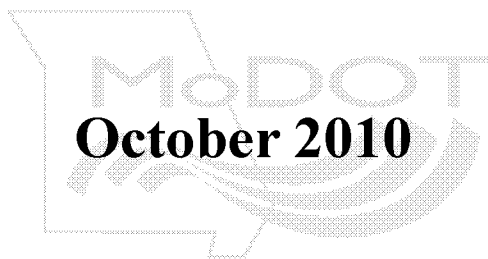


**Missouri  
Department of Transportation**

**Section 5310**

**Elderly and Persons with Disabilities  
Program**

**State Management Plan (SMP)**



## Table of Contents

INTRODUCTION .....	3
I. Program Goals & Objectives and Program Measures .....	3
II. Roles & Responsibilities .....	4
III. Eligible Recipients .....	5
IV. Local Share & Local Funding.....	7
V. Project Selection Criteria & Method of Distributing Funds .....	7
VI. Annual Program of Projects Development and Approval .....	8
VII. Coordination.....	9
VIII. Private Sector Participation.....	10
VIII-1. Procedures for Responding to Negative Comments .....	10
IX. Civil Rights.....	11
IX-1. Title VI.....	11
IX-2. Equal Employment Opportunity and Disadvantaged Business Enterprise. ....	12
IX-3. Section 504 & American’s with Disabilities Act. ....	13
X. Grantee Assurances & Claims .....	13
XI. Other Provisions.....	14
XII. State Program Management .....	14
XII-1. Procurement .....	14
XII-2. Financial Management/Accounting Systems.....	15
XII-3. Property Management (see “Vehicle Records and Property Management”).....	15
XII-4. Audits and Close Outs .....	15
XII-5. Vehicle Records and Property Management.....	15
XII-6. Vehicle/Equipment Preventative Maintenance Requirements.....	16
XII-7. Annual Certification and Usage Data .....	16
XII-8. On-Site Visits .....	17
XIII. Unique State Standards.....	17
XIII-1. Equipment Disposition Procedures .....	17
XIII-2. Vehicle Repairs – Eligible Expenses.....	18
XIII-3. Missouri Executive Order (EO) 94-03: Code of Fair Practices.....	19
XIII-4. Program Staffing .....	19
XIII-5. Program Evaluation and Updates.....	19
Appendix A – Regional Planning Commissions in Missouri.....	20
Appendix B – Section 5310 Onsite Review Form.....	21

## **INTRODUCTION**

The Section 5310 program was established in 1975 as a discretionary capital assistance program. In cases where public transit was inadequate or inappropriate, the program awarded grants to private non-profit organizations to serve the transportation needs of elderly persons and persons with disabilities. With the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA), the Federal Transit Administration (FTA) apportioned the funds among the States by formula for distribution to local agencies, a practice made a statutory requirement by ISTEA. In the early years of the program, many of the sub recipient non-profit agencies used the vehicles primarily for transportation of their own clients. Funding for the Section 16(b)(2) program, as it was then known, ranged between \$20-35 million annually until the passage of ISTEA in 1992, when it increased to the \$50-60 million range. ISTEA also introduced the eligibility of public agencies under limited circumstances to facilitate and encourage the coordination of human service transportation. Increasingly, FTA guidance encouraged and required coordination of the program with other Federal human service transportation programs. In lieu of purchasing vehicles, acquisition of service in order to promote use of private sector providers and coordination with other human service agencies and public transit providers was made an eligible expense under ISTEA. Other provisions of ISTEA introduced the ability to transfer flexible funds to the program from certain highway programs and the flexibility to transfer funds from the Section 5310 program to the rural and urban formula programs. With the passage of SAFETEA-LU the significant change to the 5310 program was the coordination element, and that all projects be derived from a locally coordinated human services transportation plan.

### **I. Program Goals & Objectives and Program Measures**

The goal of the Missouri Department of Transportation in utilizing Section 5310 funds is to:

1. Provide the maximum level of service possible to the maximum number of elderly and persons with disabilities statewide.
2. Fund vehicles for replacement first. With the definition of a replacement vehicle being “a vehicle that has been funded through the 5310 program.”
3. Distribute available funds on a fair and equitable basis to all areas of the state of Missouri.

The program measures for the 5310 program have been established by the Federal Transit Administration, and will be evaluated on two pieces of criteria:

1. Gaps in service areas that are filled by utilizing 5310 services; and
2. The number of one-way trips provided on an annual basis by 5310 providers.

Section 5310 funds are used to supplement other Federal Transit Administration (FTA) capital assistance programs in urbanized, urban and rural areas of the state where special transportation needs of elderly and persons with disabilities are unavailable, insufficient or inappropriate. Consistent with requirements of 49 CFR Parts 18 and 19, vehicles are to be used first for program related needs and, beyond the purposes for which a Section 5310 grant is made, to meet other transportation needs of elderly persons and persons with disabilities, to meet other Federal

program or project needs, and finally for other local transportation needs. Because the purpose of the Section 5310 grant is to provide transportation service to the elderly and persons with disabilities, other uses of the vehicle are permitted only as long as such uses do not interfere with service to the elderly and persons with disabilities.

As much as possible, activities need to be coordinated with other transportation providers or social service agencies within the local area. This coordination is assured by the development of locally developed, coordinated public transit-human services transportation plan (the Local Plan). All projects funded under the Section 5310 program must be derived from one of these plans.

In addition to the federal coordination, the State of Missouri has an Interagency Committee on Special Transportation. This committee was formed under the Missouri Revised Statute 226.805 and includes members from transportation, elementary and secondary education, social services, developmental disabilities, mental health, and any other state agency that the governor deems appropriate to serve on the committee. In November 2005 this committee was reactivated to tackle the coordination issues required with the passage of SAFETEA-LU.

## **II. Roles & Responsibilities**

The Missouri Department of Transportation (MoDOT) is designated by the Governor to administer Section 5310 in Missouri. Grant administration rests with the transit section in the Multimodal Operations Division. Extensive support is provided by the Department's legal, general services (procurement), fiscal services and auditing staff. The Departmental designation letter is on file with the FTA. See also "Project Selection Criteria and Method of Distributing Funds" for role of Metropolitan Planning Organizations (MPO). See also "Section VII. Coordination" and "Section VIII. Private Sector Participation" of this plan for other organizational roles.

This State Management Plan (SMP) describes the State's policies and procedures for administering the Section 5310 program. The SMP further clarifies the requirements from the 5310 circular and allows the State to tailor the program to their sub recipients needs.

**2.1 State Administrative Costs** - The State is permitted to reserve up to 10% of Section 5310 funding for costs incurred administering the grant. These funds will be used to pay for the 5310 administrators salary, training and technical assistance to the recipients of the grant.

**2.2 Planning Workshops** - With the inception of the planning requirements outlined in Section 2, MoDOT conducted 11 workshops (in 2007) statewide to familiarize the RPCs and other interested parties in the planning process. A CD was also distributed with the workshop presentation and other information to all attendees. MoDOT will continue to work with the RPCs in updating the Local Plans required and conducting other workshops, as needed. These workshops were conducted using planning funds made available through the FTA.

**2.3 Compliance with FTA Requirements** - MoDOT will comply with all federal requirements as contained in the Master Agreement. These requirements are outlined in Section 6.

**2.4 TEAM Grant Management** – The Section 5310 Program Manager will apply for federal funds through FTA’s TEAM software system. A program of projects will be developed that includes the following information for each subrecipient:

- Location
- Service Area
- Status as Public or Non-Profit Agency
- Status of Small Urbanized Area or Nonurban Area
- Federal Share
- Total Cost
- Congressional District
- Description of Project

**2.5 SAM II Accounting System** – MoDOT uses the State Office of Administration’s SAM II accounting system to track grant payments. The Multimodal Operations division has two full-time employees who enter all transactions in the system.

MoDOT completed a long-range plan (released April 11, 2007) that included transit issues. The plan was developed from stakeholder committees that met four times during the planning process. Transit issues discussed were the need for capital investment and continued operating support for the transit systems.

MoDOT works with local public officials through the regional planning

The department also manages the state Missouri Elderly Handicapped and Transportation Assistance Program (MEHTAP) that can fund up to 50% of the operating costs for those transportation providers that serve the handicapped and aging populations throughout the state of Missouri.

### **III. Eligible Recipients**

All **non-profit organizations** providing transportation services to the elderly and/or persons with disabilities without regard to race, color, sex, sexual preference or religious affiliation are eligible to apply for funding. Any **public entities** that can demonstrate to the MoDOT staff there are no other non-profit organizations capable of providing the service proposed or that they are the best means of coordination utilizing monies and equipment within the service area are also eligible. Those **governmental entities**, approved by the State, to help provide coordinated transportation service which is planned, designed and carried out to meet the special needs of elderly individuals and individuals with disabilities are also encouraged to participate.

Applicants who are awarded funds must demonstrate they are financially and technically capable of carrying out the project.

**3.1 Compliance with FTA Requirements** - Applicants must agree to comply with all federal requirements as listed in the Master Agreements. The application contains the required certifications and assurances that must be completed and signed before any funding will be allocated. The certifications and assurances are also part of the agreement between the subrecipient and the Missouri Highways and Transportation Commission. This agreement is reviewed by the Chief Counsel's office annually.

**3.2.1 Financial Capability** - Subrecipients are required to have the financial capability to fund the project. The grant program is a reimbursement program so subrecipients must have financial resources available to expend funds and then be reimbursed for the federal portion of the expense. To prove financial capability potential grantees must provide an in-depth transportation budget, and identify their funds for local share.

**3.2.2 Technical Capacity** - Applicants must demonstrate they have the technical capacity to carry out the project. Technical capacity means an organization has:

1. A structure of policies and procedures that allows them to function in an efficient and effective manner;
2. A staff of trained employees who are capable of following the policies and procedures;
3. An accounting system and other tracking methods that ensure financial responsibility and asset control; and
4. The knowledge and ability to comply with federal, state, and local laws, regulations, and/or requirements.

**3.3 Property Management** - Vehicles and equipment purchased with 5310 funds are subject to the following requirements:

**3.3.1 Annual Inventory** - All subrecipients must submit an annual inventory listing of all vehicles and equipment purchased with 5310 funds. A current odometer reading for vehicles is required. Subrecipients will also be required to submit a signed certification stating the vehicle and/or equipment is being used for the purpose intended (see APPENDIX C).

**3.3.2 Insurance** - Subrecipients must insure the vehicle(s) for accident liability and general collision. Replacement insurance must be carried on all equipment.

**3.3.3 Transfer of Equipment** - Capital equipment may be transferred from one 5310 subrecipient to another upon MoDOT's approval. Vehicles must meet a useful life requirement before they can be disposed.

Minimum standards for vehicle useful life are:

Vans, straight or modified - 100,000 miles  
Minibuses (body on chassis) - 100,000 miles  
Larger vehicles - as determined by Altoona test report

A subrecipient, who owns equipment that has not met its useful life, and who discontinues their 5310 project, will be required to either transfer the property to another 5310 recipient or reimburse MoDOT for 80% of the fair market value.

**3.3.4 Records** - Records must be maintained for all capital purchases. At a minimum, the following information must be included: maintenance records, agreements with MoDOT, documentation of lowest price, and invoices for equipment other than vehicles.

**3.3.5 Restrictions on Vehicle Use** - Vehicles must be used for 5310 transportation only. Personal or administrative use of vehicles is not permitted.

**3.3.6 Compliance with Federal Motor Carrier Regulations** – It is the subrecipients' responsibility to comply with all Federal Motor Carrier Regulations as they may apply to their operations. MoDOT's Division of Motor Carrier Services provides technical assistance through workshops and a help desk.

#### **IV. Local Share & Local Funding**

The federal share of eligible capital costs is not to exceed 80% of the net cost. The remaining 20% must be private donations, local cash, state and/or county monies, and with the passage of SAFETEA-LU, other federal funds as long as they are not from the federal transportation program dollars. Written confirmation to provide local match and maintain operating capital must accompany the application.

#### **V. Project Selection Criteria & Method of Distributing Funds**

All agencies requesting information through the year are encouraged to receive an application guideline booklet. Every effort is made to ensure that all eligible organizations are notified individually. Eligibility is based only on federal guidelines for program compliance (elderly and persons with disabilities), without regard to race, color, sex, sexual preference or religious affiliation.

All projects must be derived from a locally developed, coordinated public transit-human services plan (the Local Plan). MoDOT will assist local agencies in developing the plan. This plan must address the needs of the elderly and disabled, along with those individuals that require access to Section 5316 (Job Access and Reverse Commute) and Section 5317 (New Freedoms Program for services beyond the requirements of the Americans with Disabilities Act).

MoDOT evaluates all applications from the rural portion of the state on the following criteria:

<b>Type of Vehicle (replacement/expansion/new)</b>	<b>Maximum 50 points</b>
<b>Designation of Trips</b>	<b>Maximum 25 points</b>
<b>Number of hour's vehicle is in service/day</b>	<b>Maximum 25 points</b>

There are seven urbanized areas, Columbia, Joplin, Kansas City (including Lee's Summit), Springfield, St. Joseph, Jefferson City and St. Louis. In these urbanized areas, MoDOT relies on local funding decisions, under pre-approved guidelines. For organizations within the counties of Franklin, Jefferson, St. Charles and St. Louis, the East-West Gateway Coordinating Council will make all funding recommendations. Organizations within the counties of Cass, Clay, Jackson, Platte and Ray will be prioritized for funding by the Mid-America Regional Council, Special Transportation Advisory Committee (STAC). The local Metropolitan Planning Organization (MPO) will rank applications from the urbanized limits of Columbia, Joplin, Springfield, Jefferson City and St. Joseph.

In order to insure that all areas of the state receive fair access to the program, funds are initially reserved for each of the urbanized areas on the basis of population as reported by the 2000 census. Allocations are: **St. Louis – 30.3%, Kansas City – 15.1%, Springfield – 3.8%, Columbia – 1.7%, St. Joseph – 1.3%, Joplin – 1.3%, and Jefferson City – 1%.**

The department recognizes the importance of coordinating Section 5310 funding with the Metropolitan Planning Organizations' (MPOs) short and long-range planning process. All proposed Section 5310 projects requesting federal participation located in these planning areas must be listed within the respective MPO Transportation Improvement Program prior to funding by MoDOT.

The remaining 45% is for the balance of the state. If a metropolitan area does not utilize their funding, these amounts will be distributed as follows:

- a. All remaining urbanized areas where there is a need
- b. The rest of the state to be used in the non-urbanized regions

## **VI. Annual Program of Projects Development and Approval**

Applications from all areas of the state (rural, urban and urbanized) that are being recommended for funding under Section 5310 will be incorporated into a Program of Projects and a Project Budget request for submission to the Federal Transit Administration Regional Office for funding approval. Projects within the urbanized areas will be included in those regions TIP/AE. Rural projects will be included in the states Statewide Transportation Improvement Program (STIP) on a statewide basis.



Each annual Section 5310 Capital Assistance Program grant process takes approximately 24 months to complete and it usually takes 11 to 18 months, from application deadline, for an applicant organization to receive its vehicle. The standard timetable follows:

January (1 <sup>st</sup> Yr)	Applications distributed/available online
July 1 <sup>st</sup> (1 <sup>st</sup> Yr)	Applications to MoDOT must be postmarked by this date
October (1 <sup>st</sup> Yr)	State application submitted to FTA
December 31 <sup>st</sup> (1 <sup>st</sup> Yr)	Federal action announced
December-January	Applicants notified of funding decisions by MoDOT
February (2 <sup>nd</sup> Yr)	Vehicles ordered
May (2 <sup>nd</sup> Yr)	Begin delivery of straight vans
September (2 <sup>nd</sup> Yr)	Begin delivery of mini-buses
October (2 <sup>nd</sup> Yr)	Begin delivery of modified vans

Under the 5310 program, state entities are allowed to transfer funds from the 5310 program to the 5307 programs. MoDOT has chosen not to do this, as funds have always been utilized for elderly and disability transportation capital purchases; all funds including administration monies are normally spent within two funding cycles. With the passage of SAFETEA-LU, a pilot program was put in place to allow up to 30% of 5310 funds to be used for operating costs. MoDOT chose not to participate in this program, as the demands for capital purchases far exceed our annual apportionment. With the MEHTAP program, MoDOT is already funding up to 50% of our grantee's operating costs.

## VII. Coordination

With the passage of SAFETEA-LU projects selected for funding must be “derived from a locally developed, coordinated public transit-human services transportation plan” and that the plan be “developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public.” For these plans, the Missouri Department of Transportation is contracting with the 19 Regional Planning Commissions (RPCs) to undertake this effort. Of the 24 planning agencies, 17 are rural, and the remaining 7 are within the urbanized areas of the state.

For any project to be considered for funding, MoDOT must be able to determine that it was derived from the locally developed, coordinated public transit-human services transportation plan. Please see Appendix A for the Regional Planning Commissions within the state of Missouri, along with their contact information.

The coordination plan must include the following required elements:

- An assessment of available services identifying current providers (public, for profit and not-for-profit).
- As assessment of transportation needs for individuals with disabilities and the elderly
- Strategies/activities to address the identified gaps and achieve efficiencies in services
- Relative priorities for implementation based on resources, time and feasibility of implementation of the strategies/activities

For the coordination plan, MoDOT will look at the 24 plans to ensure that adequate measures were taken by the RPCs and MPOs to include as many stakeholders as possible, and that each stakeholder was given the opportunity to participate.

At a minimum, MoDOT would expect members from the following groups to be invited:

- Transportation partners
- Passengers and advocates
- Human service partners
- Other organizations in the local area (i.e. Security and emergency management agencies, faith-based organizations, etc).

It is expected that the above planning partners will have an active role in the development, adoption and implementation of the plan. Participation may be low even though a good faith effort is made the local RPCs and MPOs. It is important for each of these agencies to document their efforts to involve the public.

Finally, the RPCs and MPOs need to identify the process for adoption of the coordinated plan.

### **VIII. Private Sector Participation**

The Section 5310 program is to assist in areas where public transportation for the elderly and/or disabled is unavailable, insufficient or inappropriate. Therefore, each applicant organization is required to write all other transportation providers (especially private for-profit operators) within its service area to insure the service proposed cannot be provided with equipment already in service. Copies of the letters to these providers and their response must be included in each application.

A public notice allowing 30 days for response must be printed in local newspapers of the proposed service area and Publisher's Affidavit submitted to MoDOT with the application.

Should there be a negative response from an existing operator, the applicant organization should follow the instruction of "Procedures for Responding to Negative Comments from Existing Operators" below.

#### **VIII-1. Procedures for Responding to Negative Comments**

If negative comments are received by public or private transit or paratransit operators on projects requesting funding under Section 5310, the applicant must meet with complainant to determine how their differences may be resolved or how their services may be coordinated and/or consolidated. Means by which this coordination or consolidation of service may take place are:

1. A contract-for-service or fare-subsidy arrangement between the applicant and the existing operator; or
2. A memorandum of understanding or other agreement between the parties stating how the specialized transportation service market will be divided and how their services will be coordinated.

It is the applicant's responsibility to give the existing operators an opportunity to provide the needed service.

In case an agreement cannot be reached, the applicant must document their efforts to coordinate with the existing operator. The applicant must provide documentation to MoDOT that the service provided or offered to be provided by the existing operator is insufficient or inappropriate in terms of type of service, quantity or quality of service, or cost of service. The existing operator will then be given an opportunity to respond to the argument presented by the applicant.

MoDOT will make the final decision as to whether the proposed Section 5310 project or part of the proposed project will be considered for funding. The state's decision will be based on:

1. The degree to which the service provided or offered to be provided by the existing operator is insufficient or inappropriate to meet the need; and
2. The degree to which a good-faith effort was made to involve the existing operator to the maximum extent feasible in the planning and provision of service.

## **IX. Civil Rights**

### **IX-1. Title VI**

All applicants are required to execute the standard Civil Rights Assurances that is referenced in the Section 5310 Application Guideline Booklet. The required Local Civil Rights Assurance is submitted to the department in the application and kept on file in the recipient's folder. Recipients of Section 5310 assistance are monitored for civil rights compliance during onsite reviews. Civil rights complaints must be submitted in writing, with copies sent to the Section 5310 program manager. Complaints must be signed by the complainant and shall state the facts and circumstances surrounding the alleged discrimination. Complaints that are not resolved at the local level will be referred to MoDOT within 30 days. MoDOT will investigate the complaint and, with FTA's concurrence, may deny funding or repossess equipment from any grantee whose policies and actions are deemed to be in non-compliance. Any legal action filed against the grantee must be reported to MoDOT within 30 days.

Title VI of the Civil Rights Act of 1964 is a Federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive Federal financial assistance. Reference to Title VI includes other civil right provisions of Federal statutes and related authorities to the extent they prohibit discrimination in programs and activities receiving Federal financial assistance.

Title VI compliance is defined as when the recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort has been made toward achieving this end. MoDOT and all Section 5310 program recipients must meet these requirements.

All programs conducted by MoDOT and the Section 5310 program recipients must meet the requirements. Education, training, work opportunities, benefits, and provision of services are

examples of programs that must meet the Title VI requirements, whether provided directly by the recipient or its agents, contractors, or other vendors.

Discrimination is defined as: an act (action or inaction) whether intentional or unintentional, through which a person or group, solely because of race, color, national origin, disability, sex, age or income status, has been otherwise subjected to unequal treatment or impact, under any program or activity receiving Federal financial assistance.

A complaint may be filed by any individual or group that believes they have been subjected to discrimination or retaliation based on their race, color, national origin, sex, age, disability or income status. The complaint may be filed by the affected party or a representative and must be in writing.

Section 5310 program recipients who feel they have been discriminated against by any MoDOT employee or its agent/contractor may contact MoDOT's External Civil Rights Office. A review will be made to determine if MoDOT has jurisdiction to investigate the issues raised. If MoDOT does not have jurisdiction, the complaint will be forwarded to the appropriate agency. If MoDOT does have jurisdiction, the allegations will be investigated and an attempt will be made to resolve the matter. If violations are found and negotiations to correct the violation are unsuccessful, enforcement proceedings may be initiated to attain compliance.

In addition, any individual or group who believes they have been discriminated against by an employee of a Section 5310 program recipient or its agent/contractor should first contact the Section 5310 recipient in writing. MoDOT should also be notified of the complaint within 5 working days.

MoDOT and the Section 5310 program recipients are prohibited from retaliating against any person because they reported an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI. If an individual or group believes they have been retaliated against, they should immediately contact MoDOT's External Civil Rights Office to report their allegation. Filing a complaint with MoDOT does not prevent an individual or group from seeking remedy through other resources.

Complaints should be addressed to:

External Civil Rights/Title VI Coordinator  
P. O. Box 270  
Jefferson City, MO 65102  
573-526-2978

#### **IX-2. Equal Employment Opportunity and Disadvantaged Business Enterprise.**

All applicants must agree to FTA's Equal Employment Opportunity (EEO) and Disadvantaged Business Enterprise (DBE) requirements that are made a part of the Section 5310 Agreement. Recipients are monitored for compliance during onsite reviews.

**IX-3. Section 504 & American’s with Disabilities Act.**

All grantees are required to comply with all requirements as defined by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1991. Applicants certify compliance as part of the Section 5310 agreement. Recipient’s compliance will be monitored during onsite reviews.

**X. Grantee Assurances & Claims**

The following assurances and clauses are required from each applicant organization to help ensure compliance with all appropriate Federal requirements:

- 1. Buy America Requirements - 49 U.S.C. 5323(j), 49 CFR Part 661**  
(Note- Not required of sub-recipients (grantees) when MoDOT directly procures all vehicles)
- 2. Charter Bus Requirements - 49 U.S.C. 5323(d), 49 CFR Part 604**
- 3. School Bus Requirements - 49 U.S.C. 5323(f), 49 CFR Part 605**
- 4. Energy Conservation Requirements - 42 U.S.C. 6321 et seq., 49 CFR Part 18**
- 5. Clean Water Requirements - 33 U.S.C. 1251**
- 6. Bus Testing - 49 U.S.C. 5323(c), 49 CFR Part 665**  
(Note- Not required of sub-recipients (grantees) when MoDOT directly procures vehicles)
- 7. Pre-Award and Post Delivery Audits Requirements - 49 U.S.C. 5323, 49 CFR Part 663**  
(Note- Not required of sub-recipients (grantees) when MoDOT directly procures vehicles)
- 8. Lobbying - 31 U.S.C. 1352, 49 CFR 19, 49 CFR Part 20**
- 9. Federal Changes - 49 CFR Part 18**
- 10. Clean Air - 42 U.S.C. 7401 et seq, 40 CFR 15.61, 49 CFR Part 18**
- 11. No Government Obligation to Third Parties**
- 12. Program Fraud and False or Fraudulent Statements and Related Acts**  
**31 U.S.C. 3801 et seq, 49 CFR Part 31, 18 U.S.C. 1001, 49 U.S.C. 5307**
- 13. Termination - 49 U.S.C. Part 18 FTA Circular 4220.1, as amended,**
- 14. Civil Rights Requirements - 29 U.S.C. Section 623, 42 U.S.C. Section 2000, 42 U.S.C. Section 6102, 42 U.S.C. section 12112, 42 U.S.C. Section 12132, 49 U.S.C. Section 5332, 29 CFR Part 1630, 41 CFR Parts 60 et seq.**
- 15. Breaches and Dispute Resolution - 49 CFR Part 18, FTA Circular 4220.1, as amended,**

**16. Disadvantaged Business Enterprise (DBE) - 49 CFR and Part 26**

(Note- Not required of sub-recipients (grantees) when MoDOT directly procures all vehicles)

**17. State and Local Law Disclaimer**

**18. Incorporation of Federal Transit Administration (FTA) Terms - FTA Circular 4220.1, as amended,**

**19. Americans with Disabilities Act (ADA) - 49 CFR Parts 27, 37 and 38, Transportation for Individuals with Disabilities: Final Rule.**

**20. Government-Wide Debarment and Suspension (Non-Procurement), 49 CFR 39, E.O. 12549**

Each of these items is incorporated in to the application and each must be signed by the appropriate individual and attested by the Secretary of the Board of Directors, before each application is deemed complete. These applications become part of our contract, as Appendix A.

**XI. Other Provisions**

MoDOT insures that each vehicle or disability equipment manufacturer is in compliance with the federal regulations on Disadvantaged Business Enterprise Program (DBE) as required in 49 CFR 26. Also, each manufacturer must include signed assurances in their bid packet of compliance with DBE, and "Buy America" requirements.

MoDOT has limited Section 5310 purchases to vehicles and disability equipment. These vehicles are categorically excluded for environmental compliance.

MoDOT has staff personnel that make pre-award and post delivery audits. Pre-award audits are done at manufacturing site as specified by FTA guidelines. Every vehicle purchased is inspected before delivery to the applicant organization for compliance to specifications (including straight vans).

In Missouri it is the responsibility of the law enforcement agencies to check compliance for commercial driver's licenses.

MoDOT has a Rural Transit Assistance Program (RTAP) instructor, to assist grantee organizations in the training of driver safety, passenger assistance and drug awareness programs.

**XII. State Program Management**

**XII-1. Procurement**

All purchases by MoDOT are done through competitive sealed bid process; some by the Office of Administration, Division of Purchasing, the rest by the General Services Division of MoDOT. Vehicles are inspected before delivery to ensure compliance with safety standards and

specifications.

Vehicles are titled to the applicant organization, with MoDOT as first lien holder on each. All titles will be held, in a secured safe, at the MoDOT Transit Section office and be release only upon written request for disposal.

#### **XII-2. Financial Management/Accounting Systems**

Each 5310 recipient designate an individual or position that serves as a basis of accountability on each vehicle and any monies that are involved with the vehicle (s) throughout its useful life. Original vehicle cost, federal and local share, repair costs, payroll, invoices, contracts and any other accounting documents are to be identified and accessible.

MoDOT utilizes the *Advantage* (SAMII) electronic financial management system to maintain records of funds and funding. *Advantage* incorporates such functions as budgeting, general ledger, purchasing, accounts payable/receivable, inventory control, cost allocation and job costing. MoDOT's primary management system is through Transportation Electronic Awards Management (T.E.A.M.), which allows complete databases on individual grants, grantees and conditions of awards. Utilizing T.E.A.M., MoDOT is able to accurately monitor funds in current and past grants, administration monies and also allows a reasonable estimate for future funding. MoDOT is able to keep in direct contact with the FTA through the use of this system and account for budget revisions, grants administered and inventory of rolling stock.

#### **XII-3. Property Management (see “Vehicle Records and Property Management”)**

#### **XII-4. Audits and Close Outs**

MoDOT receives an annual Single Audit as required by federal regulations. Grants closure is initiated as soon as all available funds have been drawn. Although grantees do not receive funds directly from MoDOT, the vehicles received are considered federal financial assistance according to OMB Circular A-133. Federal financial assistance is assistance received in the form of grants, loans, loan guarantees, property (including donated surplus property) cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance. Grantees that expend \$500,000 or more in a year in federal financial assistance are required to obtain a single audit in accordance with OMB Circular A-133. Such A-133 single audit reports must be received by MoDOT's Transit Section within nine (9) months of the end of the grantee's fiscal year.

#### **XII-5. Vehicle Records and Property Management**

Computer records are maintained for each vehicle, consisting of the following data:

Grantee, Address, City, Zip, Phone, County, Grant No., Line Item Code, Make, Body Type, Passengers, Modified or not, VIN#, Federal Share %, Price, Delivery Year, Delivery Month, Sell Year, Sell Month, Sell Value, Final Miles, Refund Amount.

Grantees are required to inform MoDOT of any vehicle that is involved in an accident or is no longer useful in its original capacity due to high mileage or is in such poor overall condition as to be deemed unsafe for use.

#### **XII-6. Vehicle/Equipment Preventative Maintenance Requirements**

Recipients must keep Section 5310 funded vehicles and equipment in good operating order. As a minimum, vehicles will be maintained in accordance with manufacturers suggested preventative maintenance schedule. All accessible vehicles covered by ADA requirements must be maintained in such a manner that ensures all lifts, securement devices, ramps, signage and systems that allow communications with hearing and vision impaired individuals is readily accessible to and usable by these individuals. Out of order equipment must be repaired promptly. When an accessibility feature is out of order, the 5310 recipient shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. Onsite reviews will ensure these requirements are being met.

While Section 5310 recipients are allowed to lease vehicles to other public entities or non-profit organizations, MoDOT is required to approve, in writing, all lease agreements for 5310 equipment, prior to lease inception. This information is also requested in the annual “Request for Section 5310 Vehicle Information” letter. This information will be reviewed during the onsite review.

#### **XII-7. Annual Certification and Usage Data**

Each calendar year applicant organizations are asked to submit the following information for each vehicle:

Odometer Reading, Miles Driven this Year, One-way Disabled Trips, One-way Elderly Trips, Vehicle Expenses (including administration) for Year, any new lease agreements and a list of the Counties being served.

Each grant recipient must sign the Elderly and Persons with Disabilities Program, 49 U.S.C. 5310 Annual Certification of Use of Project Equipment agreeing to the following:

1. The vehicle(s) acquired under 49 U.S.C. 5310 continues to be used for the purposes for which the grant was approved.
2. The vehicle(s) does not exceed that which is needed for the agency's transit operations under the approved application.
3. The vehicle(s) has not been sold, damaged or otherwise taken out of service as outlined in the approved application without prior written approval by the transit staff of the Missouri Department of Transportation.
4. Adequate insurance is maintained to protect the Federal interest of the fair market value of the vehicle(s).

Agency:



By:  
Title:  
Date:

Reports not returned by May 31 of the reporting year will be considered delinquent. Agencies will not be eligible for funding under the upcoming cycle, and equipment may be transferred to other eligible providers.

### **XII-8. On-Site Visits**

Each year on-site visits are made to approximately one-third of the grantee organizations (see Appendix B). Grantee organizations are checked for vehicle maintenance records (including lifts, securement devices and proper insurance documentation) to insure they meet or exceed the manufacturers recommendation, ADA requirements and vehicle appearance. Transportation services being provided are discussed to insure the grantee is adhering to the original application proposal and equipment in service is not excessive for service being provided. General accounting is also checked to ensure that the proper paperwork is being efficiently maintained.

### **XIII. Unique State Standards**

#### **XIII-1. Equipment Disposition Procedures**

Vehicles will be eligible to be considered for replacement when the following minimum mileage standards and time frames are met:

Vans (straight and modified)	4 years/100,000	Line Item Code 11.12.15
Mini-buses (van chassis)	4 years/100,000	Line Item Code 11.12.15
Mini-buses (medium duty chassis)	7 years/200,000	
Medium Duty Buses	7 years/200,000	Line Item Code 11.12.03

Service Life Policy. Useful service life for non-vehicle equipment (radios and computers) is five years on radios and three years on computer equipment. Service life for non-vehicle equipment begins when equipment is received. Service life of rolling stock begins on the date the vehicle is placed in revenue service and continues until it is removed from service. Minimum normal service lives for buses and vans are:

- a. Large, heavy-duty transit buses (approximately 35'-40', and articulated buses): at least 12 years of service or an accumulation of at least 500,000 miles.
- b. Medium-size, heavy-duty transit buses (approximately 30'): 10 years or 350,000 miles.
- c. Medium-size, medium duty transit buses (approximately 30'): 7 years or 200,000 miles.
- d. Medium-size, light-duty transit buses (approximately 25-35'): 5 years or 150,000 miles.
- e. Other light-duty vehicles such as small buses and regular and specialized vans: 4 years or 100,000 miles.

These minimum standards must be met at the time of application or time of request for disposal. On a case by case basis MoDOT staff will permit a vehicle to be replaced or disposed of that has a history of excessive repair costs (not caused from neglect or lack of scheduled services).

Non-vehicle equipment disposition (radios and computers) require written authorization for disposal prior to end of equipments useful service life. Disposal authorization is not required after the piece of equipment has reached its useful service life.

Written authorization is necessary for vehicle disposal. A recipient may dispose of a vehicle in either of two ways:

1. A vehicle may be sold outright to a third party through a variety of approved process, including sealed bids, auto auction or the average of three competent appraisals.
2. A vehicle may be sold by the recipient to itself. In this case the implicit price to be paid by the recipient will be the average wholesale value of the vehicle as specified in the most recent National Automobile Dealers Association (NADA) Official Used Car Guide.

Divisions of any proceeds are as follows:

1. If a vehicle is sold outright to a third party, the recipient may retain 20% of the proceeds plus \$225.00. The balance must be paid to MoDOT within 10 working days.
2. If a recipient buys out the federal interest the recipient must pay 80% of the NADA wholesale value to the department within 10 working days.

A copy of the final bill-of-sale must accompany the check sent to MoDOT. The check(s) is processed through MoDOT's Multimodal operations grant management accountant into the vehicle disposition fund.

MoDOT has determined that this money will be used to assist recipients with the costs associated with major component repair work and in the upkeep of disability equipment. The following paragraphs explain the program and its process.

### **XIII-2. Vehicle Repairs – Eligible Expenses**

MoDOT's Section 5310 Engines, Transmission, Differential Replacement and Wheelchair Lift Repair Program:

General Instructions

1. Section A of the application form must be completed and submitted to MoDOT. **PRIOR WRITTEN AUTHORIZATION IS REQUIRED BEFORE FUNDING CAN BE COMMITTED.**
2. Vehicles proposed for engine, transmission or differential replacement would be inspected by MoDOT to determine if the vehicle is a good candidate for the repair program. If

the applicant's proposal is approved, the applicant will be notified in writing of its acceptance. If funding is available, the applicant will be notified to proceed, if funding is not immediately available, the applicant will be notified of its position on the waiting list.

3. Eligible items will be limited to the purchase of rebuilt engines, rebuilt transmissions and new or rebuilt differentials on a 75% (state)/25% (local) basis. If the original engine has core value, it will be deducted from the 75% state share. If MoDOT can't provide the full 75% share the applicant will be notified in writing. The applicant has the option of accepting the amount available or waiting for reimbursement until sufficient funding is available. All repairs must be completed within 30 days of the date of authorization.

4. Repairs of wheelchair lifts and/or restraints will be covered at 100%.

5. Air conditioning repairs will be funded at 50/50 split, up to \$1,000.00. There are two conditions for the repair of the air conditioning: 1). The vehicle must have two cooling season left, and 2) repairs are only authorized between April 15 through September 15.

6. The following criteria applies to rebuilt items:

- A. Rebuilt engines should provide 60,000 miles
- B. Rebuilt transmission should provide 50,000 miles
- C. Rebuilt differential should provide 75,000 miles.

These miles will be added to the useful life expectancy of the vehicle before replacement will be considered.

### **XIII-3. Missouri Executive Order (EO) 94-03: Code of Fair Practices**

The grantee shall comply with all the provisions of Executive Order No. 94-03 issued by the Honorable Mel Carnahan, Governor of Missouri, on the fourteenth (14<sup>th</sup>) day of January 1994, promulgating a Code of Fair Practices in regard to nondiscrimination, which is incorporated by reference and made part of the grant agreement. This Executive Order prohibits discriminatory practices by the state, the applicant/grantee or its subcontractors based on race, color, religion, national origin, sex, age, disability or veteran status.

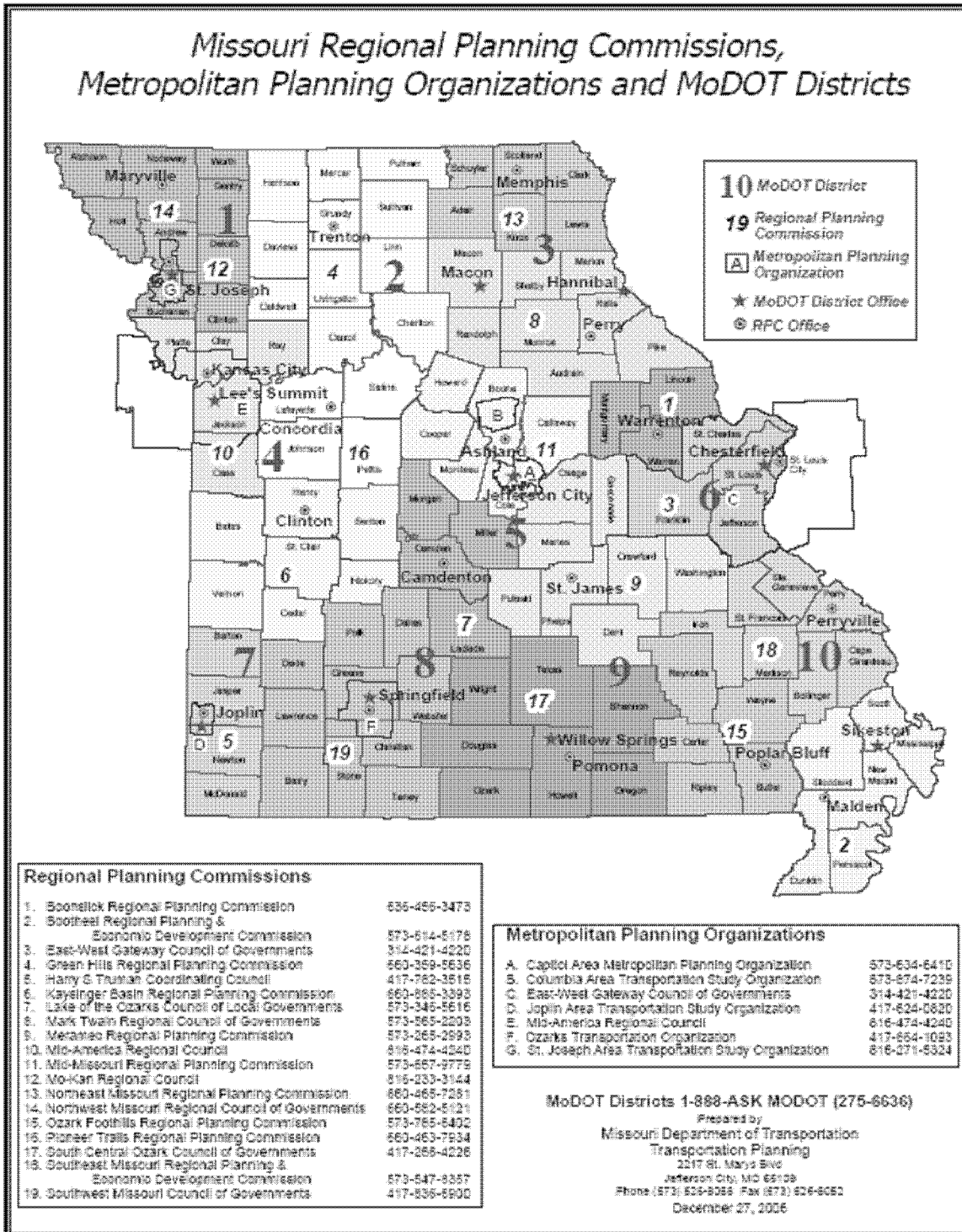
### **XIII-4. Program Staffing**

One full-time staff person is utilized to manage the Section 5310 program, with part-time assistance from a vehicle inspector, specification writer and clerical persons. Computer technology has helped to reduce needed staff personnel. All vehicle records, grant management and certification processes are now automated. MoDOT is now on-line with TEAM and will provide project updates to FTA through that media as well as via e-mails, telephone calls, written correspondence and in-person meetings with FTA regional office staff or their designated contractors.

### **XIII-5. Program Evaluation and Updates**

Evaluation of the management of the Section 5310 program is an on-going process; MoDOT will forward an updated State Management Plan as necessary to FTA.

## Appendix A – Regional Planning Commissions in Missouri



## Appendix B – Section 5310 Onsite Review Form

### ONSITE REVIEW OF SECTION 5310 RECIPIENTS BY THE MISSOURI DEPARTMENT OF TRANSPORTATION

Revised: 02/07/05

Recipient's Name: «ABB\_GRANTEE»

Type of Organization: \_\_\_\_\_

Address of Organization: «StreetBox»

«M\_2nd\_ADDRESS»

Phone Number: «PHONE»

Person Contacted: «First\_Name» «Last\_Name»

Email Address: «Email\_Address»

Reviewer: Chris Brundin Date of Onsite Review: «Site\_visit»

#### **Part One - General Accounting/Documentation:**

##### **Section One: General/Financial/Miscellaneous**

Where does the agency obtain its 20 percent matching funds?  
\_\_\_\_\_

What measures does the organization take to accurately track all inventory of capital items?  
\_\_\_\_\_

Inspect all other capital assets, i.e., radio and computer equipment. (Note serial numbers in reviewer comments section).

What are recipient's main source(s) of revenue and/or contracts for providing services? What percent of each is Federal, State or Local? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What finding, if any, did your organization have in the last A-133 audit? Did the organization expend \$500,000 in federal funds in one year? (Determine sufficiency of financial management and retrieve a copy of the annual OMB A-133 audit).  
\_\_\_\_\_

During the past year has anyone been refused transportation? \_\_\_\_\_

What were the reason(s) for refusing transportation service? \_\_\_\_\_  
\_\_\_\_\_

If the recipient has \$100,000 in grant funded vehicles, does it lobby? \_\_\_\_ If yes, what amount was paid to the lobbyist? What funds did your organization use to pay the lobbyist's fee?  
\_\_\_\_\_

What are the recipient organizations future vehicle needs?  
\_\_\_\_\_

Does the recipient ever provide exclusive school bus services, tripper services?  
\_\_\_\_\_

What type of driver/safety training does the recipient provide its employees and/or volunteers, i.e., passenger assistance, lift, defensive driving, drug & alcohol, etc?  
\_\_\_\_\_.

Is the recipient organization aware of the driver/safety training that is available through the Rural Transportation Assistance Program (RTAP) from MoDOT? \_\_\_\_\_

Does the recipient organization conduct a drug and alcohol program? \_\_\_\_\_

Is the recipient aware of the FTA versus FMCSA Drug and Alcohol Testing requirements?  
\_\_\_\_\_.

What efforts does the organization make to ensure maximum feasible coordination?  
\_\_\_\_\_.

## **Section Two: Civil Rights**

Does your organization have any Title VI hiring/service provision policies in place? \_\_\_\_\_ (If yes, obtain a copy/example).

Has your organization had any Title VI Civil Rights complaints filed against it since the last Section 5310 onsite review? \_\_\_\_\_. Was the MoDOT 5310 program manager notified? \_\_\_\_\_. Were the problem(s) resolved? \_\_\_\_\_. (If MoDOT was not notified obtain a copy(s)).

How are ADA service issues handled by your organization and do you have a written policy? (*If yes, obtain a copy/example*) Has your organization had any ADA complaints filed against it since the last 5310 on site review? \_\_\_\_\_. Was the problem(s) resolved? \_\_\_\_\_.

### Section Three: Vehicle and Equipment Maintenance, Control and Utilization

Type(s) and number of vehicles and equipment:                      Lift Equipped \_\_\_\_\_  
Non-Accessible \_\_\_\_\_  
Other Equipment \_\_\_\_\_

As a minimum, are all Section 5310 vehicles maintained in accordance with the manufacturers suggested preventative maintenance schedule? \_\_\_\_\_ (Review maintenance records). Are all accessible Section 5310 vehicles covered by ADA requirements maintained in such a manner that ensures all lifts, securement devices, ramps, signage and systems that allow communications with hearing and vision impaired individuals readily accessible to and usable by those individuals? \_\_\_\_\_.

What, if any procedures are in place, i.e., Pre-trip inspections, lift PM, etc for the ADA requirements? \_\_\_\_\_

What vehicles does the organization use to provide charter service? \_\_\_\_\_

How does the organization ensure that charters are incidental and do not shorten the vehicles' useful life? (Please provide supporting documentation and review annual charter publication and responses to this process). \_\_\_\_\_

How is out of order ADA required equipment identified, is it repaired promptly? \_\_\_\_\_

What reasonable steps are in place to accommodate individuals with disabilities who would otherwise use the feature? \_\_\_\_\_

Does recipient lease any Section 5310 vehicles to other transportation providers? \_\_\_\_\_ If so, does the lease agreement ensure adherence to all requirements contained in the Capital Assistance Grant Agreement? \_\_\_\_\_ Has MoDOT provided written authorization/approval of the lease agreement? \_\_\_\_\_

Are the Section 5310 vehicle(s) being used for the purposes for which the grant was approved? \_\_\_\_\_ How many one-way trips were provided in the previous years, how many elderly/persons with disabilities one-way units? \_\_\_\_\_ (Examine trip sheets, billing invoices, manifests and also compare total number of rides against elderly and/or persons with disabilities rides).

Are any Section 5310 vehicles being utilized for meal delivery service for home bound individuals? \_\_\_\_\_ If yes, does this service conflict with the provision of transit services or result in a reduction of service to transit passengers? \_\_\_\_\_

Current in-service equipment is not excessive for service being provided? \_\_\_\_\_ (Examine vehicle mileage, number of passengers per trip, etc.)





**Part Two – Section 5310 Vehicle Inspection Checklist:**

Grantee: \_\_\_\_\_

Vehicle/Unit #: \_\_\_\_\_ Accessible/None Accessible

Seating Capacity/# Wheel Chair Positions \_\_\_\_\_ Vehicle Leased \_\_\_\_\_

Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

VIN: \_\_\_\_\_

Inspection Location: \_\_\_\_\_ Title Onsite: \_\_\_\_\_

Odometer Reading: \_\_\_\_\_ Date/Mileage Last PM: \_\_\_\_\_

Insurance Card: \_\_\_\_\_ Fire Extinguisher: \_\_\_\_\_ Reflective Triangles: \_\_\_\_\_

First Aid Kit: \_\_\_\_\_ Blood Path Kit: \_\_\_\_\_ Seat Belt Cutter: \_\_\_\_\_

MoDOT Stickers: \_\_\_\_\_ Pre/Post Trip Inspection Log: \_\_\_\_\_

A/C Working: \_\_\_\_\_ Heater Working: \_\_\_\_\_ Wipers Functional: \_\_\_\_\_

Lift Accessible: \_\_\_\_\_ # Tie-Downs present and functional: \_\_\_\_\_ / \_\_\_\_\_

Interior appearance: \_\_\_\_\_ Exterior appearance: \_\_\_\_\_

General Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_