

*(Last approved fy15, update coming soon)*

**State of Vermont, Agency of Transportation (VTrans)**

# **STATE MANAGEMENT PLAN**

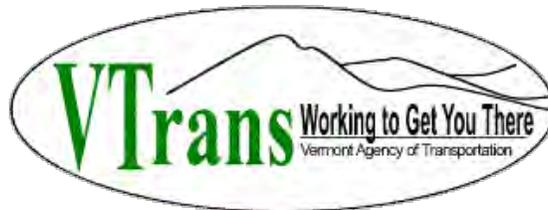
**For Vermont Public Transit Programs**

49 USC §5310 Elderly Individuals and Individuals with Disabilities Program, CFDA 20.513

49 USC §5311 Rural Area Formula Program, CFDA 20.509

49 USC §5339 Bus and Bus Facilities Formula Program, CFDA 20.526

**Prepared by:**



**Policy, Planning, and Multimodal Development  
Public Transit Section  
February 2015**

## Contact Person for this document

Barbara Donovan, Public Transit Administrator  
802-828-2828 or [barbara.donovan@state.vt.us](mailto:barbara.donovan@state.vt.us)  
Vermont Agency of Transportation (VTrans)  
Policy, Planning and Intermodal Development  
Public Transit Section  
1 National Life Dr.  
Montpelier, VT 05633-5001

### **Public Review, 6/18/15 – 7/2/15, VTrans website, Public Transit Advisory Council and the Vermont Public Transit Association and groups**

**This document was placed on the VTrans website on 6/18/15 through 7/2/15 and was further submitted to the VPTA, PTAC, all contractors, the VCIL, AHS – DVHA - Reach UP – Child and Family Services, SILC, VTrans Civil Rights Officer requesting review and comments. Zerocomments were received and can be reviewed by request. Where appropriate, they were incorporated into the final document.**

## Prefatory Notices:

### **Americans with Disability Act (ADA) alternative format information**

This plan and other related materials can be provided in alternative formats: large print, Braille, cassette tape, or on computer disk for people with disabilities by calling the Office of Civil Rights and Labor Compliance, Equal Employment Opportunity (EEO) Officer, Colleen Montague, [\(attachments\)](#)

[colleen.montague@state.vt.us](mailto:colleen.montague@state.vt.us)

Vermont State EEO Officer telephone 802-828-2715, 1-800-356-1965

Persons who are deaf or hearing impaired may contact EEO through the 1-800-253-0191 (TTY)

### **Title VI Notice to Public-Non-Discrimination**

It is the Vermont State Agency of Transportation's (VTrans) policy to assure that no person shall, on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. Any person, who believes his /her Title VI protection has been violated, may file a complaint with VTrans Office Civil Rights and Labor Compliance. For Title VI complaint forms and advice, please contact:

[lori.valburn@state.vt.us](mailto:lori.valburn@state.vt.us)

VTrans Office of Civil Rights and Labor Compliance  
Telephone 802-828-2717, 1-800-356-1965  
1-800-253-0191 (VTrans TTY)

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## **Introduction: Vermont's State Management Plan (SMP)** ([return to table of contents](#))

At a minimum, this document includes the state's objectives, policies, procedures, and administrative requirements, in a format readily accessible to potential subrecipients, state staff, FTA, and the public. The SMPs primary purpose is to serve as the basis for FTA state level management reviews of the program and to provide public information on the state's administration of all the FTA Public Transit programs. In addition, this document will be used by VTrans as a program guide for local project applicants.

This document, approved by the regional FTA office on June 8, 2015, amends the State Management Plan (SMP) currently on file with the Federal Transit Administration (FTA). The state's procedures and policies for administering the 49 U.S.C. §5310, §5311 and §5339\*\* programs are presented within this SMP. A copy of the SMP, including substantial changes, is supplied to each subrecipient of the FTA programs by reference in each application RFP for transit funding.

### **Program Summary**

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The Governor of Vermont has designated the Secretary of the Vermont Agency of Transportation (VTrans) (hereinafter referred to as the Secretary) to administer all statewide Federal Transit Administration programs, V.S.A. Title 24-§5094, ([attachments, Appendix D](#)).

The Division of Policy, Planning, Research and Intermodal Development in VTrans is the division under which the Public Transit Section is organized. (See letter to FTA stating that the director of PPAID has the authority to authorize TEAM usage [attachment A](#).) The Public Transit Section is responsible for assuring compliance with the program requirements stated in this plan and is responsible for keeping the SMP up to date as well as administering all public transit programs including the FTA. The Public Transit Section is led by the Public Transit Administrator who is the specific person responsible for the programs and compliance including keeping this SMP up to date.

Legal support is provided by the Office of the Attorney General which has an office at VTrans to support its efforts. Procurement support is provided by the Office of Contracts Administration under the Division of Finance and Administration (F&A). Compliance with all Civil Rights activity is provided by the Office of Civil Rights and Labor Compliance also under F&A. (See <http://www.aot.state.vt.us/VTransDivisions.htm> for current VTrans Divisions and Staff, also see [attachments](#)). The Division of Administration and Finance provides all financial compliance and administrative support.

Federal and State funds must have budget authority granted by the Vermont State Legislature, through the Agency's T-fund program. The Section 5311 and 5307 programs include funds flexed to FTA from the FHWA "Surface Transportation Program (STP) and for CMAQ funds across the state. Once the FHWA funds are flexed to FTA, they are administered under the provisions of the Section 5311 and 5307 programs as appropriate.

VTrans has a regional transit system with regional transit providers who are the sole recipients of state and federal funds from the FTA rural transit programs, which include special services for elders and persons with disabilities and State designated funds for rural public or specialized transportation services. This enhances coordination and management of state and federal transportation funds as required in the statutes (See attachment for description of FTA circular guidance [attachments](#)). There are currently 8 Section 5311 transportation organizations in Vermont, see listing in attachments, [attachments](#)). Vehicle funding is awarded through the FTA program to the regional transit providers and subleased to other agencies as necessary. Each year a competitive grant making process is followed. VTrans enters into written agreements with each subrecipient of the various FTA transit programs stating the terms and conditions of the assistance.

\*there are minor amounts of 5317 remaining.

\*\*Unless otherwise noted, the phrase 'All FTA Programs' is meant to include 5310, 5311, 5317\* and 5339 and any other FTA program with a State Management Plan requirement.

## Program Profile

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*# of providers, in each program, are they public, private non-profit, tribal governments, type of service provided, see Attachment*

**Addison County Transit Resources (ACTR)**, private non-profit, fixed route with deviation for all, seasonal, commuter and demand response, Medicaid service, regional

Jim Moulton, Executive Director □ **Chair VPTA**

**Mail:** P.O. Box 532

PO Box 532

297 Creek Rd.

Middlebury, VT 05753

Phone: (802) 388-1946 / Fax: (802) 388-1888

E-mail: [jim@actr-vt.org](mailto:jim@actr-vt.org)

**Advance Transit, Inc.** private non-profit, fixed route, complementary paratransit, regional

Van Chesnut, Executive Director

**Mail:** P.O. Box 1027

Billings Commerce Park

Wilder, VT 05088

Phone: (802) 295-1824 / Fax: (802) 295-3010

E-mail: [vchesnut@advancetransit.com](mailto:vchesnut@advancetransit.com)

**Chittenden County Transportation Authority (CCTA)**, public transit authority, commuter, dba Green Mountain Transit Agency, subcontracts for complementary paratransit, medicaid service through subcontractor

Karen Walton General Manager

**Mail:** 15 Industrial Pkwy

Burlington, VT 05401

Phone: (802) 864-0211 / Fax: (802) 864-5564

E-mail: [kw Walton@cctaride.org](mailto:kw Walton@cctaride.org)

**Connecticut River Transit, Inc. (CRTI)**, private non-profit, fixed route with deviation for all, seasonal, commuter, demand response, medicaid service, regional

Rebecca Gagnon, General Manager,

**Mail:** 706 Rockingham Road

Rockingham, VT 05101

Phone: (802) 460-RIDE x201 / Fax: (802) 460-1004

Toll Free: (888) 869-6287

E-mail: [rgagnon@crtransit.org](mailto:rgagnon@crtransit.org)

**Deerfield Valley Transit Association (DVTA; Moover)**, fixed route with deviation for all, seasonal, commuter, regional

Randy Schoonmaker, General Manager □□ **Vice President**

**Mail:** P.O. Box 429

100 N. North Commercial Ctr

West Dover, VT 05356

Phone: (802) 464-8487 / Fax: (802) 464-0164

E-mail: [randys@moover.com](mailto:randys@moover.com)

[The previous two agencies, DVTA and CRT have merged as of January 1, 2015.](#)

[Their name will change to Southeast Vermont Transit on July 1, 2015](#)

[Randy Schoonmaker is the Executive Director](#)

**Green Mountain Community Network (GMCN)** private non-profit, fixed route with deviation for all, commuter, demand response, Medicaid service, regional

Donna Baker, Executive Director □ **Treasurer VPTA**

**Mail:** 215 Pleasant Street

Bennington, VT 05201

Phone: (802) 447-0477 x11 / Fax: (802) 447-2550

E-mail: [dbaker@greenmtncn.org](mailto:dbaker@greenmtncn.org)

**Green Mountain Transit Agency – Montpelier/Franklin Grand Isle (GMTA)**, rural part of CCTA, seasonal, fixed route, ADA paratransit, commuter, demand response, Medicaid service, regional  
Tim Bradshaw, District Manager  
**Mail:** 6088 VT Rte 12  
Berlin, VT 05602  
Phone: (802) 223-7287/ FGI 527-2181  
Fax (802) 223-6236  
E-mail: [tbradshaw@gmtaride.org](mailto:tbradshaw@gmtaride.org)

**Marble Valley Regional Transit District (MVRTD; The Bus)**, public transit district, fixed route with deviation for all, seasonal, commuter, demand response, Medicaid service, regional  
Minga Dana, Executive Director  
**Mail:** 158 Spruce Street  
Rutland, VT 05701  
Phone: (802) 773-3244 / Fax: (802) 773-0840  
E-mail: [minga@thebus.com](mailto:minga@thebus.com)

**Rural Community Transportation, Inc. (RCTI)**, private non-profit, fixed route with deviation for all, commuter, demand response, Medicaid service, regional  
Mary Grant, Executive Director **VPTA Secretary**  
**Mail:** 1161 Portland Street  
St. Johnsbury, VT 05819  
Phone: (802) 748-8170 / Fax: (802) 748-5275  
E-mail: [marygrant.rct@gmail.com](mailto:marygrant.rct@gmail.com)

**Special Services Transportation Agency (SSTA)**, private for profit, subcontracted to ccta, complementary paratransit, Medicaid service  
Murray Benner, Executive Director  
**Mail:** 2091 Main Street  
Colchester, VT 05446  
Phone: (802) 878-1527 / Fax: (802) 878-7385  
E-mail: [mbenner@sstarides.org](mailto:mbenner@sstarides.org)

**Stagecoach Transportation Services, Inc. (STSI)**, private non-profit, fixed route with deviation for all, commuter, demand response, regional  
Jim Moulton, General Manager  
**Mail:** P.O. Box 356  
1 L Street  
Randolph, VT 05060  
Phone: (802) 728-3773 / Fax: (802) 728-6232  
E-mail: [jim@actr-vt.org](mailto:jim@actr-vt.org)

Stagecoach is currently operating under a management agreement with ACTR.

See attached map, Appendix B

## **Chapter A – Program Goals and Objectives (5310, 5311, 5339)**

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*Requirement - Describe the philosophy and policy underlying the state's management of the Section 5311 program. Include a description of any process that exists for tracking the program goals for 49 U.S.C. 5311 in Chapter II Section 2 of this Circular and establishing long-term goals for providing rural public transportation in rural areas of the state, including the state's process for long-range planning and consultation with rural elected officials.*

**Philosophy** – The states philosophy on public transit is expressed in statute and long term plans as: “Public transportation is an important matter of state concern, essential to the economic growth of the state and to the public health, safety and welfare of present and future generations of Vermonters. In each fiscal year, a portion of the transportation fund shall be dedicated to the continued support of public transit.” (Title 24, §5082, [attachments](#))

*“Public transit meets the basic mobility needs of all Vermonters including transit-dependent persons, provides access to employment and other modes, mitigates congestion, preserves air quality and promotes efficient energy use, and advances the State's economic development objectives – all in a safe, reliable, cost-effective, and environmentally responsible manner.”* (From the Public Transit Policy Plan 2012 [attachments](#))

**Policy** – The policy for the VTrans Public Transit Program in Vermont is established in Vermont Statute Title 24: Municipal and County Government, Chapter 126: Public Transportation, 24 V.S.A. §5083. Declaration of Policy (see [attachments](#))

It states that:

- “The state shall make maximum use of federal funds to support public transportation;
- The state operating funds shall be included in agency operating budgets as available;
- The state shall support the maintenance of existing public transit service including fixed route, demand response, or volunteer drivers.
- The state shall support creation of new public transit services;
- The Public Transit Advisory Council (PTAC) shall annually evaluate the effectiveness of services;
- The agency shall adopt performance standards with the advice of the PTAC;
- The agency shall provide written guidance on planning and funding and technical assistance to public transit systems each year.”

For further information on performance standards, see [Chapter S](#).

**Goals** – In addition to the FTA goals stated in the appropriate circulars for the 5310, 5311, and 5339 formula grants, State of Vermont goals are included in 24 V.S.A. §5083 ([attachments](#)):

- Basic mobility for transit dependent persons;
- Access to employment;
- Routes to reduce congestion and preserve air quality;
- Advance economic development

**Process for establishing long term goals** – There are three processes for establishing long term goals. The first is for the every 5 year Public Transit Policy Plan, the next is for the internal VTrans Planning process guided by 24 V.S. A. Chapter 117 (see [attachments](#)) which details the internal planning process, and the yearly program planning that goes into developing the budget. The third is the Human Service Transportation Coordination Plan. The latest Public Transit Policy Plan was completed in January, 2012.

**Process for long range planning** – VTrans is required to develop and update its long range public transit plan no less than every five years according to Title 24, Chapter 126 V.S.A. §5089 (see [attachments](#)). This plan requires extensive consultation with transit providers, the MPO, regional planning commissions and their advisory committees. During the planning process, regional public meetings are held and at least one statewide public meeting is held on the Vermont Public Access TV station. Consultation with the PTAC is held at least twice during the process. The PTAC serves as the advisory committee for the Policy Plan. VTrans updates its Vermont Human Service Coordination Plan every 5 years under a similar process.

**Consultation with Local Officials** – 24 V.S.A. §5089 Planning requires consultation with regional planning commissions, their transportation advisory committees, and public transit providers. In addition, Title 19 requires the Agency of Transportation to present its Transportation Program to the legislature each year for approval. The regulations require the PTAC (Public Transit Advisory Council) to be composed of various members including a representative of the Vermont League of Cities and Towns and a representative of the Vermont Association of Planning and Development Agencies and other representative community members. The annual budget and all issues regarding transit are presented to this advisory council 4 times per year. The PTAC invites the regional planning commissions to meet with them each year. In addition, Title 24, Chapter 117, documents local, municipal and regional consultations required by all VTrans activities. ([see attachment D](#))

## Chapter B – Roles and Responsibilities

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*Requirement - Specify the agency designated by the governor to administer the Section 5311 program. Explain the respective roles and responsibilities of the state agency and its subdivisions, other state agencies or review boards, local governments, private providers, local applicants, and other involved parties. Include a brief discussion of the statewide long-range transportation planning process.*

The FTA is responsible for providing overall policy and program guidance through the FTA Federal Register notices, FTA C 5010.1D and other relevant circulars, apportioning funds annually to the states, developing and implementing financial management procedures, initiating and managing program support activities, and conducting national program review and evaluation.

The FTA regional offices are responsible for daily administration of all FTA programs including reviewing and approving state grant applications, obligating funds, managing grants, overseeing implementation of annual programs, reviewing and approving SMPs, providing technical assistance and performing state management reviews.

### Administration and Service Delivery

- Guidance in Circular 5010.1D defines the Governor (Executive Officer) of a state as the one who selects the grantee for metropolitan areas over 200,000 which then receive funding directly (VT has none). For all areas under 200,000, the resources are made available to the Governor.
- The Governor of Vermont has designated the Secretary of the Vermont Agency of Transportation (VTrans) to administer all FTA programs. This has been confirmed by legislative action, VSA Title 24 §5094, [attachments D](#)).
- Within VTrans, Policy, Planning and Intermodal Development (PPAID) is the division under which the Public Transit Section is organized. (See letter to FTA stating that the director of PPAID has the authority to authorize TEAM usage.)
- The Public Transit Section is responsible for administering and assuring compliance with the program requirements stated in this plan and is responsible for keeping the SMP up to date as well as administering all public transit programs including the FTAs. The Public Transit Section is led by the Public Transit Administrator who is the specific person responsible for the programs and compliance including keeping this SMP up to date. When the FTA conducts a State Management Review (every 3 years). The reviewers document whether or not the state is following its own procedures as stated in this document.
- The Secretary is guided by the Public Transit Advisory Council (PTAC), established in statute (V.S.A. §5084), on all public transportation matters. [\(see attachments D\)](#). The membership of the PTAC ensures inclusion of members of the state legislature, representatives from the agencies of human services, of labor, of commerce and

community development, from the communities of the elderly and disabled through the Vermont Center for Independent Living, the Community of Vermont Elders, private bus companies through a representative of private bus operators and taxis and one from the intercity bus operators, from the Vermont League of Cities and Towns, from the association of planning and development agencies, the bus operator from the urbanized area, 3 representatives from the Vermont Public Transportation Association and a citizen appointed by the Governor.

- There is only one urbanized area in Vermont, the Burlington area urbanized area. It is within 50,000 - 200,000 persons. Each year the Secretary authorizes the Chittenden County Transportation Authority the ability to directly apply to the FTA for their 5307 funds and any FHWA funds flexed to the urban program. ([See attachment A](#))
- The metropolitan planning funds for the Burlington area MPO are transferred from FTA to the FHWA to be administered through a Consolidated Planning Grant. The UPWP remains the same. ([see Appendix A](#))
- VTrans operates its transit programs through subrecipients and contractors. ([see attachment B](#))
- VTrans uses a competitive grant process. It requires that applicants have a coordinated relationship with a regional transit provider for the purposes of full coordination. (see [Program Profile for list of subrecipients](#)).
- All federal and state requirements flow down to the subrecipients who are required to sign the annual Certifications and Assurances as well as agree to the yearly FTA Master Agreements.
- All Federal Transit Administration requirements, detailed in the FTA circulars ([see attachments](#)), are required to be met by all subrecipients.
- Funding distribution is detailed in V.S.A. §5091 ([see attachments](#)). There are references to amounts no less than those distributed in 2001 as well as definitions of funds for the elderly and disabled programs.
- Local applicants are responsible for complying with program guidelines to meet subsequent contractual obligations to VTrans and as outlined in the State of Vermont application for funding, such as: documenting efforts to achieve local coordination and securing sources of funding for use as a local match.

### **State Transportation Improvement Plan (STIP)**

Federal funds to be used for highway or transit projects must be included in a STIP, 23 U.S.C. Section 135 ([attachments](#)) which covers four program years. Examples of areas for programming would be for vehicle acquisition, transportation services, operating assistance, intercity bus

projects, facility construction, state administration and training and technical assistance and a list of each FTA program, usually submitted as one entry per program. Public Transit must submit to the AOT Improvement Program Coordinator (currently Matthew Langham) any expected changes to the published program currently and for the next 4 years.

The Chittenden County Regional Planning Commission (CCRPC) Metropolitan planning organization (MPO) is responsible for planning and programs in the Burlington metro area. VTrans considers coordination efforts when approving projects statewide. Potential Section 5310 and 5311 projects that are being proposed within the MPOs current planning area boundary, which may include areas that are currently non-urbanized but are expected to become urbanized within the next twenty years, must be included in the MPOs TIP and subsequently in VTrans' STIP.

**Consultation with Local Officials** – 24 V.S.A. §5089 Planning requires consultation with regional planning commissions, their transportation advisory committees, and public transit providers. In addition, Title 19 requires the Agency of Transportation to present its Transportation Program to the legislature each year for approval. The regulations require the PTAC (Public Transit Advisory Council) to be composed of various members including a representative of the Vermont League of Cities and Towns and a representative of the Vermont Association of Planning and Development Agencies and other representative community members. The annual budget and all issues regarding transit are presented to this advisory council no less than 4 times per year.

## Chapter C – Coordination

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*Requirement - Describe how the State coordinates with other agencies at the State level, and encourages and enhances coordination at the project level. This could include a description of any State level coordinating mechanisms, legislation, review boards, and State policies that encourage or mandate coordination at the local level.*

- The VTrans locally developed coordinated public transportation human service plan is updated every 5 years and called the Vermont Human Service Transportation Coordination Plan (VHSTCP). Projects requesting 5310, 5311, and 5317 funds must be based on the VHSTCP. As the State is the direct recipient for these funds and their population is low and dispersed, they have elected to contract for this plan on a state wide basis and develop plans with full local participation.
- The recipients awarded FTA and state funds are required to work with the regional transit organizations. The regional transit organization will purchase any vehicles on behalf of the awardees.  
All applicants are required to publish a public notice as part of their application to promote coordination as well as to notify any private providers of the project. Details concerning the notification are located in the application.
- State Statute, Title 24 §5090, dictates that human service programs purchase client transportation through public transit systems where appropriate. This assists in continued coordination efforts. ([see attachmentsD](#))
- The membership in the PTAC, §5084, requires the participation of private transportation providers in the recommendation of policy to the Secretary of Transportation. ([attachments](#))
- An additional requirement of the application process is to make provision for a fair and timely opportunity for the community or communities served to participate in the planning and implementation of the transportation services, specifically in the type, nature, extent and quality of the services.
- The Public Transit Policy Plan, which recommends transit policy for VTrans, regularly cites the necessity of coordination with other state agencies as one of the highest priorities for VTrans.
- VTrans meets regularly with DVHA (Division of Vermont Health Access) which is the major purchaser of non-emergency, client specific transportation in Vermont. Both agencies meet monthly with the VPTA (Vermont Public Transportation Association).
- VTrans allows FTA vehicles to be used to provide non-exclusive demand response service for Medicaid recipients.

- Private providers are allowed to apply for funding but per instructions and guidance in the application must coordinate through a regional provider. [attachments](#)
- At the state level, an Elders and Persons with Disabilities (E&D) Statewide Advisory Committee made up of representatives from the Agency of Human Services (AHS), VTrans and various advocacy groups may be called annually to review the program. This committee is committed to breaking down barriers to coordination of services and to the resolution of common transportation coordination problems. There are local and regional E&D committees in every transit region who meet frequently with their regional transportation provider.
- The STIP (State Transportation Improvement Program) is a required document for receiving federal transportation funds. This is another method of potential for coordination as it provides an opportunity for public comment and contains most funds for highway and transit projects. The STIP coordinator for VTrans is in the Policy, Planning and Multimodal Division. Further guidance for STIP requirements is available at the FHWA website.
- VTrans encourages and enhances coordination at the project level by several means. VTrans reviews all public transit service applications, including those for new services for coordination issues and includes coordination in all its planning requirements.

## Chapter D - Eligible Subrecipients

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*Requirement - Describe which entities may apply to the state for funds as subrecipients and what kinds of projects the state may conduct itself as primary recipient. Identify any way in which state eligibility is more restrictive than federal eligibility. Describe methods for participation by other entities, including private for-profit providers such as taxicab companies or intercity bus operators.*

- The State of Vermont is no more restrictive than the FTA requirements in terms of eligibility of subrecipients. All providers with the exception of inter-city providers, if they are not a regional provider, must coordinate with and subcontract through a regional transit provider. Intercity providers must coordinate stops with regional providers wherever possible.
- All public transit grant applicants are required to publish a public notice as part of their application to promote coordination as well as to notify any private providers of the project. Notices must appear in the local newspaper of widest circulation within the area where service is to be provided. The notice must appear at least 15 days prior to the application deadline. Applicants must provide written details of the proposed project to all public and private for-profit, and private non-profit transportation providers located in or adjacent to the proposed project area. Applicants must answer all requests for information and document answers in the application.
- All providers must participate in and comply with regional transit plans and the planning process.
- Public Transit Authorities/Districts - Any public authorities with service boundaries including non-urbanized areas are eligible for participation in the Section 5311 program. Currently, there is one authority – Chittenden County Transportation Authority – in Vermont with boundaries encompassing rural areas. It operates as GMTA in its non-urbanized areas. There is one District, the Marble Valley Transit District. ([See attachment D](#))
- Any transportation provider in an urbanized area or a non-urbanized area who has as its clientele, elderly persons and/or persons with disabilities can become eligible to receive Elders and Persons with Disabilities program assistance. Transportation services under this program must be open to the general public on a first come, first served basis.
- The State of Vermont does not currently conduct any projects other than planning on its own.

## Chapter E – Eligible Services and Service Areas

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*Requirement - Describe eligible services and service areas, including any limitation the state imposes in addition to federal rules. The definition of transit service area is a state and local decision. Include here any state policies and procedures related to the provision of service to destinations outside the state.*

### Services:

- The State of Vermont is no more restrictive than the FTA in determining eligible services. See related FTA circulars to determine eligible services. [attachments](#)
- Transit service providers receiving assistance from the 5310 program may coordinate and assist in providing meal delivery services as long as it follows the appropriate regulations in FTA Circular 9070.1G, Page VI-45d.

### Service areas:

- The State of Vermont is no more restrictive than the FTA in determining available services.
- The service area for those receiving non-urban FTA funds is defined as the transit region Any subrecipient who is not a regional transit provider must operate under agreement to a regional provider. This includes services which begin in that region but are not restricted to destinations in that area.
- The service area for FTA programs may include destinations outside Vermont. All operators of interstate or international service must comply with applicable Federal Motor Carrier Safety Administration regulations [\(attachment F\)](#) and any applicable Canadian laws.
- VTrans will allow incidental use of a FTA funded vehicle for non-passenger transportation on an occasional or regular basis, (package delivery); however, the transit agency must provide documentation that this incidental use does not result in a reduction of service quality or availability to the public.

### New Services:

In accordance with Vermont’s Public Transportation Policy Plan dated January, 2012, the recommended criteria for new services include:

- VTrans requires an assessment of the proposed expansion project that makes explicit the intended market, the needs met, etc. . This would position VTrans to make explicit choices among alternative projects. Projects providing a basic level of mobility to areas of high need with no service would have priority for state funding, and expansions or new service would be evaluated in terms of the degree to which they serve unserved high-needs areas. Factors to be included in the evaluation would be that they are accessible, that they support economic development, that they provide

access to employment, and that they offer alternatives to private auto usage or support other goals such as congestion mitigation, reducing sprawl, etc.

- Services requiring expanded funding would be proposed by the system for new services funding/market demonstration funds. The operator would be required to provide a feasibility study of the new service, that would address:
  - The purpose of the service
  - The intended market or need being addressed
  - How that relates to state public transportation goals
  - Information on demographic characteristics of the proposed service area or market segment
  - A description of the service, including the proposed route, stop locations, schedule, fares, local funding sources, administrative responsibility, operations, ADA accessibility plans and marketing plans
  - Congestion mitigation and air quality benefits
  - Potential land use impacts of the project, including support for downtown development, increasing the liability of communities or reducing sprawl
  - Coordination with existing services/providers
  - Public support/participation
  - Estimated operating, administrative and marketing costs
  - Estimated operating cost per vehicle mile and per vehicle hour
  - Capital requirements, including vehicles, facilities, computers, communications, shelters, etc., including a description, intended purpose, characteristics and estimated cost
  - Estimated ridership
  - Projected boardings per vehicle mile and per vehicle hour
  - Estimated fare revenue (or other locally derived income in lieu of fares)
  - Net deficit/farebox recovery
  - Requested assistance
  - Subsidy per passenger trip
  - Subsidy per passenger mile
  - Target financial and performance measures for funding continuation
  
- Approval of the services statewide by VTTrans will be included in the funding shown for the providers in the annual STIP.
  
- Projects in the urbanized area must be included in the TIP for the area and approved by the MPOs.

## Chapter F - Eligible Assistance Categories

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*Requirement - Describe eligible assistance categories, particularly when more explicit or more restrictive than Federal categories. Include any restrictions on eligible expenses and the State's policy on allocation of costs between administrative and operating categories, and eligible capital costs.*

**Eligible Assistance Categories** – The State of Vermont is no more restrictive than the FTA.

### **For all categories of expenses:**

- Federal participation in capital project expenses for any program shall not exceed eighty percent (80%) of the total capital cost. For the Section 5310 Program, these expenses may include the purchase of vans or other paratransit vehicles and ancillary equipment. It may include purchase of services by special written permission. For the Section 5311 Program, these expenses may include, but are not limited to, purchase of vans or other paratransit vehicles, communications equipment, wheelchair lifts and restraints, passenger amenities such as bus stops and shelters, transit-related ITS equipment and initial installation costs. VTrans may elect to reduce the federal participation matching ratio during periods of funding shortages.
- Federal participation in preventive maintenance and project administrative expenses shall not exceed eighty percent (80%) of the total cost. Allowable administrative costs include salaries, overhead expenses, supplies and office equipment used to administer the program, vehicle insurance, advertising, and marketing. Technical assistance may include project planning, program development, development of vehicle and equipment specifications, management development, coordination of public transportation programs (public and private for-profit and non-profit), and research. When state funding is available, no local share may be required for technical assistance expenses.
- The maximum federal participation in operating project expenses shall not exceed fifty percent (50%) of the total operating deficit (operating costs less fares and specific program income). These expenses may include, but are not limited to, salaries for drivers, dispatchers, fringes and fuel.

### **Section 5339 Program**

The Section 5339 funding provides capital assistance for bus and bus-related equipment and construction projects. Urbanized and non-urbanized areas are eligible to receive Section 5339 funding. Funding is currently allocated by federal formula separately to the urban area and the state for the rural areas. The State is no more restrictive in eligibility than the FTA for applicants for Section 5339.

Funding for this program is now formula based in the FTA budget.

In general, VTrans subcontracts funds for facilities and vehicle purchase and does not directly contract for facility construction projects funded under Section 5339 (or 5310 and 5311). Per legislative action (May 2012) facility construction is now eligible for VTrans state fund support and will be considered on a case by case basis. Construction management with VTrans oversight remains the responsibility of the recipient agency.

### **Section 5310 Program**

**Capital** - The Section 5310 program assists organizations in the purchase of vehicles and equipment to provide transportation services which meet the special needs of elderly persons and persons with disabilities in both rural and urbanized areas.

**State Administrative Expenses** - Up to 10 percent of the state's total fiscal year apportionment may be used as the Federal share of program administration costs (Section 5310 administrative funds at 100% share). VT currently uses those funds for state administration to replace those 5311 administrative funds lost when the administrative % allowed was reduced to 10%.**Section 5311 Program**

**Operating** - VTrans reserves most Section 5311 **program** funds for operating projects. Funds flexed into the 5311 program from FHWA are used for capital and administrative expenses for those same projects.

**Flex Funds from FHWA** - 5311 program funds made available to VTrans, through a transfer from FHWA to the FTA, will be allocated to approved projects within the guidelines set by the Vermont Legislature in Title 24 V.S.A., Chapter 126 §5091 ([attachment D](#)) and for state administrative purposes.

**State Administrative Expenses** – VTrans chooses to distribute the 15 percent of the state's total fiscal year apportionment which could be used for state administrative costs, to the subrecipients for operating purposes. VT uses flex funds at 15% of the yearly formula allotment to cover their administrative costs.

**ADA Expenses** - Transit providers providing fixed route services, at their option, may propose to VTrans an alternative count for the population of communities served in order to qualify for additional funds beyond the 10% of the state 5311 formula allocation (see relevant regulation in 5307 9030 1.E IV-9 2n) to cover ADA expenses. This should be based on a service area definition adopted in the system's complementary paratransit plan accepted by VTrans, pursuant to 49 CFR 37.131(a)(1). The alternative count of the population must be based on an actual enumeration of the population, and may be tabulated at different levels of geography other than for towns, e.g., US Census, Block Numbered Areas (BNA), block groups or blocks. Any changes would need to be requested in writing to the Public Transit Administrator who will consult with the FTA for current practices.

**Non-eligible expenses** - Transportation services not eligible for federal and state subsidy are a local expense. Revenues from non-eligible transportation services should be sufficient to cover the fully allocated costs of providing those services. Revenues from non-eligible transportation services surplus to the amount necessary to cover the fully allocated costs of providing those services may be used as local match.

**Operating funds exceptions** - Section 5311, and 5317 funds are available for operating projects in rural areas. By written request and written approval, administrative or capital expenses may be supported by 5311 formula dollars. Other expenses are covered by FHWA funds flexed into the 5311 program.

## Chapter G – Local Share and Local Funding Requirements

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*Requirement - Describe the State's policies on provision of local share. Include any State programs which provide matching funds for Section 5311.*

### Local Match Requirements and Eligibility

Non-federal match can come from various sources: state (including a state other than Vermont, with their permission), local appropriations or other sources such as dedicated tax revenue; private donation; net income generated from advertising; concessions and service agreements with a State, local or a private human service agency. Volunteer driver in-kind contributions are eligible to be counted towards the local match only if the value is formally documented per federal CRs, supported and represent a cost which would otherwise be eligible under the project. Non-cash shares are eligible only if approved by VTrans in advance. Required match must be identified so that matching funds cannot be used twice.

- VTrans does not allow State funds to be used to match the following categories - funds for special services for the elderly and disabled created under the FHWA flex program and Vermont Rural Preventive Maintenance.
- Subrecipients are responsible for securing funding for local match with an acceptable allocation between cash or cash equivalent and unrestricted Federal funds on operating expenses only. Cash match must be secured for local match for capital expenditures unless prior approval is received from VTrans and the FTA.

### Section 5310 Program

- VTrans provides state funding for one-half of the non-federal match for capital assistance. The federal share for capital assistance is 80 percent (80%); state share is 10 percent (10%), subrecipients are responsible for 10 percent (10%). Should actual expenditures exceed the award, subrecipients are responsible for any match beyond the available federal and state funds.

### Section 5311 Program

- VTrans offers public transit assistance grants from state funds to regional public transit providers. These State funds may be used to provide matching funds for Section 5311 and 5317 at the standard match rate. FTA funds may not exceed the allowed %, 80% for capital and admin, 50% for operating.

### Availability of Subrecipients' Local Matching and Operating Funds

- Applicants certify the availability of local match through their grant applications. Applications are evaluated for viability of the local match source. The program applications indicate a specific date by which funds will be available. Requirements for local match are incorporated into the subrecipient contract. VTrans electronically certifies to FTA that subrecipients will meet local match requirements.

## Chapter H – Project Selection Criteria and Method of Distributing Funds

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*Requirement - Describe the State's criteria for selecting projects and distributing funds fairly and equitably among various applicants for funding, including tribal governments and other entities serving Native American populations. Whether the State uses a formula for allocation, imposes its own limitations on use of the funds (e.g., capital only), or uses an entirely discretionary selection process, the plan should explain the policy rationale and the methods used. This description should cover the State's procedures for assuring equity of distribution of benefits among groups within the State, as required by Title VI of the Civil Rights Act. Describe the State's procedures for coordinating with the metropolitan planning organizations (MPO) responsible for project selection in any designated transportation management area within the State.*

VTrans is responsible for allocating funds to urbanized and rural areas of the state in a fair and equitable manner; developing project selection criteria; selecting projects for funding; ensuring adherence to federal program guidelines by all recipients and ensuring compliance with Federal regulations during all phases of the application and funding processes; and for providing appropriate technical assistance and maximum feasible coordination of public transportation services.

VTrans submits programs of projects to FTA for the applicable FTA programs based on the awards from its competitive process. The only MPO in Vermont does not make selections for FTA projects except in their capacity for accepting and publishing the TIP.

### Fair and Equitable Distribution

- While VTrans distributes its federal and state funds through a competitive grant process, they also must adhere to 24 V.S.A. §5091(j) ([Appendix](#)) which allows existing public transit agencies in Vermont to receive no less than the operating funds it expended on eligible operating expenses in state fiscal year 2001. The above law provides protection in the event that a public transit agency “merges with or is otherwise succeeded by another provider.”
- At the state level, the Public Transit Administrator may call a meeting of the Elders and Persons with Disabilities Statewide Advisory Committee made up of representatives from the Agency of Human Services (AHS), VTrans and various advocacy groups to review the program. This committee is committed to breaking down barriers to coordination of services and to the resolution of common transportation coordination problems.
- VTrans announces the available FTA funds for the application process in all major newspapers within the State of Vermont in an effort to identify potential new applicants, particularly minority groups or organizations serving minority persons. Notices are also sent to all former applicants, including applicants who have requested information about the FTA programs, to each Regional Planning Commission and to the Chittenden County Metropolitan Planning Organization to notify potential applicants in their respective RPC. Notices are also sent to the PTAC and the Elderly and Disabled Advisory Committees.

- This notice establishes the deadlines for submittal and the manner in which applications can be obtained. The deadline is usually in April and the notice is published at least one month prior to the deadline.
- There are no recognized tribal populations or governments in Vermont so they are not considered in the distribution process except as pertains to minority populations.

### **Method for Distributing Funds**

Formal applications and guidance are available by request. Guidance is included in the application documents. VTrans coordinators are available for direct assistance by phone, email, mail or in person.

During the application process, VTrans ensures that efforts are made to maximize coordination at the local level. Any applicants who are not regional transit providers are required to contract through the regional transit provider to ensure maximum coordination. Title 24 V.S.A., Chapter 126 § 5091 ([refer to Appendix A](#)) establishes VTrans' criteria for selecting projects and an allocation formula for distributing 5311 formula and State operating funds fairly and equitably.

### **Project Selection Criteria**

Criteria are established by population categories, the need for employment, the reduction of congestion, and economic development potential. These criteria are established in §5091.

Requirements include coordination, management capacity as determined by successful management reviews (new providers must be reviewed), availability of match, program compliance issues such as drug and alcohol testing, lack of ridership in previous routes, etc.

VTrans allocates a minimal Section 5311 funds to each regional 5311 transportation operator as outlined in the Legislation. Additional funds, including all formula programs and flexed funds are distributed competitively.

Upon formal application submittal, the Public Transit Section staff reviews, screens and ranks the formal applications on content and on "need". The available funding determines how many of the highest ranked applicants are approved for funding. VTrans maintains a file for each grant year that contains a list of approved and rejected applicants. This list also identifies which applicants are minorities or provide service to minorities.

The program of projects developed by VTrans reflects projects that will use any increased funding to support the expansion of transit services to areas not currently served, to improve the level of service in areas which have minimal service and to promote transportation linkages to other public transportation providers.

**Denials:**

Any applicant may be denied funding because of but not limited to non-coordination with other agencies, non-compliance in management reviews, lack of local match money or not meeting the program requirements, such as failure to allow ridership open to the general public, not providing the required reports, lack of ridership (in general or by route) and failure to meet the ADA and drug and alcohol testing requirements.

The project denied funding must first appeal to VTrans, Public Transit Section. VTrans would then re-examine all documentation and base its decision on facts presented by the applicant. VTrans must respond in writing to explain why funding was denied. If VTrans and the applicant cannot reach an understanding, the applicant may ask for a hearing by following the guidelines included in the current grant agreement.

## Chapter I – Intercity Bus Transportation

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*Requirement - Describe the state's procedures for implementing Section 5311(f), which requires the state to expend no less than 15 percent of its annual Section 5311 apportionment for the support of intercity bus transportation, unless the governor certifies that the state's intercity bus service needs are adequately met. Describe the state's process for consultation with private intercity bus operators, and any other public participation process in connection with a certification that needs are adequately met. Describe the state's process for assessing intercity bus mobility needs in the state. Also, if the in-kind provision is used for local match, the state must document the process used to validate the source of the in-kind match, and the unsubsidized segment of the intercity bus service.*

### Intercity Bus – Section 5311 (f)

#### Program Summary, Definition and Objectives

Section 5311(f), requires each State to set aside fifteen percent (15%) of the 49 U.S.C. 5311 apportionment for the development and support of intercity bus transportation, unless the Governor certifies that the State of Vermont's intercity bus needs are adequately met. Previous to 2012 VTrans used a Governor certification to show that all intercity needs are met allowing it to allocate all 5311 funds for general service. The 2012 Public Policy Plan update ([attachments](#)) documented the need for more inter-city services. A follow up design documented that \$450,000 worth of general service actually served as 'feeder service' and therefore intercity funds are being expended at a currently adequate rate. Such feeder services will be separately documented in future PoPs.

The objectives of the intercity bus program are:

- To support the connection between non-urbanized areas and the larger regional or national system of intercity bus service;
- To support services to meet the intercity travel needs of residents in non-urbanized areas; and
- To support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment, as well as priorities set by the state.

#### Eligible Activities and Eligible Recipients

VTrans is no more restrictive than the FTA in its determination of eligibility. For the purposes of this program, intercity bus service has been defined by FTA as "regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, which has the capacity for transporting baggage carried by passengers and which makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available."

VTrans is authorized to provide assistance to private operators for intercity bus service. Except in an emergency, a merit based selection process is used to ensure that the public or private operator is qualified, will provide eligible service, can comply with Federal and state requirements and is the best, or only, provider available to offer service at a fair and reasonable cost.

**Feeder Service** - A provision is made for the "coordination of rural connections between small transit operations and intercity bus carriers," including a provision of service which can

act as a feeder to intercity bus service. The feeder service is not required to have the same characteristics as the intercity service with which it connects. VTrans has identified 6 regular transit routes that provide meaningful connections to inter-city services. It has also identified and prioritized possible new routes. VTrans will be documenting its investment in feeder service in the 2012 grants and will be contracting out other routes by year end. In addition, VTrans will be developing a plan ([attachments](#)) to offer feeder service that utilizes alternative methods for feeder service to regional and national inter-city systems. Some alternatives include shuttles and reservation shared taxi services.

ADA Requirements - Transit providers operating or contracting intercity bus services are not required to provide complementary paratransit service for individuals with disabilities who are unable to use the fixed route intercity bus service. Commuter bus service is exempt by law from the requirement for complementary paratransit service. However, vehicles acquired for use in intercity service or feeder service will be required to be accessible.

## Chapter J - Annual Program of Projects Development & Approval Process

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*Requirement - Describe the State's process and timetable for soliciting, reviewing, and approving applications for local projects to be included in the State's annual program of projects for Section 5311. The SMP may include instructions to potential subrecipients on how to prepare local project applications.*

### Overview of the Application Process

Announcements of available funding are made in early spring. These announcements are distributed by e-mail or surface mail as appropriate from a mailing list VTrans maintains of grantees and interested parties and through media releases which are distributed statewide and through the Vermont Public Transit Association (VPTA). Interest generated in response to these announcements results in an application being mailed out to those proposing eligible services. Potential applicants who are not eligible are notified by VTrans of their ineligibility and, if applicable, of alternative ways in which they can participate in federal transit projects.

The regional transit providers are responsible for preparing the combined grant application for Section 5339, 5310, 5311, and 5317 and state funds. The application should include sufficient information to evaluate the eligibility of the proposed project, and the recipient's legal, financial, technical and managerial capability to implement the project and maintain any project property. Applicants are advised to pay particular attention to coordination efforts and the development of innovative projects that better meet the needs of the community. The application describes how FTA assisted services are or will be coordinated with other federally funded agencies in the service area. Assurances that the applicant will meet federal regulations are submitted to VTrans. The subrecipient must sign the applicable certifications and assurances ([attachments](#)) required of each subrecipient, including Title VI, EEO & DBE. In addition, an opportunity for a public hearing is published in the applicant's service area at the applicant's expense. All applicants must offer the opportunity for public comment as a part of their application.

Prior to the development of the PoP, VTrans reviews all applications which are received to ensure that all program and federal requirements are met and an opportunity for a public hearing and comment period have been published in the applicant's service area. When the project proposal and documentation are acceptable, the applications are approved based on available funding and ranking in the process. Subsequently, contractual agreements are executed with regional transit providers and funds are encumbered. If funds are awarded to an applicant who is not a regional transit provider, the applicant must enter into a formal agreement with the regional transit providers. All capital items will be procured through the regional transit provider.

### Program of Projects for formula funds

From the awarded projects, state identified needs and the available funding; the program of projects is developed. It identifies the subrecipients and projects for which VTrans is requesting financial assistance. See Chapter H ([Chapter\\_H\\_Project\\_Selection](#)) for further details of the criteria for selecting applications and the approval process. The PoP gives a brief description of each approved recipient and project, including the counties in which transit service is provided, the total project cost and the Federal share for each project. It includes a spreadsheet

identifying each category of funds and milestones for each activity. It will now separately identify the investment in intercity routes and feeder services. The RTAP budget in the program of projects is listed in general categories such as training, technical assistance, research, support services and any left in reserve for future projects. VTrans will update the program of projects as required.

An implementation plan for the program of projects is submitted electronically by VTrans to FTA through the TEAM application. The plan includes a schedule of project milestones and estimated completion dates for each milestone and the project in its entirety. Any revised schedules will be submitted with annual program status reports.

The actual process for developing a Program of Projects (PoP) and applying for different grant programs is detailed in the FTA program circular appendices. It contains checklists, instructions for accessing the FTA financial system named ECHO and sample PoPs. The PoP includes the names and addresses of the entities receiving the award, the primary location of performance including the city, State, and Congressional district and the amounts of the award by categories.

Certifications and assurances for all FTA grants are attested to on a one-time, once-a-year basis via TEAM. VTrans provides guidance on which C&A's are applicable, for ex. if a subrecipient is not receiving 5310 funds nor do they have any 5310 equipment, they do not need to sign the 5310 certification.

At times when VTrans does not have adequate eligible projects for available program funds, remaining funds can be included in the PoP to secure their use by including them in different financial categories:

Category A - for projects certified by the State as having met all the statutory and administrative requirements for project approval. (5310, 5311, 5316, 5317)

Category B - for 5310, 5311, 5316, 5317 projects the State intends to provide funding for, but which have not met all of the statutory or administrative requirements for project approval at the time the state grant application is submitted to FTA. The Public Transit Section will advance these projects to Category A when the necessary requirements are satisfied and notify FTA and provide the necessary certifications.

Category C - This category represents a "program reserve" to accommodate unanticipated project and program needs. This program reserve will include no more than 10 percent of the total amount of the State's Section 5310 and 5311 apportionment. Any Category C funds not allocated within the period of availability are subject to being deobligated by FTA.

**Period of Availability** – each grant has a timeframe in which you must obligate the funds. Each federal register notice details what that period is. If you do not get a TEAM grant approved during that time, the funds revert to the FTA.

## Chapter K - Funds Transfers

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*Requirement - Describe any policy the state has for transferring Section 5307 and/or 5311 apportionments between small urbanized and rural areas, or for transferring Section 5310 projects (fiscal year 2012 and prior) to Section 5311 subrecipients for administration. Effective with fiscal year 2013 funds, Section 5310 funds may not be transferred to Section 5311.*

### Transfer of Apportionment under Different FTA Programs

VTrans is no more restrictive than the FTA on which funds and how much of which funds can be transferred. Specifics on which funds may be transferred among the various federal programs can be found in the applicable circulars such as Section III-4 of the Section 5310 circular ([attachments](#)) and Section III-1. d. of the proposed MAP-21 5311 circular.. Additional information is available in the Circular appendices.

As a ‘Governor’s State’, VTrans has the right to transfer funds from and to the urban 5307 program. VTrans traditionally gives first consideration to the urban transit provider for using these funds in their program.

### Transfer of funds between FHWA programs and FTA programs

VTrans is no more restrictive than the FTA and FHWA in the allowance of transfers between agency funds. Each agency has specific regulations concerning which funds can be transferred. The latest guidance should always be checked to determine eligibility of specific funds and percentages which may be transferred. See particularly Appendix D in the FTA Circular 9040.1F, 5311 ([attachments](#)) and the FHWA guidance in their flex funding memorandum ([attachments](#)).

Currently VTrans flexes its MPO Planning Funds, 5303, to the FHWA for administration in common with the FHWA Planning Funds, SPR. This requires a yearly letter to the FTA Community Planner (see sample in [attachments](#)). This allows the program to be administered seamlessly with the FHWA planning program. The requirements for planning activities as detailed in the UPWP remain the same. Transit planning must be accomplished at an adequate capacity relative to need and the amount of FTA funds which are allocated. It does allow for oversight to be fully in the FHWA camp.

VTrans also transfers significant amounts of funding from FHWA CMAQ and STP into FTA programs. These funds require a separate FTA grant and are assigned identifying program numbers which differ from the standard program funds, VT85 vs. VT18 for example. In order to access these funds, they must be built into the annual VTrans budgeting process and shown in the STIP and applicable TIP. The State of Vermont makes significant use of these flex funds to pay for all state expenses related to the administering of the FTA programs and for sub-recipients administrative and preventive maintenance expenses.

## Chapter L - State Administration and Technical Assistance

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*Requirement - Describe the planning resources and technical and management assistance the State makes available to local areas. Also describe how the State uses Section 5311 within the 10 percent limitation for administration, planning, technical assistance, and research. Distinguish between the use of funds for State administration and the State Rural Transportation Assistance Program (RTAP) allocation, and describe any additional resources used for these purposes.*

### **Planning resources and Technical Assistance**

The State uses the funding available under the 5303 program for both direct assistance to subrecipients for locally directed planning and technical assistance activities such as short term strategic and development plans as well as for regional and statewide planning activities such as the Coordination Plan, the Policy Plan, and technical assistance for statewide purchasing of software and rolling stock. Requests are made during the yearly competitive application process and directly if emergency needs arise during the year.

RTAP funds are generally only used for training purposes and the delivery of activities that support the improved safety and efficiency of operations such as the statewide roadeo and the tri-state training conference held in conjunction with New Hampshire and Maine. RTAP scholarships are also awarded for sub-recipients to avail themselves of training opportunities that are not state sponsored such as the annual CTAA conference, the travel cost of attending FTA sponsored training and other sponsored events. See more details in Chapter M below.

### **State Administration**

State administration funds are used for administration, planning, research and technical assistance. Technical assistance is available to providers by contacting VTrans by e-mail, telephone or facsimile on an as-needed basis. If staff cannot provide assistance by phone or in writing, they will provide assistance on-site.

While 5304 funds could be used for administration of planning activities by the state, they choose to use all of those funds for contracted planning activities. The State does not currently use the available 15% (5311) and 10% (5310) amounts available for administrative purposes. Instead it chooses to flex funding from the FHWA to FTA for that purpose. The funds which would be eligible for administrative purposes are then made available to the subrecipients for operating expenses so more service can be delivered to the public.

## Chapter M – State RTAP

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*Describe the State's procedures for administering its State RTAP, including project selection criteria, any local match requirements imposed by the State, goals and objectives, methods for involving operators in program development and implementation.*

### **RTAP**

The Rural Transit Assistance Program (RTAP) includes technical assistance to all public and private transportation providers in non-urbanized areas of the state. The objectives of the Vermont RTAP Program are the same as those listed for the FTA and are no more restrictive. RTAP project funds are used in the following categories in Vermont; training, technical assistance, research and related support services. RTAP is 100% federal funding and no local share is requested from the subrecipients.

VTrans is advised by a committee set up by the VPTA in determining the yearly RTAP program. VTrans contracts with consultants to provide agreed upon trainings each year and assist with technical assistance through the Vermont RTAP Program. A scholarship is provided to each subrecipient yearly to assist with attending trainings with the amount set based on advice from the committee. It is currently \$3,000.00 with additional funds given for special activities. The RTAP training sessions are open to those receiving FTA funding. Priority seating is given to the regional providers.

RTAP funds are generally only used for training purposes and the delivery of activities that support the improved safety and efficiency of operations such as the statewide rodeo and the tri-state training conference held in conjunction with New Hampshire and Maine. RTAP scholarships are also awarded for sub-recipients to avail themselves of training opportunities that are not state sponsored such as the annual CTAA conference, the travel cost of attending FTA sponsored training and other sponsored events.

## Chapter N - Private Sector Participation

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*Requirement - Describe the State's procedures for providing for maximum feasible participation by private public transportation providers.*

For their application, applicants are encouraged to investigate all opportunities for private sector involvement in maintenance, repair, vehicle storage and assistance in scheduling and dispatching and to note any local barriers which may prohibit their contracting with private for-profit providers. VTrans will assist these applicants in developing solutions to any determined barriers.

Applicants must certify that there is a complaint process in place. Any private sector complaints or disputes arising from a FTA program project, or a project where FTA equipment will be used, that cannot be resolved at the local level will be resolved in accordance with VTrans' complaint resolution policy.

All participating and prospective entities are notified of hearings germane to their service. Opportunities for public hearings (for 49 U.S.C. 5311 requests only) are published in the applicant's service area and, if applicable, held in facilities that are accessible to the transportation-disadvantaged populations by the applicant as part of their application. Section 5310 applicants provide the opportunity for public comment as a part of their application.

VT Statute §5084 requires the participation of private sector in the PTAC ([attachments](#)). There are representatives of two areas of the private sector, intercity coach operators and private taxis and bus operators. The PTAC advises the Secretary of Transportation on all policy and planning as it pertains to public transit.

Any capital projects will provide adequate opportunities for hearings as part of the applicable NEPA process. These notices of opportunities for hearings will provide enough project specific information to inform the public of the scope of the project.

## Chapter O – Civil Rights

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*Requirement - Describe how the State meets Federal civil rights requirements and monitors subrecipients to ensure compliance with the requirements of Title VI, (Equal Employment Opportunity) EEO, and Disadvantaged Business Enterprise (DBE). The SMP must include the program-specific Title VI requirements detailed in [Chapter XI](#) "Other Provisions," including the state's efforts to assist minority applicants and to include subrecipients serving significant minority populations.*

### General Description of Civil Rights Laws and Compliance Requirements

VTrans is responsible for ensuring that FTA Program grant subrecipients are in compliance with all Civil Rights requirements applicable to transit related projects. Specific Civil Rights requirements are outlined in 49 U.S.C. 5332 of the Federal Transit Act, as amended, Title VI of the Civil Rights Act of 1964, Equal Employment Opportunity (EEO), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990 and Disadvantaged Business Enterprise (DBE) program requirements. See page X-8, 11 of FTA C 9040.1F 5311 circular for further details. ([attachment G](#)) (Circulars 4702.1A and 4704.1 by reference are part of this SMP)

### Title VI Program Requirements

Title VI program requirements vary for states and subrecipients, and urban areas above and below the threshold of 200,000 residents.

“Each transportation provider must sign an assurance that they will not discriminate on the grounds of race, color or national origin, exclude from participation in, deny the benefits of, or subject to discrimination any person within the program or activity receiving federal financial assistance.” This assurance is found in the VTrans program application and is part of the signed agreement between VTrans and the sub-recipient.

VTrans requires all applicants and/or subrecipients to provide information as described in FTA Circular 4702.1A ([see attachments](#)). In addition to requirements outlined in the circular, subrecipient must report to VTrans on compliance at least once every three years of operation during the management review or when compliance changes such as when a complaint is received.

VTrans is required to among other things, provide the FTA with Title VI assurances in the annual Certs and Assurance; to provide a Title VI program every 3 years; to develop Title VI complaint procedures; to record any complaints, investigations and lawsuits; to notify recipients of their rights; and to develop meaningful access to those with limited English proficiency. In order to meet these requirements, further guidance is provided in 4702.1A. This includes VTrans conducted a statewide assessment of minority and low-income populations and language usage in Vermont and will continue to do so with each census.

VTrans conducted the statewide assessment and mapping of minority, low-income and language usage in Vermont in 2012 and used it to develop their Limited English Proficiency plan (LEP). LEP is a part of the Title VI program. VTrans submitted their LEP plan to the FTA and to the sub-recipients so they could adapt their programs as necessary including any

special outreach to those who were less than proficient in English. VTrans also made their state contract with VOIANCE available at no charge to all the transit providers in 2012. This provides phone (oral) and written translation services to all subrecipients.

Each transportation provider must sign an assurance that they will follow the provisions mentioned above. The provisions also apply to employment and business opportunities including subcontracting. These requirements are considered an addition to and not in lieu of the provisions of Title VI. This assurance is found in the VTrans application packet, and as part of the signed agreement between VTrans and the transportation provider.

### **Equal Employment Opportunity (EEO)**

VTrans requires all applicants and/or subrecipients to provide information as described in FTA Circular 4704.1. VTrans must submit their EEO plan to the FTA electronically through TEAM every three years.

VTrans provides the services of their EEO coordinator, housed in the Civil Rights and Labor Compliance office, who is able to provide technical assistance for subrecipients. VTrans monitors subrecipient compliance with EEO requirements through individual certifications filed with VTrans as well as management reviews and site visits. VTrans applications now require the number of employees to be listed so they can track the level of EEO compliance. Current law states that any recipient or sub-recipient with more than 50 employees and receive more than \$1m in federal assistance in the previous fiscal year must have their own EEO plan.

### **Disadvantaged Business Enterprise (DBE)**

VTrans and subrecipients must take all necessary measures to ensure that disadvantaged business enterprises can compete on a level playing field for federal contracts. VTrans, through its Office of Civil Rights and Labor Compliance, submits DBE goals to FTA every two year . These DBE goals can be found on the VTrans website under ‘doing business’ and then ‘Contractors/Consultants’. ([attachments](#)) If the subrecipients do not exceed the funding thresholds established by FTA, only an annual DBE report is submitted as described in 49 CFR Part 26 (49 CFT Part 26 by reference is part of this SMP). Additional DBE goals may be applicable for specific projects.

Any applicant that receives funds in excess of \$250,000 exclusive of transit vehicle purchases in any given year in FTA planning, capital and /or operating assistance in a federal fiscal year must submit a DBE program and transit goals for DBE participation.

VTrans requires each transit provider to secure a Transit Vehicle Manufacturer Certification that they meet the requirements set out by the U.S. Department of Transportation that they comply with Section 26.49 from their vehicle vendor.

DBE reports are submitted semi-annually as described in the grant agreement to VTrans by the subrecipient and then to FTA by VTrans Office of Civil Rights with a description of DBE

programs, including goals and objectives. The FTA report is prepared by the Public Transit Section, Financial manager who attaches them to the new TEAM DBE reporting section.

### **Fair and Equitable Distribution**

All eligible interested parties are notified of fund availability and are encouraged to apply for funds. Notices are disseminated through letters and newspaper ads with information concerning funds available and specific procedures for applying for grants. VTrans staff is available for technical support.

### **ADA**

Any transit provider that operates a fixed route service must have an approved (by FTA) complementary paratransit service plan unless those routes actually operate under fixed route deviation for everyone. Further guidance for the contents of those plans will be found at 49 CFR Subtitle A (10-1-11 Edition), Subpart F (37.121-37.159) ([see attachments](#)). Transit service provided to individuals with disabilities must be comparable to that provided to those without disabilities who use the fixed route system. In addition, vehicles must be accessible and carry wheelchairs and passengers per the new regulations which supersede the old definition of 'common wheelchair'. Further guidance can be found at ADA Transportation Services for Individuals with Disabilities link in the attachments.

VTrans requires that all vehicles purchased be accessible unless the provider can document a certification of equivalent service and even then, no more than 10% of the fleet. The purpose of this exception is to allow less expensive service only when accessible vehicles can prove not to be required.

### **Technical Support**

VTrans provides technical support for subrecipients for assistance in complying with Civil Rights requirements. VTrans encourages transportation providers to identify transportation needs within their regions, including the needs of minority organizations.

## Chapter P – Maintenance

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*Requirement - Describe any maintenance plans and procedures required of subrecipients for vehicles and facilities, including maintenance of ADA accessibility features.*

### Equipment Management and Maintenance Procedures

Subrecipients of the FTA programs must keep federally-funded equipment and facilities in good operating order. Federally funded equipment needs to be maintained whether operated directly by a subrecipient or by a third-party contractor. Equipment is to be used by the subrecipient in the program or project for which it was acquired, as long as needed, whether or not the program continues to be supported by Federal funds. Proper vehicle maintenance procedures are reviewed during on-site monitoring and the management review.

The subrecipient must not use equipment acquired with FTA funds to provide service that competes unfairly with private companies providing equivalent services. (see [Chapter Q](#) for further details)

All FTA vehicles must have full coverage insurance, defined in yearly grant agreements, to cover all damage that might arise from fire, theft or collision and to comply with the Federal Motor Carrier Safety Administration rules and regulations. The subrecipient is required to repair or replace the damaged vehicle. If the vehicle is not replaced, the subrecipient is required to reimburse VTrans for the Federal and State shares of the fair market value of the vehicle as computed immediately prior to the loss.

**Maintenance Plans** - Subrecipients are required to have a written maintenance plan for FTA funded vehicles, equipment and facilities. Written maintenance plans and checklist systems, as well as maintenance records for accessible equipment, must be kept on file and be available for inspection by VTrans and the FTA. Documentation of maintenance will be reviewed in management reviews and site visits.

At a minimum, the plan should designate the specific goals and objectives of the program for preventive maintenance inspections, servicing, washing, defect reporting, maintenance-related mechanical failures, warranty recovery, vehicle service life, and vehicle records. The program must address the particular maintenance cycles for each capital item, as suggested by the original equipment manufacturer(s) especially during the vehicle(s) warranty periods. The sub-recipients are required to maximize any recovery under warranty repairs.

Subrecipients must have records showing when periodic maintenance inspections have been conducted on their vehicles, equipment and facility. Included will be information showing that the Preventive Maintenance program meets at least minimum requirements of the manufacturer.

**Subcontracting** - Whenever a subrecipient has contracted out a portion of its operation, an updated maintenance plan for federally-funded equipment should be in existence and be treated similarly to a subrecipient-operated service. In these cases the subrecipient must have in place a system to monitor the maintenance of the federally funded equipment. This is reviewed during management reviews and site visits.

**Accidents** - When an accident occurs which eliminates the vehicle from further operations, VTrans receives the proceeds. If the subrecipient is purchasing a replacement vehicle, the proceeds are forwarded to them upon evidence that the replacement has been received, paid for and VTrans holds a security lien on the title. The pro-rated federal share will be credited to the federal share. Replacement vehicles must be a similar type vehicle and of equal or greater value than the one damaged. If the damaged vehicle is not replaced, VTrans retains all but the prorated local share which is returned to the subrecipient. The federal share retained by VTrans will be used to provide capital and/or operations assistance to other eligible subrecipients.

**Major repairs and rehabilitations** - Major rehabilitation of a vehicle must be approved by VTrans prior to the work being done. Work to repair major damage is reimbursed from capital, not operational, funds. Other major modifications like the addition of a lift after the delivery of a vehicle must be submitted to VTrans for approval before reimbursement may be made to the subrecipient. Subrecipients report any excessive repairs over \$1,000/vehicle in their annual vehicle inventory reports to VTrans.

**Maintenance of Accessible Features and Lifts** - Public and private entities providing transportation services must be in compliance with ADA accessibility requirements. Therefore, transit agencies must maintain features that are required to make the vehicles and facilities readily accessible. Prompt repair of such facilities is required. See ADA Part 37, Subpart G for details. ([attachments](#)).

Regular and frequent maintenance checks of lifts must be performed by the subrecipient to insure that the lifts are functioning properly. Accessibility features such as lifts must be cycled daily during pre-trip inspections. These maintenance checks may be incorporated in the regular maintenance plan or addressed separately. Additionally, a subrecipient is required to remove an accessible bus with an inoperable lift from service before the next day, unless no spare vehicles are available to replace that vehicle. When a vehicle with an inoperable lift is operated, the vehicle must not be in service for more than five (5) days.

In reviewing applications for funding, VTrans will make assurances that ADA requirements are being met. Technical assistance is also provided to applicants and subrecipients when working to meet accessibility requirements. ADA compliance is also a component in the management reviews or more frequently as necessary.

## Chapter Q – Charter Rule

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*Requirement - q. Charter Rule. Describe the state's procedures for complying with the charter regulation (49 CFR part 604). Include the process used to ensure subrecipients are in compliance with the charter regulation, and any agreements the state has with registered charter providers.*

### Charter Service

The VTrans policy on charter is no more restrictive than the FTA's. VTrans does not prohibit charter under the legitimate exceptions. VTrans does require notification if a subrecipient is going to provide charter service. It also requires any FTA subrecipient found eligible to provide charter service, or incidental charter service, to deduct the total vehicle mileage in determining when a vehicle reaches its useful service life. Also, any recipient must develop any costs on the basis of fully allocated cost accounted that is detailed in an approved cost allocation plan and must keep separate records from the FTA grant funding.

The charter service regulation (49 C.F.R. Part 604, [attachments](#)) prohibits FTA recipients from providing any charter service using FTA funded equipment or facilities if there is at least one private charter operator willing and able to provide the charter service that the recipient proposes to provide at a reasonable cost. The regulation applies to buses, trolleys and vans. Any subrecipient desiring to provide charter service not covered under the charter exceptions must provide a notification to all registered charter providers listed for that zip code in the FTA web based registration data base. During the application process for FTA program funding, each applicant must provide a Standard Assurance certifying that they will comply with all cited Federal statutes, regulations, Executive Orders and administrative requirements applicable to their application.

All charter service provided by subrecipients will be incidental, meaning that the service will not interfere with or detract from provision of mass transit services. Providers in the FTA program who are planning unscheduled trips outside their service area must first check to see if there are any charter bus services available to provide the transportation. If there are none, they must notify the Public Transit Section 30 days prior to the trip, as well as publicize the trip as being open to the general public.

Service provided under contract to a social service agency will usually be considered mass transportation, not charter service, if the service is under the control of the subrecipient, is open door, and the subrecipient can put any rider on the vehicle in addition to the agency's clients. The regulation does not discourage FTA program subrecipients from using FTA funded equipment in coordinated systems or from providing service under contract to social service agencies.

## Chapter R - Section 504 and ADA Reporting

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*Requirement - Describe the State's method for monitoring subrecipients' compliance with Section 504 and ADA regulations and for processing the plans, reports and certifications submitted to it under the provisions of those regulations.*

All accessibility features and issues are reviewed during management reviews and site visits.

### Transportation Services for Individuals with Disabilities

Section 504 prohibits discrimination on the basis of disabilities by recipients of federal financial assistance. VTrans requires each applicant:

- to sign applicable assurances as part of the application. (#1, 11)
- to certify that they will not discriminate when they receive federal funding as part of the agreement between VTrans and the transportation provider.
- to make written assurance to VTrans that they can provide equivalent service to persons with disabilities.
- to comply with 49 CFR Parts 27, 37 and 38 implementing the ADA and amending the Section 504 rule. ([see attachments](#))
- to indicate the type of service that they intend to provide, including fixed-route service, allowing VTrans to properly identify appropriate agencies providing service for individuals with disabilities.
- to annually (unless previously approved) submit a plan to provide complementary paratransit services for any fixed route including a description of the fixed route system, of the existing paratransit services, of the plan to provide comparable paratransit, the process used to certify individuals with disabilities as ADA paratransit eligible, the public participation process and efforts to coordinate service with other entities subject to the complementary paratransit requirements which have overlapping service areas or jurisdictions.

### Lift Equipped or otherwise accessible (called 'accessible')

Vehicles utilized in demand-response services are required to be ADA accessible unless a certificate of equivalent service is provided. ([attachments](#)) VTrans reviews overall fleet accessibility at the time of application and may require acquisition of an accessible vehicle in circumstances where accessibility is inadequate. If providers cannot provide a certificate of equivalent service, they must purchase a vehicle that is accessible or have a written agreement with another provider who can provide equal service to the disabled

### Building Purchases

Any new facility to be used in providing public transportation services must be accessible and constructed according to the standards in 49 CFR Part 37, Appendix A. ([attachments](#)) If a public transportation organization alters an existing facility used to provide public transportation, the altered portions of the facility must be accessible.

## Chapter S – NTD Reporting and Performance Standards

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*Requirement - Describe the State's method for collecting and reporting the data elements specified in the annual NTD reporting mandate, as required by 49 U.S.C 5335(b).*

The VTrans grant agreements with the subrecipients require a yearly rural NTD report, due November 30, which is submitted by the Financial Manager to the NTD. RTAP funding is available for NTD training.

VTrans grant agreements require that the subrecipients provide ridership, financial and route data in the form of a VTrans Service Indicator Reports to support its performance goals. VTrans determines performance goals yearly using NTD data from similar systems across the country and then establish acceptable performance standards for each type of route. As defined in Technical Memo 5 of the Vermont Public Transit Policy Plan, routes are divided into service class as urban, small town, rural, demand response, tourism, and commuter. The measures that VTrans reports to the legislature on every year are cost effectiveness, and local share for bus routes, and cost per trip for volunteers. Further definitions of these terms and acceptable service standards are detailed in every Public Policy Plan (current, page 5-37). Each year, VTrans reviews all route performance and determines which routes will be cut, which will be offered further technical assistance to improve, and which will be reclassified. This is reported to VTrans management and the Transportation Committees of the Vermont State Legislature.

## Chapter T – State Program Management

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*Requirement - Describe how the State administers its program management responsibilities in such areas as procurement, financial management, property management, vehicle use, maintenance and disposition, accounting systems, audit and close-out. In addition, include any State procedures for management or financial reviews and project monitoring or on-site reviews. Describe any standards set by the State for matters such as productivity, cost-effectiveness, or service standards. Detail any State reporting requirements.*

### Program Management Responsibilities

VTrans Program management is outlined in the SMP in which policies and procedures for administering Section 5310, 5311, 5316 and 5317 programs. Management reviews are conducted for every subrecipient every three years or more frequently if indicated from a desk review or project activities.

Most of VTrans program management requirements flow down to the subrecipients. VTrans conducts competitive grant awards every year through an application process. At the time of the annual application for funding, applicants for Section FTA program funds are required to complete the standard Certs and Assurances and others listed in the following sections. These assurances are reviewed for completion at the time of application and during each on-site review. VTrans certifies the eligibility of applicants and project activities to ensure compliance with Federal requirements, monitors local projects, and oversees project audit and closeout. Before Federal funds are expended on individual projects, VTrans certifies to FTA that the local recipient has met all statutory and program requirements and enters into an agreement with the local recipient.

**Grants Administration** – The Public Transit Administrator is responsible for all FTA grant requirements. The Financial Manager for the Public Transit Section is the primary manager for entering and closing all FTA grants, gathering information and submitting all reports to the FTA and handling all the transfers from FHWA to the FTA. The FM is also responsible for all VTrans accounts (EA) management including opening and closing and reconciliations as necessary.

**Subrecipient Reporting to VTrans** - VTrans requires regular reports from the subrecipients to ensure program compliance. A list of currently required reports is listed in Appendix E of the grant agreements. Reporting includes:

- invoices and expenditure reports,
- monthly service indicator reports which document performance indicators established by VTrans (see sample report in [attachments](#))
- quarterly milestone progress reports and financial reports,
- semi-annual DBE reports and
- the annual submittal of vehicle inventory reports,
- JARC reporting and
- DUNS numbers
- An annual audit conducted under standard federal audit requirements

**VTrans reporting to the FTA** - VTrans will electronically submit:

- the FFR (financial) and

- milestone reports of each active grant to FTA annually. Current procedure requires the financial manager to report those activities quarterly for updating purposes but not to formally submit them until the annual reporting date.
- The annual program of projects report which includes any revisions
- NTD reports by October 30 of each year.

**Certificates and Assurances** - VTrans electronically submits certifications and assurances for the Federal Programs. A list of certifications and assurances that will be maintained by VTrans and/or subrecipients is published every year by the FTA and the most recent is referenced in the [\(attachments\)](#). A signature page which lists all the various certifications is included in the application with links to the actual Federal Register list of C&A's.

### **Procurement**

Vehicle procurements are currently conducted by the individual sub-recipient or a consortium of subrecipients. Group or statewide purchases are encouraged for the purposes of efficiency, reduced costs and consistency of fleets. VTrans requires that subrecipients present copies of their procurement packages prior to purchase to ascertain compliance or receive written approval from VTrans that states their procurement manual is approved. A procurement checklist is completed by each subrecipient for capital acquisition under FTA programs and submitted with the request for reimbursement. If the subrecipient receives written approval of their procurement manual from VTrans and all procurements prove compliant during the management reviews and site visits, the subrecipient does not have to have a procurement checklist accompany the payment request. VTrans bases its approval on the latest FTA best practices manual.

The procurement manual and checklist are kept on file with the subrecipient. Subrecipients and vendors complete post-delivery reviews at the time of vehicle delivery. Copies are kept on file with the subrecipients. The procurement files will be reviewed for completion during each on-site review. Subrecipients will also be monitored for the proper inspection of vehicles as documented in their annual vehicle report and certification on an on-going basis and during on-site reviews and the management review. VTrans reserves the right to conduct the inspections themselves or hire a consultant to do so.

**Competitive Bid Procedure** - All FTA Program rolling stock procurements are completed by a regional transportation organization. Oversight is conducted by VTrans through its desk and on site reviews. All procurements by subrecipients include the required Federal clauses [\(see attachment F for link to current clauses\)](#). Subrecipients must certify by way of a checklist [\(attachments\)](#) that all Federal clauses were included in the procurement and return a signed copy of their checklist certifying compliance.

**Vehicle Assignment Procedure** - The Vermont Agency of Transportation, VTrans, requests competitive funding and earmarks from and through the Federal Transit Administration (FTA). VTrans creates these requests based on projected needs for the various transit providers throughout the state. This projection is partially based on the multi-year capital plans which the transit providers supply with each application. VTrans also conducts multi-year capital planning to best address the future needs of the state. VTrans has been very successful in securing various

types of funding to meet these needs. In developing the Program of Projects in TEAM, VTrans takes into consideration that while it operates on an annual budget process, it allocates its expenditures over multiple years both to accommodate its projected budget and to be reasonable in estimating realistically when the purchases will be made.

VTrans assign funds each year in contracts which expire each June 30. If vehicles are not expected to arrive prior to that time, VTrans will assign specific vehicle grants into the current yearly contract or repeat them each year until expended. The subrecipient contracts therefore are complete for expenditures in any given year. Legislative constraints may also cause vehicle grants to be out of sync with FTA grants. A Program of Projects may contain vehicles or equipment which are not yet captured in a subrecipient contract. Transit providers may not be informed of the total vehicles in any grant due to the limit of the budgeting and application processes.

**Debarment and Suspension** - In order to ensure that federal transit funds are not awarded to transit providers that have been debarred, suspended, ineligible or voluntarily excluded from participation in federal aid, special debarment and suspension certification is required of all subrecipients and contractors regardless of the amount of funds received, which is included in the application packet. VTrans will review the annual applications for certificates of assurance and offer technical assistance for agencies concerned about debarment and suspension. VTrans will keep debarment and suspension certificates of assurance on file for all subrecipients as part of the applications. Copies of the debarment and suspension page showing the vendor is not listed on the FTA website are required with each procurement packet.

**Financial Management** - *the general financial condition of the public transit grantee and its nonfederal funding entities; and the financial capability of the grantee and its nonfederal funding entities*

VTrans follows all State of Vermont financial and property management regulations both for their internal programs and requires such compliance with all sub-recipients and contractors.

VTrans follows the Federal guidelines contained in FTA Circulars 5010.1D, 9040.1F and 9070.1F in the management of its Public Transportation Program. All grant agreements are reviewed by its Audit section as well as the Contracts Section of the Division of Finance and Administration. All procurement transactions are carried out in accordance with the provisions of FTA Circular 4220.1F. Property records are maintained in accordance with FTA Circular 5010.1D, as are all disposition transactions. The Division of Finance and Administration submits their annual single audit to the Single Audit website. ([attachments](#))

VTrans has grant agreements with the transportation providers in each region which include the flow-down provisions pertaining to fiscal and property (where applicable) management of program funds. The distribution of Program funds is detailed in the 'Payment Provisions' of the grant agreements. In general, operating, admin and maintenance funds of the 5311 program are fronted by quarter. Each quarter the up-front quarterly is reconciled to expenditures and the amount of up-front payments may be adjusted accordingly. All other federal expenditures are based on actual expenditures as detailed by appropriate documentation in invoicing. Providers are required to file invoices on a monthly basis. All invoices are reviewed by a Transportation Coordinator assigned to the Public Transit Section.

The financial manager in the Public Transit Section follows the Finance and Administration close out reconciliation project prior to closing the project in TEAM.

The VTrans Division of Finance and Administration handles all TEAM financial activities such as draw downs, etc. Financial Management regulations are covered 2CFR 230, Revised, "Cost Principles for Non-Profit Organizations," 2CFR 225, Revised, "Cost Principles for State, Local and Indian Tribal Governments," OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" and State of Vermont, Agency of Administration, Department of Finance and Management, Policy and Procedure Manual for Bulletin No. 5, "Compliance with OMB Circular A-133."

In order to properly track the federal, state and local share of expenditures and drawdowns in FTA programs, Finance and Administration established a procedure whereby the invoicing and payments would document the local share

**Annual Audits** - Auditing is handled by the Audit section. The VTrans audit department reviews subrecipient submitted independent CPA audits. If the subrecipient expends \$500,000 or more in aggregate federal awards in any grantee fiscal year, a certified independent audit shall be done, in accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations", and Government Auditing Standards. VTrans documents its subrecipient monitoring in the process memo labeled 'FHWA Subrecipient Monitoring Process Memo'.

If the subrecipient expends less than \$500,000 in aggregate federal awards in any single grantee fiscal year, the subrecipient will provide grantee-procured, organization-wide financial statements and a schedule of federal financial assistance for VTrans grants only. The schedule will include the Catalog of Federal Domestic Assistance (CFDA) number; all VTrans grant numbers and EA numbers; grant award amounts and revenues and expenditures. In addition, at VTrans' discretion, the subrecipient will submit to an Agreed upon Procedures report where the VTrans audit staff or an assigned contractor and Public Transit sections conduct a site visit to examine processes and documentation according to the 'Agreed upon Procedures'.

VTrans' contracts and grants unit of F&A (grant monitoring) supplements the Public Transit Section in performing subrecipient monitoring by: reconciling the federal awards to VTrans' automated accounting system (STARS) and ensuring independent audits in compliance with the Single Audit threshold. Subrecipients are required to submit an annual audit within nine (9) months of the end of their fiscal year. The contracts and grants unit also do all FFATA reporting.

The audit report shall contain a statement of local revenues generated from the delivery of public transportation services and local revenues derived from providing exclusive (non-eligible) transit services; and a statement that the procedures and controls used by the public transit system are capable of accurately counting the number of single, one-way passenger trips delivered by the system during the audit period.

**Accounting Systems** – GAAP required as part of 133 audits?

**Property Management** – VTrans requires all subrecipients to own or rent their own property and, when possible, manage their own construction projects unless required otherwise by the FTA.

**Vehicle Use** – VTrans requires all vehicles to be managed under a maintenance plan which includes inspections to ensure their safe and effective use. Vehicle inspections ensure that all systems of the vehicle are operational and are safe for use. The inspection process also ensures that all participating agencies using the vehicle are maintaining it properly. Three types of vehicle inspections should be conducted: delivery inspection, the pre-trip inspection and the annual inspection. The delivery inspection must be conducted by the agency at the time the vehicle is delivered or by VTrans personnel if scheduled ahead of time. The pre-trip inspection is usually done by the driver. Annual inspections are conducted by the agency that is titled on the vehicle. Mileage reporting is due annually to VTrans.

**Vehicle Lease** - For vehicles awarded under the Section 5310 Program to a non-regional transportation organization, a vehicle lease agreement will be entered into by the awarder and the regional transportation organization approved by VTrans. At a minimum, procurement, oversight of maintenance and recordkeeping will be maintained by the regional transportation organization. Information on additional FTA regulations can be found in the FTA C 5010.1D, p IV-22, 3. j, and may be applicable.

**Vehicle Useful Life and Replacement Standards** – The useful life as determined by VTrans within the Vehicle Disposition and Transfer Procedures is as follows:

Vehicle design life is the first of:

Cutaways (16' – 28') or Small Buses (<30')	5 years	150,000 miles
Medium Buses (30' – 35')	10 years	350,000 miles
Standard Buses (35' – 40')	12 years	500,000 miles
Light Duty, Mid-Size Bus (25' – 35')	5 years	150,000 miles
Medium Duty, Mid-Size Bus (25' – 35')	7 years	200,000 miles
Intercity Motor Coach	12 years	1,000,000 miles

Vehicles with extraordinary maintenance problems or other special circumstances may be considered for replacement prior to the table above with VTrans' written approval.

**Transferring Equipment** - Property may be transferred to any subrecipient eligible to receive assistance under 49 U.S.C. Chapter 53. VTrans reserves the right to require the subrecipient to transfer equipment no longer needed or used for the purposes of the project to another eligible recipient who is in need of the equipment. Subrecipients are required to request a vehicle transfer in writing, including a complete history of vehicle maintenance costs VTrans for approval. VTrans will review the transfer request materials to determine if the vehicle has remaining useful life or not. If not, VTrans will make a decision on appropriate disposal. If either of the useful life criteria's is not met, VTrans will determine if

it is feasible to find an alternative use for the vehicle, such as transfer to another grantee, before approving a Vehicle Disposition Request

If useful life remains, VTrans will prepare and submit an amended program of projects for the FTA grant using the appropriate code (998nn), containing the identified vehicle, the original subrecipient and the subrecipient to whom it is transferred. VTrans will approve the request in writing. The governing body of the transferring grantee organization submits a resolution approving the transfer. The governing body of the receiving organization submits a resolution stating their willingness to accept the vehicle and all obligations. Then, the receiving organization remits to the grantee the same percentage of the local share of the vehicle's fair market value as was contributed to the original purchase of the vehicle.

**Vehicle Disposition** - The following criteria must be met to dispose of a vehicle,

- The useful life (years or mileage as indicated above); or
- The safe operation of a vehicle is questionable and documented due to excessive wear, corrosion, structural integrity problems or safety inspection concerns; or
- The cost of significant body repairs or replacement of major drive train components exceeds half of the fair market value of the vehicle; or
- The vehicle no longer meets the subrecipient's needs (may be transferred); or
- The subrecipient discontinues transit services.

VTrans will review the disposition request materials to determine if the vehicle has remaining useful life. If no useful life remains, VTrans will approve in writing to the subrecipient. If useful life remains, VTrans will determine if the Vehicle Disposition Request represents the best use of the vehicle. If approved by VTrans, the security lien with VTrans is continued under the new owner. The FTA grant budget and program of projects is then revised to reflect the vehicle transfer.

If an accessible vehicle is to be disposed, documentation must show that other vehicles in the fleet or in the area are available to transport persons with disabilities until a replacement vehicle can be obtained.

**Equipment Management** - All transportation operators are required to have an approved (by VTrans), written maintenance plan which includes a regular maintenance schedule for lifts, capital equipment other than vehicles and facilities and by whom it will be conducted.

The regional transportation organization for FTA/State secured property must guarantee that the property is appropriately titled, inspected and insured. Full coverage insurance (\$5m) and listing VTrans as the loss payee is required. Recipients of federal funds must maintain property and equipment in good operating order, and in compliance with any guidelines, directives or regulations that VTrans issues.

Subrecipients with FTA funded rolling stock, equipment, buildings and property are required to submit an annual vehicle inventory report and certification and annual vehicle maintenance certification to VTrans for as long as they operate the vehicle or until disposition

is granted, whichever is earlier. Subrecipients are required to maintain financial records for the life of the vehicle plus an additional three years, including records for any completed project or vehicle that has reached the end of its useful life.

All vehicles must be accessible to the latest ADA standards when purchased. Maintenance of all ADA equipment must be maintained to the latest ADA standards including but not limited to training transit personnel to proficiency on the use of equipment, cycling lifts and other accessibility equipment as part of pre-trip inspections, and replacing equipment if it is going to be out of service for more than the current limit on days out of service. ([see attachment for link to ADA regulations.](#))

**Equipment Title** - Vehicles purchased with FTA or state funds are titled to the subrecipient which includes a security lien to VTrans. The physical title is held by VTrans and will be released to the subrecipient if replacement standards (see FTA useful life and replacement standards, above) have been met or if a Vehicle Disposition Request has been approved by VTrans. The subrecipient is responsible for registering the vehicle.

**Radios and Communication Equipment** - In Vermont, mobile radios and base stations or cellular phones can be purchased with FTA funds when available. Federal funds would provide 80% of the cost, State funds will provide 10% of the cost, with the remaining 10% to be paid by the subrecipient.

**Microcomputer Hardware/Software** - Upon special request and if excess funding exists, microcomputer hardware and software may be available to all FTA program recipients. The microcomputer must be compatible with the version Microsoft Windows VTrans is currently using so it can interface with VTrans computers. It must be used for transportation matters the majority (80%) of the time. Federal funds would provide 80% of the cost, State funds would provide 10% of the cost, with the subrecipient providing the required 10% match.

**Passenger Shelters** - Passenger shelters may be purchased by a Section 5311 program subrecipient who can document a need for them and only during times of excess funding. The subrecipient is usually reimbursed 80% of the cost, but in times of reduced funding, as much as 50% local match could be required.

**Other Durable Goods/Associated Capital Maintenance** - Other durable goods include spare components or parts with a unit cost of over \$5,000 and a useful life of more than one year. These components may include engines, transmissions and other replacement parts such as passenger seats. An Associated Capital Maintenance item is any equipment or material, each of which costs no less than one-half of 1 percent of the fair market value of the rolling stock to be maintained for which the equipment or material will be used. Both durable goods and Associated Capital Maintenance items are reimbursed at 80% Federal funds, State funds will be reimbursed at 10%, with a 10% local match.

**Public Transportation Facilities** - Requests for public transportation facility acquisitions, construction, improvements, etc. are handled on a case-by-case basis and must be fully justified in the application. It is VTrans policy that the application is in conjunction

with 19 V.S.A. §10j (b) ([attachments](#)). VTrans will evaluate each project based on need, cost and benefit to the subrecipient and the public transit user. If funds are available and the project is deemed justified all procedures outlined in 49 CFR Part 18.36 and FTA Circular 4220.1F “Third Party Contracting Requirements” shall be followed. Any project approved will meet all ADA requirements, including accessibility.

## Chapter U – Other Provisions

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*Requirement - Describe the process by which the State complies with other Federal requirements such as the employee protection provisions of Section 5333(b), environmental protection, Buy America provisions, pre-award and post-delivery reviews, prohibition of exclusive school transportation, and drug and alcohol testing, including the State's procedures for monitoring compliance by subrecipient.*

### Accident Reporting –

Accidents must be reported to

#### **What must be reported:**

The Federal Transit Administration requires that all accidents and incidents involving the following be reported as soon

1. Any accident that causes death or multiple injuries anywhere on Agency property. This includes Yards, etc.
2. Any incident causing major property damage, such as fire or multiple revenue vehicles destroyed.
3. Any major service disruptions including unplanned busing of any rail line.
4. Any safety related incident likely to make the news, such as bomb threats that cause facilities to be evacuated.

VTrans is willing to report these incidents to the FTA for you. If you prefer to do that yourself, please let VTrans know. [All other incidents can be reported by e-mail. Quarterly reports can be e-mailed to barbara.donovan@state.vt.us](mailto:barbara.donovan@state.vt.us)

**Buy America Provision** - As described in Section 5323(j), Federal funds cannot be obligated for transit projects unless the steel, iron and manufactured products used in the projects are produced within the United States. For specific regulations for the Buy America requirement, see 49 CFR Part 661. The Buy America requirement applies to all purchases if the purchase exceeds the small purchase threshold (which is currently \$100,000). A few exceptions exist for the Buy America requirement and those exceptions are described in detail in the Federal Circular. They include general waivers:

- Final assembly can occur in the US for 15 passenger vans and wagons produced by the Chrysler Corporation;
- Microcomputer software and equipment; and
- Small purchases (currently less than \$100,000) made with capital, planning or operating assistance.

**Certification of Assurance** VTrans requires that subrecipients provide proof of compliance to the Buy America requirements through certification upon purchase. There should be a pre-purchase certificate and a post-purchase and they must be kept in the program files. Technical assistance is provided for subrecipients concerning compliance to the Buy

America requirements. On site visits will facilitate discussions concerning Buy America requirements and procurement procedures.

**Pre-Award and Post-Delivery Review** - VTrans requires that procurement of vehicles will be audited in accordance with the FTA regulations “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases,” 49 CFR Part 663 ([see attachment F](#)). This requirement ensures that the purchase of rolling stock will be in compliance with bid specifications, Buy America requirements and Federal vehicle safety requirements. Pre-Award Bid Specification Audit and Pre-Award Certification of Responsibility forms are due to VTrans for contracted services or capital purchases

### **Commercial Motor Vehicle Safety Act of 1986**

**CDL's** - The Commercial Motor Vehicle Safety Act of 1986 provides a uniform Federal standard for Commercial Drivers' Licenses (CDL), ensuring that operators of commercial and public transportation vehicles are competent to operate large product and passenger vehicles.

Federal law mandates that any vehicle over 26,001 pounds or which is designated to carry 16 or more passengers, including the driver, must be operated by an individual with a CDL. In the case of modified vehicles with extended jump seats, all the seats must be counted.

Drivers may receive a CDL after passing a written test and a driving test designed specifically for commercial and public transit licensing. To be eligible for the test, an individual must be 18 years of age to transport passengers or property. The driving test must be taken either in the vehicle that the individual will be driving to transport persons or property or a vehicle of comparable size.

Public Transit Systems are responsible for ensuring that appropriate drivers have received a CDL and will also ensure that the license renewal is kept current.

**US DOT #'s** – Vermont is not one of the states that require USDOT #'s for intrastate commerce. However, interstate commerce does require one. FMCSA considers transit providers as ‘for-hire’ even though they provide public transportation with the support of the FTA. **“What is a USDOT Number? Companies that operate commercial vehicles transporting passengers...in interstate commerce must be registered with the FMCSA and must have a USDOT Number. The USDOT number serves as a unique identifier when collecting and monitoring a company’s safety information acquired during audits, compliance reviews, crash investigations, and inspections.”** This means that all transit agencies which cross state or Canadian borders and operated vehicles over 10,000 lbs, or if you transport more than 9 passengers including the driver, must be registered with the FMCSA ([see attachment F](#)). See the website for further information but generally to travel across state lines Vermont Passenger Transportation Providers need to have operating authority, OP-1(P), a USDOT #, appropriate insurance and meet reporting to meet FMCSA requirements. Transit providers who cross state lines are also subject to inspections without notice from the FMCSA. Drug and Alcohol records reviews however are under the authority of the FTA.

### **FTA Drug and Alcohol Testing Program**

**Contractor Provider** - All subrecipients are covered under the VTrans contract for Drug and Alcohol testing with Occupational Drug Testing of New Hampshire. These costs are covered by VTrans administrative funds. VTrans contracts with Occupational Drug Testing (ODT) to conduct the six categories of tests, required under 49 CFR, Part 40. All aspects of the program, individuals selected for testing, specimen collection sites, laboratories for testing, medical review officer, employee assistance programs, and report preparation are handled by VTrans, required under 49 CFR Part 653 and Part 654. Transit providers are responsible for the required training of all CDL drivers, safety sensitive employees, line supervisors and any contractors with safety sensitive employees.

The RTAP grant will include a Drug and Alcohol Training annually from 2012 forward and will contract for D&A review by a consultant who is a category expert.

**Written Substance Abuse Policy** - All providers must adopt a written substance abuse policy for dissemination to all safety sensitive employees that will be the basis for an ongoing substance abuse program. The policy must include all FTA required elements and describe specific actions taken against employees violating prohibitions. All providers receiving FTA funds are required to have their substance abuse policy statement available for inspection by VTrans upon request.

Employees must be informed of the drug and alcohol testing policy during training annually and anytime the drug and alcohol policy is updated. Training must include informing employees of the dangers of drug and alcohol abuse.

**Certificate of Assurance** - VTrans and all subrecipients must sign a certificate of assurance stating that they are in compliance with the drug and alcohol regulations. Section 5311 compliance certificates must indicate special safety provisions for its employees, including testing and training requirements. Copies of all certificates will be maintained in the VTrans files.

VTrans requires subrecipient employees to sign individual commitments to drug-free workplace and drug and alcohol testing forms, where applicable, stating that they have been informed of the policy and understand its terms. Compliance is monitored annually.

**Safety** - Subrecipients will inform employees of safety hazards in connection with drug and alcohol abuse and have a safety component in their written policy. Federal funds may be withheld if any subrecipient that is not in compliance with Federal safety regulations.

Drug and alcohol programs are administered through a statewide consortium. The administrating agency assists 5311 subrecipients with developing conforming policies and for implementation of a drug and alcohol-testing program. VTrans has a designated staff member responsible for statewide monitoring through on-site visits.

**Annual Reports** - VTrans collects and submits annual Management Information System (MIS) reports for each Section 5311 subrecipient summarizing drug and alcohol test results. MIS reports are filed for safety sensitive contractors as necessary.

**Drug and Alcohol Testing Program Monitoring** - To oversee the Drug and Alcohol Testing Program, VTrans has an on-staff Drug/Alcohol Program Manager (currently Tom Trahant is the DER, Designated Employer Representative). This manager is responsible for assisting the transit providers with technical assistance. The Drug and Alcohol Program Manager is responsible for monitoring the performance of the third-party administrator of the program. Currently, the Section 5310 program subrecipients are excluded from FTA's Drug and Alcohol Testing requirements.

**Employee Protection Provisions** - Federal transit programs that involve transit operations require that fair and equitable arrangements must be made to protect the interests of transit employees that are affected by the assistance. Provisions for labor arrangements are outlined in 49 U.S.C. 5333(b), which is administered by the U.S. Department of Labor.

49 U.S.C. 5333(b) – All 49 U.S.C. 5311 subrecipients must agree in writing to accept the terms and conditions of the 49 U.S.C. 5333(b) labor warranty annually. VTrans certifies to the Department of Labor that each local subrecipient has signed the warranty and agreement before the project is included in Category A of the Program of Projects.

### **Environmental Procedures**

Most projects and activities funded through the Section 5310 and 5311 programs do not normally involve significant environmental impacts. These projects are “categorical exclusions”; i.e., excluded from the requirement to prepare an environmental document. In the annual certifications and assurances, the state will assure FTA that all the projects in the application are categorical exclusions under 23 C.F.R. § 771.117(c), unless otherwise noted.

The Clean Air Act, as amended, establishes many substantive requirements in order to bring air quality regions that violate the national ambient air quality standards into attainment by

prescribed dates. Section 5311 program subrecipients in Vermont are funded for operating assistance and capital purchases only, and are therefore exempted by regulation from the conformity review process.

In addition to Federal Environmental regulations, Vermont subrecipients must follow Vermont's Act 250. ([attachments](#))

### **Lobbying Restrictions**

**Certificates of Assurance** - VTrans must have on file signed lobbying certificates (form LLL) of assurance from all subrecipients and contractors who receive federal assistance for \$100,000 or more stating that they will not use Federal funds to pay for any lobby activities.

**Inclusion of Assurance in Procurement** - Subrecipients must include lobbying certification in procurement documents and will obtain executed certifications from contractors and subcontractors regarding the award of contracts or subcontractors in excess of \$100,000. VTrans requires subrecipients to submit copies of these certifications for review. VTrans requires subrecipients to present copies of the lobbying certifications during on-site visits.

**Monitoring of Compliance** - When reviewing applications for federal funds, VTrans checks for appropriate certification. Also, during site inspections, VTrans or the appropriate contract provider inspects for lobbying compliance. All appropriate certification from subrecipients, contractors and subcontractors must be kept in the project file for compliance assurance.

**Pre-Award Authority** - Subrecipients are allowed to incur some costs prior to grant award in the formula programs. In order for the pre-award costs to be eligible for subsequent reimbursement, the project must have met all FTA statutory, procedural and contractual requirements and be included in the current STIP. Reimbursement is subject to the availability of funds and grant awards.

**School Bus Operations** - Subrecipients will have a signed certificate of assurance on file with VTrans stating that they are in compliance with all school bus requirements. Subrecipients may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators with FTA equipment, facilities or financial assistance.

The only allowable use of FTA program vehicles, equipment and facilities in the state of Vermont is School Tripper Service. Tripper service is described as regularly scheduled mass transportation service open to the public which is designed or modified to accommodate the needs of school students and personnel. Such service must be open to the public, must serve regular transit stops and must be delineated on route schedules and maps. School signs must not be displayed on the vehicles. Note: Head Start transportation is considered human service transportation, not school bus service, and is therefore an allowable use of such equipment.

The applicable school bus requirements are outlined in the 49 CFR Part 605; 49 USC 523 (f). Exemptions to any of the above requirements must be granted by the FTA Administrator

“VTrans grants funding to its providers to purchase vehicles. The transit provider is listed as the owner on the title. In order for VTrans to exercise satisfactory continuing control, the State of Vermont Agency of Transportation (VTrans) is listed on the titles as the first lien holder. The physical (paper) title therefore resides at VTrans to secure the use of the vehicle for transit purpose and to ensure that the investment, both federal and state, is recovered when it is disposed of.”

# Attachments

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## **Appendix A** - relevant authority letters, etc.

Statute saying the authority for FTA is secretary  
TEAM authorization letter for Division Director  
Request to transfer 5303 Planning funds to FWHA

## **Appendix B** – VTrans and subrecipients

Current org chart <http://www.aot.state.vt.us/VTransDivisions.htm>

VT transit providers, <http://publictransit.vermont.gov/providers>

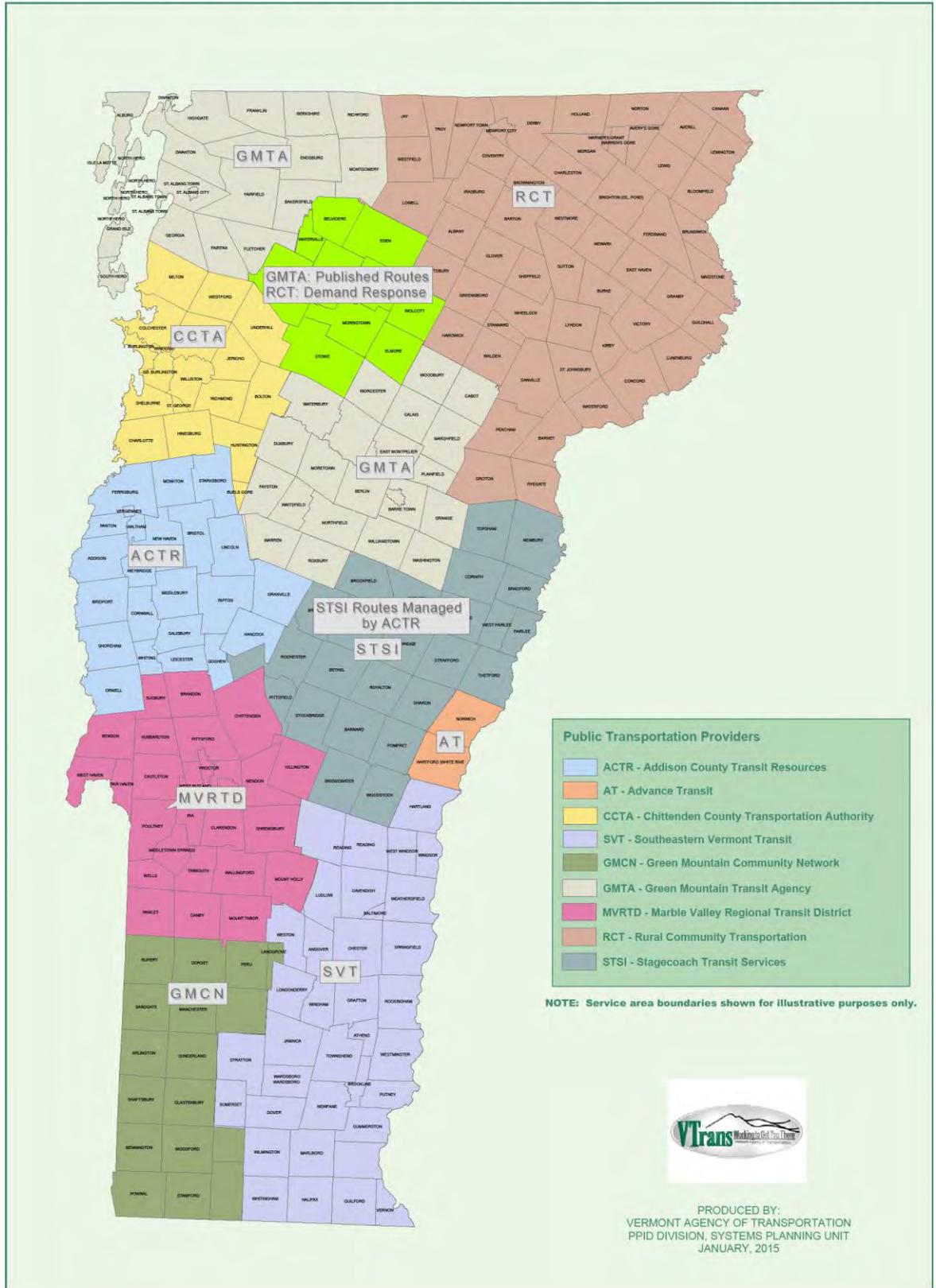
The Vermont Public Transportation Association (VPTA), <http://www.vpta.net>

EEO contact <http://www.aot.state.vt.us/civilrights/EEO.htm>

VTrans Civil Rights <http://www.aot.state.vt.us/civilrights/contactus.htm>

[Map of transit provider regions](#)

# Vermont's Public Transportation Providers



**Appendix C – policy and planning documents**

Public Transit Policy Plan 2012 <http://www.aot.state.vt.us/PublicTransit/PTPP.htm>  
Intercity Plan draft  
Sample service indicator report  
Vermont Olmstead Report <http://humanservices.vermont.gov/publications/olmstead-commission/vermont-olmstead-commission-comprehensive-plan>

**Appendix D – State of Vermont regulations**

Public Transportation 24 Chapter 126, <http://legislature.vermont.gov/statutes/chapter/24/126>  
V.S.A. §5081 <http://legislature.vermont.gov/statutes/section/24/126/05081>  
  
V.S.A. §5082 <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=24&Chapter=126&Section=05082>  
V.S.A. §5083 Declaration of Policy  
<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=24&Chapter=126&Section=05083>  
V.S.A. §5084 Public Transit Advisory Council  
<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=24&Chapter=126&Section=05084>  
V.S.A. §5089 Planning (<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=24&Chapter=126&Section=05089>)  
V.S.A. §5090 Human Service Transportation  
<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=24&Chapter=126&Section=05090>  
V.S.A. §5091 Funding <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=24&Chapter=126&Section=05091>  
V.S.A Title 24, Chapter 117, Planning requirements  
<http://www.leg.state.vt.us/statutes/sections.cfm?Title=24&Chapter=117>  
V.S.A. Title 24, Chapter 127 Mass Transit Authorities/Districts  
<http://legislature.vermont.gov/statutes/chapter/24/127>  
Powers of the Secretary of Transportation, title 24 §5094  
<http://legislature.vermont.gov/statutes/section/24/126/05094>

see new links <http://legislature.vermont.gov/statutes> ,  
<http://legislature.vermont.gov/statutes/chapter/24/126>

volunteer insurance statute  
<http://legislature.vermont.gov/statutes/section/08/113/04211>

**Title 23 motor vehicles**

**Local public transit**

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=23&Chapter=007&Section=00372a>

**jitneys (ubers/taxis?)**

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=23&Chapter=007&Section=00374>

**non-profits**

<http://www.leg.state.vt.us/statutes/chapters.cfm?Title=11B>

**State A-133 audit link -**

[http://auditor.vermont.gov/sites/auditor/files/F\\_322751\\_14\\_StateofVermont\\_A133.pdf](http://auditor.vermont.gov/sites/auditor/files/F_322751_14_StateofVermont_A133.pdf)

## **Title 1 : General Provisions**

### **Chapter 5 : Common Law; General Rights**

#### **Appendix E**

Application documents

Other VTrans documents, procurement checklist

Bi-State agreement between NH and VT concerning oversight of the AT facility

List of which positions need to be registered as TEAM users, Tom financial administrator, Public Transit Administrator, Lenny's chief financial officer, ECHO people – Anne Porter Fin Spec III; Deb Morse, Fin Mngr I and possibly Renea Bordeau Fin Dir II.

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#### **Appendix F - relevant FTA, FMCSA and FHWA Links**

2012 Master Agreement <http://www.fta.dot.gov/documents/18-Master.pdf>

FTA Circulars [http://www.fta.dot.gov/legislation\\_law/13716.html](http://www.fta.dot.gov/legislation_law/13716.html)

5310 Elderly and Disabled <http://www.fta.dot.gov/documents/C9070.1F.pdf>

FTA Coordination requirements: FTA C 9040.1G Page V-1

5311 Non-urban

[http://www.fta.dot.gov/documents/FTA\\_Circular\\_9040\\_1G\\_with\\_index\\_-\\_Final.pdf](http://www.fta.dot.gov/documents/FTA_Circular_9040_1G_with_index_-_Final.pdf)

Flex Funding

<http://www.fhwa.dot.gov/legsregs/directives/policy/fundtrans20070719.htm>

[http://www.fta.dot.gov/13747\\_10990.html](http://www.fta.dot.gov/13747_10990.html)

FMCSA link <http://www.fmcsa.dot.gov> ; <http://www.fmcsa.dot.gov/safety-security/pcs/Index.aspx>,

USDOT #'s <http://www.fmcsa.dot.gov/registration-licensing/registration-USDOT.htm>

Charter Regulations [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr604\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr604_main_02.tpl);

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;rgn=div5;view=text;node=49%3A7.1.2.1.3;idno=49;sid=94137072cc20238088cc7cb499c6b0d6;cc=ecfr> ; [http://www.fta.dot.gov/legislation\\_law/12922.html](http://www.fta.dot.gov/legislation_law/12922.html)

US DOT #, registrations: <http://www.fmcsa.dot.gov/registration-licensing/registration-USDOT.htm>

FTA Annual Certs and Assurances <http://www.gpo.gov/fdsys/pkg/FR-2011-11-01/pdf/2011-28293.pdf>

STIP <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec135.htm> ;

[http://aotweb.aot.state.vt.us/InetpubWWWRoot/Documents/STIP2010\\_2013.pdf](http://aotweb.aot.state.vt.us/InetpubWWWRoot/Documents/STIP2010_2013.pdf)

Single Audit Database

<http://harvester.census.gov/sac/dissem/accessoptions.html?submit=Go+To+Database>

Federally required procurement clauses [http://www.fta.dot.gov/12831\\_6195.html](http://www.fta.dot.gov/12831_6195.html)  
[49](#)

CFR 663 pre-award and post delivery of audits of rolling stock purchases,

<http://ecfr.gpoaccess.gov/cgi/t/text/text->

[idx?c=ecfr&sid=b19c9aad234519bb85c790e3fa6c344a&rgn=div5&view=text&node=49:7.1.2.1.18&idno=49](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=b19c9aad234519bb85c790e3fa6c344a&rgn=div5&view=text&node=49:7.1.2.1.18&idno=49)

<http://www.gpo.gov/fdsys/pkg/USCODE-2008-title49/html/USCODE-2008-title49-subtitleIII-chap53.htm>

matching funds - <http://www.gpo.gov/fdsys/pkg/CFR-2002-title49-vol1/pdf/CFR-2002-title49-vol1-sec18-24.pdf>

Applicable USDOT regulations replacement

ADA complementary paratransit - <https://www.law.cornell.edu/cfr/text/49/37.131>

## Appendix G - Civil Rights Documents

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Title VI of the Civil Rights Act, SUBCHAPTER V - FEDERALLY ASSISTED PROGRAMS  
<http://www.justice.gov/crt/about/cor/coord/titlevistat.php>  
DOT regulations, effectuation of the Title VI <http://www.fhwa.dot.gov/hep/49cfr21.htm>  
FTA - 49 U.S.C 5332(c) <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t49t50+180+0++%28%29%20%20AN>  
FTA Circular 4702.1A, Non-discrimination guidelines  
[http://www.fta.dot.gov/documents/Title\\_VI\\_Circular\\_4702.1A.pdf](http://www.fta.dot.gov/documents/Title_VI_Circular_4702.1A.pdf)  
DOT order to address Environmental Justice  
[http://www.fhwa.dot.gov/environment/environmental\\_justice/facts/dot\\_ord.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/facts/dot_ord.cfm)  
DOT Policy Guidance for LEP, Z:\PPID\PublicTransit\CR  
<http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/html/05-23972.htm>  
EEO <http://www.eeoc.gov/laws/statutes/titlevii.cfm>  
Non-discrimination based on sex [http://www.dol.gov/oasam/regs/statutes/age\\_act.htm](http://www.dol.gov/oasam/regs/statutes/age_act.htm)  
Non-discrimination based on disability, section 504, ADA  
<http://www.dol.gov/oasam/regs/statutes/sec504.htm> , <http://www.ada.gov/statute.html>  
<http://www.fhwa.dot.gov/hep/49cfr26.htm> this supersedes FTA C 4716.1A  
ADA Transportation Services for Individuals with Disabilities  
[http://www.fta.dot.gov/documents/Part\\_37-PDF\\_all\\_10-1-07\\_edition.pdf](http://www.fta.dot.gov/documents/Part_37-PDF_all_10-1-07_edition.pdf)  
ADA regulations  
<http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol1/pdf/CFR-2011-title49-vol1-part37.pdf>  
ADA 4704.1 [http://www.fta.dot.gov/legislation\\_law/12349\\_5951.html](http://www.fta.dot.gov/legislation_law/12349_5951.html)  
49 CFR Pat 26 DBE's [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr26\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl)

***Certification of Equivalent Service from part 37 appendix C of the Title 49, vol 1, part 37***  
The (name of agency) certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to: (1) Response time; (2) Fares; (3) Geographic service area; (4) Hours and days of service; (5) Restrictions on trip purpose; (6) Availability of information and reservation capability; and (7) Constraints on capacity or service availability.  
In accordance with 49 CFR 37.77, public entities operating demand responsive systems for the general public which receive financial assistance under section 18 of the Federal Transit Act must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving FTA funds shall also file the certification with the appropriate state program office. Such public entities receiving FTA funds under any other section of the FT Act must file the certification with the appropriate FTA regional office. This certification is valid for no longer than one year from its date of filing.  
(name of authorized official)  
(title) (signature)

## Appendix H – Glossary

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### Glossary

State definitions can be found in §5081 and §5088 ([attachments](#)). Federal definitions can be found in the relevant circulars.

49 U.S.C. 5310 Program (Section 5310) – This program makes federal funds available to assist public and private, non-profit organizations in the purchase of vehicles and related equipment to provide transportation services which meet the needs of elderly persons and persons with disabilities in both non-urbanized and urbanized areas.

49 U.S.C. 5311 Program (Section 5311) – This program makes federal funds available to assist in the development, improvement and use of public transportation systems in rural areas.

Administrative Costs – These expenses encompass operating costs and include vehicle insurance, advertising and marketing for transportation services.

Americans with Disabilities Act of 1990 (ADA) – Legislation that ensures non-discrimination and equitable services for individuals with disabilities.

Buy America – Buy America requirements ensure that federal funds are not obligated for transit projects unless designated levels of steel, iron and manufactured products used in the projects are produced within the US.

Capital Costs – These expenses include the acquisition, construction and improvement of public transit facilities and equipment, such as: vehicles, communication equipment, wheelchair lifts and restrains, shelters and initial installation costs, needed for a safe, efficient and coordinated public transportation system.

Disadvantaged Business Enterprise (DBE) – Helps to ensure that disadvantaged businesses have the ability to compete on a level playing field for federal contracts.

Elderly Persons – Persons at least 60 years old.

Equal Employment Opportunity (EEO) – Applies the discrimination provisions of Title VI to employment and business opportunities.

Federal Transit Administration (FTA) – FTA is the federal agency responsible for providing overall policy and program guidance, apportioning funds annually to the states, developing and implementing financial management procedures, managing program support and conducting national program reviews.

Feeder Service – Transit services that act as a connector from rural communities to intercity bus services. Feeder service coordinates rural connections between small transit operations and intercity bus carriers.

Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) – provided funding for transportation programs, specifically giving State and local governments more discretion in the use of Federal transit dollars. In 1998, ISTEA was reauthorized under the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) legislation.

Metropolitan Planning Organization (MPO) – Organizations within a metropolitan area designed to efficiently and effectively plan for the areas various needs. The MPO, together with the state, carries out the planning and programming activities necessary for federal funding. In Vermont, the only MPO is in Chittenden County.

Non-urbanized Area – Areas outside a core area and the surrounding populated area with a total population of 50,000 or less, with boundaries fixed by the Bureau of Census or extended by state and local officials.

Not-for-Profit – An agency approved for IRS 501-3C status, making them eligible for various federal grants.

Operating Costs – These expenses may include, but are not limited, to salaries for drivers, dispatchers and mechanics; fuel, oil, replacement tires, repairs, parts and labor, vehicle storage, contract services, vehicle tags, vehicles and/or vehicle storage facilities.

Paratransit Vehicle – Paratransit vehicles are 22 feet or less. They are also referred to as mini-buses.

Persons with Disabilities – Persons with a physical or mental impairment that substantially limits one or more major life activities, as defined in the Americans with Disabilities Act.

Rural Transit Assistance Program (RTAP) – RTAP supports non-urbanized transit activities related to training, technical assistance, research and related supportive services to promote safe and effective delivery of public transportation in non-urbanized areas.

Title VI – Ensures that discrimination does not occur on the grounds of race, color or national origin.

Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) – A reauthorization act of ISTEA for Fiscal Years 1998-2003 that increases provisions designed to guarantee funding for highway and transit programs.

United State Department of Transportation (USDOT) – The federal agency that administers transportation programs and funds to state agencies.

UPWP – Unified Planning Work Program – a joint requirement of the FTA and FHWA.

Urbanized Area – An area that has a population in excess of 50,000. Funding for urbanized areas is separated based on population and population density for areas under 200,000 and on population, population density and transit data for areas over 200,000 in population.

Useful Life – For standard vans, body on chassis vehicles, useful life is a minimum of 150,000 miles or five years.

Vermont Agency of Transportation (VTrans) – The State agency designated by the Governor of Vermont to administer Section 5310 and 5311 transit programs.

Vermont Public Transportation Association (VPTA) – State transit association which provides guidance and technical assistance for public transit agencies in Vermont.

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## Appendix I

### FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES FEDERAL FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature pages alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: \_\_\_\_\_

The Applicant agrees to comply with applicable provisions of Groups 01 – 24. \_\_\_\_\_

OR

The Applicant agrees to comply with applicable Description  
 provisions of the Groups it has selected: Group

- |     |   |       |
|-----|---|-------|
| 01. | Required Certifications and Assurances for Each Applicant.  | _____ |
| 02. | Lobbying.   | _____ |
| 03. | Procurement and Procurement Systems.  | _____ |
| 04. | Private Sector Protections.   | _____ |
| 05. | Rolling Stock Reviews and Bus Testing.  | _____ |
| 06. | Demand Responsive Service.  | _____ |
| 07. | Intelligent Transportation Systems.   | _____ |
| 08. | Interest and Financing Costs and Acquisition of Capital Assets by Lease.  | _____ |
| 09. | Transit Asset Management Plan and Public Transportation Agency Safety Plan.   | _____ |
| 10. | Alcohol and Controlled Substances Testing.  | _____ |
| 11. | Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21 Became Effective. | _____ |
| 12. | State of Good Repair Program.   | _____ |
| 13. | Fixed Guideway Modernization Grant Program.   | _____ |
| 14. | Bus and Bus Facilities Formula Grants Program and Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary).   | _____ |
| 15. | Urbanized Area Formula Grants Programs/ Passenger Ferry Grants Program/Job Access and Reverse Commute (JARC) Formula Grant Program.                                     | _____ |
| 16. | Seniors/Elderly/Individuals with Disabilities Programs/New Freedom Program.   | _____ |
| 17. | Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.  | _____ |
| 18. | Tribal Transit Programs (Public Transportation on Indian Reservations Programs).  | _____ |
| 19. | Low or No Emission/Clean Fuels Grant Programs.  | _____ |
| 20. | Paul S. Sarbanes Transit in Parks   | _____ |

- 21. Program.  
State Safety Oversight Grant \_\_\_\_\_
- 22. Program.  
Public Transportation Emergency Relief Program. \_\_\_\_\_
- 23. Expedited Project Delivery Pilot Program. \_\_\_\_\_
- 24. Infrastructure Finance Programs. \_\_\_\_\_

**FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES**  
**FEDERAL FISCAL YEAR 2015 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**  
 (Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)  
**AFFIRMATION OF APPLICANT**

Name of the Applicant: \_\_\_\_\_  
 Name and Relationship of the Authorized Representative: \_\_\_\_\_  
 BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2015, irrespective of whether the individual that acted on his or her Applicant’s behalf continues to represent it.  
 FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Project for which it seeks now, or may later seek FTA funding during Federal Fiscal Year 2015.  
 The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, “Program Fraud Civil Remedies,” 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute  
 In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature \_\_\_\_\_ Date: \_\_\_\_\_  
 Name \_\_\_\_\_

Authorized Representative of Applicant  
**AFFIRMATION OF APPLICANT’S ATTORNEY**

For (Name of Applicant): \_\_\_\_\_  
 As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.  
 I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

Signature \_\_\_\_\_ Date: \_\_\_\_\_  
 Name \_\_\_\_\_

Attorney for Applicant  
 Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant’s Attorney pertaining to the Applicant’s legal capacity. The Applicant may enter its signature in lieu of the Attorney’s signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

**Procurement Checklist, Appendix E**



5311 or 5309 Capital Invoice Checklist.xlsx

For governments

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr18\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr18_main_02.tpl)

for non-profits

This is the GSA mileage rate <http://www.gsa.gov/portal/content/100715>, check Jan 1

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