

# VERMONT ELDERS & PERSONS WITH DISABILITIES PROGRAM MANUAL & BACKGROUND CHECK POLICY



Vermont Agency of Transportation  
Policy, Planning, and Intermodal Development Division

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# CONTENTS

1.	Elders & Persons with Disabilities Transportation Program .....	3
1.1.	Public Policy .....	3
1.2.	Eligible Grant Applicants .....	4
1.3.	Submitting Grant Applications .....	4
1.4.	Review and Approval of Grant Applications .....	5
1.5.	Regional E&D Advisory Committees .....	5
2.	E&D transportation services .....	6
2.1.	Demand Response Service .....	6
	Authorized Mode of Transportation .....	6
	Rider Assistance .....	7
	Vehicle Capacity .....	8
	General Public Passengers .....	8
2.2.	Service Quality .....	8
	Driver Licensure and Screening .....	8
	Background Checks .....	9
	Trainings .....	9
	Scheduling .....	9
	Health and Safety .....	9
	Grievance Procedures .....	9
	Documentation Requirements .....	10
	Trip Manifest Requirements .....	10
2.3.	Eligible Costs and Cost Matching .....	10
2.4.	Reports .....	12
2.5.	Background Checks .....	13
	National Criminal Information Center (NCIC) & Vermont Criminal Information Center (VCIC) .....	14
	Adult Abuse Registry & Child Abuse Registry .....	14
	Department of Motor Vehicles (DMV) .....	14
	Office of Inspector General (OIG)/LEIE .....	14
3.	Useful Abbreviations and Definitions .....	15
3.1.	Abbreviations .....	15
3.2.	Definitions .....	15

# 1. ELDERS & PERSONS WITH DISABILITIES TRANSPORTATION PROGRAM

Vermont’s Elders and Persons with Disabilities (E&D) Transportation Program continues to play an important role filling gaps in existing transportation services for older adults age 60 and above and individuals with disabilities. Vermont’s public transit providers serve as regional transportation brokers and work with human service agency partners to coordinate E&D trips together with Non-Emergency Medical Transportation (NEMT) provided through Medicaid, contracted service with community organizations and institutions, and transportation for the general public. This coordinated transportation approach extends the impact of available E&D funding, as the regional brokers utilize multiple funding sources and fill capacity on vehicles to the maximum extent possible.

## 1.1. Public Policy

It is the goal of the State of Vermont to fulfill, insofar as is feasible, the public transportation needs of older adults and persons with disabilities. State law—[24 V.S.A. § 5083](#) (a) (1)—states the primary goal for public transit is providing “basic mobility for transit-dependent persons.”<sup>1</sup> The Vermont Agency of Transportation (AOT) uses funding from the Federal Transit Agency (FTA) [49 U.S.C. §5310](#) program to partially meet this goal. That separate program is a formula allocation program, based on census counts of older adults and persons with disabilities in each state. Federal funds must be partially matched by non-Federal contributions. AOT awards the population-based §5310 formula grants to organizations that purchase vehicles whose principal use is to meet unmet transportation needs of older adults and persons with disabilities.<sup>2</sup>

Because Vermont has a small population, the §5310 formula allocation is insufficient for meeting the special transportation needs of older adults and persons with disabilities for whom mass transportation services are unavailable, insufficient, or inappropriate. To increase services, enhance efficiency, and be more effective, Vermont also administers this program, a supplementary transportation program for older adults and persons with disabilities (E&D Transportation), as an integral component of its public transportation program.

The §5310 formula allocation program buys vehicles. The primary use of those vehicles is to meet the unmet transportation needs of older adults and persons with disabilities. The E&D Transportation program, on the other hand, pays for some rides (purchase of transportation services, rather than purchase of vehicles) for older adults and persons with disabilities. The E&D Transportation program coordinates funding from several Federal, State, and local sources—including non-governmental sources—to make public transportation accessible, safe, responsive, reliable, convenient, and affordable for as many persons as possible. Additionally, [Section 3006\(b\) of the 2015 FAST Act](#) created a discretionary pilot program for innovative coordinated access and mobility and examples of traditional

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<sup>1</sup> *Transit dependent person as used in this context* means either a person who is unable to drive either because of age or disability or legal status, or not having have access to a car because of income.

<sup>2</sup> For additional information, refer to the FTA’s Enhanced Mobility of Seniors & Individuals with Disabilities- Section 5310 webpage <https://www.transit.dot.gov/funding/grants/enhanced-mobility-seniors-individuals-disabilities-section-5310>.

and non-traditional activities funded under these funds.<sup>3</sup> Eligible projects include both traditional capital investment and nontraditional investment beyond the Americans with Disabilities Act (ADA) complementary paratransit services.

## **1.2. Eligible Grant Applicants**

In each public transportation region of Vermont, AOT designates a single public transit provider as the administrative entity to submit an annual grant application for funds for E&D Transportation. This allows maximum coordination and efficiency among all stakeholders within each planning region of Vermont. Although Federal regulations allow for all non-profits to apply for and receive funding, to advance the goal of a fully coordinated public transportation system, AOT will accept only a single integrated grant application to fund public transportation from each region. Stakeholders interested in partnering with the regional provider in their area should contact the administrative entity responsible for the delivery of E&D services. The one exception to those eligible is the Vermont Association for the Blind and Visually Impaired. Given the unique services they provide, AOT will accept one statewide application from them.

AOT accepts grant applications only if they show that other regional partners and stakeholders worked with the designated public transit provider in preparing the application (i.e. through letters of support, letters specifying match commitment from E&D Partners, meeting minutes that demonstrate that E&D Partners have reviewed and contributed to the grant application, etc.). The application must also demonstrate that efforts are ongoing to coordinate public transportation among regional partners and stakeholders. Regional Planning Commissions (RPCs), human service agencies that operate within a region, municipalities, community organizations, passengers, and the public at large should be invited to participate in public transportation planning and coordination that leads to applying for grants. The designated regional administrative entity may subcontract with other organizations to purchase some or all E&D Transportation services, rather than provide services directly. The decision of how to provide services is based on coordinated regional planning among stakeholders and varies by region. Subcontractors of E&D services will be required to establish a Title VI program if it is determined they fall under the definition of federal subrecipient<sup>4</sup>.

## **1.3. Submitting Grant Applications**

Designated public transit grantees submit integrated public transportation grant applications in the required format. All components of the application—including Committee approvals, required certifications and assurances, service descriptions, and a budget—must be submitted to AOT by the published filing date. AOT will not approve incomplete or late applications. AOT will provide technical assistance in preparing grant applications on request.

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<sup>3</sup> 49 U.S.C. Section 5310 / FAST Act Section 3006. Additional information on nontraditional investments can be found <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/funding/grants/37971/5310-enhanced-mobility-seniors-and-individuals-disabilities-fact-sheet.pdf>.

<sup>4</sup> 2 CFR § 200.330 - Subrecipient and contractor determinations.

[https://www.govregs.com/regulations/title2\\_chapterII\\_part200\\_subpartD\\_subjgrp33\\_section200.330](https://www.govregs.com/regulations/title2_chapterII_part200_subpartD_subjgrp33_section200.330)

## **1.4. Review and Approval of Grant Applications**

A committee consisting of all staff in the AOT Public Transit Section will review all applications and local agreements for funding for the E&D Program and shall develop recommendations for approval and funding. The recommendations shall be submitted to the Secretary of the Agency of Transportation (AOT) for approval. The Secretary retains sole authority to approve applications and may revise the committee's recommendations at their discretion. After individual grant applications are approved by the Secretary, they are consolidated and submitted to FTA by AOT as a statewide grant application. AOT through the Secretary, coordinates all Federal grant activity with FTA. FTA reviews all statewide applications and approves Federal funding.

Upon approval of the statewide grant application by FTA, AOT and each grantee execute an individual grant agreement (contract). Individual grant agreements specify the terms and conditions under which public transit will operate in each region.

## **1.5. Regional E&D Advisory Committees**

E&D Partners and relevant stakeholders are organized into Regional E&D Advisory Committees (Committees). Each public transit region must designate its own Committee. Regional Planning Commissions (RPCs) shall organize and facilitate Committees. In some cases, two RPCs may share responsibilities for a Committee if the transit district area covers more than one RPC region. Committees may be subcommittees of Transportation Advisory Committees that also deal with other transportation issues, or they may be separate committees. Annually, AOT shall include expectations and guidelines for Regional E&D Advisory Committees within the Transportation Planning Initiative (TPI) Work Program Guidance issued to RPCs and the Metropolitan Planning Organization (MPO). Tailored guidelines will be distributed to each Committee by its parent RPC or MPO. Additionally, the annual Guidance will be referenced in the annual Transit Provider contracts with AOT.

Committees may incorporate preexisting groups that previously participated in public transit and human service transportation planning. Committees may include representatives of:

- involved public transit providers,
- area agencies on aging,
- adult day services,
- community mental health centers/designated agencies,
- community action agencies,
- all Agency of Human Services (AHS) Field Services Directors in each planning region,
- consumer representatives,
- statewide advocacy groups,
- local human service agencies,
- and other concerned parties.

Committees shall meet regularly, or at least quarterly, to receive subcommittee reports and discuss the status of the integrated program. Meetings shall include reviews of current service levels, service quality concerns, budget balances, funding issues, and matters that will improve services to consumers. Reviews of current service levels shall include verifying that services are the most cost effective and appropriate to meeting consumer needs and use only authorized and appropriate modes.

After an organizational meeting of the entire Committee, subcommittees or task forces may be created to deal with issues, such as funding, service quality, changes in transportation needs, etc. HSAs (Human Service Agencies) should participate in these meetings and monitor the financial status of their projects. More details are included in the Reports section toward the end of this manual.

Each Committee shall develop:

- An annual regional service plan that shall define roles for each participating partner. The transportation needs of each partner and the region will be specified in the regional service plan.
- An annual work program of tasks to be accomplished by the Committee during the year, per the TPI Guidance.

Grant applications will describe how each proposed project contributes to the goals of the regional service plan. A financial plan that allocates available funding shall be part of grant applications. The grant applications will also explain efforts made to obtain funding from other sources. Local agreements among regional partners shall be included with the grant application. AOT will review these local agreements and may request clarification, but AOT is not a partner to local agreements. AOT shall make staff available to provide technical assistance at Committee meetings. If issues or concerns cannot be addressed before submitting grant applications, AOT will help craft suitable solutions that avoid interruption of services.

## **2. E&D TRANSPORTATION SERVICES**

E&D Transportation is an integral part of transportation for the general public. To preserve resources and benefit as many persons as possible, passengers are to be encouraged to use the least costly transportation mode that meets their needs. In most cases, the lowest-cost mode is fixed-route buses that follow a regular schedule of stops at designated locations. In cases where fixed-route public transit is unsuitable for the needs of the consumer, demand response door-to-door service may be possible, if funding and other resources are available. The budget designated for E&D Transportation will be specified, within the overall \$5311 general rural public transportation program budget.

### **2.1. Demand Response Service**

Most often, demand response service is used by those who are 60 or older or who have an Americans with Disabilities Act (ADA) defined disability that interferes with one or more major life functions. Demand response service requires reservations at least twenty-four hours in advance. Except for extraordinary requirements—such as trips for large groups—no more than forty-eight hours advance notice shall be required.

Demand response service may be supplied by volunteer drivers who use their own vehicles, vehicles owned by the public transit system and driven by employees, or, if necessary, taxis. Whenever possible and appropriate to meeting the needs of passengers, more than one passenger should ride in each vehicle to reduce per-trip costs.

#### ***Authorized Mode of Transportation***

The appropriate mode of transportation is determined as part of an intake process when a passenger requests demand response service. Each passenger's need is periodically reevaluated. Local agreements between public transit providers and affected human service agencies may specify procedures for

periodically reevaluating the type of transportation appropriate to passengers with special needs. Both human service agencies and public transit providers should provide information to assure that reevaluations are in the best interest of each passenger and resulting recommendations are appropriate for passenger needs.

E&D Transportation must be safe and must accommodate passenger assistive mobility aids; such as wheelchairs—if those mobility aids meet the approved ADA definition<sup>5</sup> and can be accommodated on the vehicle (e.g., they fit on the lift or ramp and in the securement area). Agencies may only decline to transport a wheelchair occupant if doing so would be inconsistent with “legitimate safety requirements,” as discussed below. A vehicle that complies with the base Part 38 specifications will be able to accommodate, at a minimum, all occupied wheelchairs weighing up to 600 pounds and measuring 30 inches in width and 48 inches in length (formerly known as a “common wheelchair”). Vehicles that exceed the minimum Part 38 specifications (e.g., those that have lifts with design loads of 800 pounds and securement areas larger than 30 x 48 inches) will accommodate larger, heavier devices.

Non-accessible vehicles may be used for passengers who do not require special accommodation, but accessible vehicles must be available when needed. Buses, mini-buses, private automobiles, taxis, and vans are acceptable. New vehicles acquired with Federal or State funding to transport passengers in public service must be fully accessible.

### ***Rider Assistance***

Drivers will provide door to door assistance to older adults and persons with disabilities who require such aid). Drivers must successfully complete instruction in passenger assistance and be currently certified to provide such assistance by the public transit provider before transporting passengers who may require assistance.

For passengers who need help, the driver will assist the passenger from the outside door of the pick-up location to the outside door of the drop-off location. (Insurance and vehicle security concerns preclude drivers from entering buildings with passengers. Passengers who need assistance inside a building must arrange for an aide. Providing aides is not the responsibility of public transit providers; however, they shall work with HSAs as needed.)

A passenger may be accompanied by an aide or attendant if such assistance is needed. The aide’s assistance may be needed on or off the vehicle. The aide or attendant is considered part of the E&D Transportation program whose sole purpose is to assist the eligible passenger. Therefore, the aide or attendant is not charged a fare, but is considered necessary so the eligible passenger can use transportation services. Passengers who need the assistance of an aide or attendant must inform the dispatcher or their human service agency when they schedule a trip, so appropriate seating arrangements may be made.

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<sup>5</sup> Section 37.3 of the DOT regulations implementing the Americans with Disabilities Act of 1990 (ADA) (49 CFR Parts 27, 37, and 38) defines a “wheelchair” as a mobility aid belonging to any class of three- or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered. For more information see:

[https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final\\_FTA\\_ADA\\_Circular\\_C\\_4710.1.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_ADA_Circular_C_4710.1.pdf)

### ***Vehicle Capacity***

It is desirable that vehicles operate at capacity when possible. However, the primary responsibility of transit providers is to ensure that each passenger receives safe, comfortable, and timely transportation. The timing of appointments or the length of trip may require that vehicles operate at less than full capacity. The collective professional judgments of public transit providers and human service agencies will determine appropriate dispatching, scheduling, and seating arrangements on a case-by-case basis. These arrangements will consider the functional abilities of passengers, which may change over time.

In limited cases, if there are empty seats in a special needs vehicle that can be used safely by other passengers, without compromising service quality, the unused capacity may be offered to those with schedules and destinations that are a good fit. In all cases, unused capacity is determined not only by the availability of empty seats, but also by the ability of the driver to assure that every passenger aboard will receive a safe, comfortable ride that meets or exceeds all quality expectations. Arrangements to include members of the public on demand response vehicles that carry special needs passengers must be evaluated by trained HSA staff on a case-by-case basis. General public passengers will be accommodated on a space available basis.

### ***General Public Passengers***

General public passengers must pay the fully allocated cost of their rides, as specified in public transit providers' published fares. No passenger will pay more than the fully allocated cost of their ride. In most cases, special needs passengers who are referred by a human service agency that has a local service agreement with the public transit provider giving the ride do not pay cash fares. The cost of their transportation is paid under the terms of the local agreement. Aides approved by the referring human service agency also do not pay cash fares for their rides. However, travelers without an official role in assisting special needs passengers are considered general public passengers who must either pay the fully allocated cash fare or make other acceptable arrangements to pay for their rides on special needs vehicles. This is true for any public passenger who accompanies a special needs passenger as a social companion, rather than as an aide.

Health, safety, behavioral, or confidentiality concerns may preclude transporting special needs passengers with public passengers on the same vehicle. Public transit providers and human service agencies shall cooperate to determine the transportation suitable for each special needs client. In no event shall passenger health, safety, well-being, or the confidential nature of passenger medical records be compromised for any passenger. Passenger welfare is the primary consideration in determining the appropriate mix of passengers on a vehicle.

## **2.2. Service Quality**

### ***Driver Licensure and Screening***

Drivers must be properly licensed in Vermont to operate vehicles used in any public transportation program funded via AOT. Only drivers with a history of safe driving are acceptable and Department of Motor Vehicle (DMV) checks are required before hiring. Drivers who use their own vehicles must present evidence of adequate insurance. All active paid drivers, dispatchers, and mechanics must be included in a pool of safety-sensitive persons who are subject to periodic screening for drug and alcohol use in accordance with FTA rules. Public transit providers may adopt their own written rules for drug and alcohol abuse if all FTA standards are met at a minimum.

### ***Background Checks***

In accordance with Federal mandate (CFR455.436), background checks must be performed on all employees, all volunteer drivers, taxi company employees, and all other subcontractor staff – both administrative and direct service providers. Additional information can be found in Section 2.5: Background Checks below.

### ***Trainings***

Drivers and dispatchers must be trained in the special needs of passengers who are elderly or who have disabilities, including those disabilities that may not be immediately apparent. Training shall include confidentiality rules that apply to passengers' medical and personal information. Recurring training must be provided for Passenger Assistance Safety and Sensitivity (PASS) to all van/bus and volunteer drivers. Van/bus drivers must also maintain certifications in defensive driving such as Smith System. All van/bus and volunteer drivers must be educated in the company's accident/incident reporting policy. They are required to report all accidents/incidents from the scene and fill out a company incident form and police report if applicable. Transit providers shall enlist the assistance of local human service providers and advocacy organizations in delivering additional annual trainings including including assisting individuals with dementia and Alzheimer's.

### ***Scheduling***

Public transit dispatchers shall cooperate closely with Human Service Agencies (HSAs) and shall become familiar with the individual needs of passengers who regularly use demand response services. To the extent possible, public transit providers shall comply with scheduling and transportation requests of HSAs. Local agreements (contracts) between HSAs and transit providers will spell out arrangements for resolving disputes over specific transportation arrangements. Except for special circumstances, such as trips for large groups, public transit providers shall require no more than 48 business hours advance notice to schedule E&D transportation. Usually 24 business hours prior notice is the minimum requirement. Public transit providers and human service agencies shall notify passengers of the requirements for advance notice, including cancellations and schedule changes. Passengers will also be informed of the public transit provider's policy on trips cancelled without notice and other expectations of passengers.

### ***Health and Safety***

Public transit providers shall assure that all vehicles are properly equipped to meet or exceed health and safety requirements. Vehicles must be inspected and maintained at least to manufacturer's specifications. Vehicles must be properly equipped and maintained in accordance with laws governing the operation of motor vehicles in the State of Vermont. Any vehicle problems must be corrected promptly. No vehicle with uncorrected problems that may pose health or safety dangers may be used in public transportation.

### ***Grievance Procedures***

Each public transit provider must have a documented system in place to receive and record allegations of inappropriate behavior by its employees or volunteers, investigate incidents, and rectify problems. Similar reporting must be available for safety concerns and other issues, such as service that is not timely.

Each public transit provider shall have clearly written grievance procedures available to both the public and HSAs. These procedures are required under Title VI to be posted on their website, buses and

offices.

These procedures shall include notifying passengers of their right to file complaints and the progressive steps to take if a grievant believes an issue is unresolved. Procedures shall specify actions the grievant must take and what responses the grievant may expect. Time limits for filing grievances and responding to grievances shall be included. Grievance procedures must be approved by AOT and must include contact information for passengers who want to submit disputes directly to AOT.

### ***Documentation Requirements***

All State of Vermont contracted entities are required to keep records for 7 years. All records must be available at any time for review by Federal or State authorized staff, including all audio and video recordings. These records must be available for review as requested by VTrans staff. This requirement also applies to all subcontracted drivers. These records may be kept in electronic form if they are still readily obtainable upon request.

### ***Trip Manifest Requirements***

All trip manifests must be retained, and they must include:

- Full date of trip
- Driver's full name/signature
- Miles traveled (odometer readings)
- Member's full name
- Pick-up and drop-off locations
- Pick-up and drop-off times (actual)
- The time the driver starts and stops billing

## **2.3. Eligible Costs and Cost Matching**

Both capital and non-capital costs are eligible for reimbursement<sup>6</sup>. No cost that is unallowable for Federal reimbursement, as specified in FTA and OMB circulars, is an allowable expense. Only categories of expense that are in the budget of an approved grant application will be approved for reimbursement. If an approved budget must be either increased or decreased, the amended budget must be approved by AOT before it takes effect. This includes transfers of funds between grantees by mutual agreement. To avoid delays in reimbursement caused by the need to amend a grant agreement, applicants are urged to develop budgets with care. The total award amount of a grant agreement is a ceiling that may not be exceeded. If a grantee incurs costs that exceed the MLA, those costs are not reimbursable by AOT.

Grantees must match Federal grant funds from non-Federal sources. Administrative and preventive maintenance expenses (including volunteer driver reimbursement) require a 20% match (80% Federal grant funds and 20% from other sources). Operating expenses—which AOT defines as fuel, driver wages, dispatcher wages, and the fringe benefit expenses associated with those wages—are subject to a 50% match. Because of the higher match requirement for operating costs, Vermont annually appropriates

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<sup>6</sup> Vehicle acquisitions are not included in this E&D Transportation program manual. Separate applications, with different guidelines, are required to procure vehicles.

State funds that may be used to meet some Federal match requirements. The annual amount appropriated from State funds is not guaranteed. Human service agencies will not be required to provide more than 20% match to support their requested E&D transportation services.

Public transit providers may use hours of service by volunteer drivers, including time spent driving and wait time, as non-cash match. Hours of service are defined by agreements between volunteers and the agency to which they donate their time. In some cases, agencies may allow waiting time, as well as driving time, to be considered an hour of service, if waiting time is a normal consequence of a trip. The volunteers must be part of a pool administered by grantees (designated regional public transit providers) or by local human service agencies under the terms of a local agreement. AOT allows only the hours of volunteer drivers to be used as match. The hours of other volunteers are ineligible for use as match. Public transit providers reimburse drivers for documented mileage at no more than the published standard Federal reimbursement rate. Public transit providers and human service agencies must record volunteer drivers' hours with at least the same degree of care used to track hours of paid hourly employees. These time records must be available for audit and review in the same manner as other accounting records. The agency to which the hours are donated must have a system to assure that no volunteer hour of service is used as non-cash match more than once. Public transit providers may claim those hours as local match for this E&D Transportation project. (AOT does not allow using non-cash match on other projects.) Each hour is valued at the Vermont minimum wage rate in effect at the time of service. No other non-cash match may be used without prior written permission of AOT.

HSA may enter into local service agreements directly with public transit providers. These contracts may either call for a cash payment for each ride or a payment for specified services over a period. AOT shall review these contracts to assure they comply with FTA and State rules for transportation grants. AOT is not party to these local agreements. If these contracts call for HSAs to pay transit providers cash in return for transporting HSA clients, that cash is not considered revenue from fares. Therefore, it may be used as local match applied to their local agreement for services. This exception applies only to contracts between providers and HSAs.

Other payments for transportation are classified as fare revenue. FTA rules require fare revenue to be subtracted from expenses before claiming reimbursement. Fare revenue may not be used as cash match on the project that earned it. After the expenses are reduced by the amount of fare revenue, the cash may be used as the provider sees fit, including as match for a different Federal project.

Grant applicants must certify that they have or will have sufficient match for Federal grant funds. If a grantee does not provide sufficient match, unmatched Federal funds must be returned.

If unspent funds remain in a region, AOT will attempt to reallocate funds to regions with funding shortfalls. To qualify, recipient public transit provider(s) must document that services that were provided to eligible riders were not reimbursed. There is no assurance that funds will be available for such transfers. All recipients of E&D funding are strongly urged to closely monitor expenditures and stay within budget.

An effective way to enhance E&D Transportation is to share resources. When resource sharing meets the needs of all passengers, passengers whose rides are paid for with other funds—such as Medicaid—can ride on vehicles purchased with \$5310 funds and share other E&D Transportation resources, such as centralized scheduling and dispatching. When each funding source contributes its fair share of fully allocated costs, resources are used more efficiently, thereby reducing the cost of each ride.

Eligible trip types include:

- Critical Care Non-Medicaid – Transportation to kidney dialysis and cancer treatment appointments.
- Non-Medicaid Medical needs – All trips to non-emergency medical appointments, except Critical Care Non-Medicaid as defined above.
- Senior Meals Programs – Trips to local congregate meal programs or group settings for seniors at a meal site approved by the local AAA as outlined by the Older Americans Act.
- Adult Day Services – Services include professional nursing services, respite, personal care, therapeutic activities, nutritious meals, and support and education to families and caregivers in a community-based, non-residential day center
- Shopping – Trips to local grocery store and/or pharmacy.
- Vocational – Trips to paid employment, interviews or training programs
- Social/Personal – For socialization and/or personal trips. Trips could include: exercise programs at local senior centers, church, personal trips (such as hair appointment or visiting a family member).
- Wellness – Trips to providers of wellness programs such as nutrition, smoking cessation, pre-diabetes, chronic pain management

Effective July 1, 2018 and thereafter, Subrecipient, or any subcontractor, must do the following:

1. Use to collect, report, dispatch and generate electronic billing information from the Dispatching and Scheduling Software (reports shall match AOT billing to be considered eligible reimbursement as outlined in Attachment B – Payment Provisions, D. 49 U.S.C. § 5311 Elders & Persons with Disabilities Program and included in this Grant Agreement); and
2. Create and maintain a volunteer program, with the assistance of Subrecipient’s E&D Advisory Committee and AOT, on a GSA reimbursement with the use of the volunteer’s own vehicles by June 30, 2018.

Effective July 1, 2009 and thereafter, excursion trips are not eligible. Subrecipients should follow FTA Charter Regulations ([www.fta.gov](http://www.fta.gov)).

In addition, the Subrecipient will work collaboratively with AOT, Agency of Human Services, its Regional E&D Advisory Committee, and the other public transit Agencies to promote coordination in order to reduce expenditures, improve or increase service, and use resources more efficiently.

## **2.4. Reports**

Uniform statewide reporting is needed to properly evaluate this program and ensure that services for older adults and persons with disabilities are preserved and will improve over time. Detailed reports will form the basis of discussions among stakeholders at mandatory Regional E&D Advisory Committee meetings to determine budget allocations and service levels are proper. It is the intent of both AHS and AOT that E&D Transportation service levels, in combination with §5310 vehicle procurements, are greater than or equal to similar transportation services provided to older adults and persons with disabilities during State Fiscal Year 2018. To this end, an amount designated for the E&D Transportation program will be separately identified within the §5311 overall rural general public transportation budget. The designated E&D budget within the state and within each region shall not be reduced to provide additional transportation to the general public.

Regional E&D Advisory Committee meetings will review budgets and expenditures to assure that budgets are properly managed to continue throughout the grant year. If an Regional E&D Advisory Committee foresees a budgetary shortfall, it will institute measures to determine the greatest need for remaining funds and will reallocate funds as necessary to have the smallest possible negative impact on E&D Transportation services.

Reports from public transit providers to AOT are specified in grant agreements. The specifications include the statewide format of reports. Public transit providers send service indicator statistics to AOT monthly with invoices. Reports by public transit providers to AOT include unduplicated counts of older adults and persons with disabilities served, unduplicated counts of older adults and persons with disabilities who use the E&D program to go to and from kidney dialysis treatments, the number of one-way trips by service category, mode, and costs. Cost data should include the quantity and unit (i.e., hours, miles, etc.)

AOT will compile and summarize the statistics into annual reports and will disseminate these to each member of the Public Transit Advisory Council (PTAC), to each grantee in the E&D program, to the Vermont Center for Independent Living, to the Vermont Coalition for Disability Rights, and to the Community of Vermont Elders. . Reports shall include unduplicated counts of older adults and persons with disabilities served, unduplicated counts of older adults and persons with disabilities who use the E&D program to go to and from kidney dialysis treatments, the number of one-way trips by category, and costs by transportation mode.

Any additional reports needed by HSAs are specified in local agreements between HSAs and public transit providers. Annually, AOT will summarize ridership and other statistics in reports for the General Assembly and Governor. These statistics are among the data considered when periodic management reviews and other studies develop plans for public transit improvements, including the E&D Transportation program. AOT will evaluate the effectiveness of the E&D Transportation program in meeting the transportation needs of older adults and persons with disabilities and the impact of the E&D program on general public transportation in Vermont. Written E&D analysis will be included in the annual Route Performance Report and presented to the PTAC at the March quarterly meeting for comment. The report will also be made available to the general public on an annual basis on the AOT website.

## **2.5. Background Checks**

In accordance with Federal mandate ([42 CFR § 455.436 - Federal database checks.](#)) background checks must be performed on all applicants, employees, volunteer drivers, taxi company employees, and all other subcontractor staff – both administrative and direct service providers. These screenings will determine if the individual has a substantiated finding of abuse, neglect or exploitation of a vulnerable adult or child. Screenings shall also be completed for criminal records that suggest passenger abuse, neglect or exploitation may be a potential problem. No person with a substantiated finding of abuse, neglect, or exploitation of a vulnerable adult or child shall be employed or used as a volunteer by a public transit provider. The safety, security, and well-being of passengers shall determine if an employee or volunteer may participate in any AOT-supported public transportation program.

In summary, applicants must clear all background checks prior to initial hire with the databases listed below, and these must also be rechecked annually unless otherwise noted. If an annual record check

reveals deficiencies the employee, volunteer, taxi or subcontractor must be removed from providing E&D transportation services.

- National Criminal Information Center (NCIC)
- Vermont Criminal Information Center (VCIC)
- Child Abuse Registry
- Adult Abuse Registry
- Department of Motor Vehicles (DMV)
- Office of Inspector General – List of Excluded Individuals/Entities (LEIE)  
<https://oig.hhs.gov/exclusions/index.asp>

Additional details on background checks can be found in the four subsections below.

### ***National Criminal Information Center (NCIC) & Vermont Criminal Information Center (VCIC)***

Individuals must not have a criminal conviction for an offense involving bodily injury, abuse of a vulnerable person, a felony drug offense, or a property/money crime involving violation of a position of trust, including, but not limited to:

- Abuse, neglect, or exploitation
- Simple or Aggravated assault
- Aggravated sexual assault Stalking and Aggravated stalking
- Arson Assault and robbery
- Assault upon law enforcement
- Cruelty to children
- Domestic assault Extortion
- Embezzlement
- Hate motivated crime
- Kidnapping
- Lewd and lascivious conduct
- Manslaughter
- Murder
- Recklessly endangering another
- Sexual assault

### ***Adult Abuse Registry & Child Abuse Registry***

Individuals must not have a substantiated finding of abuse, neglect, or exploitation of a child or vulnerable adult.

### ***Department of Motor Vehicles (DMV)***

If a DMV check reveals any violation, Transit Providers must request a variance from VTrans for approval if the services of this driver are still desired. Non-restricted convictions or motor vehicle violations such as a speeding ticket may be allowed depending upon the situation.

### ***Office of Inspector General (OIG)/LEIE***

This list includes the names of individuals who have been convicted of illegal activity

regarding fraud or abuse. The search function for this list can be found at both <http://exclusions.oig.hhs.gov/> and <http://sam.gov>. If an OIG check reveals any violation, Transit provider must request a variance from VTrans prior to approval, if such is requested.

**Transit providers must also maintain records of all completed background checks on all subcontractor staff who provided E&D transportation services.**

### 3. USEFUL ABBREVIATIONS AND DEFINITIONS

The transportation options in Vermont communities are likely to include some of the services listed below. Keep in mind that names of these services may vary depending on location.

#### 3.1. Abbreviations

AOT	Vermont Agency of Transportation
AHS	Vermont Agency of Human Services
COA	Council on Aging
E&D	Elders and Persons with Disabilities Program
FTA	Federal Transit Administration
NEMT	Non-Emergency Medical Transportation
RPC	Regional Planning Commission

#### 3.2. Definitions

**Demand Response-** Sometimes called Dial-a-Ride, demand response transports multiple passengers who are picked up from different entry points and dropped off at separate destinations. This service often requires reservations to be made at least 24–48 hours in advance.

**E&D Grant-** Transportation providers working with human service agencies apply to VTrans annually for grant funds to cover operating costs associated with providing transportation to elders and person with disabilities. The grant application process begins in March, culminating in a Grant Agreement between VTrans and the transportation provider for a fiscal year that begins on July 1. The grant reimburses for 80% of actual operating costs, with the remaining 20% either coming from human service partners or in-kind. Local Agreements are entered into between the transportation provider and human service agencies to detail the scope of transportation services to be provided as well as other details including how the required 20% local match will be met.

**E&D Partner-** A formal member of the E&D Committee. Partners will vary regionally, but typically include the following organizations: Transit Provider, Regional Planning Commission, Adult Day and Senior Center, Agency of Aging, Hospital and/or Healthcare groups, and municipalities. Local agreements are entered into between the transportation providers and partners receiving transportation services to detail the scope of transportation services to be provided. Partners whose clients receive transportation services funded through the E&D Program contribute towards the required 20% local match, either via cash or in-kind.

**E&D Stakeholder-** Either an “ad-hoc” or a formal member of the E&D Committee. Will vary by region. Could include Regional Planning Commissions, human service agencies that operate within a region, municipalities, community organizations, passengers, and the public at large. Stakeholders should be invited to participate in public transportation planning and coordination that leads to applying for grants.

**Federal Transit Administration (FTA)**- A component of the U.S. Department of Transportation that regulates and helps fund public transportation. FTA provides financial assistance for capital and operating costs and also sponsors research, training, technical assistance and demonstration programs.

**Human Service Agency**- A government or not-for-profit organization that provides services for essential needs such as medical care, income support, housing, education, training, and public health, typically for people requiring help due to age, disability, low income or similar reasons.

**Human Service Transportation**- Transportation provided by or on behalf of a human service agency to bring people participating in the agency's programs or services to those programs or services.

**Local Match**- The state or local funds required by the Federal government to complement Federal funds for a project. For example, in the case of public transportation, the Federal government may provide 80 percent of the necessary funds for the purchase of a vehicle if the state and transit provider matches 20 percent. A match may also be required by states in funding projects which are a joint state and local effort.

**Medicaid Non-Emergency Medical Transportation (NEMT)**- NEMT is available to persons with Medicaid to travel to and from medical services. Eligibility criteria and types of destinations vary from state to state.

**Public transit/fixed route transportation**- Public transit agencies provide fixed route service by bus along established routes with set schedules and no reservations required. Limited fixed route services may be available through other community agencies, such as trips to and from a Center for Independent Living or a senior center.

**Paratransit**- Must be offered by public transit agencies to individuals who are not able to use fixed route service. This is a requirement of the Americans with Disabilities Act (ADA). Paratransit is a complement to public transit, so must operate within  $\frac{3}{4}$  of a mile of the fixed route and is available during the same hours as the fixed route service. Paratransit is a door-to-door service. A personal care attendant can travel with the passenger at no cost. To qualify for paratransit, riders need to meet specific eligibility requirements established under ADA.

**Section 5310**- Authorized under 49 USC Section 5310, a Federal program administered by USDOT to provide small buses and vans to eligible agencies which provide transportation services to elderly and disabled persons.

**Shared Ride Services (also known as Transportation Network Companies or TNCs)**- Include Uber and Lyft and connect private pay passengers with drivers who provide transportation in their own vehicles. These services do not typically offer wheelchair accessible vehicles or rider assistance. Passengers connect with drivers via websites or mobile apps on a smartphone and also pay for the services through a personal account on their phone. A growing number of communities offer access to shared ride services to older adults and people with disabilities through a scheduling phone line which may be operated by a nonprofit organization.

**Subcontractor**- A legal entity to who a contractor sublets part of the work.

**Subrecipient-** An organization who received a grant or loan of federal funds from a non-federal organization such as the State of Vermont. Subrecipients are also referred to as grant recipients or grantees.<sup>7</sup>

**Taxi Services-** Taxis are licensed vehicles that offer on-demand services to passengers. Trips usually can be scheduled in advance or on the spot, and fares are charged per mile or per minute. Many communities require taxi companies to have accessible vehicles in their fleets. Some community agencies offer taxi vouchers to older adults and people with disabilities who meet certain eligibility criteria.

**Transportation Voucher Program-** Voucher programs provide fare assistance or free rides to low-income older adults and people with disabilities who meet the program's eligibility criteria. Eligible riders usually receive vouchers for specific types of transportation. Voucher programs may offer rides only to certain destinations, such as medical appointments.

**Travel Training-** Public transit agencies and local aging and disability organizations provide free instruction to help new riders learn to travel safely on public transit. Travel training may be provided by professionals or peers who are experienced users of public transit. The training generally includes classroom instruction plus a group trip on transit.

**Volunteer Driver-** Services provided by volunteer drivers who use their own vehicles, donate their time to transport riders, and receive reimbursement for mileage at the federal rate.

**Volunteer Transportation Programs-** May be offered by local nonprofit and faith-based organizations. Drivers provide rides in their own cars or agency-owned vehicles for passengers to reach medical appointments or other important destinations. Rides are generally pre-arranged. Volunteer transportation programs may also offer door-to-door or door-through-door assistance. Some programs require riders to pay a small fee while others offer free rides.

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<sup>7</sup> The Federal Uniform Guidance specifies that a subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. See [§ 200.92](#) Subaward for additional information.