special provisions required by FTA which must be included in the solicitation and the contract. FTA-required contract clauses vary by contract type. See the Procurement 101 page for more on Federal Clauses and Certifications.
- The contractual requirements of an organization's DBE program, if applicable. DBE requirements are discussed in the Civil Rights section of the toolkit.
- General provisions (often called "boilerplate") which are typically part of every contract an organization awards, such as termination for default and convenience, excusable delay, variation in quantity, disputes, governing law, payment terms, etc.
- Specifications, statement of work, or scope of work describing what is being purchased.

For more detail about any of these components, see Section 3, "Types of Contracts" and Section 4, "Evaluation of Proposals and Contract Award" of FTA's Best Practices Procurement and Lessons Learned Manual. Links to sample RFPs and IFBs are provided in National RTAP's [Procurement topic guide](#).

There are several things to avoid in developing specifications (because they limit competition):

- Overly restrictive description – FTA encourages specifications to be functional rather a detailed description of all features, to avoid exclusionary or unreasonably restrictive specifications. For guidance on developing appropriate specifications, see Section 3.5.2, Develop contract terms and conditions, including technical requirements in the Best Practices Procurement and Lessons Learned Manual.
- Requiring a specific brand name product – this is usually problematic as an overly restrictive description, and could potentially result in a sole source procurement. Instead, specifying "brand name or equal" can be an effective alternative. See Section 2.5.1 Brand Names in the Best Practices Procurement and Lessons Learned Manual for more information.
- Geographic preference – unless architectural and engineering (A&E) services are being procured, geographic preferences are prohibited by FTA (even if imposed by state or local laws). A&E contracts are the exception, because knowledge of local conditions and building codes are important for a contractor's qualifications. For further information, see Best Practices Procurement and Lessons Learned Manual Section 2.5.2 Geographic Restrictions.

Protest Procedures

According to FTA Circular 4220.1F, written protest procedures for both the sealed bid and competitive proposal methods must be in place, and a protester must go through these procedures before they can appeal a decision to FTA. The Best Practices Procurement and Lessons Learned Manual, Section 4.9, details the type of information that is typically included in written protest procedures.

- Difference in procedures for pre-bid, pre-award and post award protests
- Specific deadlines (in working days) for filing a protest, filing a request for reconsideration and for an agency's response to a protest
- Specific contents of a protest (name of protester, solicitation/contract number or description, statement of grounds for protest)
- Location where protests are to be filed
- Statement that an agency will respond, in detail, to each substantive issue raised in the protest
- Identification of the responsible official who has the authority to make the final determination
- Statement that the agency's determination will be final
- Allowance for request reconsideration (if data becomes available that was not previously known, or there has been an error of law or regulation)

Executing Competitive Solicitations

Advertising Solicitations

In order to promote full and open competition for a procurement, requests for bids or proposals must be advertised with adequate time provided to develop a bid or proposal before the submission deadline, and any information that is included in the solicitation, such as dates and requirements, must remain consistent throughout the procurement process. Note that states might have additional

laws about how solicitations must be advertised, and if so, those requirements must also be followed.

Examples of ways to advertise solicitations include:

- Posting it on the homepage of the agency website
- Posting to the local newspaper classified section
- Sharing with the trade association specific to the type of good or service that is being procured
- Inquiring with State DOTs to obtain a list of DBE contractors
- Posting in industry newsletters and websites such as APTA's Passenger Transport, CTAA's online classifieds, and Transit Talent's procurement web page
- Talking to peers about who they have worked with in the past

Most importantly, when considering where to advertise a solicitation, keep in mind the target audience and the places it might look for business opportunities.

Allowing Questions

If there may be aspects of the project that might raise questions or warrant verbal explanations, it is a good idea to schedule a pre-bid or pre-proposal conference or meeting (which can be conducted in person or by conference call). The information about the meeting should be included in the solicitation, and it is a good practice to encourage interested bidders to submit questions before the meeting. This will provide time to prepare answers and ensure the proper staff members are included. Based on the questions and answers discussed, the solicitation may be amended. The names of participants and a record of the meeting should be shared with all prospective bidders, not just those who attended.

Regardless of whether or not a pre-bid/pre-proposal conference is hosted, questions can be submitted in writing. The transit agency should respond to the questions in writing and share with all potential offerors (such as by posting the questions and responses to the agency's website as an addendum to the IFB/RFP, or emailing to organizations that downloaded or requested the solicitation). Specify a date by which questions must be submitted that provides enough time to answer and share with potential offerors in time to adjust their bid or proposal if appropriate.

For more information about the pre-bid or pre-proposal conference, or how to add an amendment to a solicitation, see the Best Practices Procurement and Lessons Learned Manual, Section 3.5 "Common Elements of the Solicitation Process."

Evaluating Proposals

According to FTA Circular 4220.1F, only factors that were stated in the solicitation documents can be used when evaluating competitive proposals. These factors cannot be changed after the agency has started accepting bids or proposals without re-opening the solicitation. Also ensure that evaluators have appropriate knowledge of and experience with the items or services involved in the procurement.

During the review, look for the bidder or proposal that provides the best value. According to FTA, "best value requires tradeoffs between price and non-price factors to select the best overall value to the recipient." For more information about determining best value, please see Section 4.3, Competitive Proposals Evaluation Process, of FTA's Best Practices Procurement and Lessons Learned Manual. In order to rank the proposals, there are many systems that can be used in a document or spreadsheet: colors, numbers, adjectives, etc. Regardless of how rankings are expressed, ensure that reviewers make note of the strengths, weaknesses, deficiencies, and risks of each proposal. Section 4.3.4of the Best Practices Procurement and Lessons Learned Manual recommends following evaluation criteria, (follow the link above for detailed information about each one):

- Past performance
- Technical criteria
- Key personnel
- Cost/price
- Relative importance of price and non-price factors

It is important to remember that the proposal with the highest technical ranking or lowest price ranking might not necessarily be the best fit for the agency's needs. All factors should be taken into consideration in order to make the best decision for the organization.

Section Sources

- APTA Standards Development Program, Recommended Practice, The Process of Transit Procurement (2013)
- FTA Best Practices Procurement and Lessons Learned Manual (2016)
- FTA Circular 4220.1F, Third Party Contracting Guidance 2013
- FTA FAST Act web page
- FTA Joint Procurement Clearinghouse
- FTA Piggybacking web page
- FTA, Pilot Program for Nonprofit Cooperative Procurements, Federal Register, August 22, 2017
- FTA, Selection Announcement and Request for Expressions of Interest to Participate in Pilot Program for Nonprofit Procurements, Federal Register, May 11, 2020
- National RTAP ProcurementPRO 2.0 web application
- OMB Memorandum M-18-18, Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance
- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200, "Super Circular")

A variety of additional resources, including trainings and templates, can be found on National RTAP's Procurement topic guide.

Transit Asset Management

Introduction

This section of the Transit Manager's Toolkit is intended to help new rural transit managers understand the federal requirements for transit asset management. MAP-21 established, and FAST Act reaffirmed, a requirement for U.S. DOT to develop rules and create a national system to monitor and manage public transportation assets to improve safety and increase reliability and performance. In July 2016, the FTA issued its [final rule on Transit Asset Management, 49 CFR Part 625](#), and related changes to National Transit Database, 49 CFR Part 630. These regulations require FTA grantees to collect and use asset inventory and condition data, set state of good repair (SGR) performance targets, develop strategies to prioritize investments, and prepare a plan to meet those targets. The rule went into effect on October 1, 2016. It applies to all FTA recipients and subrecipients who own, operate, or manage public transportation assets used to provide public transportation. This includes subrecipients of Section 5310 and 5311.

This section includes the following subsections:

- TAM Planning Requirements
    - TAM Plan Elements
    - Condition Assessment
- Setting Performance Targets
- Section Sources

Transit Asset Management (TAM) is defined in the regulation as "the strategic and systematic approach of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation."

"Capital assets" include vehicles, other equipment, and facilities. "State of good repair" is defined as "the condition in which a capital asset is able to operate at a full level of performance."

The regulations require the capital assets of each FTA grantee be included in a TAM plan that identifies the overall condition of each category of capital asset and prioritizes financial investments to improve asset conditions. Annual reports must be submitted on the status of each category of capital asset into the National Transit Database (NTD).

In addition to fulfilling a federal requirement, TAM planning can be a helpful tool for rural transit managers in helping them anticipate potential safety concerns (related to vehicles/equipment that can no longer be maintained in a state of good repair), plan for vehicle replacements and facility refurbishments, and plan for the costs and funding to replace and refurbish vehicles and facilities.

TAM Planning Requirements

The FTA TAM planning requirements categorize Section 5311 subrecipients and American Indian tribes as "Tier II" providers. ("Tier I" providers include rail transit as well as FTA grantees that own, operate, or manages either 101 or more vehicles in revenue service during peak regular service across all fixed route modes or in any one non-fixed route mode.)

State DOTs are responsible for developing a group TAM plan for their Tier II subrecipients. Tier II providers that are subrecipients can opt out of the group plan and develop their own TAM plans if they prefer.

The regulations required the first TAM plans to be submitted to FTA by Oct. 1, 2018. TAM plans must be updated at least every four years, so Section 5311 subrecipients can anticipate that State DOTs will request updated information for the 2022 plan (if not earlier). If an organization did not participate in a state Tier II plan, but instead developed its own TAM plan, the agency will need to prepare to update this plan within four years of the first plan submission (e.g., by Oct. 1, 2022).

TAM Plan Elements

FTA requires the following four elements to be included in a Tier II TAM plan:

1. **Inventory of capital assets** that indicates the number and type of capital assets of all capital assets that a provider owns (not just FTA-funded assets), except non-vehicle equipment that cost less than $50,000. If a transit system has exclusive use of vehicles and facilities that are owned by other organizations, these assets generally must also be included.
2. **Condition assessment of assets in the inventory.** This element indicates the extent to which assets are no longer in a state of good repair. It is intended to provide a basis for prioritizing asset replacement or refurbishment.
3. **A description of analytical processes or decision-support tools** used to estimate capital investment needs over time and develop investment prioritization.
4. **Prioritization of investments** needed to maintain assets in a state of good repair.

If a transit agency is participating in the state's group TAM plan, the State DOT is the best source of information for its TAM planning requirements for Section 5311 subrecipients. If the organization has opted to prepare its own Tier II TAM plan, FTA has developed a [TAM Plan Template for Small Providers](#), as well as a [TAMPLATE technical assistance tool](#).

Condition Assessment

If a transit agency's capital assets are included in a group TAM plan prepared by the State DOT, the State DOT will provide instructions on how to assess the condition of the agency's capital assets, and will compile this information into the group TAM plan.

Generally, for vehicles and equipment, the condition assessment is based on the asset's age and mileage, and may be supplemented with physical condition data.

Condition assessment of facilities involves a review of facility components, with a focus on safety-critical components, to determine overall condition. FTA's Transit Economic Requirements Model

(TERM) scale of 1 to 5 provides a method for rating the condition of facilities and their components:

> **5 - Excellent** - No visible defects, new or near new condition, may still be under warranty if applicable

> **4 - Good** - Good condition, but no longer new, may have some slightly defective or deteriorated component(s), but is overall functional

> **3 - Adequate** - Moderately deteriorated or defective components; but has not exceeded useful life

> **2 - Marginal** - Defective or deteriorated component(s) in need of replacement; exceeded useful life

> **1 - Poor** - Critically damaged component(s) or in need of immediate repair; well past useful life

More information can be found in FTA's [Facility Condition Assessment Guidebook](#), which is the source of the TERM scale description.

Setting Performance Targets

The TAM requirements include setting performance targets for overall condition of each category of assets. FTA requires that performance targets be set and actual performance be reported to the NTD on an annual basis. There is no penalty for missing a performance target, but submitting the report is a requirement.

For vehicles, "performance" is expressed as the percentage of vehicles that exceed useful life benchmarks, calculated for each type of vehicle (because different types of vehicles are built to have different lifespans in terms of number of years and/or miles operated). Performance targets for the next year would be based on current vehicles in the fleet aging and factor in anticipated new vehicles that would replace those vehicles that are beyond their useful life.

For facilities, "performance" is expressed as the percentage of facilities that are rated less than 3 on the TERM scale—in other words, those which are rated "marginal" or "poor."

State DOTs, as part of their Tier II group TAM plan responsibilities, report collective performance measures and targets for all agencies that participate in their group TAM plan, and the state is the best source of information for state-specific TAM performance reporting requirements for its Section 5311 subrecipients.

More information on FTA [TAM performance management requirements](#) is available on the FTA TAM Performance Management web page.

Section Sources

- [49 CFR part 625, Transit Asset Management](#)
- [FTA, Asset Management Guide for Small Providers](#)
- [FTA, Facility Condition Assessment Guidebook](#)
- [FTA, TAM Plan Template for Small Providers](#)
- [FTA TAMPLATE web page](#)
- [FTA, Transit Asset Management web page](#)

Glossary

Acceptance: agreement to the terms of an offer.

Accountable Executive: the person who interacts with the board and executive leadership on plans, policies, purchasing decisions and daily operations that impact safety under the Federal Transit Administration's (FTA) Safety Management System model.

ADA complementary paratransit: comparable "origin to destination" transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems. The U.S. DOT requirements for this service are detailed in 49 CFR Part 37 Subpart F. The service is required to complement, or supplement, the fixed route service.

Advisory Board: a group of appointed or elected individuals who provide input on how an organization can better serve the community.

Americans with Disabilities Act of 1990 (ADA): A federal law that prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local services, public accommodations, commercial facilities, and transportation (Civil Rights Division of U.S. Department of Justice (DOJ)).

Automatic vehicle location (AVL): technology that tracks the current geographic location of fleet vehicles. AVL technology is used to assist in dispatching, maintaining schedules, and reporting vehicle activities. It can be used to see where each of the vehicles are throughout a service area.

Bus driver or operator: a person who safely operates and navigates the bus, collects fares, helps passengers (including those with disabilities), answers questions, performs vehicle inspections, maintains route schedules and trip logs, communicates with dispatchers and traffic controllers, and troubleshoots incidents and emergencies.

Bus operations manager: a manager that supervises drivers, dispatchers and other staff, oversees the operation of operations budget, manages operations staff hiring, retention and discipline, and implements policies. In smaller systems, the operations manager may also be responsible for managing the transit agency budget.

Capital assets: in the context of transit asset management, refers to vehicles, other equipment, and facilities.

Chief Safety Officer: typically oversees key safety functions and must report **directly** to the Accountable Executive for all safety concerns under the FTA's Safety Management System model.

Cognizant Federal Agency: for the purposes of indirect costs, the Federal agency responsible for reviewing, negotiating, and approving an organization's cost allocation plans or indirect cost proposals. This is generally whichever federal agency provides the most funding to an organization.

Glossary

Competitive procurement: formal procurement methods required for purchases that exceed the simplified acquisition threshold in the Federal Acquisition Regulations (48 CFR Subpart 2.1) or the State-specified threshold. Examples include sealed bids and competitive proposals.

Competitive proposals: A competitive procurement process in which proposals are publicly solicited (through a request for proposals), and a contract is awarded, generally, to the responsible offerer whose proposal is the most advantageous when price and other factors are considered.

Coordination: allows service providers to leverage all of the resources in a community to increase mobility for everyone.

Coronavirus Aid, Relief, and Economic Security (CARES) Act: signed into law on March 27, 2020, the CARES Act provides emergency assistance and health care response for individuals, families and businesses affected by the COVID-19 pandemic. FTA provides CARES Act funding to help the nation's public transportation systems respond to the pandemic.

Customer Service Representative: a person who assists passengers with questions and needs (fare and route information, directions, etc.), refers customers to an appropriate person for additional assistance, and may perform reception duties.

DBE goal: refers to goal for Disadvantaged Business Enterprise (DBE) participation in contracting opportunities.

DBE liaison officer: the individual responsible for the implementation of the Disadvantaged Business Enterprise (DBE) program.

Defensive driving: preventing accidents regardless of conditions or the actions of others.

Demand response service: A transit mode comprised of passenger cars, vans or small buses operating in response to calls from passengers or their agents to the transit operator, who then dispatches a vehicle to pick up the passengers and transport them to their destinations [FTA National Transit Database (NTD)].

Demand responsive system: any system of transporting individuals which is not a fixed route system (U.S. Department of Transportation Americans with Disabilities Act regulatory definition). Also commonly referred to as demand response system. As described in the FTA ADA Circular, demand responsive systems encompass a wide variety of service types, including traditional dial-a-ride service, taxi subsidy service, vanpool service, route deviation service, and complementary paratransit.

Disadvantaged Business Enterprise (DBE): a for-profit small business owned and controlled by a socially and economically disadvantaged individual, certified by a state's Unified Certification Program.

Dispatcher: staff who coordinate needs of riders with vehicle availability, communicate with passengers, drivers and maintenance staff, ensure buses arrive on time to locations, alert drivers to delays, driving conditions, and traffic pattern changes.

Dispatcher supervisor or manager: a person who supervises and trains dispatch staff, prepares driving assignments and records of trips. In smaller organizations, the operations manager may serve as the dispatcher supervisor.

Environmental Justice: established by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, intended to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations; ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Equal Employment Opportunity: refers to statutes and regulations that prohibit employment discrimination and provide employees and job applicants with protections and remedies against employment discrimination.

Fixed route service: operates along a prescribed route according to a fixed schedule.

FTA Circulars: guidance to provide grantees with direction on program specific issues and statutory requirements.

Governing board: members are elected or appointed to fixed terms and have the authority to give the final opinion on matters concerning the organization.

Head of Agency: the person with final responsibility for all operations, who directs senior staff, leads meetings, represents the agency to all stakeholders, carries out board vision and policies, and ensures that quality and fiscal goals are met. Known in some organizations as the Executive Director or Chief Executive Officer.

Independent Cost Estimate (ICE): the first price/cost analysis required in every procurement process, developed to establish a reasonable price range for the goods or services being procured.

Indirect costs: costs that are shared among all departments or programs in an organization. Also referred to as overhead.

Information accessibility: printed materials must be made available, upon request, in a format that is accessible to the person making the request, such as large print, Braille, sign language interpretation, or electronic files that can be read by screen reading technology.

Joint procurement: refers to more than one agency collaboratively going through a competitive procurement that addresses the needs of all of the agencies involved.

Legislation: statutory law.

Lift: on a transit vehicle, a lift is a mechanical platform that raises from the ground to the vehicle so a person using a wheelchair or otherwise not able to climb stairs to board and alight the vehicle. Standards for the vehicle lift are found in 49 CFR Part 38, Section 38.23(b).

Limited English Proficiency (LEP) persons: persons for whom English is not their primary language, with limited ability to speak, understand, read or write English.

Local match: funds that are required to cover to part of the cost of grant-funded costs. For FTA grants, referred to as non-federal share and can include state funding.

Maintenance supervisor or manager: a person who supervises and trains maintenance staff, manages work schedules, prioritizes repair projects, reviews completed work, leads staff meetings, and prepares and delivers maintenance reports.

Master Agreement: the official FTA document containing FTA and other cross-cutting federal requirements applicable to the FTA recipient (i.e., the state for Section 5311) and its grant agreement.

Mechanic: a person who diagnoses and repairs problems with bus equipment, including electrical, hydraulic, engine, mechanical, brake, and/or other specialized systems.

Micro-purchase: a procurement method allowed for purchases that do not exceed the micro-purchase threshold in the Federal Acquisition Regulations (48 CFR Subpart 2.1).

Mission statement - a statement that identifies why an organization exists.

Mobility device: a device that is designed to assist an individual with disabilities with locomotion. Examples include wheelchairs, canes, crutches, and walkers. Also called mobility aid.

Mobility management: an approach to designing and delivering transportation services that starts and ends with the customer. Common components include partnerships between multiple agencies and organizations; a customer-driven, market-based approach that provides customers with a variety of transportation options through individualized trip planning; and one-stop travel information and trip planning centers that provide information on available transportation options and coordinate requests for transportation services.

Multi-year financial plan: a financial plan that allows management to anticipate future year costs and apply for funding accordingly.

National Public Transportation Safety Plan (NPTSP): the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53. The plan guides the national effort in managing the safety risks and safety hazards within our nation's public transportation systems. It establishes performance measures to improve the safety of public transportation systems that receive federal financial assistance. FTA released the National Public Transportation Safety Plan in 2017.

National Transit Database (NTD): FTA database that records the financial, operating and asset condition of transit systems.

Net project cost: For FTA operating grants, net project costs are calculated by subtracting fares from the total project cost.

Non-federal share: non-federal funds that are required to cover to part of the cost of federal grant-funded costs. Commonly referred to as local match.

Nondiscrimination: prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, or age.

Offer: a promise, in response to a solicitation, to provide goods or services according to specified terms and conditions in exchange for material compensation.

Office manager: a person who manages agency workflow and schedules, performs bookkeeping, plans events, procures office equipment repair and supplies, and may supervise support staff.

On-time performance: rate of vehicle runs completed as scheduled.

Period of performance: time span during which a grant project's costs are funded by federal grant funds.

Piggybacking: an assignment of existing contracts rights to purchase supplies, equipment, or services to another agency.

Procurement: making a purchase or awarding a contract.

Public Transportation Agency Safety Plan (PTASP): PTASP means the documented comprehensive agency safety plan for a transit agency that is required 49 CFR Part 673. FTA released the final rule in July 2018 on the Public Transportation Agency Safety Plan (PTASP) requirements for Section 5307-funded urban transit systems.

Ramp: on a transit vehicle, refers to a mechanical platform that slopes from the passenger entrance to the curb or street so that riders using wheelchairs can roll on and off of the vehicle, and riders who are otherwise not able to climb stairs can more easily board and alight the vehicle. Standards for the vehicle ramp are found in 49 CFR Part 38, Section 38.23(c).

Route deviation service: A system that permits user-initiated deviations from routes or schedules [Section 37.3 of Appendix D to 49 CFR Part 37]. Transit service that operates along established routes that typically have designated stops. Between these stops, vehicles deviate (depart) from an established route to pick up or drop off riders within a defined off-route service area [FTA ADA Circular, Section 7.5.4].

Safety-sensitive: Under FTA Drug and Alcohol regulations, safety-sensitive functions include operating a revenue service vehicle, including when not in revenue service; operating a nonrevenue service vehicle that requires CDL; controlling dispatch or movement of a revenue service vehicle; maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service; carrying a firearm for security purposes.

Sealed bids: A competitive procurement process in which bids are publicly solicited through an invitation for bids, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is lowest in price.

Section 5307: FTA's Urbanized Area Formula Program under the FAST Act.

Section 5310: FTA's Enhanced Mobility of Seniors and Individuals with Disabilities Program under the FAST Act.

Section 5311: FTA's Formula Grants for Rural Areas funding program under the FAST Act.

Section 5339: FTA's Bus and Bus Facilities Program under the FAST Act.

Securement area or station: on a transit bus, a designated location for riders using wheelchairs, equipped with a securement system. Standards for the securement area are found in 49 CFR Part 38, Section 38.23(d).

Securement device, equipment or system: on a transit bus, equipment that is used to secure a wheelchair against uncontrolled movement during transport. Standards for securement equipment are found in 49 CFR Part 38, Section 38.23(d).

Service animal: any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing animal protection or rescue work, pulling a wheelchair, or fetching dropped items (U.S. Department of Transportation definition; U.S. Department of Justice has a different definition).

Service availability: a general measure of the distribution of routes within a transit provider's service area, such as the percentage of all residents in the service area are within walking distance to a route, or the maximum distance between stops.

Small purchase: a procurement method allowed for purchases that do not exceed the simplified acquisition threshold in the Federal Acquisition Regulations (48 CFR Subpart 2.1).

Sole source: a noncompetitive procurement method used when supplies or services are available from only one source.

Solicitation: a purchasing entity's request for offers, including a telephone request for price quotations, an invitation for bids, or a request for proposals.

Spare ratio: the total number of spare vehicles available for fixed-route service divided by the total number of fixed-route vehicles required for peak service, typically expressed as a percentage.

State of good repair: the condition in which a capital asset is able to operate at a full level of performance.

State management plan: a document that describes the state's policies and procedures in administering an FTA grant funded program, including the state's objectives, policies, procedures, and administrative requirements.

Statewide Transportation Improvement Program (STIP) - a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the

long-range statewide transportation plan, metropolitan transportation plans, and metropolitan area Transportation Improvement Programs (TIPs)

Strategic planning: a deliberative, disciplined effort to produce decisions and actions that shape and guide what an organization is, what it does, and why it does it. It is commonly used by private and public entities to actively guide future activities and direction, rather than simply having to react to what may occur.

Subrecipient: recipient of FTA funding that is award by FTA to the state or other direct recipient, who then awards the funds to other entities. For the Section 5311 program, eligible subrecipients include local governments, tribes, transit authorities, and private nonprofit organizations that provide rural public transportation.

Super Circular: 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Office of Management and Budget (OMB) regulations that apply to federal grants and agreements.

Title VI: Title VI of the Civil Rights Act of 1964 states that "no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Transit amenities: include items of comfort, convenience, and safety that are available to the general riding public, such as benches, shelters, signage, and trash receptacles.

Transit development plan: short-range plan that reviews and updates a transit agency's goals, evaluates the existing conditions and needs, and identifies ways to meet near-term and long-term needs and goals.

Transportation advisory committee: formally appointed group that typically advise local elected officials on transportation needs within the community. Committee members speak on behalf of their stakeholder groups to give feedback as to whether the transit system is providing appropriate service for the community.

Transportation manager or director: a person who is responsible for fleet operations, provides oversight and management on transportation initiatives, coordinates agency activities and functions, manages budgets, hires, trains, supervises, and schedules transportation staff.

Unified Certification Program (UCP): the state-level entity responsible for certifying eligible firms as Disadvantaged Business Enterprises (DBEs).

Value statement: describes core beliefs and principles that guide an organization.

Vehicle assignment: refers to how vehicles are assigned to routes.

Vehicle headway: a measure of the frequency of fixed route service, typically expressed as the amount of time between two vehicles traveling in the same direction on a given route.

Glossary

Vehicle load: a measure of the level of crowding on a vehicle, typically expressed as the ratio of passengers to the total number of seats on a vehicle.

Vision statement: a view of an organization at its future best.

Wheelchair: a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors or outdoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.