Federal Transit Administration (FTA) Section 5311
CAPITAL ASSISTANCE
Vehicle and Equipment
APPLICATION

CALIFORNIA DEPARTMENT OF TRANSPORTATION

DIVISION OF Rail and MASS TRANSPORTATION
Rural Transit and Intercity Bus Branch

FEDERAL FISCAL YEAR 2015

Name of Subrecipient:			
Address:			
City/State/Zip Code:			
Contact Person:		Title:	
Phone:		E-Mail:	
Certified Representative:		Title:	
Phone:		E-Mail:	
Agency Web Address:			
DUNS Number:		CCR Number:	
Congressional District #:			
Funding Program: 5311/ CMAQ	Please Select One	FTA Funds Requested:	$

CALIFORNIA DEPARTMENT OF TRANSPORTATION

California Department of Transportation
Division of Rail and Mass Transportation, MS 39
P.O. Box 942874
1120 N Street, Room 3300
Sacramento, CA 95814
http://www.dot.ca.gov/hq/MassTrans/5311.html
DRMT Mainline (916) 654-8811

1. **Submit scanned electronic PDF copy** of the **signed** (blue ink of Pages 9, 10, 25, & 30) application and the Program of Project (POP) via email to your District Transit Representative (DTR). *(See attached contact list)*
2. Applications must be complete and final as submitted. Note: Incomplete applications will be returned to the applicant for revision.
3. The project will NOT be included in the FTA Section 5311 grant until the complete application package including the programming related documents is received.
4. The DTR will:
    a. Review the application for completeness using the DTR application checklist, and may contact the agency for questions and clarification.
    b. Once DTR completes review, they will forward application and completed checklist to **5311apps@dot.ca.gov**
5. The application is provided in fillable PDF format can be saved.
6. Review glossary for terms used throughout the application.

Application Checklist/Table of Contents

Subrecipient: **County/Region:**

Federal Share $ **Local Share $** **Toll Credits $**

Funding Source Regional Apportionment (Check one): **5311 $** **JARC $**

CMAQ or STP Flexible Funding: $ **DTR Name**

Checklist/Table of Contents:

(Check one):

1. Program Overview/Goals
2. Eligibility
3. **PART I** – Certifications and Assurances of the Subrecipient
4. **PART II** - Certifications and Assurances of the Regional Transportation Planning Agency
5. **PART III** – Project Description
6. **PART IV** – Project Budget Worksheet (Subrecipient)
7. **PART V** – Project Budget
8. **PART VI** – Labor Union Information
9. **PART VII** – Coordination of Services with Social Service Agencies
10. **PART VIII** – Transit Security and Emergency Preparedness
11. **PART IX –** Public Hearing
12. **PART X –**Civil Rights
13. **PART XI –**Disadvantage Business Enterprise (DBE)
14. **PART XII –**Charter Bus
15. **PART XIII** - Authorizing Resolution
16. **PART XIV** - IT/ITS Compliance Plan
17. **PART XV** - Maintenance Plan Checklist
18. FTA Annual Certifications and Assurances
19. PDF copy of POP
20. PDF copy of FHWA/FTA Federally Approved TIP (If applicable)
21. PDF copy of Bid Related Documents for Capital contracts (If applicable)
22. PDF copy of Approved Indirect Cost Allocation Plan **(**If applicable**)**
23. PDF copy of In-kind Valuation Plan (If applicable)
24. Equal Employment Opportunity (EEO) Plan (If applicable)
25. PDF copy of your updated & approved Drug & Alcohol Policy
26. Exhibit E
27. Glossary

Application Prepared By: Phone:

PROGRAM OVERVIEW/GOALS
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLES & EQUIPMENT) APPLICATION

Federal Transit Administration (FTA) Section 5311 is a formula based program that provides funding to states for the purpose of supporting public transportation in rural areas. Rural areas encompass all populations, housing, and territory not included within an urbanized area of 50,000 or more population. Counties and regions may be entirely rural, or they may be composed of rural areas and one or more urbanized areas. JARC projects are now eligible under Section 5311 Program.

The goal of the 5311 program is to provide the following services to rural areas:

- Enhance the access of people in nonurbanized areas to health care, shopping, education, employment, public services, and recreation;
- Assist in the maintenance, development, improvement, and use of public transportation systems in nonurbanized areas;
- Encourage and facilitate the most efficient use of all transportation funds used to provide passenger transportation in nonurbanized areas through the coordination of programs and services;
- Assist in the development and support of intercity bus transportation; and
- Provide for the participation of private transportation providers in rural areas.
- Improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals;
- Transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities;
- Meet the transportation needs of eligible low-income individuals, and of reverse commuters regardless of income.
- Provide financial assistance to help carry out national goals related to mobility for all, including seniors, individuals with disabilities, and low-income individuals;
- Increase availability of transportation options through investments in intercity bus services;
- Encourage mobility management, employment-related transportation alternatives, joint development practices, and transit-oriented development.

ELIGIBILITY STATE OF CALIFORNIA FTA SECTION 5311 CAPITAL (VEHICLES & EQUIPMENT) APPLICATION

Eligible Recipients:

A subrecipient of the program includes a State or local governmental authority, Indian tribes, a nonprofit organization, or an operator of public transportation or intercity bus service that receives federal transit program grant funds.

Eligible Capital Activities (Vehicles & Equipment):

Capital expenses include buses, vans, radios and communication equipment, fareboxes, wheelchair lifts and restraints, passenger shelters, operational support such as computer hardware/software and minor construction or rehabilitation of transit facilities. In addition, vehicle inspection fees are eligible capital expenses. Another category of capital expenses is transit related "intelligent transportation system" (ITS) equipment. Examples include automated vehicle locator systems, scheduling software, information kiosks, etc.). ITS projects must be consistent with the Regional Architecture Plan. See page 27, #5 of this application. Subrecipients are expected to comply with procurement schedule as stated in Part III, Project Description page 14, #14 of this application. Vehicle specifications **must** be reviewed and approved by DRMT procurement staff prior to purchase. For more information, see Caltrans DRMT Federal Vehicle Procurement Process at http://www.dot.ca.gov/hq/MassTrans/Procurement-Grants-Management.html.

PART I - CERTIFICATIONS AND ASSURANCES
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLES & EQUIPMENT) APPLICATION

General Information:

Name of Applicant:

Certifications and Assurances:

1. Pursuant to 49 CFR, Part 21, **Title VI of the Civil Rights Act of 1964**, the subrecipient assures that no person, on the grounds of race, color, creed, national origin, sex, age, or disability shall be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program or activity funded in whole or in part by Federal Transit Administration (FTA).

2. Pursuant to 49 CFR, Part 21, **Title VI of the Civil Rights Act of 1964**, the subrecipient assures that it shall not discriminate against any employee or subrecipient for employment because of race, color, religion, sex, national origin, and that it shall take affirmative action to ensure that subrecipients are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin.

3. Pursuant to 49 CFR, Part 27, **U.S. DOT Regulations implementing the Rehabilitation Act of 1973**, the subrecipient certifies that it will conduct any program or operate any facility that receives or benefits from Federal financial assistance administered by FTA in compliance with all imposed requirements, Nondiscrimination on the basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

4. **Pursuant to 49 CFR, Part 26,** the subrecipient must prepare and maintain complaint procedures for investigating and tracking Title VI complaints filed against them. Such procedures include record of investigations, complaints, and/or lawsuits, and notice to public about rights containing instructions on how to file a discrimination complaint. Recipients of federal financial assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by **limited English proficient persons**.

5. Pursuant to 49 CFR Part 21, the subrecipient certifies that special efforts are being made to provide the **level and quality of transportation** services that disabled persons, including wheelchair users and semi-ambulatory persons, can use. This transportation shall be reasonable in comparison to the transportation provided to the general public and shall meet a significant fraction of actual transportation needs of such persons within a reasonable time.

6. Pursuant to FTA Circular **9040.1F & 9050.1,** the subrecipient assures and certifies that it will comply with the Federal statutes, regulations, executive orders and administrative requirements, which relate to applications made to and grants received from FTA. The subrecipient acknowledges receipt and understanding of the list of such statutes, regulations, executive orders and administrative requirements.

7. The subrecipient agrees and assures that it will comply with U.S. DOT regulations, **"Participation by Disadvantaged Enterprises in Department of Transportation Financial Assistance Programs,"** 49 CFR part 26. Among other provisions, this regulation requires recipients of DOT Federal financial assistance, namely State and local transportation agencies, to establish

goals for the participation of disadvantaged entrepreneurs and certify the eligibility of DBE firms to participate in their DOT-assisted contracts. The recipient agrees and assures that it will comply with 49 CFR 26.49 which requires each transit vehicle manufacturer, as a condition of being authorized to bid or propose a FTA-assisted transit vehicle procurement (new vehicles only), certify that it complied with the requirements of the DBE program.

8. The subrecipient assures and certifies that it will adhere to the **California State DBE Program Plan** as it applies to local agencies. The subrecipient must complete and submit to the Department a DBE implementation Agreement. The subrecipient certifies that it must report twice annually on DBE participation in their contracting opportunities; their award/commitments and actual payments.

9. The subrecipient assures and certifies that its services funded by Section 5311 are, and shall remain, open to the general public.

10. The subrecipient certifies that its **procurements** and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA Circular 4220.1F, "Third Party Contracting Requirements," and such other implementing requirements as FTA may issue. The subrecipient certifies that it will include in its contracts, financed in whole or in part with FTA assistance, all clauses required by Federal laws, executive orders, or regulations and will ensure that each subrecipient and each contractor will also include in its sub agreements and contracts financed in whole or in part with FTA assistance all applicable contract clauses required by Federal laws, executive orders, or regulations.

11. The subrecipient assures and certifies that **private for-profit transit** operators have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed transportation services.

12. The subrecipient assures and certifies that the project complies with the **environmental impact** and related procedures of 23 CFR Part 771.

13. The subrecipient certifies that it has established and implemented an **anti-drug and alcohol misuse prevention program** and has conducted employee training complying with the requirements of 49 CFR part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations".

14. The subrecipient assures and certifies that it requires its subcontractors and subrecipients to have established and implemented an **anti-drug and alcohol misuse prevention program**, to have conducted employee training complying with the requirements of 49 CFR part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations".

15. The subrecipient certifies that before expending any Federal assistance to acquire the first bus of any new **bus model or any bus model with a new major change in configuration or components** or before authorizing final acceptance of that bus (as described in 49 CFR part 665), that model of bus will have been tested at a bus testing facility approved by FTA and subrecipient and FTA will have received a copy of the test report prepared on that bus model.

16. The subrecipient certifies that the recipient shall comply with 49 CFR Part 604 in the provision of any **charter service** provided with FTA funded equipment and facilities. The subrecipient certifies that in the provision of any charter service provided, subrecipient and its recipients will provide charter service that uses equipment or facilities acquired with Federal assistance authorized

for 49 U.S.C. 5309, or 5311 only to the extent that there are no private charter service operators willing and able to provide those charter services that it or its recipients desire to provide unless one or more of the exceptions in 49 CFR part 604-Subpart B applies. The subrecipient assures and certifies that the revenues generated by its incidental charter bus operations (if any) are, and shall remain, equal to or greater than the cost (including depreciation on federally assisted equipment) of providing the service. The subrecipient understands that the requirements of 49 CFR part 604 will apply to any charter service provided, the definitions in 49 CFR part 604 apply to this agreement, and any violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

17. As required by 49 U.S.C. 5323 (f) and FTA regulations, **"School Bus Operations,"** at 49 CFR 605.14, the subrecipient agrees that it and all its recipients will: (1) engage in school transportation operations in competition with private school transportation operators only to the extent permitted by an exception provided by 49 U.S.C. 4323 (f) and implementing regulations, and (2) comply with requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance awarded by FTA and authorized by 49 U.S.C. Chapter 53 or Title 23 U.S.C. for transportation projects. The subrecipient understands that the requirements of 49 CFR part 605 will apply to any school transportation it provides, that the definitions of 49 CFR part 605 apply to any school transportation agreement, and a violation of this agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

18. The subrecipient assures and certifies that when procuring capital equipment acquired with Federal assistance it will comply with all **Buy America provisions** as pertaining to all 5311 subrecipients, **49 CFR Part 661 and 49 USC 5323(j)(2)(c)**. This policy means that certain steel, iron, and manufactured products used in any capital equipment acquired with Federal assistance must be produced in the United States. Buy America requirements apply to all purchases, including materials and supplies funded as operating costs, if the purchase exceeds the threshold for small purchases (currently $100,000).

19. The subrecipient certifies that it will comply with the requirements of 49 CFR parts 663, in the course of purchasing revenue rolling stock. Among other things, the subrecipient will conduct, or cause to be conducted, the prescribed **pre-award and post-delivery reviews** and will maintain on file the certifications required by 49 CFR part 663, subparts B, C, and D.

20. The subrecipient certifies that it will submit the "Fiscal Year 2015 **FTA Annual List of Certifications and Assurances** for Federal Transit Administration Grants and Cooperative Agreements" and Appendix A Certifications and Assurances Checklist and Signature Page **when made available by the FTA**.

21. The subrecipient has provided documentation needed by the Department to assure FTA that it has properly and sufficiently delegated and executed authority, by Resolution, to the appropriate individual(s) to take official action on its behalf.

22. The subrecipient, providing **complimentary paratransit service**, certifies that they submitted to the Department an initial plan for compliance with the complimentary paratransit service provision as of January 26, 1992, as required by 49 CFR Part 37, Section 135[b] and have provided the Department annual updates to its plan on January 26 of each year, as required by 49 CFR Part 37, Section 139[c]. The subrecipient has provided the Department an initial **complimentary**

paratransit service plan signed and dated _____ **(Updated plans must be submitted with application).**
Subrecipient who provides fixed route service must provide ADA complementary service. Subrecipients who provide other route deviation transit services in lieu of ADA complementary service such as deviated fixed-route or demand responsive must make the service accessible and available to the general public. To be considered demand responsive, service provided must deviate for the general public, not just for persons with disabilities meeting paratransit eligibility criteria. If deviations are restricted to a particular group, the service ceases to be a form of demand-responsive service for the general public and ADA complementary paratransit service is required.

23. The subrecipient certifies that all **direct and indirect costs** billed are allowable per Title 2 Code of Federal Regulations, Part 225 (2 CFR 225) (formerly Office of Management and Budget (OMB) Circular A–87), the federal guidelines for allowable costs for subrecipients that are State, Local and Indian Tribal governments or 2 Code of Federal Regulations, Part 230 (2 CFR 230), (formerly, OMB Circular A–122), OMB Circular A-133 if the subrecipient is a non-profit organization. With regards to private for-profit organizations, refer to **48 CFR Part 3**.

24. The subrecipient certifies that all indirect costs billed are supported by an annual **indirect cost allocation plan** submitted in accordance with 2 CFR 225. The plan or subrecipients' cognizant agency approval of plan was submitted to the Department's Audits and Investigations and approved before subrecipient submits request for reimbursement of any indirect costs. Indirect costs prior to having a plan approved as evidenced by a letter from the Departments' Audits and Investigations is not an allowable expense. If subrecipient does not bill for indirect cost then an indirect cost allocation plan is not required.

25. Before a subrecipient may lease an asset, FTA regulations, **"Capital Leases,"** 49 CFR 639, Subpart C, require a written comparison of the cost of leasing the asset compared with the cost of purchasing or constructing the asset. Costs used in the comparison must be reasonable, based on realistic current market conditions, and based on the expected useful service life of the asset.

26. The subrecipient certifies that they understand that **Transit Employee Protection** is specified in Title 49 U.S.C. 5333(b). This Title requires that the interests of employees affected by assistance under most FTA programs shall be protected under arrangements the Secretary of Labor concludes are fair and equitable. Title 49 U.S.C. 5311(b) requires that the Department of Labor (DOL) use "a special warranty that provides a fair and equitable arrangement to protect the interests of employees" in order for the 5311(i) requirements to apply to Section 5311.

27. To the best of my knowledge and belief, data in this local application are true and correct, and the person whose signature appears below has been duly authorized by the governing body of the subrecipient for filing of this application.

Certifying Representative:
By signing below, I have read and acknowledge that my agency is in compliance with certifications and assurances as stated above.

(Please Print)
Name: _____ Title: _____

Signature: _____ Date: _____

PART II – CERTIFICATIONS AND ASSURANCES OF THE REGIONAL AGENCY/TRANSPORTATION PLANNING AGENCY (TPA)

STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLE & EQUIPMENT) APPLICATION

Name-Regional Agency/TPA:
Contact Person: Title:
Phone: E-Mail:
Name of Subrecipient:
Project Description:

Project Amount and Fund Type

*Regional Apportionment 5311**	*Flexible Fund CMAQ or STP***	*Toll Credit****	*In-kind Match****	*Local Match*
$	$	$	$	$

* Includes Section 5311 JARC eligible projects
** CMAQ projects may be equal up to 100% at the discretion of the Regional Planning Agency Certification per Part II. *
*** Prior approval by Caltrans required

Federal Transportation Improvement Program - Metropolitan Planning Organizations/Region Transportation Planning Agency

Document (or Amendment) Number	Document (or Amendment) Year	FHWA/FTA Federally Approved TIP (Date)

Check all that apply:

☐ Flexible Funded Projects Only - Please initiate the transfer of funds to **Grant CA-85-X00X.** **(**Following the transfer of flexible funds to the FTA, this agency agrees to comply with the applicable terms and conditions set forth in Title 49, U.S. Code, Chapter 53, "Mass Transportation", and the policies and procedures stated by the FTA relative to the above designated project.)

☐ Some combination of state, local, or private funding sources have been or will be committed to provide the required local share.

☐ The subrecipient has coordinated with other transportation providers and users in the region, including social service agencies capable of purchasing service.

☐ The amount requested does not exceed the Federal funds provided to this agency in the approved Federal TIP/Federal Statewide TIP(FSTIP)

☐ The regional agency/TPA has approved, by resolution, the programming of funds for this Project and Project has met all Statewide Transportation Improvement Program (STIP) requirements.

Certifying Representative:

By signing below, I have read and acknowledge that my agency is in compliance with certifications and assurances as stated above.

(Please Print)

Name: Title:

Signature: _____ Date:

PART III – Project Description
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLE & EQUIPMENT) APPLICATION

Answer the following questions regarding the project description and the operational plan:

1. Indicate the type(s) of public transportation service for the proposed project funded by FTA Section 5311. (Check all that apply.) ☐ 5311 ☐ JARC ☐ CMAQ

Fixed route – Vehicles will travel on specific roads and stop at pre-designated locations according to a schedule.

☐ Demand-response – Vehicles will pick people up when they need a ride (Must be open to the general public).

☐ Deviated fixed route – Vehicles will travel from point A to point B but go out of the way to pick up or drop off passengers if necessary (Deviations must be open to the general public).

☐ ADA paratransit service.

☐ Commuter Service – Fixed route bus service characterized by service predominantly in one direction during peak periods, and with limited stops and routes of extended length, usually between the central business district and outlying suburbs.

☐ University Service - An institution of higher education has a formal arrangement with the transit operator to provide university transportation service.

☐ Charter Service (see page 24).

2. Indicate the geographic area your agency serves. (If your agency serves both rural and urbanized areas, please attach PDF copy of the route map to this application to clearly indicate that 5311 funds will only be spent on the rural area route(s)/service only.)

☐ Rural area only (population under 50,000)

☐ Both rural and urbanized areas (population more than 50,000)

List all cities and counties served by your project:

If your agency serves both rural and urbanized areas, please describe the cost allocation methodology your agency uses to segregate rural service costs funded by 5311 from the urbanized service costs funded by Section 5307 or other urban funds and **attach PDF copy of your agency's cost allocation plan to this application:**

3. Please fill out the following:

At a minimum, transportation service shall be provided between

AM to PM from DAY to DAY.

4. For the FY you are applying for, did your agency receive any other FTA funds that would be utilized on this project? (Check all that apply and provide standard agreement #s and dollar amount.) For 5307, the term "receive" means funds have been obligated, and your agency received an executed standard agreement from Caltrans.

Yes (which program(s) were utilized) No

5307 (Urbanized Area Formula Program)

Other FTA funds. Please specify: $

5. The proposed capital purchase is for:

Vehicle(s) (**MUST** attach PDF copy of two quotes with pricing on base vehicle and all options; go to question #6. Quotes **MUST** be reviewed and approved by Caltrans DRMT Procurement prior to issuance of Purchase Order.)

Non- ITS Equipment (Attach PDF copy of three (3) estimates of like-kind equipment with this application.)

Information Technology (IT)/Intelligent Transportation Systems (ITS) Equipment (i.e. Hardware, Software, fareboxes, GPS, AVL, Smart Cards, and Vehicle Maintenance System. (Fill out ITS section [Part XIV, Page 26] of this application for Caltrans review and approval).

6. Indicate the type of the proposed vehicle purchase:

Vehicle Replacement (Go to question #7, then #8).

Service Expansion (Go to question #8).

7. List the current vehicle(s) that will be replaced:

Type (Bus, Van, Trolley, etc.)	Class (Type I, III, VII, etc)	Fuel Type	Length	Passenger Capacity	Full VIN #	Vehicle Age	Mileage

8. List the vehicle(s) your agency proposes to purchase (Go to question #9):

Quantity	Type (Bus, Van, Trolley, etc.)	Class (Type I, III, VII, etc)	Fuel Type	Length	Passenger Capacity	Unit cost	Total cost

Note: Manufactured vehicles shall not exceed the Original Equipment Manufacturers Gross Vehicle Weight Rating.

9. List the equipment your agency proposes to purchase:

Quantity	Description of the equipment (fareboxes, AVL, GPS, etc)	Unit cost	Total Costs

10. What is the need for this vehicle/equipment? How did you select the project?

i. Describe what service improvements would be addressed by acquiring the equipment and/or vehicles?
ii. If your agency is requesting vehicle(s) replacement, explain why the vehicle(s) replacement is needed.
iii. If the request for vehicle(s)/equipment is for service expansion, how was the need for the expansion determined?
iv. If funding for this project is approved, how will the surrounding community benefit?

11. How is your project service marketed? (Check all that apply.)

Agency Website Newspaper Radio Flyer
Public Hearing TV/Cable Other Specify:

12. Do you intend to lease this 5311 funded vehicle(s)/equipment?

Yes No

13. What is your proposed method of procurement?
(Procurement review and approval by Caltrans DRMT Procurement staff must occur prior to issuance of Purchase Order for all types of purchase.)

☐ Local Procurement (Attach PDF copy of RFP/IFB/RFQ and Bid Package to this application)

☐ Three-like kind bids/quotes (Purchases under $100,000) (Attach PDF copy of three-like kind bids/quotes to this application)

☐ Non-Local Procurement/Piggyback (Attach PDF copy of assignability letter and Piggyback Worksheet* to this application)

☐ Sole Source (Attach PDF copy of Sole Source Justification* to this application)

☐ Other Specify: _____

*Piggyback Worksheet and Sole Source Justification can be found at
http://www.dot.ca.gov/hq/MassTrans/Procurement-Grants-Management.html
For more detailed information regarding procurement, please see FTA Section 5311's Procurement Handbook.

14. Fill out the proposed procurement schedule:

Procurement Schedule	Date
Bid Package to Caltrans	
Issue Purchase Order to Vendor	
Delivery/Installation	
Place into Service	

15. Does your agency receive more than $500,000 in federal funds?

☐ Yes ☐ No

16. Does your agency employ more than 50 transit-employees (including temporary, full time or part time employees either directly employed and/or through contractors) and receive more than $1 million in capital and operating assistance, or $250,000 in planning related activities?

☐ Yes ☐ No

Note: At all times while the PROJECT property is in the possession or control of the subrecipient, the subrecipient shall be the registered owner and STATE shall be the legal owner or lien holder. The subrecipient shall not transfer ownership of the PROJECT property at any time while the standard agreement is in effect. As the lien holder, the STATE may take possession of the PROJECT property, as a result of the subrecipient's non-compliance with contract terms or by mutual agreement between the STATE and the subrecipient. The STATE shall retain the original Certificate of Title until such time that disposition of the PROJECT property is released by the STATE to the subrecipient or other appropriate party as outlined in Exhibit D, Paragraph 4 of the standard agreement.

PART IV – SUBRECIPIENT PROJECT BUDGET WORKSHEET
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLES & EQUIPMENT) APPLICATION

PROJECT BUDGET WORKSHEET The worksheet provides annual expense categories that applicants should use to calculate project eligible expenses for work done "in-house." The information in this worksheet should be used in completing project budget on page 16.

1. Direct Labor

(Job Title/Classification)	Description of Task Performed	Hours	Hourly Rate	Total
			$	$
			$	$
			$	$
			$	$
			$	$
			$	$
			$	$
			$	$
TOTAL			$	$

2. Direct cost(s) for Employees (Except Labor)

Equipment and Supplies (itemize)	$	
	$	
	$	
	$	
Sub Total	$	
3. Other Direct costs (itemize)	$	
	$	
	$	
	$	
Sub Total	$	
4. Travel costs (itemize)	$	
	$	
	$	
	$	
Sub Total	$	

5. [1]Indirect cost(s) (Overhead and Fringe Benefits):
Overhead Rate % $

6. Total Costs: $

[1] **Must have approved ICAP**

PART V - PROJECT BUDGET / CAPITAL
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLE & EQUIPMENT) APPLICATION

Subrecipient:

Project Description:

ITEM DESCRIPTION (Attach PDF copy of quote or three like-kind bids)	COST
	$
	$
	$
	$
	$
NET PROJECT COST:	$

LOCAL SHARE
(Itemize by Fund Source (State, County, & City) & Toll Credit included)

	AMOUNT
	$
	$
	$
	$
	$

TOTAL LOCAL SHARE* = Allowable Percentage ____% $

TOTAL FEDERAL SHARE*= Allowable Percentage ____% $

*FUNDING PROGRAM	LOCAL SHARE	FEDERAL SHARE
5311 REGIONAL (Equipment, Shelters, Facilities)	11.47%	88.53%
5311 REGIONAL (Vehicles/Preventive Manitenance)	11.47%	88.53%
Project using Toll credit and CMAQ projects may be equal up to 100% at the discretion of the Regional Planning Agency Certification per Part II and prior approval from Caltrans.	11.47%	88.53%

PART VI – LABOR UNION INFORMATION FOR SECTION 13(c) CERTIFICATION
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLE & EQUIPMENT) APPLICATION

Name of Subrecipient:

Union Representation of Subrecipient's Employees

Organization Name:
Contact Person:
Address:
Telephone:
***(required)* Email :**

Other Surface Public Transportation Providers	**Union Representation of Employee If Any**
	Organization: **Contact Person:** **Address:** **Telephone:** **Contact Person's Email (Required):**
	Organization: **Contact Person:** **Address:** **Telephone:** **Contact Person's Email (Required):**
	Organization: **Contact Person:** **Address:** **Telephone:** **Contact Person's Email (Required):**

PART VII – DESCRIPTION OF EFFORTS TO COORDINATE SERVICES WITH SOCIAL SERVICE AGENCIES
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLE & EQUIPMENT) APPLICATION

Please answer the following questions regarding the description of efforts to coordinate services with social service agencies:

1. What human service agencies, employment/training programs, or other transportation providers does your agency coordinate with?

2. In your agency's coordination efforts with social service agencies, check all that apply:

	Current Practice	**Would Consider**
Drivers attend safety/sensitivity training		
Sharing vehicles with other agencies		
Providing information to riders/patrons on other available services		
Working with CTSA or other agencies to coordinate trips		
Utilize pre-paid fare media with other agencies		
Coordinate with Medical, CalWorks or Employment Programs		
Other:		

3. Describe your agency's role in the human service-public transportation coordination planning efforts?

4. Will this service funded by 5311 address gaps and/or barriers identified in the regional public transportation coordination plan or maintain the existing service?

Yes No

5. Has your agency made any efforts to provide information about your agency's service to human service agencies, the Work Force Center, or other activity centers?

Yes No

PART VIII – Transit Security and Emergency Preparedness
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLE & EQUIPMENT) APPLICATION

1. Does your county emergency evacuation plans identify your agency as community responder-transportation provider?

☐ Yes ☐ No

2. Vehicle Inventory – Please include all of your agency's active fleet. (For condition, please use P for poor, F for fair, and E for excellent.) Applicants may attach a scanned PDF copy of the spreadsheet that provides the information below.

Make/Model	Year	Mileage	VIN	Ambulatory Capacity	Wheelchair Spaces	Condition	Original Source of Funding	Estimated Replacement date

3. What is your seating/tie down capacity to move individuals with disabilities during an emergency situation from schools, neighborhoods, medical facilities, etc?

4. Do you participate in transportation infrastructure security/emergency planning, drills/exercises, and/or decision making activities?

☐ Yes ☐ No

PART IX – Documentation of Public Hearing Opportunity
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLE & EQUIPMENT) APPLICATION

Describe the outreach and engagement methods that will be used to reach and gather input from stakeholders. Per FTA Circular 9040.1F IV, 3; FTA Circular 9050.1 ChapterVIII-2, & Title 49 USC 5323(b), subrecipient must hold public hearing to receive comments from the public on the proposed projects.

Please check and provide PDF copy if applicable:

☐	- Municipal Letter of Resolution of Support
☐	- PDF copy of Published Public Hearing Notice
☐	- Affidavit of Publication of Public Hearing Notice
☐	- Minutes of Public Hearing, Copies of Exhibits and Written Statements

PART X – Civil Rights
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLE & EQUIPMENT) APPLICATION

1. Are there Title VI complaint policies and procedures? ☐ Yes ☐ No
   a. If yes, who was the approving agency? ☐ FTA ☐ Caltrans ☐ DRMT
2. Are procedures for filing complaints (organization name, phone numbers, etc.) readily accessible to riders and employees?
   ☐ Yes ☐ No
3. Are or were there any Title VI related lawsuits/complaints filed within the past year? If yes, does the review of lawsuits/complaints denote a pattern of discrimination? ☐ Yes ☐ No

Please provide the following information to Caltrans DRMT:

- The date the lawsuit/complaint was filed
- The name and address of the complainant
- A summary of the allegation

4. Are complaints documented and listed? ☐ Yes ☐ No
5. Who in your agency is assigned for investigation and what is his/her title?
6. Do riders, employees, and applicants have the option to file a complaint with entities other than the subrecipient (i.e. Caltrans and/or FTA)? ☐ Yes ☐ No
   If so, who:
7. Has a federal (FTA) civil rights compliance review been performed within the past year?

   ☐ Yes ☐ No

   If yes, attach PDF copy of the following information:

   - The name of the agency or organization conducting the review
   - A summary of findings and recommendations
   - The status or disposition of the recommendations

Special requirements for first-time applicants

1. If first time applicants have previously received funding from another Federal agency, the applicant must provide information regarding Title VI compliance history. Please provide the following information to Caltrans DRMT a summary of compliance review activities conducted in the past three (3) years.

- The purpose or reason for the review
- Name of agency that performed the review
- Summary of findings and recommendations of the review

- Status and/or disposition of such findings and recommendations.
- A brief description of any pending applications for Federal funding
- Did any Federal agency find the applicant to be in noncompliance with any civil rights requirement?

☐ Yes ☐ No

1. What enforcement mechanisms does the subrecipient use for DBE requirements? Please explain.

2. Does the subrecipient require contractors to obtain approval from its DBE Liaison Officer (DBELO) prior to substituting a DBE firm after contract award?

   ☐ Yes ☐ No ☐ N/A

3. Does the subrecipient monitor prime contractors to ensure that DBEs are actually performing applicable work on federally funded projects?

   ☐ Yes ☐ No ☐ N/A

4. Did the subrecipient receive any complaints or procurement protests alleging that it did not comply with the DBE regulations for federally funded projects?

   ☐ Yes (Go to question #6) ☐ No

5. What are the subrecipients' processes for handling protests? Please explain.

6. Do the complaints indicate any problems with the DBE program?

   ☐ Yes ☐ No

*The following is a link to FTA's sample DBE program, "Section 26.37 Monitoring and Enforcement Mechanisms" this section gives examples of monitoring and enforcement mechanisms that ensure compliance.
http://www.fta.dot.gov/civilrights/dbe/civil_rights_5771.html

PART XII – Charter Bus
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLES & EQUIPMENT) APPLICATION

1. Does your agency provide charter services? If yes, go to question #2 through #4

   ☐ Yes ☐ No

2. Is charter service using FTA funded or maintained vehicles provided under one of the exceptions? If no, skip this section. If yes, check the exception that best describes the charter service:

   ☐ a. Government officials on official government business

   ☐ b. Qualified Human Service Organization (QHSOs)

   ☐ c. Leasing FTA funded equipment and drivers

   ☐ d. When no registered charter provider responds to notice from an agency

   ☐ e. Agreement with registered Charter providers

   ☐ f. Petitions to the Administrator

3. Did the transit agency provide notice to all registered charter providers prior to providing the requested charter service?

   ☐ Yes ☐ No

4. Was all charter service reporting timely?

   ☐ Yes ☐ No

Reporting schedule is as follows:

Quarter	Report Deadline
January 1 – March 31	April 30
April 1 – June 30	July 30
July 1 – September 30	October 30
October 1- December 31	January 30

PART XIII - SAMPLE AUTHORIZING RESOLUTION
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLE & EQUIPMENT) APPLICATION

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE FEDERAL FUNDING UNDER FTA SECTION 5311 (49 U.S.C. SECTION 5311) WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION

WHEREAS, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support capital/operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act (**FTA C 9040.1F and FTA C 9050.1)**; and

WHEREAS, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5311 grants for transportation projects for the general public for the rural transit and intercity bus; and

WHEREAS, _____ desires to apply for said financial assistance to permit operation of service/purchase of capital equipment in _____; and

WHEREAS, the _____ has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the _____ does hereby Authorize _____, to file and execute applications on behalf of _____ with the Department to aid in the financing of capital/operating assistance projects pursuant to Section 5311 of the Federal Transit Act (**FTA C 9040.1F and FTA C 9050.1)**, as amended.

That _____ is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

That _____ authorized to provide additional information as the Department may require in connection with the application for the Section 5311 projects.

That _____ is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5311 project(s).

PASSED AND ADOPTED by the _____ of the _____, State of California, at a regular meeting of said Commission or Board Meeting held on the _____ by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

(Please Print)
Name: _____ Title: _____

Signature: _____ Date: _____

PART XIV - INFORMATION TECHNOLOGY/INTELLIGENT TRANSPORTATION SYSTEMS COMPLIANCE PLAN
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLE & EQUIPMENT) APPLICATION

In accordance with 23 CFR Parts 655 and 940 and the Federal Transit Administration (FTA)'s Annual "Certifications and Assurances," ITS projects shall conform to the National ITS Architecture and standards. Conformance with the National ITS Architecture is interpreted to mean the use National ITS Architecture to develop a regional ITS architecture (plan) in support of integration and the subsequent adherence of all ITS projects to that regional ITS architecture (plan). Development of the regional ITS architecture (plan) should be consistent with the transportation planning process for Statewide and Metropolitan Planning (49 CFR Parts 613 and 621).

ITS means electronics, communications or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system. Examples include: Computer Hardware, Software, Fareboxes, Global Positioning Systems (GPS), Automatic Vehicle Locators (AVL), computer-aided dispatch (CAD), Electronic Fare payment (Smart Card), and Vehicle Maintenance Systems.

***Please respond to all questions. If more space is needed, please attach additional scanned PDF pages. If a question does not apply to your purchase, briefly explain if possible, or state "not applicable."

1. Briefly describe the following:

a) Item(s) being purchased
b) The business function(s) or process the items will support
c) How the item(s) will be used

2. Indicate whether the project requires one or more of the following, estimate the percentage of each:
   - Commercial-off-the-shelf (COTS) ☐ No ☐ Yes/Percentage 0.00%
   - Modified-off-the-shelf (MOTS) ☐ No ☐ Yes/Percentage 0.00%
   - Custom software/hardware development (CSD) ☐ No ☐ Yes/Percentage 0.00%

   COTS = Computer software, hardware, technology, or computer products that are ready-made and available for sale, lease, or licensed to the general public.
   MOTS = Computer software, hardware, technology, or computer products that can be purchased and then modified by the customer, vendor, third party to meet the specific need/use.
   CSD = Software and/or hardware is procured from a customized scope of work developed by the agency.

3. Is the project a proprietary system? ☐ No ☐ Yes

4. If the ITS system is a MOTS or a CSD, will the Awarding Agency retain all rights to software development? Specifically, all intellectual property rights to the source code, as distinguished from a license to use the software limited in time. Briefly explain.

5. Please describe in detail how the project is consistent with your Local or Regional ITS Architecture Plan and based on the requirements of the National ITS Architecture? (National ITS Architecture provides a common framework for planning defining, and integrating intelligent transportation systems. For more information, go to http://www.iteris.com/itsarch/.)

6. To be compliant with Federal ITS regulations, federally funded ITS projects must be consistent with a regional ITS Architecture or have a project-level architecture. If there is no regional ITS Architecture Plan or one is not being maintained and updated, then a "project specific architecture" must be planned, developed and approved through the ITS architecture implementing agency process. Please provide the contact information for the agency in charge of the Local or Regional ITS Architecture Plan:

   Name of ITS Architecture Plan
   Attach PDF copy of page(s) of ITS project in Plan
   Contact Name
   Title
   Telephone Number
   E-mail
   Date of Contact(s)

a) Attach PDF copy of documentation that indicates you have made contact with the ITS Architecture Implementing Agency Team, and confirms that your agency is a documented stakeholder to the ITS Architecture planning and development process. The documentation should also verify that the ITS project is included in the Regional ITS Architecture Plan by providing a PDF copy of the page(s) within the plan or web link of the plan.

7. Does the project require integration or is the project a stand-alone system or a COTS with minimal integration?

Integrated system ☐ No ☐ Yes

Stand-alone system ☐ No ☐ Yes

8. If the project requires integration, what systems will be integrated?
When will the system integration take place? ☐ 1-2 years; ☐ 2-3 years; ☐ 3-4 years; ☐ 4-5 years; ☐ > 5 years

a) What other entities (public or private) will be part of the systems integration?

9. If the project is a stand-alone system or a COTS, are there plans to integrate systems in the future? Please note that stand-alone systems or COTS that have the potential for future integration, are considered an ITS project and the systems engineering analysis process must be applied.

☐ No. Please explain why.

☐ Yes. How will the integrated system be coordinated with a Local or Regional ITS plan? Please describe the agency or agencies, the coordination effort, and the plan for future systems integration.

10. Data Collection:

a) Does the agency intend to collect data with their ITS System? ☐ No ☐ Yes

b) If yes, what will the data be used for?

c) If the agency plans to collect data, is it for public use or private use or both? Please explain.

d) If another public or private entity is interested in your data, will you give the data away for free or charge a fee for it?

e) How will the data be stored?

11. Does the agency have a license for use? ☐ No ☐ Yes

If multiple systems are to be integrated, do all entities have a license for use, an agreement, permit, or approval by the vendor?

12. Briefly describe the implementation plan for the procurement of the ITS Project as follows:
    - Procurement and Installation Schedule
    - Testing and Acceptance Plan/Schedule
    - System Maintenance Plan
    - Type of Warranties and Length of Warranties
    - Training Plan

13. List any special hardware devices or equipment this system must interface or "connect to" and how this special hardware will be interfaced with the project equipment.

14. Describe your agency's policies to protect the federal investment throughout useful life and ensure adequate system performance to minimize repairs and replacements.

15. Has your agency established a process for the systems engineering analysis of ITS projects?

16. ☐ No ☐ Yes

If yes, please describe the systems engineering analysis process that was or will be completed for this ITS project.

17. Describe how the agency will administer and manage the acquisition once a contract is awarded.

For more information about ITS and ITS training, visit these websites:

http://www.itsa.org
http://www.its.dot.gov
http://www.ntionline.com
http://www.pcb.its.dot.gov/
http://www.iteris.com/itsarch/
http://www.itscosts.its.dot.gov/
http://www.its.dot.gov/faqs.htm
http://www.fta.dot.gov/12351_8827.html
http://www.fta.dot.gov/12351_7639.html
http://www.ops.fhwa.dot.gov/its_arch_imp/faq.htm
http://www.citeconsortium.org/courses/2mod5.html
http://www.pcb.its.dot.gov/factsheets/avl/avlRur.pdf
http://www.pcb.its.dot.gov/factsheets/factsheets.asp
http://www.ops.fhwa.dot.gov/its_arch_imp/policy.htm
http://www.ops.fhwa.dot.gov/its_arch_imp/training.htm
http://www.ops.fhwa.dot.gov/its_arch_imp/guidance.htm
http://www.ops.fhwa.dot.gov/its_arch_imp/resources.htm
http://www.ops.fhwa.dot.gov/int_its_deployment/index.htm
http://www.pcb.its.dot.gov/factsheets/maint/mntOve_print.htm
http://www.pcb.its.dot.gov/factsheets/security/secOve_print.htm

Certifying Representative:

I certify the requested commodities and/or services are correct and any items purchased comply with 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 49 CFR Part 19, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, FTA Circular 4220.1F- Third Party Contracting Guidance, and the FTA Best Practices Procurement Manual.

(Please Print)

Name: _____ Title: _____

Signature: _____ Date: _____

PART XV - REVIEW CHECKLIST FOR SUBRECIPIENT'S VEHICLE MAINTENANCE PLAN
STATE OF CALIFORNIA
FTA SECTION 5311 CAPITAL (VEHICLE & EQUIPMENT) APPLICATION

Answer the following questions regarding the vehicle maintenance plan:

1. Does your agency have a current written vehicle maintenance plan for all FTA funded rolling stock?

☐ Yes ☐ No

2. Does the vehicle maintenance plan include goals and objectives? (Page _____)

☐ Yes ☐ No

3. Does your agency have a preventive maintenance checklist for all FTA funded rolling stock?

☐ Yes ☐ No

4. Are the maintenance plan and preventive maintenance checklist consistent with the current operating fleet?

☐ Yes ☐ No

5. Are the maintenance plan and preventive maintenance checklist consistent with manufacturer's minimum maintenance requirements under warranty?

☐ Yes ☐ No

6. How does your agency track the manufacturer's recommendations and updates on requirements?

7. What is your agency's schedule for vehicle preventive maintenance? Are they completed on time?

8. Does your agency's vehicle maintenance plan address maintenance procedures for wheelchair lifts and other accessibility features? (Page _____)

☐ Yes ☐ No

9. Do maintenance records indicate that other accessibility features (e.g. kneelers, ramps, etc.) are maintained in operative condition?

☐ Yes ☐ No

Exhibit E

Section 5333(b) (formerly Section 13(c)) Documentation
and
Agreement by Subrecipient to Terms and Conditions
of the Special Section 5333(b) Warranty

1. Name and Address of Subrecipient:

2. Project Description(s):

Operating assistance for public transportation service during the operating period of **FY 2015.**

Purchase of vehicles, and/or other capital equipment for **FY 2015.**

3. County and Service Area of Project:

4. List of all **current operators of public transportation** (including **your system**) and **corresponding labor organizations** (if applicable) representing the employees of the providers in the above service area that are **eligible or potentially eligible** recipients of federal Section 5311 or 5311(f) funding assistance even if they are not currently recipients. **Exclude** human service agency providers from this list unless they provide transportation to the general public; **exclude** taxi operators unless they provide shared-ride transportation on a regular and continuing basis.

Public Transportation Operators	Labor Organization (or N/A)

5. Certification I certify for the Subrecipient that, with respect to the subject Section 5311 or 5311(f) project, I have reviewed the Special Section 5333(b) Warranty for the Section 5311 program including the Model Agreement which is a part thereof, and with full knowledge of the terms and conditions of said Warranty and Model Agreement, I certify that the Subrecipient agrees to comply with the terms and conditions of said Warranty and Model Agreement for the duration of the Section 5311 or 5311(f) project and, further, that these terms and conditions will be a part of any and all agreements and contracts between or among the Federal Government, the State of California, the Subrecipient, entered into with respect to the subject Section 5311 or 5311(f) project.

Also, I acknowledge that, for the purposes of the Special Section 5333(b) Warranty for the Section 5311 Program, the State of California is neither the legally nor financially responsible party under the Special Warranty, and the State assumes no special obligations under the Special Warranty that are not otherwise part of its normal obligations as a grant administering agency.

_____

Authorized Subrecipient Signature

Date

(Print Name and Title of Authorized Subrecipient)

ADA - Americans with Disabilities Act, this Federal law is a comprehensive civil rights measure prohibiting discrimination against the disabled in employment, housing and transportation. The intent of ADA is to ensure equal access for persons with disabilities to public accommodations, public services, telecommunications and transportation.

Annual Certification and Assurances -Subrecipients are required to complete FTA's Certs and Assurances annually for all FTA grants and cooperative agreements. FTA updates the assurances in January every year. Subrecipients must download the forms from FTA or Caltrans' website. The signature page must be completed, signed and returned to Caltrans with the application. Subrecipients receiving both 5311 and 5307 funds may submit a PDF copy of the Certs and Assurances submitted to FTA.

Authorized Resolution by Planning Agency and/or Subrecipients - The resolution must identify the Section 5311 program and designate all individuals authorized to submit/sign applications, contractual documents (standard agreements), and request for reimbursements. The resolution must cover the following:

- Planning agency has approved the programming of funds for this project.
- Some combination of state, local, or private funding sources has been or will be committed to provide the required local share.
- The subrecipient has, or will have by the time of delivery, sufficient funds to operate the vehicles and equipment purchased under this project or operate the service, as applicable.
- The subrecipient has coordinated with other transportation providers and users in the region, including social service agencies capable of purchasing service.

Capital Cost of Contracting - Some subrecipients turn to an outside source to obtain public transportation service, maintenance service, or vehicles that the recipient will use in public transportation service. When subrecipient's contract for such service, FTA will provide assistance with the capital consumed in the course of the contract. In the case of a contractor's providing vehicles for public transportation service, the capital consumed is equivalent to the depreciation of the vehicles in use in the public transportation service during the contract period. In the case of a maintenance contract, the capital consumed may be, for example, depreciation of the maintenance garage, or depreciation of the machine that lifts the vehicle. Capital consumed may also include a proportionate share of the interest the contractor might pay out as the contractor purchases and makes available to the subrecipient of these capital assets. FTA refers to the concept of assisting with capital consumed as the "capital cost of contracting."

Charter Service – Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price, such as:

- A third party pays the transit provider a negotiated price for the group;
- (Any fares charged to individual members of the group are collected by a third party;
- The service is not part of the transit providers' regularly scheduled service, or is offered for a limited period of time; or
- A third party determines the origin and destination of the trip as well as scheduling; or

Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:

- A premium fare is charged that is greater than the usual or customary fixed route fare; or
- The service is paid for in whole or in part by a third party.

Note: Charter Service does NOT include demand response service to individuals.

A subrecipient seeking Federal assistance under the Federal Transit Laws to acquire or operate any public transportation equipment or facilities shall enter into a "Charter Service Agreement." The terms of the

Charter Service Agreement are as follows: "The subrecipient agrees that it, and each of its third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR 604, the terms and conditions of which are incorporated herein by reference." The Charter Service Agreement is contained in the Certifications and Assurances published annually by Caltrans for applicants for Federal financial assistance. Once a subrecipient receives Federal funds, the Certifications and Assurances become part of its Standard Agreement for Federal financial assistance.

As part of its oversight responsibilities, Caltrans must ensure that any subrecipient providing charter service operates the service in accordance with the regulation. The charter service regulations apply to all subrecipients that receive Section 5307, 5309 & 5311 funds. The regulations define charter service as follows:

1. Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristics of charter service:
    a) A third party pays a negotiated price for the group
    b) Any fares charged to individual members of the group are collected by a third party
    c) The service is not part of the regularly scheduled service, or is offered for a limited period of time
    d) A third party determines the origin and destination of the trip as well as scheduling
2. Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and:
    a) A premium fare is charged that is greater than the usual or customary fixed route fare; or
    b) The service is paid for in whole or in part by a third party.

Example of services that do not meet the definition of charter service and, therefore, are not considered charter service by FTA are:

- Services requested by a third party that is irregular or on a limited basis for an exclusive group of individuals and the subrecipient does not charge a premium fare for the service and there is no third party paying for the service in whole or in part.
- Shuttle service for a one-time event if the service is open to the public, the itinerary is determined by the subrecipient, the subrecipient charges its customary fixed route fare and there is no third party involvement.
- When a university pays the subrecipient a fixed charge to allow all faculty, staff, and students to ride the transit system for free so long as the subrecipient provides the service on a regular basis along a fixed route and the service is open to the public.
- When the subrecipient sees a need and wants to provide service for a limited duration at the customary fixed route fare.

The charter regulations include exemptions and exceptions. Exemptions, which are not considered charter service, require no notification to registered charter providers, record-keeping, quarterly reporting, or other requirements. Exceptions are considered charter service and have administrative, record-keeping, and reporting requirements.

Exemptions

The charter service regulation exempts the following services:

1. <u>Transportation of Employees, Contractors, and Government Officials:</u> Subrecipients are allowed to transport their employees, other transit systems employees, transit management officials, transit contractors and bidders, government officials and their contractors, and official guests to or from transit facilities or projects within its geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review.

2. Private Charter Operators: The prohibitions do not apply to private charter operators that receive, directly or indirectly, Federal financial assistance under the over-the-road bus accessibility program or to non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance.
3. Emergency Preparedness Planning and Operation: Subrecipients are allowed to transport their employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors, and official guests for emergency preparedness planning and operations.
4. Section 5310, 5311; The prohibitions do not apply to subrecipient that use Federal financial assistance from FTA for program purposes, that is, transportation that serves the needs of either human service agencies or targeted populations (elderly individuals with disabilities) under Section 5310, or 5311. Program purposes do not include exclusive service for other groups formed for purposes unrelated to the special needs of the identified targeted populations.
5. Emergency Responses: Subrecipient are allowed to provide service for up to 45 days for actions directly responding to an emergency declared by the president, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration.
6. Recipients in Non-Urbanized Areas: Subrecipients in non-urbanized areas may transport employees, other transit systems' employees, transit management officials, and transit contractors and its geographic service area.

Exceptions

The charter regulation except the following community based charter services. The subrecipient must retain records of each charter service provided for at least three years. Charter service hours include time spent transporting passengers, time spent waiting for passengers, and "deadheaded" hours (time spent getting from the garage to the origin of the trip and then the time spent from trip's ending destination back to the garage).

1. Government Officials: A subrecipient is allowed to provide charter service (up to 80 charter service hours annually) to government official (Federal, state, and local) for official government business, which can include non-transit related purposes, if the subrecipient:
    a) Provides the service in its geographic service area
    b) Does not generate revenue from the charter service, except as required by law

    The subrecipient may petition FTA for additional charter service hours.
2. Qualified Human Service Organization (QHSO): A subrecipient is allowed to provide charter service to a QHSO for the purpose of serving persons:
    a) With mobility limitations related to advanced age
    b) With disabilities
    c) With low income

    If the QHSO receives funding, directly or indirectly, from the programs listed in Appendix A of the regulation, the QHSO is not required to register on the FTA's charter registration website. Otherwise, the QHSO is required to register. The subrecipient may provide service only if the QHSO is registered at least 60 days before the date of the first request for charter service.
3. Leasing of Equipment and Driver: A subrecipient is allowed to lease its FTA funded equipment and drivers to registered charter provides for charter service only if all of the following conditions exist:
    a) The private charter operator is registered on the FTA charter registration website

b) The registered charter provider owns and operates buses or vans in a charter service business
c) The registered charter provider received a request for charter service that exceeds its available capacity either of the number of vehicles operated or the number of accessible vehicles operated by the registered charter provider
d) The registered charter provider has exhausted all of the available vehicles of all registered charter providers in the subrecipient's geographic service area

4. No Response by Registered Charter Provider: A subrecipient is allowed to provide charter service, on its own initiative or at the request of a third party, if no charter provider registered on the FTA's website responds to the notice issues:
   a) Within 72 hours for charter service requested to be provided in less than 30 days, or
   b) Within 14 calendar days for charter service requested to be provided in 30 days or more.

   The subrecipient is not allowed to provide charter service under this exception if a registered charter provider indicates an interest in providing the charter service described in the notice and the registered charter provider has informed the subrecipient of its interest in providing the service. This is true even if the registered charter provider does not ultimately reach an agreement with the customer.

   If the subrecipient is interested in providing charter service under this exception, the subrecipient shall provide email notice to registered charter providers in the subrecipient's geographic service area by the close of business on the day the subrecipient received the request unless the request was received after 2PM, in which case the notice shall be sent by the close of business the next business day.
5. Agreement with All Registered Charter Providers: The subrecipient is allowed to provide charter service directly to a customer consistent with an agreement entered into with all registered charter providers in the subrecipient's service area. The subrecipient is allowed to provide charter service up to 90 days without an agreement with a newly registered charter provider in the geographic service area subsequent to the initial agreement. Any parties to an agreement may cancel the agreement after providing a 90 day notice to the subrecipient.

6. The Petition to the Administrator: The subrecipient may petition the Administrator for an exception to the charter service regulations to provide charter service directly to a customer for:
   a) Events of regional or national significance
      The petition shall describe how registered charter providers were consulted and will be utilized and include a certification that the subrecipient has exhausted all the registered charter providers in its service area. The petition must be submitted at least 90 days before the first day of the event.
   b) Hardship (only for non-urbanized areas under 50,000 in population or small urbanized areas under 200,000 in population).
      The exception is only available if the registered charter providers have deadhead time that exceeds total trip time from initial pick-up to final drop-off, including wait time, The petition shall describe how the registered charter provider's minimum duration would create a hardship on the group requesting the charter service.
   c) Unique and time sensitive events (e.g. funerals of local, regional, or national significance) that are in the public's interest.
      The petition shall describe why the event is unique and time sensitive and would be in the public's interest.

Reporting Requirement

Beginning July 30, 2008, subrecipients providing charter service under four of the exceptions shall post the required records on the FTA charter website using TEAM-Web within 30 days of the end of each calendar quarters as follows:

- October 1 to December 31: January 30
- January 1 to March 31: April 30
- April 1 to June 30: July 30
- July 1 to September 30: October 30

The reporting requirement applies to the following four exceptions:

- Government officials (604.6)
- Qualified human service organizations (604.7)
- Leasing (604.8)
- No response from a registered charter provider (604.9)

Caltrans reports on behalf of its subrecipients. **When charter service is provided under one or more of the exceptions under this regulation, the subrecipient is required to complete the Charter Service Reporting Form (Appendix #48) and email the form to Caltrans HQ staff. The subrecipient must also maintain notices and records in an electronic format for at least three years from the date of service or lease.** The subrecipient may maintain the required records in other formats in addition to the electronic format.
The records shall include a clear statement identifying which exception the subrecipient relied upon when it provided the charter service. A single document or charter log may include all charter service trips provided during the quarter. The subrecipient may exclude specific origin to destination information for safety and security reasons. If such information is excluded, the record of the service shall describe the reason why such information was excluded and provide generalized information.

PDF copy of FTIP/PDF copy of FHWA/FTA Federally approved TIP Letter - Before FTA can make grants available to recipients, adequate planning must take place. The project proposed must be a product of the metropolitan planning process and/or the statewide planning process specified in 49 CFR part 613 and 23 CFR part 450. That is, all transit projects for which federal funds are expected to be used and that are within metropolitan planning boundaries must be included in a Metropolitan Transportation Improvement Program (TIP) approved by **the MPO** and the Governor and in a Statewide Transportation Improvement Program (STIP) that has been approved by FTA and the Federal Highway Administration (FHWA). Projects not within metropolitan planning boundaries are required only to be in the STIP. The application should identify the latest approved STIP (or amendments) containing the project(s), the appropriate page numbers, and a statement identifying the date that FTA and FHWA approved the STIP (or STIP amendment) that contains the proposed project(s). Projects listed in the TIP and STIP must be derived from and consistent with the State's long range plan.

Direct Operating Expenses – Expenses that are for activities and services that benefit the proposed project directly.
Examples of eligible direct operating expenses include, but are not limited to:

- Fuel and Lubricants – Gas, Diesel, bio-diesel, CNG, oil, and grease consumed by vehicles providing transportation services.
- Insurance – Vehicle insurance expenses accrued during the specified time period.
- Vehicle Maintenance – Routine vehicle maintenance and repairs that are not capitalized by your organization. (New engines and complete vehicle restorations and refurbishments that substantially extend the useful life of the vehicle should not be included. Those items should be requested through a capital grant application.)
- Contracted Services – Expenses that are paid to outside sources/vendors to provide the services in lieu of subrecipient's employees performing the activity.

- Labor and Benefits – Wages, salaries and fringe benefits paid to employees such as drivers, dispatchers, and shop mechanics.
- Administrative Expenses – Salaries and related benefits of those employees who perform administrative/clerical duties, and other non-salaried administrative expenses incurred to support a project.

Fringe Benefits – Compensation in addition to direct wages or salaries, such as company car, house allowance, medical and dental insurance, paid holiday, pension plans, subsidized meals, etc.

Indirect Costs - Indirect costs are overhead costs incurred by subrecipients as a result of the project, but that are not easily identified with the specific project. Generally, indirect costs are defined as administrative or other expenses that are not directly allocable to a particular activity or project; rather they are related to overall general operations and are shared among projects and/or functions. Indirect costs are sometimes referred to as "overhead costs."
Example of indirect operating expenses include, but is not limited to:

- Executive Oversight
- Accounting
- Grants Management
- Legal Expenses
- Utilities
- Technology Support
- Facility Maintenance
- Depreciation
- Insurance

Indirect Cost Allocation Plan (ICAP)- If subrecipients are planning to charge indirect costs to an operating project, you must submit a plan documenting how charges were calculated and allocated between programs and projects. The plan MUST be reviewed and approved in writing by Caltrans Division of Audits and Investigation as well as FTA. Otherwise, Caltrans will NOT reimburse indirect operating expenses.

In-kind Match - In-kind match are goods and services donated from outside your agency. The value of non-cash charges for real property and equipment, and the value of goods and services must be directly benefiting and specifically identifiable to the project. To be eligible as a match, the monetary value of the in-kind contributions must be documented.

In-kind Valuation Plan - If subrecipients are planning to use in-kind match for local share, you must submit a plan documenting a list of donated goods and services, the fair market value of such goods and services and how the values were determined. The plan MUST be approved by Caltrans DRMT as well as FTA. Otherwise, Caltrans will NOT issue a standard agreement for your proposed project.

Job Access Reverse Commute (JARC) – JARC projects are now eligible under Section 5311 Program. A transportation project to finance planning, capital and operating costs that support the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including transportation projects that facilitate the provision of public transportation services from urbanized areas and rural areas to suburban employment locations.

Labor Union Information - Under the terms of the Special Section 13 (c) Warranty for Application to the Small Urban and Rural program, Caltrans must provide an accurate up-to-date listing of all existing transportation providers in the transportation service area of the project, and any labor organization representing employees of such providers to the Department of Labor.

- Project Description – As identified in the Program of Projects.

- Other Providers – Provide a listing of all surface public transportation providers in the subrecipient's service area.
- Union Representative of Subrecipient's Employees – List union representation including name of organization, contact person, address, telephone number, and email address or indicate "none," if applicable.

Local Share - Local share is subrecipients' revenue generated from local sources such as, but are not limited to, taxing authority, funding received from state, county or municipal sources, other local or private grant awards and revenue generated from other internal activities. Operating assistance consists of 55.33% federal contribution and a 44.67% local match. Please note that source of local funds can NOT be from federal funds such as FTA Section 5310, 5316, or 5317 funds.

Maintenance Plan - Subrecipients are required to develop written maintenance plans for FTA funded facilities, vehicles, and equipment. The plan should identify the goals and objectives of a maintenance program and establish the means by which such goals and objective will be attained. In the maintenance plans, periodic reporting, maintenance record review, visual inspections, and maintenance audits should also be addressed.

Moving Ahead for Progress in the 21st Century Act (MAP-21) – is the new two-year surface transportation authority that provides FTA an authorization level of $10.9 billion in FY 2013 and $10.7 billion in FY 2015.

Procurement Requirements - Recipients/subrecipients seeking federal assistance under the Federal Transit Laws as codified at 49 U.S.C. 5301 et seq. to acquire property or services in support of a proposed project is subject to numerous provisions of law pertaining to third-party procurement requirements. SAFETEA-LU re-codified FTA's procurement requirements in 49 U.S.C. 5325. In addition, regulations promulgated at 49 CFR part 18 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) establish uniform administrative rules for federal grants, cooperative agreements, and subawards to State, local, and Indian tribal governments (private, non-profit organizations must comply with similar regulations in 49 CFR part 19). Provisions of the common rule pertaining to procurement requirements for FTA recipients that are governmental authorities are set forth at 49 CFR 18.36. Those requirements, as well as other FTA specific provisions, are also set forth in FTA's Master Agreement, FTA MA(13) October 1, 2006, at Section 15, "Procurement," and will be updated annually with issuance of each new Master Agreement. Finally, FTA has published additional guidance on recipient compliance with third-party procurement requirements within the most current FTA Circular 4220 and its "Best Practices Procurement Manual." These regulations and guidance are intended to ensure full and open competition and equitable treatment of all potential sources in the procurement process including planning, solicitation, award, administration, and documentation of all Federally-funded contracts. Each recipient of FTA assistance to acquire property or services in support of its proposed project shall certify to FTA, in accordance with 49 CFR 18.36 that its procurements and procurement system will comply with all applicable third-party procurement provisions of federal laws, regulations, and directives, except to the extent FTA has expressly approved otherwise in writing. Any subrecipient that fails to provide this certification may be determined ineligible for award of federal assistance if FTA and State determines that its procurement practices and procurement system are incapable of compliance with federal laws, regulations, and directives governing procurements financed with FTA assistance.

Toll Credits - Toll credits provide a credit toward a project's local share for certain expenditures with toll revenues. The amount of credit toward local share to be earned by State is based on revenues generated by toll authorities within the State. Under the provision of 23 U.S.C. 120(j), FHWA oversees the determination of toll credit within each state. For FTA, the effect of utilizing toll credits means that FTA, in essence, provides 100% of the total net project cost. If subrecipients are planning to use toll credit for local share, you MUST coordinate with your MPO and Caltrans before you submit an application to ensure the availability of the credit.