

State Management Plan

For United States Department of Transportation
Federal Transit Administration
Public Transportation Programs

February, 2014

Multimodal Planning & Operations Unit
Outreach Division
Bureau of Planning
Maine Department of Transportation



State of Maine

Public Transportation Programs

STATE MANAGEMENT PLAN

49 USC § 5303 Metropolitan Transportation Planning, MAP-21 Section 20005

49 USC § 5304 Statewide and Nonmetropolitan Planning Programs, MAP-21 Section 20006

49 USC § 5305 Planning Programs

49 USC § 5307 Urbanized Formula Program, MAP-21 Section 20007

49 USC § 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program
MAP-21 Section 20009

49 USC § 5311 Rural Area Formula Program
MAP-21 Section 20010

49 USC § 5316 Job Access Reverse Commute Program
Lapsed as of October 1, 2012

49 USC § 5317 New Freedom Program
Lapsed as of October 1, 2012

49 USC § 5337 State of Good Repair, MAP-21 Section 20027

49 USC § 5339 Bus and Bus Facilities Program, MAP-21 Section 20029

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Prefatory Notices

Americans with Disabilities Act (ADA) Alternative Format Information

Proposed Circular 4710.1

This plan and other related materials can be provided in alternative formats: large print, cassette tape, or on computer disk for people with disabilities by calling the Office of Equal Employment Opportunity (EEO).

Maine State EEO Coordinator telephone 207-287-4651

Persons who are deaf or hearing impaired may contact EEO through the 1-888-577-6690 (TTY)

Title VI Notice to Public-Non-Discrimination

Circular 4702.1B

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MaineDOT Legal Division/Civil Rights Office telephone 207-624-3020
1-888-516-9364 (MaineDOT TTY)

or

Maine Human Rights Commission telephone 207-624-6050

or

Maine State EEO Coordinator telephone 207-287-4651
1-888-577-6690 (TTY)

Contact Person

Susan Moreau, Manager

Multimodal Planning and Operations Unit

Outreach Division/Bureau of Planning, Maine Department of Transportation

207- 624-3239 Direct

207- 624-3099 Fax

susan.moreau@maine.gov

i

Table of Contents

Prefatory Notices.....	<i>i</i>
Americans with Disabilities Act (ADA) Information.....	<i>i</i>
Title VI Notice to Public-Non-Discrimination	<i>i</i>
Contact Person	<i>i</i>
Introduction and Legal Authority.....	1
State Program Goals and Objectives	2
Federal Program Goals.....	3
<i>Prior to October 1, 2012</i>	<i>3</i>
49 USC § 5307 Urbanized Area Formula Grants.....	3
49 USC § 5307 Transportation Management Area.....	3
49 USC § 5310 Elderly and Persons with Disabilities Transportation.....	4
49 USC § 5311 Non-Urbanized Area Formula Grants.....	4
49 USC § 5316 Job Access Reverse Commute (JARC)	5
49 USC § 5317 New Freedom	5
Other	5
<i>Beginning October 1, 2012</i>	<i>6</i>
49 USC § 5303, 5304, Metropolitan and Statewide Planning	6
49 USC § 5307 Urbanized Area Formula Grants.....	7
49 USC § 5310 Enhanced Mobility of Seniors and Individuals with Disabilities	7
49 USC § 5311 Rural Area Formula Grants	8
49 USC § 5337 State of Good Repair.....	9
49 USC § 5339 Bus and Bus Facilities Program	9
Availability of Funds	9
Roles and Responsibilities.....	9
State Administration.....	9
Technical Assistance and Training	11
Locally Coordinated Transit Plans	11
Eligible Recipients	14
49 USC § 5307 Urbanized Area Formula Grants.....	15
49 USC § 5310 Enhanced Mobility of Seniors and Persons with Disabilities	15
49 USC § 5311 Rural Area Formula Grants	15
49 USC § 5337 State of Good Repair.....	16
49 USC § 5339 Bus and Bus Facilities Program	16
Eligible Services and Service Areas.....	16
Eligible Assistance Categories	17
State Administration.....	17

Capital	17
Administration	17
Operating Expenses.....	18
Local Share and Local Funding Requirements	18
General	18
Capital Assistance.....	19
Operating Assistance	19
Purchase of Service Assistance.....	19
Mobility Management Assistance.....	20
Planning Assistance.....	20
Project Evaluation Criteria and Method for Distributing Funds.....	20
Introduction	20
Application Process and Evaluation of Projects.....	21
Locally Coordinated Transit Plans and Project Approval Process	22
Coordination.....	23
Public Involvement and Public Comment on Fare and Services Changes	24
Participation by Private Providers	24
State Administration and Technical Assistance	25
Intercity Bus Transportation	25
Rural Transit Assistance Program (RTAP)	26
Annual Program of Projects Development and Approval Process	27
State Program Management.....	28
Financial Management and Project Monitoring.....	28
State Administration – Accounting and Financial Reporting.....	28
State Administration – Grant Management	29
Capital, Urban and Rural	30
Lead Agency for Auditing Purposes	30
Transferring Funds	31
Joint Section 5307 and 5311 Projects	31
5310 Projects	32
Procurement.....	32
• Capital Grant Management	33
• Buy America	34
• Spare Bus Ratio	34
• Least Cost	35
• Capital Payments	35
• Transfers	35
• Excluded Party	35
• Five Year Contracts.....	35
• FTA Procurement Requirements.....	35
Managing and Maintaining FTA-Funded Equipment.....	37
• Equipment Inventories.....	37
• Periodic Reporting of Vehicle Use.....	37
• Vehicle Titles	37
• Lease Restrictions	37

- Productivity Standards 37
- Site Visits..... 37
- Insurance..... 38
- Useful Life Standards 38

Vehicle Disposition..... 39

Construction Management/Program Management 39

Property Management..... 39

Monitoring Compliance/Continuing Control Site Visits..... 40

Maintenance..... 40

Productivity Goals and Performance Measures..... 40

Electronic Reporting..... 41

NTD Reporting 42

Implementing Federal Policies..... 43

MaineDOT Role in Monitoring Compliance with Federal Regulations 43

State Safety Oversight 43

FTA Compliance Site Visits and Self Certification 43

Certifications and Assurances..... 44

Civil Rights 44

DBE..... 45

Section 504 and Americans with Disabilities Act (ADA) Reporting 46

Equal Employment Opportunity 47

Limited English Proficiency 47

Charter Rule..... 48

Drug and Alcohol and Drug-Free Workplace 51

Lobbying and Code of Ethics 51

Section 5333(b) Special Warranty 52

School Transportation Agreement 52

Environmental Regulations 52

Appendices..... 53

A: MaineDOT Organizational Chart..... 54

B: Authorizing Resolution from Governor Paul R. LePage, dated 6/9/11..... 55

C: The legislation authorizing the division of the State into geographic regions,
23 M.R.S.A. § 4209 § 1 56

D: Map of MaineDOT Transit Regions 57

E: The legislation mandating the submission of the Biennial Operations Plan (now
called the Locally Coordinated Plan), 23 M.R.S.A. § 4209 § 2F: 58

F: Guidelines for Development of Locally Coordinated Transit Plans 59

G: 49 USC § 5310 allocations..... 63

H: 49 USC § 5311 allocations..... 64

I:	Application for Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Funds	65
J:	Application for Section 5311 Rural Area Program Funds.....	81
K:	Checklist for Grant Application Process for the 5311 Program	86
L:	Application for Section 5311 Intercity Funds	87
M:	Application for Section 5339 Bus and Bus Facilities Program.....	102
N:	Vehicle Purchase Flowchart	108
O:	Bus Procurement Ordering Procedure and Schedule	109
P:	Vehicle Cost Sharing and Disposition Agreement.....	110
Q:	Pre-Award Buy America Compliance Certification	127
R:	Procurement Delivery Checklist	128
S:	MaineDOT FTA Site Visit Review Form.....	129
T:	ADA Paratransit Requirements	148
U:	Review of Federally Funded Vehicles	158
V:	Transit Vehicle Inspection Form	162
W:	Maintenance and Facilities Inspection Form	170
X:	Equipment Disposition and Spare Vehicle Policy.....	173

Status of Changes in FTA Circulars

Subject	Existing Circular	Proposed Change
5307	9030.1E	
5311	9040.1F	9040.1G
5310	9070.1F	9070.1G
ADA		4710.1

Note: references to selection of projects for § 5316 Job Access Reverse Commute (JARC) and § 5317 New Freedom have been removed from this document; however, references to reporting and monitoring processes have been retained.

Maine Department of Transportation Public Transportation State Management Plan

Introduction and Legal Authority

The Federal Transit Administration (FTA) provides financial assistance to states through a number of programs to develop new transit systems and improve, maintain, and operate existing systems. The Governor of the state of Maine has designated the Maine State Department of Transportation (MaineDOT) as the agency of authority and responsibility for administering assistance received in Maine through Title 49 U.S.C. as described below. FTA requires that each state produce a plan describing the state's policies and procedures for the state-managed portion of these programs.

This State Management Plan (SMP) describes the State's policies and procedures of MaineDOT in administration of the public transportation programs funded by the Federal Transit Administration (FTA). These programs are:

Prior to October 1, 2012:

- 5307 Urbanized Area Formula Program (for the State of Maine, applicable § 5307, 50,000-200,000 in population)
- 5310 Elderly Individuals and Persons with Disabilities Program
- 5311 Rural Area Formula Program
- 5316 Job Access and Reverse Commute Program
- 5317 New Freedoms Program
- Other (see page 5)

Beginning October 1, 2012:

- 5307 Urbanized Area Formula Program (for the State of Maine, applicable § 5307, 50,000-200,000 in population)
- 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program
- 5311 Rural Area Formula Program
- 5337 State of Good Repair
- 5339 Bus and Bus Facilities Program
- 5303, 5304, Metropolitan and Statewide Planning Programs

This Plan provides information on management of each of the listed programs. The Department adheres to all FTA requirements that are set out in the respective program guidance circulars published by the FTA.

State Program Goals and Objectives

Maine Department of Transportation's mission is:

“To responsibly provide our customers the safest and most reliable transportation system possible given available resources.”

Consistent with the stated mission of MaineDOT, the primary objective of this Plan is to provide customers with the safest and most reliable transportation system possible through the improvement of the mobility for all Maine citizens including seniors, persons with disabilities and low income persons in the rural, small urban, and urbanized areas of the State of Maine. This includes support for the continuation of existing services; the inauguration of new services where need is demonstrated; and support for and improvements to existing intercity or long distance common carrier services throughout the State. Integral to this objective is the coordination of new and existing services to those recipients of other federal, state and locally funded programs. Procedures for the submission of plans and implementation of services are set forth in more detail in the Standard Operating Procedures for Development of Locally Coordinated Transit Plans (Appendix E).

MaineDOT shall establish a schedule of submittal of the Locally Coordinated Transit Plans and shall reference these plans in its Annual Capital Work Plan submitted to the Maine State Legislature and in its Statewide Transportation Improvement Plan submitted to FTA. Funds that have not been committed in an approved plan may be reallocated to those regions that can establish a need and justification for such funds.

The development of the Locally Coordinated Transit Plans (LCPs) are to occur at the local level including the coordination of services that presently exist in both the public transportation and social service transportation areas. The LCPs are to be strategic plans to help set out the implementation of new and/or revised services to meet documented mobility needs.

In August 2013, MaineDOT's Bureau of Planning began the MaineDOT Strategic Transit Plan 2025. The purpose of the strategic plan is to prepare a 10-year comprehensive transit plan for the period 2015–2025 that will assist MaineDOT in prioritizing service improvements, identifying performance measures, and establishing standards for responding to the need for transit services. The plan will be a holistic approach to evaluating surface passenger transportation initiatives, programs and funding sources, including interagency coordination of public and social service transportation, operations plans of the eight transit districts, Park & Ride Lot Program, connectivity with passenger rail, ferry service, and capital improvements for transit providers. The plan will have a particular focus on Maine's aging population and will assess and make recommendations to meet elderly transportation needs statewide. In addition, the plan will make recommendations on best practices for transit planning and funding strategies.

Federal Program Goals

Prior to October 1, 2012

49 USC § 5307 Urbanized Area Formula Grants

This program makes Federal resources available to urbanized areas and to Governors for transit capital and operating assistance in urbanized areas and for transportation related planning. An urbanized area is an incorporated area with a population of 50,000 or more that is designated as such by the U.S. Department of Commerce, Bureau of the Census. Eligible purposes include planning, engineering design and evaluation of transit projects and other technical transportation-related studies; operating assistance, capital investments in bus and bus-related activities such as replacement of buses, overhaul of buses, rebuilding of buses, crime prevention and security equipment and construction of maintenance and passenger facilities; and capital investments in new and existing fixed guide way systems including rolling stock, overhaul and rebuilding of vehicles, track, signals, communications, and computer hardware and software. All preventive maintenance and some Americans with Disabilities Act complementary paratransit service costs are considered capital costs. For urbanized areas with a population of 200,000 and over, funds are apportioned and flow directly to a designated recipient selected locally to apply for and receive Federal funds. For urbanized areas under 200,000 in population, the funds are apportioned to the Governor of each state for distribution. Maine has the option of 5307 grants between 50,000 and 199,999 populations that may apply directly to FTA or through MaineDOT.

On February 2, 2012, pursuant to 49 U.S.C. Federal Transit Administration Section 5307 program, Governor Paul R. LePage designated that the Biddeford, Saco, Old Orchard Beach Transit Committee, South Portland Bus Service, Lewiston Auburn Transit Committee, and Bangor Community Connector have the legal, financial, and technical capacity to serve as direct grant recipients for FTA funding under 49 U.S.C. Section 5307 Urbanized Area Formula funds and 49 U.S.C. Section 5309 Bus Allocation funds; and, have the capacity to administer such grants in cooperation with the FTA Regional office, local funding recipients, and in consultation with the State of Maine, Department of Transportation.

This determination offers direct recipients more opportunity and responsibility for local control over the provision of transit services, including operations, administration, and capital procurement. For bus purchases, the direct recipients will have sole determination over specifications and costs regarding all elements of vehicles and other capital purchases.

49 USC § 5307 Transportation Management Area

With the results of the 2010 U.S. Census, the Portland Area Comprehensive Transportation System (PACTS) was designated as a Transportation Management Area (TMA). Under a TMA, five public transit operators became direct recipients and a letter of concurrence from the Governor was required. Non-profit agencies, York County

Community Action Corp. and the Regional Transportation Program, remained subrecipients to the MaineDOT.

49 USC § 5310 Elderly and Persons with Disabilities Transportation

FTA defines the goals of the § 5310 program in *Circular 9070.1F* “to improve mobility for elderly individuals and individuals with disabilities throughout the country. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of elderly individuals and individuals with disabilities in all areas—urbanized, small urban, and rural. The program requires coordination of federally assisted programs and services in order to make the most efficient use of federal resources.”

49 USC § 5311 Non-Urbanized Formula Program

FTA defines the goals of the § 5311 program, in *Circular 9040.1F* “to enhance the access of people in rural areas to health care, shopping, education, employment, public services, and recreation; assist in the maintenance, development, improvement, and use of public transportation systems in rural areas; encourage and facilitate the most efficient use of all transportation funds used to provide passenger transportation in rural areas through the coordination of programs and services; assist in training, assist in the development and support of intercity bus transportation; and provide for the participation of private transportation providers in rural transportation.”

Title 49 USC § 5311(f) requires the state to spend not less than 15 percent of the annual 5311 funding to develop and support intercity bus transportation, unless the Governor certifies to the U.S. Secretary of Transportation that the intercity bus service needs of the state are being met. Eligible activities under the program include:

- Planning and marketing for intercity bus transportation.
- Capital grants for construction (i.e., intercity bus shelters).
- Vehicle purchase, rehabilitation, refurbishment, and wheelchair lift retrofit.
- Equipment purchase.
- Operating assistance.

Maine is divided into eight transit regions defined generally along county lines. Within those regions, a distribution formula is used which includes the three factors of population, road mileage, and square miles.

Projects are identified through the Locally Coordinated Plan (LCP). The Bureau of Planning’s Outreach Division conducts a series of public meetings as part of the LCP planning process and solicits service ideas and gaps through that process. The projects strive to be geographically and demographically diverse and meet the needs of all Maine’s citizens, businesses, and visitors. As required by FTA, MaineDOT also publishes legal notices announcing its grant programs and invites inquiries and applications from the public and interested transportation providers.

The project selection process identifies perceived service gaps, where expanded transportation is needed, including additional service hours, greater geographical coverage, and additional trips to support persons who are not eligible for ADA services.

49 USC § 5316 Job Access Reverse Commute (JARC)

FTA defines the goals of the § 5316 program in *Circular 9050.1* “to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and rural areas to suburban employment opportunities.”

49 USC § 5317 New Freedom

FTA defines the goals of the § 5317 program in *Circular 9045.1* “to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society. Lack of adequate transportation is a primary barrier to work for individuals with disabilities. The 2000 Census showed that only 60 percent of people between the ages of 16 and 64 with disabilities are employed. The New Freedom formula grant program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act of 1990.”

The New Freedom Program is intended to fill the gaps between human service and public transportation services previously available, and to facilitate the integration of individuals with disabilities into the workforce and full participation in the community.

The New Freedom Program provides formula grants to the State for development and implementation of transportation services to help persons with disabilities access employment and employment-related services. This is a take-down from the formula grants program, and is intended to provide additional services to overcome some of the barriers that Americans with disabilities face. The initiative consists of a competitive grants program for rural areas for alternative transportation provided by community-based organizations and other providers to provide persons with disabilities access to the workplace. All selected projects must be consistent with the LCP for each region.

Other

This management plan also addresses the administration of several other FTA-funded programs under which the Maine Department of Transportation is a grantee, at least in part, because of the way the administration of all the transit programs has been integrated by the Maine Department of Transportation. These other programs include:

- FTA's —Metropolitan Planning Program and State Planning and Research Program authorized under 49 U.S.C. 5303 and 5304.
- FTA's Discretionary Bus Capital Program authorized under 49 U.S.C. 5309 (referred to hereafter as the —5309 program).
- Transfer of FHWA Flexible Funds – in accordance with proposed FTA Circular 9040.1G, the state may transfer Surface Transportation Program (STP) funds,

Congestion and Mitigation Air Quality (CMAQ) funds, and certain other flexible funds, from FHWA to FTA Section 5311 to use for transit projects.

- Transfer of FHWA Flexible Funds – in accordance with proposed FTA Circular 9030.1E, the state may transfer STP and CMAQ funds to FTA for Section 5307 grants.

Beginning October 1, 2012

49 USC § 5303, § 5304, Metropolitan and Statewide Planning Programs

These programs provide funding and procedural requirements for multimodal transportation planning in metropolitan areas and states that is cooperative, continuous, and comprehensive, resulting in long-range plans and short-range programs of transportation investment priorities. \$127 million is authorized in FY 2013 and \$129 million in FY 2014. The planning programs are jointly administered by FTA and FHWA, which also provides additional funding.

- *Establishes a performance-based planning process.* MAP-21 requires Metropolitan Planning Organizations (MPOs) and states to establish performance targets that address national performance measures issued by the U.S. DOT and are based on goals outlined in law – safety, infrastructure condition, congestion reduction, system reliability, economic vitality, environmental sustainability, reduced project delivery delays, transit safety, and transit asset management. Transportation Improvement Programs (TIPs) must include a description of the anticipated progress toward achieving the targets brought about by implementing the TIP. Five years after enactment of MAP-21, the U.S. DOT will report to Congress on the effectiveness of performance-based planning and assess the technical capacity of MPOs in smaller areas to undertake performance-based planning.
- *Requires transit representation on MPO policy boards in large areas.* Within two years of the date of enactment, MPOs in urbanized areas designated as transportation management areas must include transit officials on their policy boards.
- *Supports optional scenario development.* MPOs may undertake scenario development exercises in preparing the long-range transportation plan that consider alternative demographic growth, revenue options, and other factors.
- *Allows designation of regional transportation planning organizations.* Regional transportation planning organizations comprised of volunteer local government and transportation officials may be designated to assist the state in addressing the needs of non-metropolitan areas. Accordingly, “statewide planning” has been renamed “statewide and non-metropolitan planning” to signify the important role local officials play in the development of statewide plans and programs in non-metropolitan areas of states.

49 USC § 5307 Urbanized Area Formula Grants

The largest of FTA's grant programs, this program provides grants to urbanized areas to support public transportation. An urbanized area is an area with a population of 50,000 or more that has been defined and designated in the most recent decennial census as an "urbanized area" by the Census Bureau. Funding is distributed by formula based on the level of transit service provision, population and other factors. Total funding is \$4.9 billion in FY 2013, and \$5 billion in FY 2014 (includes the Growing States and High Density States formula). The program remains largely unchanged with a few exceptions:

- *Job access and reverse commute activities now eligible.* Activities eligible under the former Job Access and Reverse Commute (JARC) program, which focused on providing services to low-income individuals to access jobs, are now eligible under the Urbanized Area Formula program. This includes operating assistance with a 50 percent local match for job access and reverse commute activities. In addition, the urbanized area formula for distributing funds now includes the number of low-income individuals as a factor. There is no floor or ceiling on the amount of funds that can be spent on job access and reverse commute activities.
- *Expanded eligibility for operating expenses for systems with 100 or fewer buses.* MAP-21 expands eligibility for using Urbanized Area Formula funds for operating expenses. Previously, only urbanized areas with populations below 200,000 were eligible to use federal transit funding for operating expenses. Now, transit systems in urbanized areas over 200,000 can use their formula funding for operating expenses if they operate no more than 100 buses. Systems operating between 76 and 100 buses in fixed route service during peak service hours may use up to 50 percent of their "attributable share" of funding for operating expenses. Systems operating 75 or fewer buses in fixed-route service during peak service hours may use up to 75 percent of their "attributable share" of funding for operating expenses. This expanded eligibility for operating assistance under the urbanized formula program excludes all rail systems.
- *New discretionary passenger ferry grants.* \$30 million per year is set aside from the urban formula program totals to support passenger ferries. Funding will be awarded on a competitive basis.
- *New takedown for safety oversight.* MAP-21 sets aside one half of one percent (approximately \$22 million per year) of Urbanized Area Formula funds for state safety oversight grants.
- *Flexible Funds.* Transfer of FTA Flexible Funds to Section 5307 continues to be allowed.

49 USC § 5310 Enhanced Mobility of Seniors and Individuals with Disabilities

This program provides formula funding to increase the mobility of seniors and persons with disabilities. Funds are apportioned based on each state's share of the targeted populations and are now apportioned to both states (for all areas under 200,000) and large urbanized areas (over 200,000). The former New Freedom program (5317) is folded into this program. The New Freedom program provided grants for services for individuals with disabilities that went above and beyond the requirements of the Americans with

Disabilities Act (ADA). Activities eligible under New Freedom are now eligible under the Enhanced Mobility of Seniors and Individuals with Disabilities program.

Projects selected for funding must be included in a locally developed, coordinated public transit-human services transportation plan; and the competitive selection process, which was required under the former New Freedom program, is now optional. At least 55 percent of program funds must be spent on the types of capital projects eligible under the former section 5310—public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable. The remaining 45 percent may be used for: public transportation projects that exceed the requirements of the ADA; public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit; or, alternatives to public transportation that assist seniors and individuals with disabilities. Using these funds for operating expenses requires a 50 percent local match while using these funds for capital expenses (including acquisition of public transportation services) requires a 20 percent local match. The Federal share may exceed 80 percent for certain projects related to ADA and CAA compliance. MAP-21 allows 85% for the acquisition of vehicles and allows 90% for vehicle-related equipment or facilities. (See FTA Circular, 9070.1G, page III-15 and III-16).

49 USC § 5311 Rural Area Formula Grants

This program provides capital, planning, and operating assistance to support public transportation in rural areas, defined as areas with fewer than 50,000 residents. Funding is based on a formula that uses land area, population, and transit service. Total funding is \$600 million in FY 2013, and \$608 million in FY 2014. The program remains largely unchanged with a few exceptions:

- *Job access and reverse commute activities eligible.* Activities eligible under the former Job Access and Reverse Commute (JARC) program, which provided services to low-income individuals to access jobs, are now eligible under the Rural Area Formula program. In addition, the formula now includes the number of low-income individuals as a factor. There is no floor or ceiling on the amount of funds that can be spent on job access and reverse commute activities.
- *Tribal Program.* The Tribal program now consists of a \$25 million formula program and a \$5 million discretionary grant program. Formula factors include vehicle revenue miles and the number of low-income individuals residing on tribal lands.
- *Appalachian Development Public Assistance Program.* MAP-21 authorizes \$20 million each for FY 2013 and FY 2014 for grants to support public transportation in the Appalachian region.
- *Other changes.* The set-aside for states for administration, planning and technical assistance is reduced from 15 to 10 percent. The cost of the unsubsidized portion of privately provided intercity bus service that connects feeder service is now eligible as in-kind match.

49 USC § 5337 State of Good Repair

MAP-21 establishes a new grant program to maintain public transportation systems in a state of good repair. This program replaces the fixed guideway modernization program (Section 5309). Funding is limited to fixed guideway systems (including rail, bus rapid transit, and passenger ferries) and high intensity bus (high intensity bus refers to buses operating in high occupancy vehicle [HOV] lanes). Projects are limited to replacement and rehabilitation, or capital projects required to maintain public transportation systems in a state of good repair. Projects must be included in a transit asset management plan to receive funding. The new formula comprises: (1) the former fixed guideway modernization formula; (2) a new service-based formula; and (3) a new formula for buses on HOV lanes. Authorized funding for this program is \$2.1 billion in FY 2013, and \$2.2 billion in FY 2014.

49 USC § 5339 Bus and Bus Facilities Program (5339)

A new formula grant program is established under Section 5339, replacing the previous Section 5309 Discretionary Bus and Bus Facilities program. This capital program provides funding to replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities. Authorized funding is \$422 million in FY 2013, and \$428 million in FY 2014. Each year, \$65.5 million will be allocated with each state receiving \$1.25 million and each territory (including DC and Puerto Rico) receiving \$500,000. The remaining funds will be distributed by formula based on population, vehicle revenue miles and passenger miles. This program requires a 20 percent local match.

Availability of Funds

FTA funds are available to the state during the period of availability of the funds. Therefore, the state need not apply for all its funds the year the funds are apportioned. The following table shows the period of availability of funds for selected programs.

	Period of Availability of Funds
Section 5307	Year of apportionment plus 5
Section 5310	Year of apportionment plus 2
Section 5311	Year of apportionment plus 2
Section 5316	Year of apportionment plus 2
Section 5317	Year of apportionment plus 2

Roles and Responsibilities

State Administration

The role of MaineDOT includes:

- Documenting the state's procedures in a state management plan (SMP) and making it available to grantees, planning organizations, and the general public after FTA approval.

- Notifying potential participants about the program and soliciting applications.
- Developing project selection criteria and competitive selection process.
- Arranging for the evaluation of potential projects for funding.
- Reviewing, prioritizing and selecting projects for approval.
- Developing elements of the state transportation improvement program (STIP) for each FTA Section.
- Developing and forwarding an annual program of projects and grant application to FTA.
- Certifying eligibility of applicants and project activities.
- Developing agreements with selected agencies.
- Monitoring local project activity.
- Ensuring that applicants utilize older grants first.
- Declining to distribute grant money of the same type of funds if an applicant has an open contract that is at least two years old and has not been closed out.
- Ensuring grantee compliance with all federal requirements, including all certifications and assurances.
- Overseeing project audits and closeouts.
- Submitting reports as required by FTA including National Transit Database (NTD) reporting for § 5311 grantees and other specialty reporting for § 5307 JARC projects, § 5310, § 5316, and § 5317, § 5337, § 5339 grantees.
- Certifying that funds are distributed in a fair and equitable basis.
- Supporting and overseeing the development of Locally Coordinated Transit Plans (LCPs) in rural and small urban areas of the State of Maine, which are developed in each region through a process including representatives from public transportation, private and non-profit transportation, human services providers, the public and MaineDOT.
- Certifying that all projects funded through § 5310, § 5337, § 5339, § 5303, and § 5304, are from a Locally Coordinated Transit Plan. As a matter of policy, § 5311 projects are also required to come from a LCP.
- Requiring that projects within the MPO boundaries (5307) are included in the MPO TIP for inclusion in MaineDOT STIP and that planning projects (5303) are included in the MPO UPWP.

Besides the above responsibilities MaineDOT's role in programs funding capital purchases includes:

- Purchase of equipment.
- Ensuring that equipment purchased with grant funds is maintained to manufacturers' specifications and operated consistent with project objectives.

MaineDOT responsibilities also include the following program-specific elements:

- **§ 5311**

Developing and implementing a program of training and technical assistance under § 5311 (b) (2), the rural transit assistance program (RTAP.)

Developing and implementing the intercity bus program under § 5311 (f).

Ensuring that projects funded through § 5311 have been developed in coordination with transportation projects assisted by other federal sources.

- **§ 5310 and § 5311**

Planning for future transportation needs, and ensure coordination among transportation modes and subrecipients.

Technical Assistance and Training

MaineDOT informs subrecipients of applicable Federal requirements, provides technical assistance in meeting those requirements, and oversees compliance with those requirements. Technical assistance is provided through orientations, informal conversations, formal correspondence, on-site performance reviews, and conferences. MaineDOT provides RTAP funds to assist subrecipients in meeting their technical assistance and training needs.

Locally Coordinated Transit Plans

The following sections present information about how MaineDOT goes about meeting the above responsibilities with emphasis on the development of the Locally Coordinated Transit Plans (LCPs).

The coordination of the public transportation programs (hereafter referred to as “the Program”), including social service transportation, is required by both Federal requirements and State law. In order to implement Title 49 U.S.C. Chapter 53 in the State of Maine, <http://www.mainelegislature.org/legis/statutes/23/title23sec4209.html>, the Governor has designated MaineDOT as the agency to receive and administer funds allocated by FTA (Appendix B).

State legislation, Public Laws 1979, Chapter 505, was enacted as 23 M.R.S.A. § 4209, effective June 21, 1979, that provided for the formation of a Bureau of Transportation Services within the Maine Department of Transportation. In 1995, MaineDOT was reorganized by mode and the Office of Passenger Transportation was formed to handle the public transit duties as well as air, train, ferry, and bicycle/pedestrian. In 2008, that office was incorporated into the Bureau of Transportation Systems Planning. In 2013, the Bureau of Transportation Systems Planning was designated as the Bureau of Planning. As shown below, within the Bureau of Planning is the Outreach Division, and under that is the Multimodal Operations and Planning Unit which currently administers and manages the FTA programs.

Maine Department of Transportation

Bureau of Planning

Outreach Division

Multimodal Operations and Planning Unit

The legislation, 23 M.R.S.A. § 4209 § 1, also provided that the State be divided into geographic regions (Appendix C). The State was divided into eight geographic regions. In the legislation a Biennial Operations Plan (BOP) (now called the Locally Coordinated Transit Plan (LCP)) was required to plan and describe the provision of public transportation in Maine. The LCP is prepared with the full participation of the MaineDOT and locally effected groups and services. The approval of each plan by MaineDOT with the consent of the Maine Department of Health and Human Services is required by law. In addition contract officers and/or liaison personnel have been appointed by the Department of Health and Human Services to coordinate purchase of service contracts and serve in an advisory capacity to MaineDOT in matters concerning public transportation.

The development of the LCP is the planning process through which coordination is reviewed, proposed and funded. It is the intent and purpose of the Program to insure that duplicate transportation services exist only where there is a clear justification for such duplication in so far as the Department has control over that service. The development of the LCP must insure that existing public systems are utilized to the greatest extent possible to meet social service needs. The LCP also ensures public participation in the process of developing regional plans for transit. LCP public hearings are currently held in each region under the auspices of either the relevant local transportation provider or a local collaborative group.

The following diagram presents the general framework for development of the LCP.

Development Process for the Locally Coordinated Transit Plan (LCP)



FTA Requirement: The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was signed into law on August 10, 2005. This law establishes programs and funding for the Federal Transit Administration through federal fiscal year 2009 and requires the development of Locally-Coordinated Public Transit Human Services Transportation Plans. Law continued through MAP-21 (Moving Ahead for Progress in the 21st Century).



Coordination Effort: The Locally Coordinated Plan determines how FTA funds will be spent in each community and developed through a process that includes representatives of social service agencies, disability associations, private and nonprofit transportation providers and participation by the public. This could include services provided by public transit agencies, municipalities, human service agencies and private providers such as taxi. The process covers all FTA-funded programs but emphasis is paid to the three FTA-funded programs including persons with disabilities, older adults (60+), and individuals with lower incomes Rural 5311/Urban 5307 Job Access and Reverse Commute program, and Section 5310 Vehicles & Equipment Grant program to serve Older Adults and People with Disabilities and Section 5310/ New Freedom.



Public Outreach: Public input for the Locally Coordinated Plan is gathered through Regional Transit Summit meetings held in each of Maine's eight regions. Public meeting notices are offered as hand-outs on public buses, printed advertisements and by targeted mailings.



Transit Summits: Regional meetings identify gaps in service, unmet travel needs, potential projects and initiatives. Another objective is to build a database of interested participants and develop proposals to address gaps in service.



Summary Report: A report will be published with a list of selected projects for each region and adoption of the final list in the Statewide Transportation Improvement Program.

Statewide dissemination of information relating to the Program is provided to the transportation providers, those agencies which have been designated to receive Federal Transit Administration (FTA) and State Transit funds, and to the public by a number of procedures which include direct mailing, press releases by MaineDOT and the regional transportation operators and by listing on the MaineDOT website. Public hearings are

held as appropriate and information pertaining to each program also flows through the Department of Health and Human Services. Currently an Interagency Coordinating Committee was formed by Governor's Executive Order to further transportation coordination with the Department of Labor and the Department of Health and Human Services.

Transportation Providers named in the LCP are charged with providing, within the limits of funding, access to transportation across their entire region. In those few areas which do not operate public demand response service, access to the vehicles purchased with either FTA or State funding is required.

More detailed responsibilities dependent on the individual program requirements include:

1. Notifying eligible local entities of funding availability;
2. Developing project selection criteria;
3. Determining applicant eligibility;
4. Conducting a competitive selection process;
5. Forwarding an annual program of projects (POP) and grant application to FTA;
6. Ensuring that all subrecipients comply with Federal requirements;
7. Documenting the State's or designated recipient's procedures in a State Management Plan
8. Certifying that allocations of grants to subrecipients are distributed on a fair and equitable basis

MaineDOT executes a contract with the transportation providers in each region following the recommendations of the LCP and the results of any competitive processes. Section 5310 funds are fully coordinated with the 5311 program to allow maximum coverage. Program funds are distributed on a reimbursement basis and it is required that the transportation providers file invoices with the Department of Transportation on a monthly basis.

Eligible Recipients

Eligibility requirements in the State of Maine are no more restrictive than FTA requirements. Eligible subrecipients include State agencies, local public bodies and agencies thereof, private non-profit organizations, regional transit providers who also meet other requirements, Indian Tribes and groups, and operators of public transportation services.

MaineDOT purchases all vehicles but regional and fixed route providers hold title to the vehicles. On a case-by-case basis, MaineDOT may hold title to vehicles used by other providers. Funds will still be allocated to each region by formula and the Bureau of Planning will keep track of the amounts available. However, the purchase of vehicles will be handled by the State. This simplifies the internal tracking of contracts and allows tighter adherence to State and Federal guidelines.

The following sections list the specific eligible recipients by program.

49 USC § 5307 Urbanized Area Formula Grants

Under the 49 USC § 5307 Program, funds are made available for or grants may be made to:

- Public entities (direct recipients)
- Private, non-profit agencies (subrecipients under MaineDOT for continuation of JARC projects)

49 USC § 5310 Enhanced Mobility of Seniors and Individuals with Disabilities

Under the 49 USC § 5310 Program, funds are made available for or grants may be made in accordance with FTA Circular 9070.1G to:

- Recipients in Urbanized Areas over 200,000 in population;
- Subrecipients in Rural and Small Urbanized Areas under 200,000 in population;
- Tribes;
- A non-profit organization;
- A State or local government authority that:
 - a. Is approved by the State to coordinate services for seniors and individuals with disabilities; or
 - b. Certifies that there are no non-profit organizations available in the area to provide the service;
- An operator of public transportation that receives a Section 5310 grant indirectly through a recipient;
- Private taxi companies that provide shared-ride taxi service to the public or special categories of users (such as seniors or individuals with disabilities).

MaineDOT requires private non-profit applicants to:

- Hold a 501 (c) (3) certificate verifying non-profit status.
- Register with the Maine State Secretary of State.

49 USC § 5311 Rural Area Formula Program

The following entities are eligible to receive § 5311 capital and operating grant funds and (for the intercity bus program only) purchase of service agreements:

- State agencies.
- Local governmental agencies and their authorities.
- Indian Tribal governments.
- Private non-profit organizations.
- Operators of public transportation services or intercity bus service providers that receive FTA grant funds directly through the state or a subrecipient.

- Private intercity bus operators, § 5311(f) intercity bus program, only includes bus service for the general public that:
 - Operates with limited stops over fixed routes connecting two or more “urban areas” not in close proximity;
 - Has the capacity for transporting baggage carried by passengers; and
 - Makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.
- Private for-profit operators of transit or paratransit services may participate in the 5311 program as contractors for the State or grantees but not as sub-recipients. Private for profit companies may contract directly with the State for Intercity services. State agencies do not define 49 USC § 5311 recipient eligibility requirements further than those stated above.

49 USC § 5337 State of Good Repair

Fixed guideway operators are eligible to receive § 5337 capital grant funds. As of this writing, no subrecipients are receiving these funds. Funds are awarded directly to recipients.

USC § 5339 Bus and Bus Facilities Program

The following entities are eligible to receive § 5339 capital grant funds:

- Private non-profit organizations.
- State or local governmental authorities.
- Operators of public transportation services, including private operators of public transportation services.
- Tribal governments.

Eligible Services and Service Areas

The State of Maine adds no limitations to the Federal rules on Eligible Services and Service Areas. 49 USC § 5311 funds are available for expenditure for public transportation projects in areas other than urbanized areas. Public transportation services in Maine are designated to maximize usage by transportation disadvantaged persons, provided that the general public is afforded an equal opportunity to utilize the transportation services. Maine uses a Regional Provider system determined through the Locally Coordinated Transit Plan (LCP) process to properly allocate resources.

Maine operates a coordinated transportation system based on State statute 23 M.R.S.A. § 4209 §§ 1 (<http://www.mainelegislature.org/legis/statutes/23/title23sec4209.html>). See Appendix E.

Based on state statutory requirements and the requirements for coordination in the Federal Transit statute, even those programs which require a competitive process must meet coordination requirements and those requirements are part of the decision-making process. The only exceptions to contracting through the regional provider not otherwise

accommodated in the LCP are those special circumstances involving private companies offering specialized services such as passenger ferry operations and taxi cabs.

Eligible Assistance Categories

State Administration

The State of Maine applies for up to 10% of its apportioned 49 USC § 5311 funds to administer the Program, to provide necessary planning and to provide technical assistance to local recipients. These expenses are funded at 100% of Federal money.

The State of Maine applies for up to 10% of its apportioned 49 USC § 5310 funds to administer the program and provide technical assistance to local recipients. These expenses are funded at 100% federal money. There are no restrictions on the allocation of costs between administrative and operating categories other than those established by the FTA and OMB Circular A-133.

Capital

Capital expenses for 49 USC § 5311, § 5310, § 5316 (until balance of funds are expended), and § 5317 (until balance of funds are expended), are funded at 80% Federal money. The Federal share may exceed 80 percent for certain projects related to ADA and CAA compliance. MAP-21 allows a higher percentage for the acquisition of vehicles and/or for vehicle-related equipment or facilities depending on funding source. If available MaineDOT restricts its share of Capital expenses to ½ of the non-federal share as funds are available and local funds must make up the difference. In the case where vehicles are purchased for seasonal use or another purpose so designated by the Bureau of Planning, up to 100% of the cost of a vehicle may be paid for by the State as limited by bond and other regulatory language.

Capital subsidy may be provided under the 49 USC § 5339 Capital Program. The matching ratio of Federal and non-federal shares for any project funded under 49 USC § 5339 is up to 80/20. FTA has also indicated that priority will be given to those applications that are prepared with an over match. Applications for 49 USC § 5339 funding will be coordinated through the Bureau of Planning.

Administration

Administrative expenses for 49 USC § 5311 subrecipients and contractors, may be funded with 80% Federal funds. 49 USC § 5311 may use up to 10% at 100%. The administrative expenses may include administration, planning, and technical assistance. Because the program is continuously managed, oldest funds available are drawn first regardless of the year of award for program activity until balances are expended.

The 49 USC § 5310 Program does not authorize reimbursement to transportation providers for administrative expenses. The designated recipient may authorize up to 10% of its funds for its own administrative expenses for § 5310 at 100%.

Operating Expenses

Operating expenses for 49 USC § 5310, § 5311, § 5316 and § 5317 are funded with 50% Federal money. Section 5311 programs may also receive up to 50% State funds as available. The State provides up to 10% as matching funds until all Federal money is expended and, upon request, will increase its share up to 50% of deficit for § 5311 programs. There are currently no MaineDOT state funds for operating subsidy for non-§ 5311 programs. The § 5310 program in Maine is currently eligible for operating funds for expanded ADA services under MAP-21.

Currently, intercity routes in the State of Maine are funded, based on bids received, at 50% Federal funds for operating and 80% Federal funds for capital. As new intercity services are developed and funding increased, capital and operating expenses may be reimbursed to the appropriate provider in the same manner as the other 49 USC § 5311 services. The Bureau of Planning goes out to bid every five years for intercity services for one year with an option to renew for up to four years.

Local Share and Local Funding Requirements

General

Matching funds in the State of Maine for 49 USC § 5311 and 49 U.S.C. § 5310 funds are made up of local, State and/or unrestricted non-DOT Federal funds. Local (non-federal) share is defined as a combination of state and local (non-federal) funds.

The State Legislature has appropriated approximately \$500,000 annually to assist with the required match for operating. 23 M.R.S.A. Section 4209 provides for State funds to be used for match up to the following percentages: Administrative - 10% and Operating - 50% of the operating deficit (see definition above). Since 1998, the electorate of the State of Maine has authorized bonding for a portion of the local capital match as funds are available. In the absence of State funds, non-federal share must be provided by the subrecipients. In addition, the State regularly requests bond funds from the voters for public transit vehicles and, occasionally, for facilities.

All of the local share must be provided from sources other than Federal DOT funds. Some examples of sources of local match which may be used for any or all of the local share include: State or local appropriations; other non-DOT Federal funds; dedicated tax revenues; private donations; revenue from human service contracts; toll revenue credits; and net income generated from advertising and concessions. Non-cash share such as donations, volunteer services, or in-kind contributions are eligible to be counted toward the local match as long as the value of each is documented and supported, represents a cost which would otherwise be eligible under the program, and is included in the net project costs in the project budget.

Income from contracts to provide human service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for the Program operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service.

Local match may be derived from other Federal funds derived from Federal programs that are eligible to be expended for transportation, other than from the DOT programs. To be eligible for local match for FTA funds, the other Federal funds must be used for activities included in the total gross project costs of the FTA grant. Expenditure of other Federal funds for transportation outside of the scope of the project cannot be applied as a credit for local match in the FTA grant.

Advertising revenue, as noted above, may be used as local share according to FTA regulations. However, Circular 5010.1D states that it may not be used in the grant from which it was earned, but may be used in future grants.

Capital Assistance

The required local and/or state share for capital assistance is 20 percent of eligible expenses. The local and/or state share may be less for certain projects related to ADA and CAA compliance. MAP-21 allows a lower percentage for the acquisition of vehicles and/or for vehicle-related equipment or facilities depending on funding source. The 20 percent match requirement may be met using a combination of local funds and eligible state funds. MaineDOT permits a local share greater than 20 percent if the total eligible capital expenses exceed the amount budgeted. The project may be supplemented with additional local, state, and/or federal funds depending on availability.

There are a few restrictions on the source of the local share of the project costs. Restrictions include:

- The local share cannot be derived from USDOT federal funds.
- No use restrictions may be put on the equipment by the funding source.
- The funding source must not affect the legal ownership of the equipment.

Operating Assistance

The local and/or state share for operating assistance is 50 percent of the net eligible expenses (gross expenses less fares and/or donations). The 50 percent match requirement may be met using a combination of local funds and eligible state funds. Based on availability, the project may be supplemented with additional local, state, or federal funds if the total net eligible expenses exceed the budget.

The source of the local share for operating assistance must comply with the Federal Transit Act and amendments, which permits the use of certain federal funds such as Medicaid and Title IIIB.

Purchase of Service Assistance

The required local and/or state share for purchase of service assistance is 20 percent of eligible expenses. The 20 percent match requirement may be met using a combination of local funds and eligible state funds. Based on availability, the project may be supplemented with additional local, state, or federal funds if the total net eligible expenses exceed the budget.

Mobility Management Assistance

The required local and/or state share for mobility management assistance is 20 percent of eligible expenses. The 20 percent match requirement may be met using a combination of local funds and eligible state funds. Based on availability, the project may be supplemented with additional local, state, or federal funds if the total net eligible expenses exceed the budget.

Planning Assistance

The required local and/or state share for planning assistance is 20 percent of eligible expenses. The 20 percent match requirement may be met using a combination of local funds and eligible state funds. Based on availability, the project may be supplemented with additional local, state, or federal funds if the total net eligible expenses exceed the budget.

Project Evaluation Criteria and Method for Distributing Funds

Introduction

To distribute funds on a fair and equitable basis, the State was divided into eight regions defined generally along county lines (Appendix D) for rural § 5310 and § 5311 funds. Allocation of funds to each region is by the use of a formula which includes the three basic factors of population, road mileage and square miles. Approximately 55% of rural funding remaining after the 10% administrative deduction and the 15% deduction for the intercity program is distributed by this formula. The remaining 45% is assigned to projects which meet needs identified by MaineDOT and the LCP. Since 2012, MaineDOT has been using the approved option for redistributing, via a Governor's letter, a portion of the 15% intercity distribution to other identified priorities, after verifying that all intercity needs have been met.

These "non-formula" projects are solicited in a variety of ways. Every year, the Bureau of Planning solicits project requests from all the municipalities and planning organizations in Maine. In addition, the Bureau of Planning conducts a series of public meetings as part of its LCP planning process and solicits ideas through that process. MaineDOT publishes a long range plan which receives public comment as well as capital 3-year calendar workplan and 4-year Statewide Transportation Improvement Program (STIP). All of these go through a public comment process. These contain projects solicited and chosen from both external and internal sources. The documents strive to be geographically and demographically diverse and meet the needs of all Maine's citizens, businesses and visitors. In addition, Maine publishes legal notices announcing its grant programs and invites inquiries and applications from the public and interested transportation providers.

Since 1970, the population statistics from the most recent United States Department of Commerce Census have been used. Since the allocation of 49 USC § 5311 Federal funds is based on Maine's rural and small urban population, the urbanized populations of the Portland, Lewiston/Auburn, Bangor, and Kittery areas were not included in their respective regions. Mileage statistics were derived from the Maine Department of Transportation's State Highway Mileage Table. Road mileage located in the four urbanized sections mentioned above was not included in those regions' computations. It

was also decided that a density factor pertaining to the road miles per 1,000 persons should be used. This was accomplished by dividing the region population into the region road miles. The density factor and the population factor were given an equal weight in determining each region's percentage of the total allocation. (Appendices G and H are copies of the formula used to disburse 49 USC § 5310 and § 5311 allocations, respectively).

The population of the Portland area now exceeds the 200,000 population threshold for designation as an Urbanized Area (UZA). Consequently, transportation providers in that area receive funds directly from FTA, but projects need to be included in MaineDOT's STIP, and UZA transit agencies need to coordinate distribution of § 5307 funds via split letter.

With the inception of MAP-21, MaineDOT receives additional Section 5310 funds and a new program, Section 5339 funds. The Section 5310 funds are for the small urban and UZA areas. These are distributed by MaineDOT based on a combination of need and formula, and it is anticipated that these funds will become competitive in the future. The new Section 5339 funds are apportioned to Maine in three categories: rural, small urban, and UZA. These funds are competitive in nature, but may also be designated to transit agencies to fill funding gaps.

Application Process and Evaluation of Projects

In general, transit projects funded by MaineDOT are funded in part by formula grants and need. In all cases, MaineDOT requires that providers submit an application for funding. Following submission of an application or applications to MaineDOT, the Bureau of Planning takes the following steps:

- Review projects to determine eligibility
- Identify projects funded by formula
- Prioritize non-formula projects aimed at meeting identified transit needs;
- Prepare a Program of Projects based on available funding

Specific procedures for distributing FTA Section 5311 funds are as follows:

Priority One - The first funding priority is to continue operating assistance to current Section 5311 recipients where there exists a continuing demand for public transportation service and a need for federal subsidy. Emphasis is placed on funding multiple county or regional transportation systems.

Priority Two – The second priority for funding is to support capital projects for existing systems. If and when capital funding is made available, eligible requests will be prioritized on the following basis:

- Replacement of old, worn-out or unsafe revenue vehicles;
- Purchase of vehicles for the expansion of existing services or purchase of additional vehicles to meet demonstrated capacity problems on current routes;
- Purchase of miscellaneous capital equipment (e.g. radios, shop equipment, etc.); and,
- Construction and/or renovation of facilities.

Priority Three – The third priority is the funding of operating and capital expenses for new rural transportation systems. When establishing new service, the Department may give priority to those areas which are in economically distressed counties. Other areas may also be considered.

Before the MaineDOT will approve any new rural transit project, the following must be determined:

- **Goals and Objectives.** An agency should determine why and to whom it wants to provide transportation. As the mission of the transportation program is clarified, there are specific issues that will shape a transportation system. These include determining the geographic area to be served, the area's greatest transportation needs, and current transportation resources.
- **Needs Assessment.** Once the goals, objectives and service area are defined, a provider must determine what transportation needs are not being met by conducting a needs assessment within the proposed service area. This needs assessment will aid a system in determining:
 - o transportation needs for human services clients as well as the general public;
 - o revenue sources to provide an adequate level of service to meet these needs;
 - o existing transportation services, both public and private as well as existing vehicles in the service area, including their type, age, condition, seating capacity and whether for sale, lease or shared use;
 - o new vehicle and other capital needs;
 - o municipal government support of rural transit;
 - o a multi-year financial plan. MaineDOT reserves the right to fund projects aimed at meeting transit needs that may not be identified through the public processes outlined below.

Locally Coordinated Transit Plans and Project Approval Process

The State is divided into eight geographic regions for distribution of the Maine Department of Transportation administered transit funds. Every five years a Locally Coordinated Transit Plan (LCP) is prepared for each of the eight regions. By State law the Plan is approved with input from the Public Transit Advisory Committee including the Department of Health and Human Services.

The LCP submitted for each regional public transportation agency provides for the following:

1. Maximum feasible coordination of funds among all State agencies that sponsor transportation in the region;
2. Development and maintenance of a permanent and effective transportation system, with particular regard to seniors, persons with disabilities and low income persons.
3. Participation of private transit operators in the service area to the greatest extent possible.
4. Conformity with general operational requirements as may be prescribed by the Commissioner of MaineDOT.

5. MaineDOT may transfer any amount of the State's apportionment for urbanized areas to any urbanized area in the State or with the Governor's permission, to supplement the State's 49 USC § 5311 Program. MaineDOT will make such transfers only after consultation with the responsible local elected officials and publicly-owned operators of transportation services in each area to which the funding was originally apportioned.
6. The LCP will also contain an inventory of vehicles funded by FTA and MaineDOT as well as ridership statistics and financial information.

Public meetings are held to assess needs, determine performance, communication levels, coordination of service and distribution of funds. Prior to submission of the plan to MaineDOT for approval, the plans are subjected to public meetings at the local level.

Approval of each plan is given by MaineDOT with input from the Public Transit Advisory Committee including the Department of Health and Human Services. This is currently done through the Governor's Interagency Coordinating Committee consisting of representatives from the various offices of the Department of Health and Human Services and the Department of Labor. Upon approval, all agencies, groups or organizations named to participate in the provision of service in accordance with the regional operation plan, become eligible to receive funds administered by MaineDOT. Separate contracts are then written between MaineDOT and each provider agency.

Coordination

23 M.R.S.A. § 4209 §§ 1A (<http://www.mainelegislature.org/legis/statutes/23/title23sec4209.html>), enacted in 1979 provides for liaison personnel to be appointed by the Departments of Health and Human Services to act on the coordination of purchase of service contracts and to serve in an advisory capacity to the Maine Department of Transportation in matters concerning public transportation. This same statute also requires approval of the Locally Coordinated Transit Plan by MaineDOT and DHHS (Department of Health and Human Services).

Program information to transportation providers is made available through the technical assistance program of MaineDOT as well as written communications and regular meetings.

Under the regulation pertaining to Locally Coordinated Transit Plans, all providers receiving funds from MaineDOT must coordinate with providers in their region to avoid duplication of effort and provide the most service to the residents. In addition, providers who are operating across their regional boundaries must do so under a written cooperating agreement with the provider in the next region according to a joint policy memorandum from the Commissioners of Transportation and Health and Human Services.

MAP-21 requirements for a Locally Coordinated Plan are met by the LCP process for Maine. (<http://www.fta.dot.gov/documents/FTA>)

Public Involvement and Public Comment on Fare and Service Changes

Subrecipients are expected to have a recognizable public involvement procedure for receiving input from users and non-users when planning for service development or significant capital expenditures.

5307 service providers are required to have a public comment procedure and MaineDOT has chosen to require all grant applicants to certify that it has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transit service.

The direct recipient must have a written policy that describes the public comment process on increases in the basic fare structure and on major service reductions. The policy should provide an opportunity for a public hearing or public meeting for any fare increase or major service reduction and should describe how such meetings will be conducted and how the results of such meetings will be considered in the process of changing fares and service. A public meeting is not mandatory; however, an opportunity for a public meeting in order to solicit comment must be given.

MaineDOT's STIP development and the MPO TIP development satisfy the requirement for public participation.

Participation by Private Providers

It is the policy of MaineDOT to encourage private enterprise participation in the Department's planning process in order to coordinate public and private transportation services throughout the State.

MaineDOT has required all four Metropolitan Planning Organizations (MPOs), all ten designated regional planning agencies, and all rural and urbanized transportation providers to assist the State in integrating the private sector throughout all planning activities as well as using them where appropriate in operational service areas. The State policy on privatization has been implemented thus far in the following ways:

1. All MPOs and designated agencies responsible for transportation planning in any of the eight MaineDOT regions have been instructed to develop, and submit for approval, a privatization policy;
2. Develop an inventory of all private operations and their capabilities in their area of operations and invite their participation in the planning process;
3. Develop, submit for approval, and adopt a local process to involve existing private operators in both planning and provision of transit services;
4. Develop a mechanism for resolving challenges or disputes that might arise, in a manner which assures fairness to all parties involved;
5. As for the rural providers, MaineDOT has included specifics on privatization in our Guidelines for Development of Locally Coordinated Transit Plans.

Note: Any proposed new route or service requires a public hearing; giving the private sector an opportunity to submit a proposal.

In the event that the local procedures were not followed or that the local process did not provide for fair resolutions of disputes, the State will hold a formal hearing to resolve any conflict or complaint from private transportation providers that was not resolved at the local level.

State Administration and Technical Assistance

To facilitate the preparation of the LCPs and with the development and implementation of criteria for the Public Transportation Program, the Department has developed guidelines which have incorporated the requirements of the State law pertaining to public transportation, 23 M.R.S.A. Section 4209. These guidelines have been published and disseminated to each of the planning agencies involved with rural and special needs transportation and are attached in Appendix F. Technical assistance both to the planning agencies and the operators directly involved with their projects will be provided.

It is MaineDOT's intent to monitor and evaluate each of the region's local projects by direct contact with the transportation providers on a scheduled basis and examination of performance reports which will be established in the purchase of service contracts. The evaluation will include a review of all projects to determine if surplus funds are available for transfer. FTA allows the transfer of 49 USC § 5307 funds to rural areas or 49 USC § 5311 funds to urban, and if the Department finds surplus funds in either area, they will be transferred in accordance with FTA Circulars. The FTA Regional Administrator will be notified of any request of transfer of funds as directed by FTA Circulars. It is expected that the Department of Health and Human Services will also be monitoring these providers to see that they are contributing to the transportation of social service passengers as indicated in the LCP.

MaineDOT's Bureau of Planning provides technical assistance to the provider agencies through coordinated development of vehicle and equipment specifications, planning assistance, training, and other technical assistance. Members of that unit also serve as advisory to the Metropolitan Planning Organizations (MPO) boards, attend public hearings, serve on special committees, and inform recipients of applicable federal requirements.

Intercity Bus Transportation

Fifteen percent of Section 5311 funds are used to support the current intercity service plus increased feeder services determined viable. Additional funds may be allocated to support increased services as necessary. Intercity routes are bid every five years for a one-year contract with a MaineDOT with an option to renew up to four years. All transportation operators, public and private, are given an opportunity to submit proposals for consideration through direct mailings to known providers and a notice published in appropriate newspapers and on MaineDOT's website. Additionally, MaineDOT sends copies of the notice to private and public carriers operating in Maine including Greyhound, Cyr Bus, West's Transportation, and Concord Coach.

During the development of the Locally Coordinated Transit Plans and other transportation plans, MaineDOT gathers input from public and private operators. During this process, meetings were conducted around the state, which were attended by numerous groups. Additional opportunities for public and private provider input are

afforded annually through the Transportation Improvement Plan (TIP) and Statewide Transportation Improvement Plan (STIP) processes. MaineDOT is in frequent contact with Concord Coach Lines and Cyr Bus concerning intercity bus projects.

Periodically, the MaineDOT surveys the New England states of Vermont, New Hampshire and Massachusetts regarding possible multi-state intercity bus projects.

The state has surveyed current Section 5311 subrecipients regarding possible connections to existing intercity services and addresses possible intercity bus connections during site visits. Several of the state's Section 5311 subrecipients provide meaningful connections to the state's intercity bus network.

MaineDOT has been using the approved option for redistributing, via a Governor's letter, a portion of the 15% intercity distribution to other identified priorities, after verifying that all intercity needs have been met.

Rural Transit Assistance Program (RTAP)

The State's Rural Transportation Assistance Program (RTAP) is the responsibility of the Maine Department of Transportation. RTAP provides funding assistance for training, technical assistance, transit research and related support services. These funds are available primarily to assist operators that are involved in the provision and coordination of rural transportation services. In some cases they may also benefit properties in small urbanized areas.

MaineDOT administers the RTAP program, 49 USC § 5311(b)(3), with input from regional providers, the Maine Transit Association (MTA) and others. Funds are generally distributed as scholarships for training, the annual rodeo for improved safety, the annual MTA conference and other specialized training. Funds are generally allocated for one year only. Unused funds are redistributed in order to make the best use of these resources and properly manage FTA grants. There are no restrictions greater than those required by the FTA.

Goals and Objectives. The goal of the Division's RTAP is to promote improvement of public transportation services and mobility for persons living in rural areas.

Local Match Requirements. All RTAP activities will be funded at the 100% federal funding level. In some cases, training scholarships will provide reimbursement for all expenses associated with attendance at seminars or workshops. Should the scholarship not cover the full cost for training, the recipient will be required to make up the difference with local funds.

Program Development and Implementation. The Department's RTAP utilizes the following means of involving rural operators in the development and implementation of the annual RTAP program of projects:

Input by Forum. During statewide meetings or workshops held throughout the year, such as the Maine Transit Association bimonthly meetings, discussions are conducted among operators to determine their training and technical assistance needs and solicit input on development of the Department's RTAP program.

On-Site Visits. The Division periodically conducts reviews of the rural transit providers to evaluate and monitor performance. From these visits, subrecipients (Sections 5311, 5310, 5316 and 5317) needing or requesting assistance or training are identified and steps are generally taken by the Department to provide or obtain the services.

Project Selection Criteria. The Department's Section 5311 Grant Manager determines, with input from the Manager and staff members, as to what projects will be funded with RTAP funds.

Eligible Recipients:

Section 5311 and 5310 subrecipients

Rural/small-urban transit operators

Maine Transit Association

Eligible Projects:

Training – Either sponsored by MaineDOT or by another association or organization

Technical Assistance – On-site to any eligible recipient or transit studies

Transit Support Services

Research.

Annual Program of Projects (POP) Development and Approval Process

To create annual Programs of Projects, MaineDOT utilizes an application process along with established project evaluation criteria and distribution methods as outlined earlier in this document. POPs are required by FTA for each grant application.

- Applications are submitted to MaineDOT.
- Projects funded with formula funds are reviewed for eligibility and accepted.
- “Non-formula” projects are prioritized and selection is made based on available funds.
- POP is developed showing funded projects for each grant.
- The MPO TIPs and MaineDOT STIP are amended or adjusted if necessary to coincide with the available funding per FTA grant program as shown in the POP and satisfy public participation requirements.
- POP is updated annually or as projects change and uploaded to TEAM.

The criteria generally require a connection to needs identified in the LCP process. Criteria are set up for each round of selection. Selection continues as long as there are funds available. Packets with information about the program and the process are prepared and distributed at public meetings, through a list serve of interested parties and as requested. Competitions may be annually or more frequently as funding comes available.

All records will be kept for the life of the grant and for three years beyond its closure, per the State's record retention program and FTA requirements. The record identifies applicants that use grant program funds to provide assistance to predominantly minority and low-income populations. The record also indicates whether the applicants were accepted or rejected for funding.

State Program Management

Financial Management and Project Monitoring

The Multimodal Operations and Planning unit of the Bureau of Planning, MaineDOT, conducts its financial management and project monitoring according to the following procedures:

State Administration – Accounting and Financial Reporting

The Maine Department of Transportation follows the Federal guidelines contained in FTA Circular 5010.1D and proposed FTA Circulars 9040.1G and 9070.1G in the management of its Public Transportation Program. All contract agreements are reviewed by the Maine Department of Transportation, Office of Audit. All procurement transactions are carried out in accordance with the provisions of FTA Circular 4220.1F. Property records are maintained in accordance with FTA Circular 5010.1D, Chapter I, paragraph 7, as are all disposition transactions. The Department of Transportation has contracts with the transportation providers in each region pertaining to fiscal and property (where applicable) management of program funds. Program funds are distributed on a reimbursable basis and providers are required to file invoices on a monthly basis. Providers may request a waiver to bill quarterly or annually. All invoices are subject to a review by a Transportation Planning Analyst assigned to the Operations Unit prior to payment.

Audits are conducted by the Department of Transportation Audit Staff in accordance with FTA Circular 5010.1D, and when the projects have been audited and all audit issues satisfactorily resolved, the projects are closed out. Audits include:

- A review of indirect cost rates to ensure that cost allocation plans or procedures have been submitted to a cognizant agency;
- A review to ensure that the correct rate is charged by recipients for FTA-funded projects; and
- A review to ensure that subrecipients have the financial management systems to carry out the programs and receive and disburse federal funds.

The Bureau of Planning follows all State of Maine financial and property management regulations both for their internal programs and requires such compliance with all subrecipients and contractors.

MaineDOT's Finance Office handles all TEAM financial activities such as drawdowns through ECHO, etc. Auditing is handled by the Audit department. All providers are audited yearly.

MaineDOT has assigned a staff person within the Finance Office with the responsibility of receiving and disbursing FTA funds. The process for

receiving and disbursing funds includes the retention of records to support ECHO requests and the disbursement of funds. The process includes a requirement that draw requests are signed by an authorized official other than the individual who requests the payment. Funds are disbursed within three business days of receipt of a properly document request.

Financial Management regulations are covered under OMB Circular A-133, A-122, A-87, A-110 and the Common Rule and State regulations including Maine Uniform Accounting and Auditing Practices for Community Agencies (MAAP). Transportation Providers must follow MAAP rules as they apply to community agencies.

State Administration- Grant Management

The Bureau of Planning's grant management practices include:

- Require that providers spend oldest funds first for on-going expenses such as program administration (financial purpose code [FPC] 6), operating assistance (FPC 4), ADA complementary paratransit (FPC 8), RTAP (FPC 7) and preventive maintenance (FPC 0).
- Accumulate state administrative expenses in a generic account and then draw from the oldest grant with available state administrative funds instead of charging the expense directly to grants.
- Tie third party contracts to projects, not directly to grants.
- Set project time limits (less than 2 years)
- Use available funding in open grants before including projects in a new grant.
- Move delayed projects to newer grants and active projects to older grants as allowed by FTA.
- Transfer small remaining balances to new line items as allowed by FTA.
- Deobligate project balances and reapply for funds (if within period of availability and allowed by the regional office).
- Regularly reconcile grant balances with those in TEAM-Web to the FPC level.
- When funding a project out of multiple grants, develop a grant drawdown plan.
- When funding a project out of multiple grants, charge retainage to the newest grant (and report it as an unliquidated obligation) to enable the closing of older grants.

- MaineDOT initiates project close-out of grants with FTA within 90 days after all work activities for the program of projects has been completed. This includes electronically submitting a final FFR, MPR, final budget and final program of projects.

Capital, Urban and Rural

For those specialized projects, usually under 49 USC § 5339, a project manager is assigned and the Manager of the Multimodal Planning and Operations Unit handles the TEAM processing and the compliance issues. All TEAM reports will be filed by the 30th of the month following the end of the quarter. The program managers contract all funds, manage the projects, manage the TEAM grants including close outs, provide technical assistance and leadership to their contracting agencies and the entities in the area services are provided. They are responsible for ensuring that all federal and state requirements are met both by their activities and their subrecipients. General management requirements are allocated among the program managers.

MaineDOT uses a variety of mechanisms to monitor facility construction and rehabilitation projects. Monitoring mechanisms include one or more of the following:

- Contracting with a consultant to provide project management oversight;
- Reviewing the request for proposals and construction contracts;
- Reviewing plans and drawings;
- Conducting periodic site inspections;
- Requiring progress reports;
- Conducting regular project review meetings;
- Withholding payment of a portion of the grant until final inspection and acceptance of the facility by the state.

MaineDOT ensures that subrecipients use FTA funded real property for project purposes through annual certifications of use, site visit inspections, or deed restrictions.

Lead Agency for Auditing Purposes

The lead agency (a/k/a the cognizant agency in federal regulations) is determined by the amount of Federal funds received by an agency.

Relevant information:

The designated cognizant agency for audit shall be the Federal awarding agency that provides the predominant amount of direct funding to a

recipient unless OMB makes a specific cognizant agency for audit assignment.

The intention of MAAP is to mirror Federal Regulations. Most of the MAAP agencies receive their federal funds as pass-through funds. Therefore, for MAAP purposes, the federal cognizant agency would be the agency providing the predominant amount of direct and/or pass-through federal funds.

Transferring Funds

Funds in specific categories and for specific purposes can be transferred between FTA and FHWA. Currently Maine is following the Consolidated Planning Grant process. Each year, MaineDOT issues a letter to the FTA with copies to the FHWA and MaineDOT Planning managers authorizing the transfer of 5303 planning funds from the FTA to the FHWA for administration as one grant in consolidation with the FHWA planning funds.

It may be necessary to transfer Section 5307 funds into the Section 5311 Program or Section 5311 funds into the Section 5307 Program. In case of transferring Program funds to another Program, the process described below will be followed.

1. MaineDOT will determine the availability of funds.
2. Consult with local officials and/or public transit agencies about transferring of available funds. However, MaineDOT will use its discretion in determining what funds are to be transferred among Programs. The transfer of Section 5307 funds may include transferring any determined amounts to existing Section 5307 recipients or into the Section 5311 Program.
3. Request that FTA transfer the funds as determined in number 2 above. MaineDOT may transfer Section 5307 funds without consultation of local officials within the last 120 days in which the funds are available for obligation.

Joint Section 5307 and 5311 Projects

In some localities, a recipient may receive both Section 5307 and Section 5311 funding to provide public transportation for an urbanized area and surrounding rural areas. Section 5311 funds are used only to assist the rural portion. Because of the wide range of circumstances under which an operator could be providing services in both urbanized and rural areas, the local recipient develops a reasonable basis for allocating the costs between the two funding sources. The Bureau of Planning requires that subrecipients document their process for allocating costs between urbanized and rural areas and to report total expenses and show the allocation of expenses between urbanized and rural areas when requesting reimbursement. The Bureau of Planning may review financial information

and the allocation of costs between urbanized and rural areas during site visits. This procedure is also to be applied to “joint” capital projects. In the interest of flexibility and coordination, vehicles purchased under either program may be used in any part of a combined urbanized and rural service area, but capital replacement policies should ensure that program funds are used appropriately. Ridership, operating hours and mileage factors are evaluated and used to allocate costs.

Section 5310 Projects

The Bureau of Planning monitors subrecipients to ensure that the funds are being used to support eligible transportation services for elderly individuals and individuals with disabilities. The Bureau of Planning:

- enters into an agreement with subrecipients prior to expending funds on a project that specifies the project to be funded under the grant; and
- requires recipients to report information on the services provided and populations served on a periodic basis.

The Bureau of Planning reports performance information on gaps in service filled and ridership for the program.

Procurement

All subrecipient vehicles, unless an exception is granted, are purchased through the MaineDOT Fleet Services. All vehicle purchasing is done through the State of Maine Bureau of Purchases. State procurement procedures are followed. The Department ensures that all relevant federal clauses are included in the bid proposals. Occasionally consulting experts are hired to support the procurement process and ensure that all Federal requirements, such as Buy America, are met.

Maine State procurement procedures, through the State of Maine Bureau of Purchases, are followed except where federal regulations prevail, see 49 CFR Part 18, 19, and FTA C4220.1F, 9040.1F and 9070.1F. No current conflicts are identified. MaineDOT follows their procurement ordering procedure and schedule for all buses and vans (See Appendices N and O for more details). MaineDOT enters into a Stand Alone Project Contract entitled Cost Sharing Agreement with each applicable Subrecipient prior to ordering buses and vans (See Appendix P).

MaineDOT’s Fleet Services prepares detailed specifications that best reflect the system's procurement needs. The capital procurement manager is responsible for reviewing the specifications and submitting any comments or revisions to Fleet Services. Subrecipients are permitted to perform their own procurement, with oversight from the Department on non-vehicle capital items. On all purchases, the Department is responsible for ensuring the federal requirements as stated in FTA Circular 4220.1F

and 49 CFR § 18.36 or 49 CFR §§ 19.40 through 19.48, Appendix A and that the State Purchasing Regulations are followed.

The Department is responsible for ensuring compliance with Pre-Award and Post-Delivery Review Regulations, Buy America and performs factory inspections when vehicles are being manufactured.

Capital Grant Management. The MaineDOT Bureau of Planning will work with MaineDOT Fleet Services to:

- Develop bid specifications;
- Establish solicitation/contract terms and conditions;
- Solicit and receive bids or proposals;
- Evaluate responses, determine responsiveness, and select a contractor;
- Conduct pre-award audits for compliance with Buy America, Federal Motor Vehicle Safety Standards (FMVSS) and purchaser's requirements;
- Execute a contract;
- Receive, inspect and accept revenue rolling stock;
- Conduct post-delivery audits for compliance with Buy America, FMVSS and purchaser's requirements;
- Pay the vendor.
- Monitor the grant to ensure that all of its conditions are met and that all reporting requirements are completed in a timely manner.

All RFPs, RFQs, bid awards, contracts and dispute resolution are processed and approved by the Maine Bureau of Purchases. The Bureau of Planning follows FTA requirements regarding monitoring, property management, vehicles use, maintenance, and disposition for both purchases by subrecipients and direct procurements by the State of Maine which are then titled to transit providers. All requirements for procurement for subrecipients and contractors are followed for State purchases. All previously cited FTA circulars are adhered to for State purchases.

The MaineDOT Bureau of Planning includes language in its RFPs, RFQs, bid awards and contracts language that prohibits the inclusion of geographic preferences in its FTA-funded procurements, provided that geographic location may be a selection criterion if an appropriate number of qualified firms are eligible to compete for the contract in view of the nature and size of the project, provided that the Bureau of Planning determines that the use of geographic preferences does not restrict

competition (i.e., the use of a geographic preference that left only one or two qualified firms to bid on the contract.

Pre-award/post delivery reviews will be conducted according to Federal and State regulations. Federal regulation, 49 CFR 663 (October 1, 1997) and 49 USC § 5323 require that prior to awarding the contract, MaineDOT must certify compliance with the described provisions of Buy America and the described provisions of the Bus Testing clearance (49 CFR 665). The manufacturer must submit documentation and certification both pre-award and post delivery. This includes certifying by the Pre-Award Buy America Certification Form (Appendix Q). Section 5323, Buy America, requires that prior to purchase, the State must not only obtain the certification from the manufacturer attesting to the appropriate % of manufacture and final assembly being done in the United States but must take further steps to certify that this is accurate. This may include any additional information about the manufacturer or the product. After delivery of the vehicle or other equipment as appropriate, the Planning Analyst for capital investment must further determine and document to the file that the documentation accompanying the vehicle which shows the origin of parts and location of assembly meets the appropriate regulation. These certification processes must be documented in the procurement file.

Buy America. The Bureau of Planning will ensure that Buy America provisions apply to:

- All purchases of steel, iron, and manufactured products exceeding the \$100,000 threshold, regardless of whether they involve capital, operating or planning funds;
- Subcontractors, regardless of the size of the contract, if the prime contract is more than the \$100,000 threshold;
- Purchase made using an intergovernmental agreement and jointly purchased manufactured products; and
- Purchase of used items.

MaineDOT will not obtain signed Buy America certifications after contract award for its own contracts or contracts of other grantees to make the contracts eligible for federal funding. MaineDOT may, however, obtain signed Buy America certifications before buying off state GSA-type contracts to make them eligible for federal funding. MaineDOT will consider the full contract amount, not the amount of its purchase, when determining whether Buy America requirements apply to those purchases.

Spare bus ratio. FTA grant management guidelines uses 20% spare ratio on fleets of 50 buses or more but notes that “the basis for determining a spare bus ratio takes local circumstances into account.” (FTA Circular, 5010.1D, p. IV-19). None of Maine’s subrecipients have 50 or more vehicles; therefore, they are not subject to this guideline. However, MaineDOT, its direct recipients and Subrecipients are committed to

adhering as closely as possible to the FTA guidelines but acknowledge that the spare ratio may be higher based on the age of their fleet. (See Appendix X relating to spare ratio and useful life).

Least cost. Standard accounting procedures will be used for determining least cost. Least cost is not the only factor in awarding bids.

Capital payments. Financial procedures for capital payments are that capital equipment is not handled on a reimbursement basis. The Bureau of Planning uses the industry standard process of payment on delivery once the vehicles and/or equipment has satisfactorily passed MaineDOT's and the provider's inspection. (See Appendix R for Procurement Delivery Checklist and Appendix Q for Pre-Award Buy America Certification and Appendix N for Procurement Flow Chart.)

Transfers. If at any time the vehicle is leased to other than the originally cited provider in the grant, the current grant in that category will have a memo attached to it (electronically) stating who the originally cited recipient was, the grant will be cited and the current lessee noted.

Excluded party. In the event that MaineDOT becomes aware, after the award of a contract, that an excluded party is participating in a covered transaction, it will promptly notify FTA in writing of this information. MaineDOT may continue any covered transaction in existence at the time a party was debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded. MaineDOT is not required to continue the transaction and may consider termination. However, MaineDOT will not renew or extend the covered transaction (other than through a no-cost time extension) with the excluded party.

Five year contracts. MaineDOT does not have any contracts for revenue rolling stock and replacement parts that include ordering periods exceeding five years in total length including base and options.

FTA procurement requirements. MaineDOT complies with the following FTA procurement requirements:

- Comply with its own procurement regulations;
- Conduct all procurements in a manner providing full and open competition;
- Exclude the use of statutorily or administratively imposed in-state or local geographic preferences in the evaluation of bids or proposals except in those cases where applicable federal statutes expressly mandate or encourage geographic preference;
- Use competitive proposal procedures based on the Brooks Act when contracting for architectural and engineering services, if the state has not adopted a statute governing the procurement of such services before August 10, 2005;

- Award to only responsible contractors possessing the ability, willingness and integrity to perform successfully under the terms and conditions of the contract;
- Ensure that every purchase order and contract executed using federal funds includes all clauses required by federal statutes and executive orders and their implementing regulations;
- Do not enter into any contract for rolling stock with a period of performance for ordering exceeding five years, inclusive of options, without prior FTA approval;
- Comply with Buy America requirements, including pre-award and post-delivery requirements;
- Comply with debarment and suspension requirements;
- Comply with lobbying requirements; and
- Comply with piggybacking requirements.

MaineDOT will include the following FTA C 4220.1F requirements in its contracts with subrecipients including non-profit or for-profit entities. These requirements include, but are not limited to:

- Maintain a written code of standards of conduct governing the performance of employees engaged in the award and administration of contracts;
- Have written procurement policies and procedures;
- Have written protect procedures to handle and resolve disputes relating to the award of contracts;
- Have procedures for settlement of contract issues/disputes (procurements greater than \$100,000);
- Analyze each planned acquisition in order to identify and evaluate potential organizational conflicts of interest;
- Review procurement requests to avoid duplicative or unnecessary purchases;
- Incorporate a clear and accurate description of the material, product or services being procured; identify all requirements that bidders must fulfill, and identify evaluation factors in solicitations;
- Develop an independent cost estimate before receiving bids or proposals;
- Conduct a contract cost or price analysis for every procurement;
- Evaluate options at the time of bid award, exercise the options at the agreed upon terms, and determine that the option price is better than current market prices before exercising the options;

- Maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders; and
- Maintain a written record of procurement history.

Managing and Maintaining FTA Funded Equipment

MaineDOT uses the following procedures to maintain control over FTA funded equipment operated by subrecipients:

Equipment inventories. The Bureau of Planning uses inventories to track how many vehicles and other equipment that were purchased with FTA or state assistance. The Bureau of Planning requires that subrecipients provide an equipment inventory annually or as needed or requested which can then be used to reconcile the subrecipient's inventory to the state's inventory.

Periodic reporting of vehicle use. The Bureau of Planning requires periodic reports of vehicle use (miles, hours, passenger trips, trip purpose) through the Locally Coordinated Transit Plan to ensure that vehicles are used in accordance with program requirements and are not underused.

Vehicle titles. Titles are held by subrecipients and direct recipients. MaineDOT retains title to vehicles operated by private taxi companies and similar entities.

Lease restrictions. The Bureau of Planning uses lease restrictions to control vehicles that are titled to MaineDOT and leased. These include:

- The lessee shall be required to operate the project property to serve the best interest and welfare of the grantee and the public. The terms and conditions for operation of service imposed by the grantee shall be evidenced in the lease.
- The lessee shall be required to maintain project property at a high level of cleanliness, safety and mechanical soundness under maintenance procedures outlined by the project sponsor. The project sponsor and/or FTA shall have the right to conduct periodic inspections for the purpose of confirming the existence, condition, and the proper maintenance of project equipment.
- The lease shall contain a requirement that the leased property may not be subleased without grantee written approval and may not be otherwise encumbered without FTA written approval.

Productivity standards. The Bureau of Planning intends to use productivity standards, where appropriate, to ensure that vehicles are used in accordance with grant requirements. The Bureau of Planning will reserve the right to transfer vehicles that are underused.

Site visits. MaineDOT uses site visits and maintenance reviews to visually inspect vehicles to ensure their continued use in transit service.

Insurance. The Bureau of Planning requires that subrecipients purchase insurance for equipment purchased with Sections 5310, 5311, 5316, 5317, and 5339 funds. The Bureau requires that insurance be adequate to protect the federal and state interest in the vehicle until disposal.

Useful life standards. The Bureau of Planning’s useful life standards for vehicles and ferries reflect FTA’s standards and are shown in the table below:

MaineDOT Bureau of Planning Useful Life Standards for Vehicles and Ferries	
Vehicle	FTA-Defined Useful Life
Heavy Duty Large Bus (35’ to 40’ and articulated buses): Approximate Typical Characteristics: 33,000 to 40,000 GVW	12 years or 500,000 miles
Heavy-Duty Small Bus (30’ to 35’): Approximate Typical Characteristics: 26,000 to 33,000 GVW	10 years or 350,000 miles
Medium-Duty and Purpose-Built Bus (25-35’): Approximate Typical Characteristics: 16,000 to 26,000 GVW	7 years or 200,000 miles
Light-Duty Mid-Sized Buses (25-35’): Approximate Typical Characteristics: 10,000 to 16,000 GVW	5 years or 150,000
Light-Duty Small Bus, Cutaways, Regular & Modified Van (16-28’): Approximate Typical Characteristics: 6,000 to 14,000 GVW	4 years or 100,000 miles
Rail vehicles	25 years
Fixed guideway steel-wheeled trolley	25 years
Fixed guideway electric trolleybus	15 years
Passenger ferry	25 years
Other ferries without refurbishment	30 years
Other ferries with refurbishment	60 years
Note: A heavy duty transit bus is built as a bus. A medium duty bus is built on a truck chassis.	

(See Appendix X for Useful Life Standards)

Vehicle Disposition

The Bureau of Planning implements its own disposition procedures to ensure that vehicles are used until the end of their useful lives, to ensure that vehicles that are no longer needed by a subrecipient can be transferred to another subrecipient, and to ensure that proceeds are used for transit purposes (see Appendices P and X for disposal process for vehicles titled to subrecipients).

In the event that a vehicle must be disposed of before the end of its useful life, MaineDOT will send a written request to FTA requesting disposal before the end of the vehicle's useful life, with an explanation of why the disposal is justified. In the event of a systemic problem such as corrosion, MaineDOT can give permission to dispose of vehicles prior to the end of their useful lives.

Disposition of all property titled to the State of Maine is done through the Surplus Property Office of the State and follows their procedures.

Construction Management/Program Management

MaineDOT requires all recipients to comply with the FTA regulations stated in FTA 5010.1D as regards to the standard assurances, historic preservation, all applicable environmental mitigation processes, NEPA, CE's, EA's, etc. and the project management plans and any more stringent State regulations which apply. Currently new sprawl regulations are in addition to the standards followed. In addition State of Maine regulations regarding inventory and disposal are to be followed by all contractors and subrecipients. See Procurement and State Program Management.

MaineDOT, when constructing projects, follows the standard Sixteen (16) Division rules as published. MaineDOT also has Standard Specifications for construction which incorporates the articles and items which are the standard Federal guidelines for construction. Davis Bacon is also adhered to.

In response to FTA Circular 5010.1D, Page IV-31, m. Maintenance, MaineDOT requires that each facility with FTA investment have and follow a maintenance plan.

Property Management

The Bureau of Planning follows all State of Maine Property Management requirements as well as the FTA C 5010.1D guidelines on Management of Real Property, Equipment and Supplies. These include equipment inventory, Bureau of Planning's Inventory System in ACCESS; acquisition costs under procurement and audit practices; excess property guidelines in disposition; incidental use in Charter Regulations, etc.

For facilities purchased or built with FTA funds, the Bureau of Planning will do a site visit and inspection every three years. In addition, a facility maintenance plan will be required for each site and be included in leases if applicable (see Appendix W).

Monitoring Compliance/Continuing Control Site Visits

The State of Maine, Bureau of Planning monitors compliance by its subrecipients and contractors through its review of policies and procedures, site visits and reporting of passenger trips.

Site visits are conducted on a risk assessment basis but no less frequent than once every five years to review compliance with program requirements including vehicle, equipment and facility usage. Vehicle use is reviewed at that time but can be conducted at any time. Maintenance can be reviewed at any time. At a minimum it is reviewed at a site visit. Occasionally consulting experts are hired to support the maintenance review process and ensure that all Federal and State requirements are met. The Bureau of Planning sponsors a peer group to develop maintenance standards for the subrecipients.

The Bureau of Planning visits all its contractors and subrecipients for an FTA Compliance Review (commonly, Site Visit) every five years. (Appendix S for 'Field Visit Checklist for FTA Compliance Review'). Providers utilize a self-certification procedure in off-years. The Bureau of Planning reconciles a physical inventory at the time of a site visit and may at other times to meet the two year FTA requirement for inventory management. Unannounced visits to sites or routes may occasionally take place to verify appropriate use of equipment. In addition, qualified contractors may be hired to conduct additional and in depth maintenance monitoring visits, inspections and physical inventory requirements.

Maintenance

Subrecipients and contractors are required, at a minimum, to follow the manufacturer's suggested maintenance intervals and procedures. Maintenance can be reviewed at any time and is reviewed during site visits. Currently MaineDOT performs on-site inspections at transit facilities with both announced and unannounced (surprise) reviews. This maintenance review program ensures that all Federal and State requirements are met and helps extend the life of the transit vehicles (see Appendices T, U, and V). The Bureau of Planning has been sponsoring a peer group to develop maintenance standards for the subrecipients and to allow peer support for improvement of maintenance of vehicles and input to the specifications development for procurement. Maintenance of ADA accessibility features is included.

The following terms are included in the Cost Sharing Agreement for Providers:

“Provider shall maintain the vehicles at a high level of cleanliness, safety, and mechanical reliability. Provider hereby covenants and agrees that, at its sole cost and expense; it will repair and maintain the vehicles in accordance with the current specifications and requirements of the manufacturer. Vehicles will be subject to periodic inspection by MaineDOT.”

Productivity Goals and Performance Measures

Public transit funding is currently allocated to the providers based on needs demonstrated during the annual grant application process and allocations are generally based on previous year allocations plus inflation. In essence, systems are eligible to receive the

level of funding needed to maintain current services, as long as those services remain eligible and meet performance levels.

For established regional transit services, if the services fall below annual projected performance levels in either the productivity or cost measures, MaineDOT will work with the provider to determine the cause and provide assistance to adjust the service. For new transit services, if the service does not meet estimated performance levels in either the productivity or cost measure after 12 months, MaineDOT will work with the provider to determine the cause, and provide assistance to adjust the service.

However, MaineDOT could grant exceptions for non-performing services if these services address needs for basic mobility and are unable to be provided in another manner. We recognize that some services, while important, inherently have lower productivity and/or higher costs. This may be particularly true of services to critical populations in low density areas or at off-peak hours. Hence, non-performing transit services could have more time depending on what the adjustment are made. If there is no improvement, funds could revert back to the State for re-distribution to fund either new services or existing services.

In 2012, the Maine Legislature enacted PART B Sec. B-2. 23 MRSA § 73, sub-§ 7 to read: “by 2015, MaineDOT will develop and implement a similar asset priority and customer service level system of measurement for all major freight and passenger transportation assets owned or supported by the department, including capital goals. The department shall also establish customer service levels related to safety, condition and serviceability appropriate to the priority of the highway, resulting in a system that grades each highway as Excellent, Good, Fair, Poor, or Unacceptable. The department shall recommend any remedial actions, including additional funding or revisions to the goals that the department determines to be necessary or appropriate.”

Therefore, as a publically funded agency it is imperative that MaineDOT exercise good stewardship over allocated funds and transparent accountability through the use of performance measures. During 2014, the department will draft new performance measures and how the performance measures will be applied and how they fit into the overall MaineDOT Strategic Plan.

Electronic Reporting

MaineDOT will submit annual status reports electronically into TEAM for each active grant under 5310, 5311, by October 30 of each year. This status report will reflect any changes for the preceding 12 months. This will include an updated POP containing revised project descriptions, changes in projects from one category to another, and adjustments within budget categories as necessary. These may also require budget revisions. It will also include significant civil rights compliance issues and any notable accomplishments or problems involving subrecipients in these programs. The status report will also include program measures containing number of riders and gaps in service filled and include all recipients and subrecipients. DBE reporting is done biennially and electronically in TEAM.

Sections 5307 Urban JARC, 5310, 5311, 5316, 5317, and 5339 progress reports will include:

- a) Updated programs of projects that contain active projects reflecting revised project descriptions, changes in projects from one category to another, and adjustments within budget categories.
- b) Revised milestones for activity line items (ALIs) that require milestones with grant submission (vehicle procurements, construction projects, and program reserve) and, for revised estimated completion dates, an explanation for the revision.
- c) Revised budgets that reflect changes in line item budgets.
- d) Significant civil rights compliance issues.
- e) Additional information requested by the regional office.
- f) Federal cash receipts and disbursements (FFR)
- g) Unliquidated obligations with an explanation of how calculated
- h) Indirect expenses and how they compare with the cost allocation plan or indirect cost rate proposal
- i) State certification that the information is true to the best of its knowledge under the remarks and certification tab
- j) State response to any comments made by FTA regarding a report

See 5010.1D, Page III-2, Section 3 for additional information on reporting. Some of the particular requirements for the FFR's are that they should be calculated on an accrual basis, must contain complete and up to date information for the reporting period, must be based on information in MaineDOT's official financial management system and must be derived from accounts that are maintained on a consistent basis.

MaineDOT uses an electronic clearinghouse for receiving and disbursing FTA funds. MaineDOT's records support ECHO requests and the disbursement of funds.

MaineDOT also complies with the requirements of the Federal Funding Accountability and Transparency Act (FFATA) by reporting prime grant awards and sub-award activity and executive compensation. The FFATA Sub-award Reporting System (FSRS.gov) is the system that allows grant award recipients to electronically report sub-award activity. MaineDOT reports to FSRS by the end of the month following the month in which the sub-awards are completed.

NTD Reporting

MaineDOT requires all rural providers to report according to the National Transit Database requirements described in 49 U.S.C 5335(b). The Rural Program Manager sends reminders to each subrecipient to submit their data and ensures that each one has the proper codes for the system and holds trainings as necessary. Each year in November, the rural program manager enters all data as required into Maine's NTD and verifies the information entered by the providers. Direct recipients of § 5307 funds submit NTD data independently to FTA.

Implementing Federal Policies

MaineDOT Role in Monitoring Compliance with Federal Requirements.

MaineDOT continues to be proactive in ensuring that subrecipients comply with federal requirements. Its systems include:

- Applications
- Quarterly/Annual reports
- Meetings with providers
- Vehicle/facility inspections
- Site visits

All of these systems except site visits are described in previous sections of this plan. Site visits comprise a major component of MaineDOT's monitoring efforts, as described immediately below.

State Safety Oversight

A new requirement under MAP-21 has provided FTA with the authority to regulate safety for all modes of public transit. A National Safety Plan is currently under development, which establishes a Safety Management System (SMS) for FTA's safety regulatory framework and will include a definition of State of Good Repair (SGR) and safety performance criteria. The new law requires all recipients of FTA funding to develop transit agency safety plans within one year of the final rule. All transit agencies, regardless of mode, size, or operating characteristics are required to have a Transit Agency Safety Plan. MaineDOT will be responsible for developing these plans for rural subrecipients, and possibly small urban recipients.

When developed, each Transit Agency Safety Plan will demonstrate compliance with the National Safety Plan and implementation of the SMS. At a minimum, the plan must include:

- Approval by the Board of Directors, or equivalent
- Methods for identifying/evaluating safety risk
- Strategies to minimize exposure to hazards
- Process/timeline for annual review and update
- Performance targets based on safety performance criteria
- Assignment of a safety officer
- Comprehensive operational staff training program

FTA Compliance Site Visits and Self Certification:

MaineDOT has implemented a new five year cycle for the FTA Compliance Reviews. An on-site visit is completed during the first year of a five-year cycle. For each of the remaining four years, the transit providers will receive a checklist to self-certify that their agency is in compliance with applicable FTA guidelines. The transportation providers will complete the self-certifying checklist and return it to MaineDOT along with copies

of any updated policies and procedures. If at any time during the four year self-certifying period MaineDOT becomes aware of a status change and/or complaint, MaineDOT has the right to perform an on-site visit at random. After the fourth year of self-certifying, MaineDOT will schedule another on-site visit beginning the five year cycle again. A copy of the FTA Compliance Site Visit Check List Questionnaire can be found in Appendix S.

Certifications and Assurances

All subrecipients must comply with all Federal requirements through completion of all Certifications and Assurances. These Certifications and Assurances, which are required to be signed by an authorized public official, are part of the formal contract process. MaineDOT, when submitting State grant applications to FTA, is also required to execute Certifications and Assurances both on behalf of the State and with respect to the local subrecipients.

Applicants and grantees understand that violation of a certification or assurance (agreement) may require corrective measures and penalties, including debarment from receiving further federal assistance for transportation purposes. Grantee compliance is confirmed during site visits and/or desk reviews.

Civil Rights

All agreements entered into by MaineDOT of behalf of FTA, and to meet State requirements require the contractor to certify that no person on the grounds of race, color, creed, national origin, sex, age or disability, sexual orientation, will be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part by FTA in accordance with Title VI and the Equal Employment Opportunity requirements. In addition, the State of Maine and all transportation providers certify that a good faith effort is made to use Disadvantaged Business Enterprises as required by FTA Circular 5010.1D. All transportation providers who receive Federal and/or State subsidies are required to meet regulations delineated in the Certifications and Assurances. Technical support is provided in the form of distribution of guidance from the FTA to the providers in helping to meet civil rights requirements.

There is also coordination between the Bureau of Planning and the Civil Rights Office of the Maine Department of Transportation. The Civil Rights Office has responsibility for drafting, maintaining and updating a certified Disadvantaged Business Enterprise Directory as well as the Department's disadvantaged/Minority/Women's Business Enterprise Program. This Program outlines how the various administrative and operating units of the Department shall work together to carry out the policy established by the Department. They also include all FTA requirements for joint FHWA and FTA approval in all required documents, ADA Plan, Title VI Plan, AA/EOE, DBE, LEP, and OJT. Environmental Justice Assessments are done on a project by project basis.

MaineDOT personnel assigned to the Bureau of Planning are assigned specific types of FTA Programs. In addition to providing technical assistance to local subrecipients, they also monitor the recipients as required to insure compliance with the requirements of Title VI, EEO, and Section 105(f) (DBE). This is accomplished through the Site Visits to

the provider agencies and administrative contacts. During the Site Visits, the Multimodal Operations and Planning Unit and the Civil Rights Office of MaineDOT will review the minority and low-income population in the area served by the provider based on Census 2010 data. The service provided and/or available to these identified groups will be determined by the provider and verified by the Office of Civil Rights in conjunction with the Multimodal Operations and Planning Unit. The provider will be provided with all the appropriate census data for their region and all information available to the MaineDOT concerning contacts in their area with groups representing the minorities, low-income residents and those with Limited English Proficiency. At the time of the Annual Certifications and Assurances, providers will be required to certify their compliance with Title VI by signed letter.

In addition, during the Locally Coordinated Transit Plan (LCP) planning process, all known representatives of these identified groups will be invited to participate. It will be through this process that the need for service using 5310 or 5311 funds will be identified and planned for within the limits of funding and regulations. MaineDOT will continue to be committed to coordinated service as it reaches out to these groups.

All RFP's directly advertised by the Department are posted on our Contractors web site and notices are sent to appropriate DBE's in addition to the standard advertising format.

MaineDOT also assists subrecipients in complying with US DOT's Title VI regulations, including the general reporting requirements. MaineDOT provides the following information to subrecipients:

- Sample notices to the public informing beneficiaries of their rights under DOT's Title VI regulations, procedures on how to file a Title VI complaint, and the recipients Title VI form.
- Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient, and when MaineDOT expects the subrecipient to notify MaineDOT of complaints received by the subrecipient.
- Demographic information on the race and English proficiency of residents served by the subrecipient. The information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.
- Any other recipient-generated or obtained data, such as travel patterns, surveys, etc. that will assist subrecipients in complying with Title VI.

DBE

Note: Proposed FTA Circular 4710.1 includes the first of 12 chapters. The proposed chapter deals with vehicle acquisitions.

It is the policy of MaineDOT to implement the provisions of 49 CFR Part 26 with the following objectives:

1. To ensure nondiscrimination in the award and administration of United States Department of Transportation assisted contracts in the MaineDOT's financial assistance programs;

2. To create a level playing field on which DBEs can fairly compete for DOT assisted contracts;
3. To ensure that MaineDOT's DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet the eligibility standards specified in 49 CFR Part 26 are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in MaineDOT-assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program; MaineDOT will establish the state DBE goal on an annual basis.
7. To include a written certification that it has reviewed contracting records and monitored work sites for the purpose of ensuring that work committed to DBE's at contract award is actually performed by DBEs.

Section 504 and Americans with Disabilities Act (ADA) Reporting

Individual transportation providers are required to submit Section 504 and ADA certifications through the annual submission of Certifications and Assurances for FTA Assistance. Certifications are submitted to the Multimodal Operations and Planning Unit for review and coordination with the Civil Rights Office.

MaineDOT is committed to engaging small disadvantaged, minority and women-owned business enterprises as defined in all contracts to the maximum feasible extent, and works to ensure the maximum feasible opportunity for these businesses to participate in contracts financed in whole or in part with federal funds.

As a recipient of federal USDOT funding, MaineDOT is required to develop and administer the DBE Program. MaineDOT administers the DBE Program and certifies all DBEs in Maine in compliance with federal regulations under 49 CFR Part 26. This Program is intended to remedy past and current discrimination against disadvantaged business enterprises, ensure a "level playing field", and foster equal opportunity in USDOT-assisted contracts; improve the flexibility and efficiency of the DBE Program; and reduce burdens on small businesses.

The State of Maine's Human Rights Commission has regulations more stringent than the Federal 504 Requirements, stipulating that all vehicles purchased with either a State or Federal subsidy must be accessible by the State's senior and disabled population. As a result of these requirements, all vehicles purchased under any of the FTA Programs are made accessible either by installing a ramp or lift or use of vehicles designed to accommodate wheelchairs and mobility impaired riders without the use of a ramp or lift such as low-floor and/or kneeling bus. The only exception to this rule are vehicles such as minivans or station wagons when they constitute no more than 10% of the fleet and are used where there is no call for an accessible vehicle. The agency must provide an accessible vehicle whenever and wherever necessary in conjunction with their service plan.

Equal Employment Opportunity

The Maine Department of Transportation's Office of Civil Rights submits an Equal Employment Opportunity program on behalf of the Maine Department of Transportation to the Federal Highway Administration. For subrecipients meeting or exceeding FTA threshold (receipt of \$1 million or more FTA funds in a year and 50 or more employees), their programs are submitted to the Department.

Limited English Proficiency

MaineDOT complies with U.S. DOT revised LEP guidance for its recipients (Federal Register vol. 70, no. 239, pp. 74087-74100, December 14, 2005). MaineDOT determines what steps are necessary to provide "meaningful access" on the basis of four factors:

- The number and proportion of LEP persons served or encountered in the eligible service population
- The frequency with which LEP individuals come into contact with the program, activity or service
- The nature and importance of the program, activity, or service provided by the program, and
- The resources available to the recipient and costs

MaineDOT's LEP implementation plan addresses the identified needs of the population it serves. The plan:

- Identifies LEP individuals who need language assistance
- Develops language assistance measures
- Addresses staff training
- Details how to provide notice to LEP persons
- Addresses procedures for monitoring and updating the plan.

MaineDOT's written plan:

- Includes the results of the Four Factor Analysis, including a description of the LEP population(s) served
- Describes how MaineDOT provides language assistance services by language
- Describes how MaineDOT provides notice to LEP persons about the availability of language assistance
- Describes how MaineDOT monitors, evaluates and updates the language access plan
- Describes how MaineDOT trains employees to provide timely and reasonable language assistance to LEP populations

MaineDOT's methods for ensuring meaningful access may include, but are not limited to:

- Translating vital written materials into the language of each frequently encountered LEP group
- Training bilingual staff to act as interpreters and translators
- Using telephonic and video conferencing interpretation devices
- Formalizing use of qualified community volunteers
- Using centralized interpreter and translator services
- Hiring staff interpreters
- Using symbolic signs (pictographs)
- Translating into languages other than English vital written materials, such as applications or instructions on how to participate in MaineDOT's program, signs in bus and train stations, notices of public hearings and other community outreach, and notices advising LEP persons of free language assistance

Charter Rule

FTA recipients are prohibited from providing any charter service using FTA-funded equipment or facilities if there is at least one private charter operator willing and able to provide the service that the recipient desires to provide as long as no exception applies.

In 49 CFR, Subpart C - § 604.13-14, the Rule sets forth a public participation process for determining if there are any willing and able private charter operators using the new FTA Registration Website for advertising to the registered private providers.

[http://ftawebprod.fta.dot.gov/CharterRegistration/\(S\(jza3bqn33pwhi4iqilophuub\)\)/Splash-CharterRegistration.aspx](http://ftawebprod.fta.dot.gov/CharterRegistration/(S(jza3bqn33pwhi4iqilophuub))/Splash-CharterRegistration.aspx). The process may be carried out by the State in state-administered programs or may be delegated to subrecipients of FTA funds. As the state-administering agency, the Department has chosen to delegate the responsibility for the public notice to subrecipients. Providers must follow all rules under the new Charter regulations concerning what is defined as charter service, what the exceptions are to the charter service rule, how to proceed with the notification process and how to provide charter service. Providers will notify the MaineDOT when they have used the website to notify private charter providers.

Sections 5310 and 5311 subgrantees can provide services if for program purposes only. "Program purposes" is defined as transportation that serves the needs of either human service agencies or targeted populations, such as elderly, individuals with disabilities, low income, etc.

"Program purposes" does not include exclusive service for other groups formed for purposes unrelated to the special needs of these targeted populations. Thus, Section 5310 and 5311, subgrantees who intend to provide charter service that is outside their program purposes must follow the guidelines outlined below. The FTA-published Charter Service Final Rule (49 CFR Part 604) was published January 14, 2008 and is effective April 30, 2008. The Charter Service Final Rule is located electronically at the following link:

http://www.fta.dot.gov/laws/leg_reg_179.html

The 2008 definition of charter service is as follows:

“Charter service” means, but does not include demand response service to individuals: Transportation provided by a recipient at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristic of charter service:

1. A third party pays the transit provider a negotiated price for the group;
2. Any fares charged to individual members of the group are collected by a third party;
3. The service is not part of the transit provider’s regularly scheduled service, or is offered for a limited period of time; or
4. A third party determines the origin and destination of the trip as well as scheduling.
5. Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and:
6. A premium fare is charged that is greater than the usual or customary fixed route fare; or
7. The service is paid for in whole or in part by a third party.

All FTA subgrantees are prohibited from providing charter service using FTA-funded equipment unless allowed under an exemption.

MaineDOT requires any subrecipient wishing to provide charter service to comply with the procedures in the Final Rule on Charter Service. MaineDOT must be notified via email or postal service that a request for charter service exception is being submitted to FTA accompanied with all supporting documentation.

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

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

Exemptions

1. Transportation of employees, contractors, and government officials. Grantees are allowed to transport their employees, other transit systems’ employees, transit

- management officials, transit contractors and bidders, government officials and their contractors, and official guests to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review.
2. Private charter operators. The prohibitions do not apply to private charter operators that receive, directly or indirectly, Federal financial assistance under the over-the-road bus accessibility program or to non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance.
 3. Emergency preparedness planning and operation. Grantees are allowed to transport their employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors, and official guests for emergency preparedness planning and operations.
 4. Sections 5310, 5311, 5316, and 5317 recipients. The prohibitions do not apply to grantees that use Federal financial assistance from FTA for program purposes, that is, transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities) under Sections 5310, 5311, 5316, or 5317. Program purposes do not include exclusive service for other groups formed for purposes unrelated to the special needs of the identified targeted populations.
 5. Emergency response. Grantees are allowed to provide service for up to 45 days for actions directly responding to an emergency declared by the president, governor or mayor or in an emergency requiring immediate action prior to a formal declaration.
 6. Recipients in rural areas. Grantees in rural areas may transport employees, other transit systems' employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

Exceptions

MaineDOT does not allow charter exceptions as defined by FTA.

Reporting:

1. Done on a quarterly basis starting 7/30/08
2. Submitted through TEAM
3. Required for all charter service performed
4. Dockets established for Government Officials, Petitions to the Administrator, Advisory Opinions/Cease and Desist Orders, Complaints for Removal, Complaints, and Hearings. Check <http://www.regulations.gov/#!/home>.
5. New FTA Registration Website, web address, takes the place of "willing and able" paper process.
6. Private operators and some QHSOs must register. Can be removed from website for cause.
7. Formal advisory opinions now available as well as cease and desist orders.
8. Complaints have clear procedures and deadlines for industry and FTA.

9. Hearings can be held before a neutral arbiter (Presiding Official).
10. Assessment of remedy.
11. FTA created new position to assist with new rule requirements. The Ombudsman for Charter Service can be contacted at:
<mailto:ombudsman.charterservice@dot.gov>

Drug and Alcohol and Drug-Free Workplace

Current Drug and Alcohol regulations require recipients to comply with the FTA regulations, Section 5331. Current State regulations require compliance with the Maine Drug Free Workplace Act. FTA regulations basically require testing of all safety sensitive positions which currently include drivers, dispatchers, mechanics and supervisors who control the movement of vehicles. Drug Free Workplace regulations require that all Maine workplaces shall be drug free, including alcohol.

Most transit providers in the State of Maine currently belong to a Drug Testing Consortium. Each contractor and subrecipient submits their policies as part of the site visit. They are reviewed for adherence to the FTA Drug and Alcohol regulations. In addition, the Multimodal Planning and Operations Unit is responsible for seeing that the providers are testing the accuracy of their testing contractor per the FTA regulations.

MaineDOT provides technical assistance to grantees in the form of training, networking, policy development, and distribution of FTA's publication *Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit*. Site visits by either MaineDOT or their consultant will check all requirements for Drug and Alcohol testing including securement of records.

The State of Maine Drug and Alcohol Testing Policy is located here:
http://www.maine.gov/bhr/rules_policies/policy_manual/15_2.htm

The State of Maine Drug Free Workplace Policy is located here:
http://www.maine.gov/bhr/rules_policies/policy_manual/15_1.htm

Lobbying and Code of Ethics

All subrecipients and contractors are required to submit documentation as part of their annual Certification and Assurances. For all third party contractors whose contract exceeds the \$100,000 minimum threshold, all applicable Certifications and Assurances must also be filed even in the cases where the third party contractor has already certified as a sub-recipient for another service. For disclosure of actual lobbying activity, subrecipients and contractors will be required to use form FTA C 9300.1B "Disclosure of Lobbying Activities".

MaineDOT's contract with grantees requires adoption of a written code of ethics. All staff, officers, employees, board members, or agents of the grantee are required to comply with the code of ethics. MaineDOT verifies compliance with this regulation during project site visits and/or desk reviews.

Section 5333(b) Special Warranty

Section 5333(b) provisions protect the interest of employees of agencies receiving § 5311 funds. Each grantee is supplied with a copy of the U.S. Department of Labor's Rural Transportation Employee Protection Guidebook which explains the regulations and posting requirements of Section 5333(b) notices in employee gathering areas. MaineDOT staff verifies that the agency has met the posting requirements during site visits and other project monitoring opportunities.

School Transportation Agreement

Grantees may not engage in school bus operations using buses, facilities, or equipment purchased with federal funding in competition with private school bus operators, except as provided for in 49 CFR Part 605, School Bus Operations.

There are three statutory exemptions under which an FTA grantee may operate exclusive school bus service:

- The grantee operates a school system in the area and operates a separate and exclusive school bus service for that system.
- Existing private school bus operators are unable to provide adequate, safe transportation.
- The grantee, a public entity, has operated the service prior to August 12, 1973, or has received a grant for facilities before November 26, 1974.

School tripper service. Grantees are permitted to provide school tripper service to accommodate the needs of school students and personnel. The school bus regulation defines school tripper service as regularly scheduled mass transportation service that is open to the public and is designed or modified to accommodate the needs of school students and personnel. It may involve the use of various fare collections or subsidy systems.

Buses used in tripper service must:

- Be open to the public.
- Not carry designations such as "school bus" or "school special."

All routes traveled by tripper buses must be within the regular route service as indicated in the published route schedules. School tripper service should look like all other regular service.

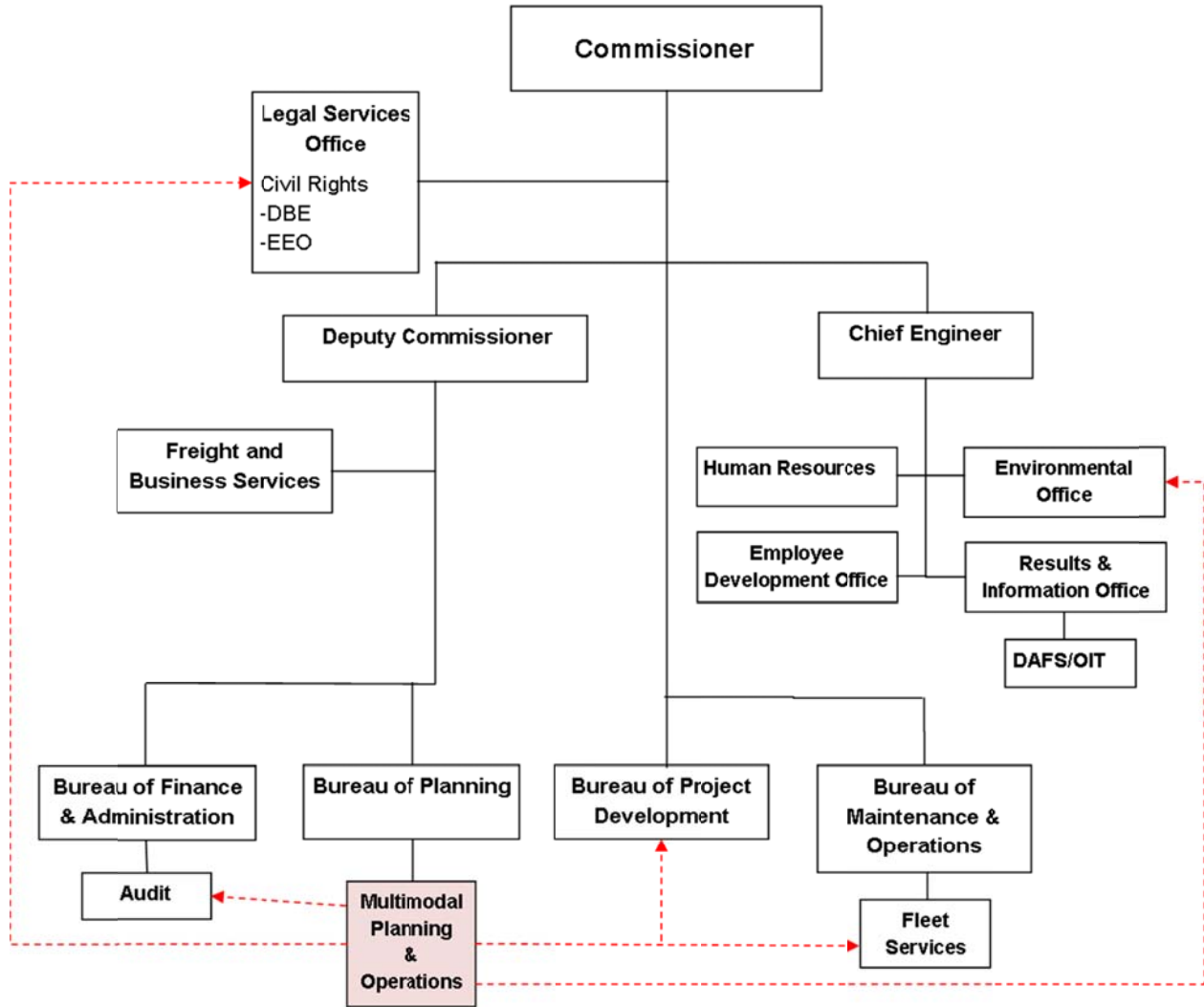
Environmental Regulations

Under § 5310 and § 5311, MaineDOT anticipates funding only projects with Categorical Exclusion (CE) from both the National Environmental Protection Act and the State Environmental Protection Act. Therefore, no further documentation is necessary. However, with the potential of construction projects funded through transfers from the USDOT Surface Transportation Program, MaineDOT will ensure that the grantee meets all the environmental requirements and submits all necessary documentation.

Appendices

A:	MaineDOT Organizational Chart	54
B:	Authorizing Resolution from Governor Paul R. LePage, dated 6/9/11.....	55
C:	The legislation authorizing the division of the State into geographic regions, 23 M.R.S.A. § 4209 § 1	56
D:	Map of MaineDOT Transit Regions.....	57
E:	The legislation mandating the submission of the Biennial Operations Plan (now called the Locally Coordinated Plan), 23 M.R.S.A. § 4209 § 2F:	58
F:	Guidelines for Development of Locally Coordinated Transit Plans.....	59
G:	49 USC § 5310 allocations.....	63
H:	49 USC § 5311 allocations.....	64
I:	Application for Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Funds.....	65
J:	Application for Section 5311 Rural Area Program Funds	81
K:	Checklist for Grant Application Process for the § 5311 Program.....	86
L:	Application for Section 5311 Intercity Funds.....	87
M:	Application for Section 5339 Bus and Bus Facilities Program	102
N:	Vehicle Purchase Flowchart.....	108
O:	Bus Procurement Ordering Procedure and Schedule.....	109
P:	Vehicle Cost Sharing and Disposition Agreement	110
Q:	Pre-Award Buy America Compliance Certification.....	127
R:	Procurement Delivery Checklist	128
S:	MaineDOT FTA Site Visit Review Form.....	129
T:	ADA Paratransit Requirements	148
U:	Review of Federally Funded Vehicles.....	158
V:	Transit Vehicle Inspection Form.....	162
W:	Maintenance and Facilities Inspection Form.....	170
X:	Equipment Disposition and Spare Vehicle Policy	173

Appendix A: MaineDOT Organizational Chart



January, 2014

Appendix B: Authorizing Resolution from Governor Paul R. LePage, dated 6/9/11

AUTHORIZING RESOLUTION

Resolution No.

Resolution authorizing the filing of applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by 49 U.S.C. chapter 53, title 23 United States Code, and other Federal statutes administered by the Federal Transit Administration.

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project;

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost,

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

NOW, THEREFORE, BE IT RESOLVED BY GOVERNOR, STATE OF MAINE

1. That Commissioner of the **Maine Department of Transportation and Designee** is authorized to execute and file an application for Federal assistance on behalf of **Maine Department of Transportation** with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration
2. That Commissioner of the **Maine Department of Transportation and Designee** is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. That Commissioner of **Maine Department of Transportation and Designee** is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of **Maine Department of Transportation**.

CERTIFICATION

The undersigned duly qualified **Governor of the State of Maine**, acting on behalf of the **Maine Department of Transportation**, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the **Governor of the State of Maine** held on _____.



Governor, State of Maine

6-9-11

Date

**Appendix C: 23 M.R.S.A. § 4209 §§ 1; Public Transportation Administration
Transit Regions**

<http://www.mainelegislature.org/legis/statutes/23/title23sec4209.html>

Title 23: HIGHWAYS

Part 5: DEPARTMENT OF TRANSPORTATION HEADING: PL 1987, C. 141, PT. A, § 2 (RPR)

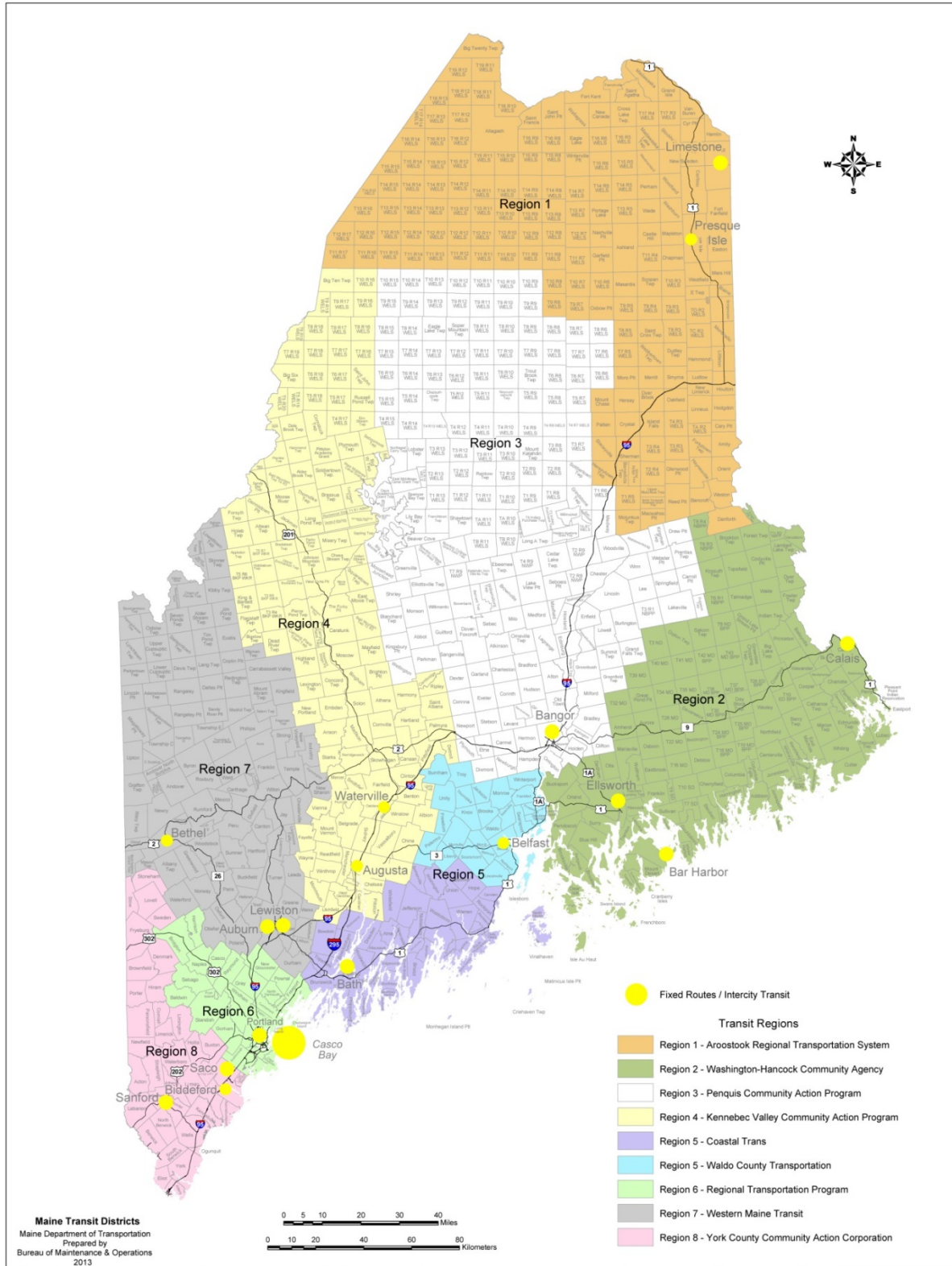
Chapter 410: DEPARTMENT OF TRANSPORTATION HEADING: PL 1987, C. 141, PT. A, § 2 (RPR)

§ 4209. Public transportation administration

1. Geographic regions. The Department of Transportation shall divide the State into a number of geographic regions for regional distribution of state-administered transportation funds. Upon designation of the geographic regions, a regional public transportation agency must be selected from each region to formulate a biennial regional operations plan. Selection of regional public transportation agencies must be by the Department of Transportation in collaboration with the committee established in subsection 1-A. The Department of Transportation shall establish a schedule for submittal of the biennial regional operations plan and shall reference these plans in its biennial transportation improvement plan submitted to the Legislature.

[2009, c. 130, § 1 (AMD) .]

Appendix D: MaineDOT Transit Regions



Appendix E: The legislation mandating the submission of the Biennial Operations Plan (now called Locally Coordinated Transit Plans), 23 M.R.S.A. § 4209 §§ 2

<http://www.mainelegislature.org/legis/statutes/23/title23sec4209.html>

Title 23: HIGHWAYS

**Part 5: DEPARTMENT OF TRANSPORTATION HEADING: PL 1987, C. 141, PT. A, § 2 (RPR)
Chapter 410: DEPARTMENT OF TRANSPORTATION HEADING: PL 1987, C. 141, PT. A, § 2 (RPR)**

§ 4209. Public transportation administration

2. Biennial regional operations plan. The biennial regional operations plan submitted by each regional public transportation agency must provide for the following:

A. Maximum feasible coordination of funds among all state agencies that sponsor transportation in the region; [1987, c. 428, § 1 (AMD).]

B. Development and maintenance of a permanent and effective public transportation system, with particular regard to riders who are low-income or elderly or who have disabilities; [2009, c. 130, § 3 (AMD).]

C. Participation of private transit operators in the service, to the greatest extent possible; [2009, c. 130, § 3 (AMD).]

D. Conformity with general operations requirements as may be prescribed by the commissioner; and [2009, c. 130, § 3 (AMD).]

E. Compliance with any appropriate federal regulations, including but not limited to the federally required locally coordinated plan. [2009, c. 130, § 3 (NEW).]

In years in which no biennial plan is required, amendments to the effective operations may be submitted. Approval of each regional operations plan must be by the Department of Transportation in collaboration with the committee. Upon approval, all agencies, groups or organizations named to participate in the provision of service in accordance with a regional operations plan are eligible to receive funds administered by the Department of Transportation and the Department of Health and Human Services.

[2009, c. 130, § 3 (AMD) .]

Appendix F: Guidelines for Development of Locally Coordinated Transit Plans (formerly Biennial Operations Plan) Summary of Requirements

Part I. Regional Overview

Regional Public and Private Providers

A. Assessment of Available Services

An assessment of available services that identifies current transportation providers (public, private, nonprofit).

B. Providers Seeking Section 5311 Assistance and/or State Assistance (Rural and Urban)

List of the providers seeking FTA funding and/or State assistance for either rural or urban projects including any company or agency providing “non pupil” transportation that is funded wholly or in part by State dollars and any known private providers. Note: these are the projects to be included in Part II of the Plan.

C. Development of the Locally Coordinated Plan

Description of any forums, meetings, hearings, or other opportunities for involving the general public in the development of the Plan and for giving private-for-profit transportation agencies the opportunity to provide transportation service in the Region. Description of any successful actions to involve the public. If public participation has been below expectation, discussion of possible reasons, and corrective actions to be taken ensuring future plans to enhance public involvement. Note: include minutes of meetings, etc. and a copy of a published notice seeking citizen and private enterprise involvement, and mailing list of invitees.

D. Project Coordination

Description of efforts and opportunities to coordinate transportation service within each of the eight regions (including coordination with social service agencies capable of contracting for service) as required by law, and as required by the Governor’s Executive Order on coordination. Discuss any successes, or failures, in these efforts.

E. Assessment of Needs

An assessment of transportation needs of individuals to be served with the funding sought, that is, persons with disabilities, older adults, and people with low incomes.

F. Strategies to Address Gaps

Strategies, activities, and/or projects to address the identified gaps between current services and needs, as well as opportunities to improve efficiencies in service delivery.

G. Priorities.

Priorities for implementation based on resources (from multiple program sources), time, and feasibility for implementing specific strategies and/or activities identified.

Part II. Individual Providers

Project Description

- A. Transit Provider. Name of provider, contact person, address, telephone, email and web site (if applicable).
- B. Service. Type of service provided.
- C. Geographic Area. General description of service area.
- D. Service Description. Description of service provided including routes.
- E. Fare Structure. Information on fares.
- F. Importance of the service to the region and its economy.
- G. Accomplishments.
- H. Service gaps in terms of geographic coverage, time of day/weekends, customers, and service quality.
- I. Future priorities, potential projects.

Service Data

- A. Annual Report. Provide a statistical overview of service provided for the past two years. Provide two separate annual reports (one for rural, and one for urban) if your agency receives both rural and urban funding.
- B. Revenues, costs, trips, miles for the past two years. Provide this information by route or region, and defined as social service or general public.

In addition, provide a detailed breakdown of revenues and expenses in a format similar to that for the proposed budget.
- C. Passenger information for the past two years. Service types should include:
 - 1. Fixed route, intercity and commuter services:
 - a. Revenue by passenger fare category (full fare, elderly/disabled, youth, monthly or other discount passes, or other information to assist in determining user profile).
 - b. Summary information from any passenger counts, on/off studies, or passenger surveys. This could include gender, age cohorts, income, access to a car, trip frequency, trip purpose, etc.
 - 2. Demand response services:
 - a. Numbers of passengers, or passenger miles, carried by agency vehicles, volunteers, friends and family, and subcontracted providers.

- b. Number of general public passengers carried. This should include any passengers whose fare is not reimbursed (fully or in part) by social service programs, or contracts.
- c. Number of social service clients carried. This should include any passengers whose fare is reimbursed (fully or in part) by social service programs, or contracts. Please break down by social service program. If ridership data is by passenger unit (e.g. Medicaid services), include a definition of passenger units and an estimated conversion to passenger trips.
- d. Summary information from any passenger counts, on/off studies, or passenger surveys. This could include gender, age cohorts, income, access to a car, trip frequency, trip purpose, etc.

D. Projected revenues, costs, for the next two years.

Fleet Condition - Motor Vehicles

Provide the following information for each passenger vehicle in the fleet:

- A. Vehicle Identification Number (VIN).
- B. Fleet identification number (if different from VIN).
- C. Vehicle Type. By the following categories:
 - 1. REGULAR OR SPECIALIZED PASSENGER VANS.
 - 2. SMALL LIGHT DUTY CUT AWAY (Under 30'). Body on light duty truck chassis. Examples are Turtle-top Terra-Transit, Goshen Paratransit, Eldorado Aerotech, and Supreme Senator.
 - 3. SMALL MEDIUM DUTY BUS (UNDER 30'). Body on medium duty truck chassis; e.g. Thomas Mightymite, Vista.
 - 4. MEDIUM SIZE HEAVY DUTY BUS (30'). Body on chassis type; e.g. Blue Bird CS, Thomas Citiliner, MVP.
 - 5. STANDARD SIZE HEAVY DUTY BUS (35-40'). Integral built buses such as Flexible, Gillig, and Orion.
- D. Make and Model.
- E. Year manufactured.
- F. Fuel type.
- G. Fuel use over last 12 months.
- H. Total mileage.
- I. Mileage in last 12 months.
- J. Repair costs for last 12 months, including parts and labor, routine maintenance, and repairs.

- K. Repair frequency over last 12 months. Number of service for each of the following:
1. Routine preventative maintenance.
 2. Minor repairs (vehicle not taken out of service).
 3. Major repairs (vehicle taken out of service).

L. Vehicle appearance.

Interior:

Good: seats and armrests show minimal wear, floor smooth, and headliner not torn and show minimal wear.

Fair: seats and armrests show some wear, floor has minor tears or bubbling, headliner shows some wear.

Poor: seats and armrests torn or stained, floor torn or bubbled; headliner torn.

Exterior:

Good: no rust or dents, paint not faded or chipped.

Fair: surface rust, minor dents on lower body panels, paint faded but not chipped.

Poor: structural rust, major dents on lower body panels, paint chipped.

M. ADA Accessibility. Does the vehicle have each of the following, and is the equipment usable? Provide an explanation on how you accommodate persons with disabilities.

1. Tie down orientation and type
2. Announcement system
3. On board signage and stops

N. Passenger amenities and comfort. Does the vehicle have each of the following?

1. Air conditioning
2. Working heater
3. Tinted windows
4. Padded seats

Appendix G: 49 USC § 5310 Formula MaineDOT State Management Plan, May 2013

MAINE DEPARTMENT OF TRANSPORTATION										
REGIONAL POPULATION AND ROAD MILEAGE DATA										
FOR USE IN ALLOCATING ELDERLY AND PERSONS WITH DISABILITIES FUNDS										
5/15/2013	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
	Total	Elderly & Disabled	% E & D	Regional Road Miles	% Regional Road Miles	Regional Square Miles	% Regional Square Miles	Columns 3+5+7	Regional Allocation Column 8	Difference +/-
Region	Population	Population	Population	Miles	Miles	Miles	Miles	Miles	Miles	
1. Aroostook	71,870	36,702	6.85%	2,463.33	10.50%	2908.78	16.73%	11.36%	10.22%	+ .17%
2. Washington Hancock	87,274	40,961	7.65%	2,451.92	10.45%	2579.98	14.84%	10.98%	9.88%	+ .02%
3. Piscataquis Penobscot	171,458	64,112	11.97%	3,303.72	14.09%	3078.48	17.70%	14.59%	13.13%	- .07%
4. Somerset Kennebec	174,379	72,239	13.49%	3,220.08	13.73%	2355.47	13.54%	13.59%	12.23%	+ .13%
5. Sagadahoc Lincoln Knox Waldo	148,272	68,024	12.70%	3,157.71	13.46%	1742.91	10.02%	12.06%	10.86%	- .77%
6. Cumberland	281,674	98,128	18.33%	2,648.68	11.29%	765.17	4.40%	11.34%	10.21%	+ .54%
7. Franklin Oxford Androscoggin	196,303	80,041	14.95%	3,868.24	16.49%	2547.59	14.65%	15.36%	13.83%	+ .98%
8. York	197,131	75,253	14.05%	2,341.43	9.98%	1412.63	8.12%	10.72%	9.65%	- 1%
TOTALS	1,328,361	535,460	100.00%	23,455.11	100.00%	17,391.01	100.00%	100.00%	90.00%	0.00%

Regional Road Miles from Bureau of Planning 2012; Excludes Private Roads, Ferry Routes, and Unbuilt Sections
 Regional Population statistics derived from 2010 Census
 Regional Disabled population statistic derived from U.S. Census Bureau, 2009-2011 American Community Survey
 Population statistics for the Elderly population derived from 2010 Census

Appendix H: 49 USC § 5311 Formula, MaineDOT State Management Plan, May, 2013

MAINE DEPARTMENT OF TRANSPORTATION								
REGIONAL POPULATION AND ROAD MILEAGE DATA								
FOR USE IN ALLOCATING NONURBAN AREA FUNDS								
5/15/2013			2010					
			Region		3/1/2013		% mileage +	
Region	Sq Miles	Region % of Sq Miles	Non Urban Pop	Region % of Pop	Region Mileage	Region % Mileage	% Pop + % Sq Miles/3	Difference
1. Aroostook	2908.78	17.1358%	71870	7.3320%	2463.33	10.5023%	11.66%	-.56%
2. Washington Hancock	2579.98	15.1988%	87274	8.9035%	2451.92	10.4537%	11.52%	+.30%
3. Piscataquis Penobscot	2787.68	16.4224%	110248	11.2472%	3303.72	14.0853%	13.92%	+.49%
4. Somerset Kennebec	2433.58	14.3364%	174379	17.7897%	3220.08	13.7287%	15.28%	-.29%
5. Sagadahoc Lincoln Knox Waldo	1794.81	10.5733%	148272	15.1263%	3157.71	13.4628%	13.05%	-.75%
6. Cumberland	686.17	4.0423%	77760	7.9329%	2648.68	11.2925%	7.76%	+.80%
7. Franklin Oxford Androscoggin	2423.68	14.2781%	136906	13.9668%	3868.24	16.4921%	14.91%	+2.22%
8. York	1360.18	8.0129%	173515	17.7016%	2341.43	9.9826%	11.90%	-2.37%
TOTALS	16974.86	100.0000%	980224	100.0000%	23455.11	100.0000%	100.0000%	0.00%

Note: Percentages may not total exactly 100% because of rounding built into the program.

Regional Population statistics derived from 2010 Census

Regional NonUrban statistics derived from 2010 Census

Regional Road Miles statistics derived from MDOT Bureau of Planning TIDE Program Manager

Appendix I. Application for Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program Funds

FFY 2013 APPLICATION FOR FEDERAL TRANSIT FUNDS



**Application for Mass Transportation Capital Improvement Grant
to provide transportation services for Enhanced Mobility of Seniors and
Individuals with Disabilities – Capital and Operating**

**Statutory Authority: 49 USC § 5310 (formerly Section 16(b)(2)) under the
Federal Transit Act (consolidated with 5317 under MAP-21)**

(Note: This application is used for Rural, Small Urban and Portland UZA allocations)

Send one original application via mail or email to:

TO: Maine Department of Transportation
Bureau of Planning,
16 State House Station, 1 Child Street,
Augusta, ME 04333, Attn: Kelly Arata
kelly.arata@maine.gov

FROM: _____
Company Name

DATE: _____

Verification

I certify that I am authorized to make this application on behalf of _____. The statements in the foregoing document are true of my own knowledge.

I declare the foregoing is true and correct.

Executed on _____.

By _____
Printed Name and Title

Signature

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

BT-24 (revised 5/2013)

**Application for Federal Assistance
Under 49 USC § 5310 (and former § 5317)**

**Part I, Section 1 – General Information – Enhanced
Mobility of Seniors and Individuals with Disabilities**

1. **Legal Name and Address of Applicant:**

2. **Name of Project Director or Supervisor:**

- 3 **Telephone Number:**

4. **State in which incorporated:** Maine

5. **Type of Service Generally Provided by Applicant:**

6. **Geographical Area of Service:**
 - a. (check one)

 ___ Urbanized Area (UA) (Bangor, Portland, Lewiston-Auburn, Kittery)

 ___ Non – Urbanized Area (NUA)

 Nearest UA: ___

 - b. Cities, Towns, Counties served:

7. Type of Service Provided (indicate percentage of service):

___ % - Demand Response

___ % - Fixed Route

___ % - Other (specify)

8. Clientele

a. Specific clientele categories presently using service:
(indicate percentage)

___ % Elderly

___ % Mentally Disabled

___ % Physically Disabled

___ % Other (specify) low income/children

b. Estimated number of elderly persons and persons with disabilities presently using service.

per day

per month

Elderly

Disabled

c. Estimated number of clients per month within the following groups:

___ Black

___ Asian or Pacific Islander

___ Hispanic

___ American Indian

___ Alaskan Native

Part I, Section 2. Project Description - Enhanced Mobility of Seniors and Individuals with Disabilities – Capital Projects

Program funds must be used on capital projects that are public transportation projects planned, designed, and carried out to meet the special needs of senior and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable. Using these funds requires a 20% match.

1. Number and type of proposed vehicles, facilities or equipment, including a brief description of nonvehicle purchases:

2. Milestones

- A. Rolling Stock
 - a. Estimated Order Date:

- B. Non-vehicle Capital Purchases >\$100,000
 - a. RFP/Out for Bid:
 - b. Contract Awarded
 - c. Contract Complete:

- C. Small Purchase (non-vehicle) <\$100,000:
 - a. Contract Start:
 - b. Contract Complete:

- D. Micro Purchase <\$3,000:
 - a. Contract Start:
 - b. Contract Complete:

3. Type of service and percentage of use to be provided with the above proposed items:

____ % Demand Response ____ % Other (specify)

____ % Fixed Route

4. Proposed items are intended to:

_____ Replace existing vehicles or equipment.

a. Specify VIN#, year, make and mileage of vehicles to be replaced:

_____ Expand Existing Service (provide detail).

_____ Start new service (provide detail).

5. Estimated number of persons to use proposed vehicle(s):

Daily	Monthly
_____ Elderly	_____ Elderly
_____ Disabled	_____ Disabled
_____ Other (specify)*	_____ Other (specify)*

6. Proposed geographical service area (cities, towns, counties, etc.):

Part I, Section 3. Attachments - Enhanced Mobility of Seniors and Individuals with Disabilities – Capital Projects

NOTE: (check each item and include)

1. a. _____ **Attach letters of support** from each public and private transit and paratransit operator in the service area, indicating that he/she does not and is not intending to offer similar service in the same area.

2. **Attach evidence of efforts** to notify other possible providers of transportation in the proposed service area concerning the proposed project:
 - a. _____ **Copies of Public Notice appearing in area newspapers - OPTIONAL**
[Note: MaineDOT will place ad for entire allocation.]

 - b. _____ **A list of agencies and operators contacted and copies of correspondence sent to them.**

 - c. _____ **Written comments from interested parties.**

Part I, Section 4. Project Justification - Enhanced Mobility of Seniors and Individuals with Disabilities – Capital Projects

1. Describe benefits from the proposed project to be derived by elderly and disabled users:

2. Identify shortcomings of existing service and describe how proposed project will overcome them:

3. Describe transportation now being provided to elderly and disabled persons (Include days and hours of service; type and number of passengers; frequency of use; fares):

4. Describe the following transportation PROGRAM MEASURES as they pertain to the 5310 transportation funding:

A. Gaps in Services Filled: _____ Number of older adults & people with disabilities afforded mobility they would not have without 5310 program support.

B. Ridership: _____ Number of rides (estimate or actual), measured in one-way trips, provided annually for individuals with disabilities & older adults on 5310 funded supported vehicles and services.

5. Describe transportation now being provided to elderly and disabled persons by other agencies in the applicant's service area. (Include days and hours of service; type and number of passengers; frequency of use; fares):

6. Describe how the proposed project will coordinate with existing transportation services and, if applicable, describe plans to combine applicants transportation service with other area service:

Note: *Attach purchase of service agreements and inter-agency agreements or documentation of unsuccessful coordination efforts.*

Part I, Section 5. Budget Estimate - Enhanced Mobility of Seniors and Individuals with Disabilities – Capital Projects

Estimated Vehicle Cost		(3) Installed Equipment (check applicable items)				# Units	Unit Cost (including specific equipment)	Total Cost	Federal Share (80%)	Local Match (20%)
		Gas or Diesel*	Lift	Mobile Radio	Farebox					
5 - 9 Passenger Vehicle							\$ -	\$	\$	
10 - 16 Passenger Vehicle							\$ -	\$	\$	
17 - 24 Passenger Vehicle							\$ -	\$	\$	
School Bus >= 30 Passenger							\$ -	\$	\$	
School Bus < 30 Passenger							\$ -	\$	\$	
*Must enter Gas or Diesel for each vehicle requested							Total Estimated Vehicle Cost (1)	\$ -	\$	\$

Estimated Cost of Facilities and Equipment (2)			Units	Unit Cost	Total Cost	Federal Share (80%)	Local Match (20%)
Bus Shelters					\$ -		
Radios and Related Equipment (check appropriate items)		Mobile Radios			\$ -		
		Base Stations			\$ -		
		Antenna			\$ -		
		Other (specify)			\$ -		
Wheelchair Lift					\$ -		
Other Facilities or Equipment (specify)					\$ -		
Total Estimated Cost of Facilities and Equipment					\$ -		

Total Estimated Costs for All Capital Projects			
--	--	--	--

- (1) Estimated cost of vehicles should include delivery and preparatory charges and the estimated cost of equipment installed prior to delivery.
- (2) Equipment bid separately and not installed in above vehicles.
- (3) Equipment included in Vehicle bid. Installed prior to delivery of vehicle.

Part I, Section 5. Estimated Budget - continued

1. **Indicate specific sources and amounts of non-Federal funds (public and private) to be used as local contribution to offset the cost of the proposed vehicles, facilities and equipment.**

2. **Estimated annual operating expenses:**

Driver salaries \$

Maintenance & Repair

Fuel

Other (fringe)

Total \$

3. **Indicate specific sources and amounts of funds to be used for project operating expenses.**

Part II. Project Description - Enhanced Mobility of Seniors and Individuals with Disabilities – Vehicles, Mobility Management and Voucher Program and All Other Eligible Capital and Operating Projects

These funds may be used for (1) public transportation projects that exceed the requirements of the ADA; (2) public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit; and (3) alternatives to public transportation that assist seniors and individuals with disabilities. Using these funds for operating expenses requires a 50 percent local match while using these funds for capital expenses (including acquisition of public transportation services) requires a 20 percent match.

A priority of Public Transportation providers is to draw down funds from older grants.

Part II, SECTION 1. GENERAL INFORMATION

Name of Applicant:

Type of Agency:

Eligible Subrecipients of former New Freedom:

- a. Private non-profit organizations;*
- b. State or local governmental authority; and*
- c. Operators of public transportation services including private operators of public transportation services. “*

“The three measures established for the former New Freedom Program are:

- a. Increases or enhancements related to geographic coverage, service quality and/or service times that impact availability of transportation services for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year.*
- b. Additions or changes to environmental infrastructure (e.g., transportation facilities, sidewalks, etc), technology, and vehicles that impact availability of transportation services as a result of the New Freedom projects implemented in the current reporting year.*
- c. Actual or estimated number of rides (as measured by one-way trips) provided for individuals with disabilities as a result of the New Freedom projects implemented in the current reporting year. “*

Agency Fiscal Year: _____

**Part II, SECTION 2. AMOUNT OF FEDERAL FUNDS
BEING APPLIED FOR:**

Urban Funds:

Rural Funds:

Local Match:

	<u>Local Match Contributors</u>	<u>Amount</u>
1.		
2.		
3.		
4.		

Identify long-term financing sources to support continuation of the proposed project:

Capital Requests (80/20):

1. Vehicles
 - a. Size Type of Vehicle(s) to be purchased:
 - b. Expansion or Replacement (per vehicle):

2. Mobility Management

3. Other

Operating Requests (50/50):

1. Voucher Program

2. Other:

Part II, SECTION 3. MILESTONES:

7. Milestones

- A. Rolling Stock (Description)
 - c. Estimated Order Date:

- B. Non-vehicle Capital Purchases >\$100,000 (Description)
 - a. RFP/Out for Bid:
 - b. Contract Awarded
 - c. Contract Complete:

- C. Small Purchase - capital (non-vehicle) <\$100,000:
 - a. Contract Start:
 - b. Contract Complete:

- D. Micro Purchase – capital <\$3,000:
 - a. Contract Start:
 - b. Contract Complete
 - c.

- E. :Mobility Management/Capital:
 - a. Contract Start:
 - b. Contract Complete:

- F. Voucher Program/Operating:
 - a. Contract Start:
 - b. Contract Complete:

- G. Other:
 - a. Contract Start:
 - b. Contract Complete:

Part II, SECTION 4: PROJECT INFORMATION and JUSTIFICATION

1. County (-ties) covered by the Project:

 2. UZA:

 3. Congressional District:

 4. Project Start Date:

 5. Project Description:

 6. Describe Employment Opportunities, Employment Support Services and Societal Integration Opportunities:

 7. How is the service/activity targeted towards persons with disabilities?

 8. How does the service/activity meet the intent of the New Freedoms program by removing barriers to transportation, including to and from jobs and employment services?

 9. How will the program be evaluated?

 10. What indicators will be used to monitor program operation, impact on communities and the quality of service in order to make subsequent adjustments to the proposed project?

 11. Describe plans for project sustainability:
-

Part II, SECTION 5: COORDINATED PLANNING EFFORTS

1. Describe the process for the assessment of needs for individuals with disabilities:
2. List outreach strategies, and describe how the outreach will be accomplished:
3. For the project, describe any coordination planning and/or operational efforts (include community outreach efforts and organizations involved in the effort):
4. Do the planning participants have an active role in the implementation of the project?
5. Identify areas of redundancy, and steps taken to reduce or eliminate redundancy/duplication of service:
6. Identify current gaps in service, and explain how this service will assist in filling the service gaps:
7. Summarize the strategies developed for more efficient utilization of resources, and how the strategies will be implemented, in what time frame and in what order of priority:
8. Describe integration of the proposed program with existing transportation (inter-modal) services:
9. Locally Coordinated Plan – Biennial Operations Plan (BOP) [Region #, Page # and description of how the proposed project meets priorities for the Region]:

Part II, Section 6. Enhanced Mobility of Seniors and Individuals with Disabilities – Vehicles, Mobility Management and Voucher Program

Estimated Vehicle Cost	(3) Installed Equipment (check applicable items)					# Units	Unit Cost (inclg. specific equip.)	Total Cost	Federal Share (80%)	Local Match (20%)	
	Gas or Diesel*	Lift	Mobile Radio	Farebox	Other (specify)						
5 - 9 Passenger Vehicle								\$	\$	\$	
10 - 16 Passenger Vehicle								\$	\$	\$	
17 - 24 Passenger Vehicle								\$	\$	\$	
School Bus >= 30 Passenger								\$	\$	\$	
School Bus < 30 Passenger								\$	\$	\$	
*Must enter Gas or Diesel for each vehicle requested								Total Estimated Vehicle Cost (1)	\$ -	\$	\$

- (1) Estimated cost of vehicles should include delivery and preparatory charges and the estimated cost of equipment installed prior to delivery.
- (2) Equipment bid separately and not installed in above vehicles.
- (3) Equipment included in Vehicle bid. Installed prior to delivery of vehicle.

Mobility Management	Total Cost	Federal Share (80%)	Local Match (20%)
Wages	\$	\$	\$
Fringe	\$	\$	\$
Rent	\$	\$	\$
Phone	\$	\$	\$
Computer Maintenance	\$	\$	\$
Other	\$	\$	\$
Total:	\$	\$	\$

Travel Training	Total Cost	Federal Share (80%)	Local Match (20%)
Training Materials	\$	\$	\$
Travel	\$	\$	\$
Total	\$	\$	\$

Voucher Program	Total Cost	Federal (50%)	Local (50%)

Transportation Guide	Total Cost	Federal Share (80%)	Local Match (20%)
Wages	\$	\$	\$
Fringe	\$	\$	\$
Rent	\$	\$	\$
Phone			
Computer Maintenance	\$	\$	\$
Other	\$	\$	\$
Total	\$	\$	\$

Operating – Expand ADA Services			
Beyond 3/4	Total	Federal	Local
Wages		\$	\$
Fringe		\$	\$
Vol. Reim.		\$	\$
Total			



Rural Area Formula Program, Section 5311

FFY 2013 APPLICATION FOR FEDERAL TRANSIT FUNDS

**APPLICATION FOR 5311 FEDERAL TRANSIT FUNDS
MAINE DEPARTMENT OF TRANSPORTATION
FFY 2013**

Rural Area Formula Program, Section 5311

Date:

Legal Name of Applicant Agency:

Address:

Name of Contact Person:

Telephone Number:

Fax Number:

Website:

Email Address:

DUNS #

Authorized Representative:

Title:

Signature: _____

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself. I also certify that to the best of my knowledge the information in this application is true and accurate and that this organization has the necessary fiscal, legal and managerial capability to implement and manage the project associated with this application.

49 USC § 5311 Rural Area Formula funds

The MaineDOT awards Section 5311 funding based on a statewide rural formula for project administration, operating, and capital assistance, as well as identified program needs.

1) **CONTRACT TERM:**

(Contracts will be for one year, with the possibility of one additional year for just cause.)

2) **PROJECT INFORMATION AND HIGHLIGHTS:**

3) **Detailed Project Description:**

4) **DESCRIPTION OF COORDINATION OF SERVICES WITH OTHER TRANSIT PROVIDERS:** (current or future efforts)



5) PROJECT FUNDING REQUESTS: (for one year)

	Federal Transit	State	Local Share	Total Cost
Administrative Expense 80/20 Match	\$	\$	\$	\$
Operating Deficit 50/50 Match	\$	\$	\$	\$
Capital Assistance 80/20 Match	\$	\$	\$	\$
JARC Operating 50/50 Match	\$	\$	\$	\$
Total	\$	\$	\$	\$

For each funding category, indicate specific sources and amounts of non-Federal funds (public and private) to be used as local contribution:

6) If requesting JARC operating funds, please provide project description for those services separately.

7) Explorer/Other Program Funding Requests: (For one year)

	Federal Transit	State	Local Share	Total Cost
Administrative Expense 80/20 Match	\$	\$	\$	\$
Operating Deficit 50/50 Match	\$	\$	\$	\$
Capital Assistance 80/20 Match	\$	\$	\$	\$
Total	\$	\$	\$	\$



8) Milestones: (To be completed if requesting capital. Please provide potential milestone dates as accurately as possible. You may edit/change as necessary. Descriptions below are meant to be a guide.)

PROJECT DESCRIPTION:		PROJECT DESCRIPTION:	
	<i>Estimated Date:</i>		<i>Estimated Date:</i>
RFP/IFB OUT FOR BID		RFP/IFB OUT FOR BID	
CONTRACT AWARDED		CONTRACT AWARDED	
DELIVERY OF SERVICE/1ST BUS		DELIVERY OF SERVICE/1ST BUS	
FINAL DELIVERY OF SERVICE/BUSES		FINAL DELIVERY OF SERVICE/BUSES	
FINAL PAYMENT		FINAL PAYMENT	
CONTRACT COMPLETE		CONTRACT COMPLETE	

REQUIRED INFORMATION:

1) Geographic area of service:

- a. List cities, towns, counties served:
- b. % Urban % Non-urban

2) Type of service provided by Applicant:

- % Fixed Route % Demand Response
- % Complementary Paratransit % Other

3) Program Budget: Please **attach** a copy of your organization’s overall transit budget to your application. Include overall income, expenditures, and fund sources.



4) **Fleet Status Report:** (double-click to enter data, totals will calculate automatically)

FIXED ROUTE			PARATRANSIT		
I	ACTIVE FLEET		I	ACTIVE FLEET	
A	Peak Requirement	0	A	Peak Requirement	0
B	Spares	0	B	Spares	0
C	Total (A+B)	0	C	Total (A+B)	0
D	Spare Ratio (B/A)	#DIV/0!	D	Spare Ratio (B/A)	#DIV/0!
II	INACTIVE FLEET		II	INACTIVE FLEET	
A	Other Vehicles	0	A	Other Vehicles	0
B	Pending Disposal	0	B	Pending Disposal	0
C	Total (A+B)	0	C	Total (A+B)	0
III	TOTAL FLEET		III	TOTAL FLEET	
	TOTAL (IC + IIC)	0		TOTAL (IC + IIC)	0

5) **Submission Information:**

Applications are due on or before July 31, 2013 by one of the following methods:

Mail to:

**Maine Department of Transportation
 Attn: Barbie-Jo Lord
 Bureau of Planning, Outreach Division
 16 State House Station
 Augusta, ME 04333**

or E-Mail to: Barbie-Jo.Lord@maine.gov

For questions, please email or call 207-624-3026

Appendix K: Checklist for Grant Application Process for the 5311 Program

CHECKLIST FOR GRANT APPLICATION PROCESS

PROJECT ME-18-X052 FFY 2013

- Verify allotted amounts in Federal Register**
- Send out BT-30's to providers for distribution breakdown**
- Make sure project coincides with the STIP**
 - 1. **If not in STIP - do letter for STIP amendment to Administrator, FTA.**
- Receive Provider's applications for assistance (BT-30's)**
- Prepare Public Notice**
- Prepare request for Secretary to place ads with Bangor Daily News, Kennebec Journal, & Portland Press Herald**
- Prepare Commission Record Item**
- Complete Standard Form Intergovernmental Review Submission**
<http://www.maine.gov/economist/igr/submit.shtml>
- Create Program of Projects and Budget**
- Create Expenditure Detail**
- Create Grant Implementation Schedule**
- Get next available Grant # from TEAM**
- Enter Project information into TEAM**
- Request Unit Code from Finance**

Appendix L: Application for Section 5311 Intercity Funds



<i>MaineDOT use only</i>
<i>TEDOCS #:</i> _____
<i>RFP#:</i> 201307004
<i>PROGRAM:</i> Multimodal Planning

**MAINE DEPARTMENT OF TRANSPORTATION
REQUEST FOR PROPOSALS
FOR
INTERCITY BUS SERVICE
(Service #107.80)**

The State of Maine Department of Transportation (“MaineDOT”) is seeking proposals from Intercity Transit Providers (“Providers”) wishing to provide Intercity Bus Service (“IBS”) between communities in Maine for routes from Bangor to Calais, Bangor to Caribou, and Southern Biddeford to Portland. The MaineDOT will also consider proposals for other routes that meet the application criteria.

The successful Provider(s) will be eligible to apply for Federal Transit Administration (FTA) grant funds to subsidize both operating and capital expenses; these funds will be administered by MaineDOT.

**1. PROPOSALS ARE TO BE RECEIVED AT MAINEDOT NO LATER THAN:
Proposals must be received prior to the time and date for which they are due.**

Date Due: **October 28, 2013**

Local Time: **2:00 p.m.**

2. COMMUNICATIONS IN REFERENCE TO THIS RFP

Any communication in reference to this RFP shall be in writing by email and directed to the RFP Coordinator listed below. All correspondence must reference the RFP# and Project name in the subject line.

Name: Barbie-Jo Lord
Title: Transportation Planning Analyst
Office: Bureau of Planning, Outreach Division
E-Mail: barbie-jo.lord@maine.gov

3. REQUEST FOR CLARIFICATION/RFP AMENDMENTS.

During the proposal preparation period, all requests for clarification and/or additional information must be submitted via e-mail to the RFP Coordinator referenced in Section 2 of this RFP by no later than **5:00 p.m. on October 7, 2013.** MaineDOT reserves the right to answer or not answer any question received. Late requests for clarification will not be accepted. When appropriate, responses to clarifications requests will be placed on the MaineDOT website:

<http://www.maine.gov/mdot/cpo/rfps/> no later than **October 21, 2013.** **IT WILL BE THE PROPOSER’S RESPONSIBILITY TO CHECK THE REFERENCED WEBSITE FOR CLARIFICATIONS AND ANY NEW AMENDMENTS TO THE RFP.** (Note: The Proposer must include reference to all amendments on their response to this RFP.)

4. PROPOSAL REQUIREMENT – SCOPE OF WORK

See ATTACHMENT B

5. PROPOSAL RATING

- a. Proposals will be reviewed and rated (from information provided in Attachment C beginning on Page 13) using the scoring criteria below.
 - i. Project Description (30 Points)
 - ii. Project Budget (25 Points)
 - iii. Equipment (30 Points)
 - iv. Letters of Support (15 Points)
- i. Project Description Section (30 Points) – The Project Description section should make clear the maximizing, along with consolidation and utilization, of current service routes that are provided and/or currently exist. The emphasis for scoring is on the consolidation and utilization of the service routes.
- ii. Project Budget Section (25 Points) – The Project Budget should include as much detail as possible giving a clear picture of all the Annual Operating Expenses.
- iii. Equipment Section (30 Points) – The information provided should include all pertinent information relating to the vehicles themselves, along with the detailed information on the condition of each vehicle, being utilized on the proposed routes. The amount and detail of the information on each vehicle given will help determine the score. The main goal is having safe and dependable vehicles.
- iv. Letters of Support Section (15 Points) – The proposer must include all documentation referencing support for the proposed project. Scoring will be based on compliance with the Section requirements.

6. PROPOSER INFORMATION

- a. **Proposer Information:** Complete Appendices A & C. Complete a separate application for each proposed route.
- b. **Acknowledgement of Amendments:** The Proposer shall include reference to all amendments in their response to this RFP.

7. PACKAGING AND SUBMITTING YOUR TECHNICAL PROPOSAL

- a. **Organization and Format.** Your Technical Proposal, which should be organized as closely as practicable to the format and sequence indicated in these proposal instructions, must be submitted as outlined below.
- b. **Font Type and Size:** Times New Roman – 12 Font
- c. **Hard Copy.** Technical Proposals must be submitted in the following format. Four (4) copies of the Technical Proposal must be submitted in hard copy format accompanied by a DVD or CD in Portable Document Format (PDF), MSWord 2000 Format or greater.
- d. **Hand Carried Proposals from Proposer.** Hand carried proposals from Proposer must be delivered directly to the MaineDOT’s Reception Desk using the “Public Entrance,” which is located on the Capitol Street side of the DOT Headquarters Building in Augusta prior to the time and date for which Proposals are due.
- e. **Hand Carried Proposals from Federal Express or United Parcel.** Hand carried proposals from Courier Services, i.e. Federal Express or UPS, must be delivered directly to the MaineDOT’s Mailroom, which is located at 24 Child Street, at the DOT Headquarters Building in Augusta prior to the time and date for which Proposals are due.

f. **Regular Mail Proposals.** Proposals sent by regular mail should be sent to:

Kelsie L. French – Contract Procurement Office
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333-0016

g. **A COMPLETED “PROPOSER’S GENERAL INFORMATION FORM” (ATTACHMENT A) and the APPLICATION FOR INTERCITY ASSISTANCE MUST BE INCLUDED WITH YOUR PROPOSAL.**

8. **GENERAL INFORMATION**

- a. The contract resulting from this RFP will be governed by a Cooperative Agreement between MaineDOT and the successful Proposer.
- b. This RFP does not commit MaineDOT to pay any costs incurred in submitting your proposal, making studies or designs for preparing the proposal or in procuring or sub-contracting for services or supplies related to the proposal.

9. **LATE PROPOSALS**

Any proposal, portion of a proposal, or unrequested proposal revision received at the MaineDOT after the time and date specified on the cover page of this RFP **will not** be accepted.

10. **DISADVANTAGED BUSINESS ENTERPRISES**

General Considerations: Because of the prospective use of federal funds, Maine DOT’s Civil Rights Office may, at their option, participate in the committee meetings to advise and monitor Title VI (CRA 1964) and *Disadvantaged Business Enterprise* (DBE) concerns. Selection criteria, including an *Affirmative Action Questionnaire*, schedule of meetings, reports, etc. will be made available to the affirmative officer who will evaluate the adequacy of the *affirmative action*.

Certified DBE: MaineDOT Certified Disadvantaged Business Enterprise (DBE) consultants are encouraged to apply as the prime consultant for this work. It is important the DBE consultants take advantage of this RFP to at least gain entry to the MaineDOT Prequalification List for transportation project related services. Non -DBE consultants shall ensure that DBEs have the maximum opportunity to participate in the performance of any project contract in accordance with MaineDOT current requirements for DBE utilization when utilizing subconsultants. Consultants certified by another state’s transportation agency must be certified by MaineDOT.

Current requirements may be found at the MaineDOT website, “Certified Disadvantaged and Women Business Enterprise” directory available at; <http://www.maine.gov/mdot/disadvantaged-business-enterprises/dbe-home.php>, or by contacting:

**Maine Department of Transportation
ATTN: Sherry Tompkins, Civil Rights Unit
Civil Rights Office
16 State House Station
Augusta, ME 04333-0016
Tel#: 207-624-3066
e-mail: sherry.tompkins@maine.gov**

11. **CONTRACT TERM, TYPE AND PAYMENT METHOD.**

The initial contract term shall be for a period of one (1) year, commencing upon approval of the contract documentation. At the MaineDOT's discretion, the contract may be renewed for up to four (4) additional one (1) year periods.

The contract type utilized for this project shall be a Cooperative Multi-Pin Agreement, and the method of payment shall be reimbursement for actual allowable operating expenses.

12. NON-APPROPRIATION

Notwithstanding any other provision of this RFP and any contract resulting therefrom, if the State does not receive sufficient funds to meet the obligations established pursuant thereto, then MaineDOT may terminate any contractual relationship established as a result of this solicitation and shall not be penalized for doing so.

13. CONFIDENTIALITY

The information contained in proposals submitted for the State's consideration will be held in confidence until all reviews are concluded and the award notification has been made. At that time, the full content of the proposals becomes public record and is therefore available for public inspection upon request.

According to State procurement law, the content of all proposals, correspondence, addenda, memoranda, working papers, or any other medium which discloses any aspect of the request for proposals process will be considered public information when the award decision is announced. This includes all proposals received in response to this RFP, both the selected proposal and the proposal(s) not selected, and includes information in those proposals which a Proposer may consider to be proprietary in nature.



ATTACHMENT A

PROPOSER'S GENERAL INFORMATION FORM

RFP # 201307004

NOTES:

- * *This document is protected to enable it to function as a fillable form.*
- * *Hyperlinks to the Internet below will not work unless you enable macros, are signed on to the Internet, and then double click the link.*

1. Firm Name:

Business Address: _____

(Please include Zip Code + 4)

Submittal for Parent Company Branch/Subsidiary

Is your firm's Corporate headquarters located in Maine? Yes No

Company Internet Website URL:

Please provide the following:

Firm's DUNS Number (if applicable): _____

Firm's Federal EIN: _____

Firm's State of Maine Vendor/Customer Number: _____

This is a 10 digit number with either a VC or VS prefix, replacing your Federal Employer ID No. See http://www.maine.gov/osc/pdf/forms/vendor_ME_W9_v3.pdf if you do not have a VC/VS Number and return completed W-9 form to MaineDOT, Finance & Administration.

2. Contact Person: (Contact person must be the authorized officer of the Firm signing this form)

Name: _____

Telephone No.: _____

Fax No.: _____

E-mail Address: _____

3. Business Structure:

a. Check appropriate box/boxes indicating business structure or firm ownership:

Individual Minority Owned

Partnership Woman Owned

Corporation Small Business

Other Explain: _____

b. If your firm is a Disadvantaged Business Enterprise (DBE), are you certified as such by MaineDOT's Civil Rights Office? Yes No N/A If you have any questions concerning DBEs, please call (207) 624-3066 or visit the following web site: <http://www.maine.gov/mdot/disadvantaged-business-enterprises/dbe-home.php> .

c. If your firm is a Corporation, indicate the name of the state of original incorporation:

- d. Is your firm registered with the Maine Secretary of State, Bureau of Corporations, Elections and Commissions to do business in Maine? Yes No If you have questions, please call (207) 624-7736 or visit the following web site:
<http://www.maine.gov/sos/cec/> .

4. Financial Accountability:

- a. Your firm must have an acceptable cost accounting system which documents project costs and is in compliance with MaineDOT and Federal (FHWA, FAA, FRA, FTA, etc) requirements.
- b. Does your firm have an Audited Overhead Report? Yes No
If Yes, what is the date of your most recent Audited Overhead Report? _____
(An Audited Overhead Report may be required in order to negotiate a contract with MaineDOT. It is not required as part of this submittal.)
- c. MaineDOT's direct salary cap is \$50/hour or \$104,000 annually.
- d. Mileage reimbursement is limited by law to the amount approved by the State of Maine Office of the State Controller (see <http://www.maine.gov/osc/travel/addtltravelinfo.shtml> for current rates). MaineDOT does not allow any mark-up on direct expenses or subconsultant costs.

5. Affirmative Action:

- a. Has your firm ever subcontracted to a DBE firm? Yes No
- b. Is your firm aware of Equal Employment Opportunity (EEO) responsibilities and our goals for utilization of DBE firms? Yes No
- c. Is your firm willing to contract a portion of the work to a DBE firm? Yes No
- d. Does your firm have a current EEO policy and plan? Yes No

6. Insurance:

Check each of the following categories for which your firm can provide proof of insurability:

- a. Professional Liability at a minimum of \$1,000,000.00 per claim and annual aggregate.
- b. Commercial General Liability (CGL) of \$1,000,000.00 per occurrence, and \$2,000,000.00 in the aggregate.
- c. Automobile of \$1,000,000.00 per occurrence.
- d. Workers Compensation in accordance with the requirements of the laws of the State of Maine.

A Certificate of Insurance must be provided to the MaineDOT Contract Procurement Office before a project contract can be executed (it is not required as part of this submittal). MaineDOT must be named additional insured on the CGL policy.

7. **Debarment, Suspension, Ineligibility, or Exclusion:**

Has your firm been debarred, suspended, declared ineligible or voluntarily excluded from contracts by the Federal Government or any state agency within the last 3 years? Yes No

If yes, briefly explain below.

Signature of Authorized Officer of the Firm **certifying that the foregoing information is true and accurate:**

Name: _____

Title: _____

Date: _____

*I further certify that the signature (a) is intended to have the same force as a manual signature, (b) is unique to myself, (c) is capable of verification, (d) is under the sole control of myself, (e) is linked to data in such a manner that it is invalidated if the data are changed.
(10 M.R.S.A. § 9501 et seq.)*

ATTACHMENT B

PROGRAM BACKGROUND INFORMATION

The FTA's Section 5311 Non-urbanized Area Formula Program provides the State of Maine with a grant that includes support for IBS Providers. Section 5311(f) provides support for the following eligible activities:

- Operating assistance for direct operation of intercity service;
- Operating grants through purchase-of-service agreements;
- Capital grants for intercity vehicles and equipment, bus shelters, joint-use stops and depots;
- Planning and marketing for intercity bus transportation;
- Coordination of rural connections between small public transportation operations and intercity bus carriers;
- Package express service may also be included, if incidental to passenger transportation.

Objectives:

- To support the connection between non-urbanized areas and the larger regional or national systems of intercity bus service;
- To support services to meet the intercity travel needs of residents in non-urbanized areas;
- To support the infrastructure of intercity bus network through planning and marketing assistance and capital investment in facilities and equipment;
- To preserve existing rural bus services, and in making existing services available to more Maine citizens through feeder or connector services.

Definitions:

Administrative Costs: Include insurance premiums; office supplies; rent; and project director, secretary and bookkeeper salaries and benefits.

Intercity Bus Service (IBS): For the purpose of this program FTA defines this service as a regularly scheduled service for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, that has the capacity for transporting baggage carried by passengers, and that makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available. Commuter service is excluded from the definition. Intercity service is not limited by the size of the vehicle used or by the identity of the carrier.

Net Operating Expenses: Are those expenses that remain after the provider subtracts operating revenues (i.e. fare box revenues) from eligible operating expenses.

Operating Costs: Include fuel, drivers' salaries and benefits; dispatcher salaries and benefits; mechanics' salaries and benefits; replacement tires and parts; maintenance and repairs; and licenses.

Urban Area: is defined very broadly in 49 U.S.C. 5302(a)(16) as "an area that includes a municipality or other built-up place that ... is appropriate for a local public transportation system to serve individuals in the locality."

Funding:

Federal funding is available through the Department for up to 80% of capital costs and 50% of net operating costs.

Basic Qualifications:

Operators submitting proposals for this service should have the following:

- The financial capacity to establish and maintain service during the contract period; and,
- Interest and ability to provide service to the general public, including elderly and disabled persons; and,
- Ability to maintain records of trips, passengers, expenses and revenues; and,
- Ability to generate periodic reports on the number and type of trips, passengers, expenses, and revenue; and,
- Willingness to sign annual FTA Certifications and Assurances and comply with federal and state regulations related to civil rights and equal employment opportunities, disadvantaged business enterprise, safety, FTA Drug & Alcohol testing, labor protection provisions and other areas related to transportation grant funding; and,
- Meets all Americans with Disability Act (ADA) requirements.

The Department may request additional information and/or an interview with one or more respondents. The Department will contract with the entity or entities selected for intercity service for a period beginning January 1, 2014. If in the Department's opinion the service is successful, future contracts may follow on an annual basis by extending the contract for four additional years under the same provisions and specifications.

ATTACHMENT C

APPLICATION FOR INTERCITY ASSISTANCE – 49 U.S.C. § 5311(f)

Maine Department of Transportation
Bureau of Planning
16 State House Station
Augusta, ME 04333-0016



Attn: Barbie-Jo Lord: barbie-jo.lord@maine.gov
(207) 624-3026

Intercity Bus Program

Section 5311(f) Application

for Services to begin January 1, 2014

This application is for eligible Operational, Capital, and Administrative costs related to the operations of an Intercity Bus route within the State of Maine. The Maine Department of Transportation (MaineDOT) administers Federal Transit Administration (FTA) Section 5311(f) funding to encourage vital bus service between Maine communities, regional, and national bus service networks. Annually MaineDOT reserves up to 15% of its federal Rural Public Transit Program funding for the Maine Intercity Bus Program. Beginning September 6, 2013, MaineDOT is soliciting requests for Section 5311(f) funding from public and private bus companies engaged or interested in Maine Intercity Bus service. MaineDOT has identified three routes which it is soliciting project requests for during this application period which has a submittal deadline of 2:00 pm. on October 28, 2013. For more specific federal requirements of the FTA Section 5311(f) program, please refer to: www.fta.dot.gov Section VIII of FTA Circular 9040.1F.

Submittal Checklist

- Completed application – **Complete a separate application for each proposed route**
- Most recent Financial Statements
- Proof of FTA Certifications and Assurances
- Additional information that you feel would assist MaineDOT in making their funding decision.

APPLICANT INFORMATION:

Legal Name of Applicant/Agency: _____

Address: _____

Name of Contact Person: _____

Telephone Number: _____ Fax Number: _____

Email address: _____

- Applicant Status:
- Private, for-profit
 - Private, non-profit
 - Private or public local transit provider
 - Public body

Route Descriptions

- Bangor to Limestone with stops in Penobscot and Aroostook Counties. Connecting services from Concord Coach and Greyhound Lines.
- Calais to Bangor with stops in Washington and Hancock Counties along the way.
- Biddeford to Portland via Old Orchard Beach, Scarborough, and the Maine Mall in South Portland.
- Proposed Route _____

Applying for Route

Three of the routes referenced in the Route Descriptions section are currently in operation as critical connections within Maine and beyond. Consistent to the State Management Plan for our Transit Programs, the first priority is to preserve and maintain established transportation operations, facilities, and equipment. Additional routes will be considered based on the availability of funding. If you would like to propose a route that is not included in the Route Descriptions section, please complete this application along with a short narrative outlining the route. The narrative should detail the stops along the route, the reason for the proposed route, and the projected ridership along the route. If you have any questions, please contact the RFP Coordinator.

Proposed Intercity Bus Service

For what type of service are you requesting funding? Check each appropriate line below.

- | | |
|--|---|
| <input type="checkbox"/> Existing Service | Existing service funded by MaineDOT. |
| <input type="checkbox"/> Expansion or modification of an existing service route. | Proposed expansion or modification to an existing service route funded by MaineDOT. |
| <input type="checkbox"/> New Service | Proposed new service route not currently funded by MaineDOT. |
| <input type="checkbox"/> Request for Capital funding | For purchasing of a vehicle(s) for proposed route. |

Intercity Bus Funding Request

In the table below, identify the federal funds requested, the required local match (and any over-match), and the total project cost for the route proposed for which funding is sought.

Federal Funds Requested (Annual)	Federal Transit	Local Match* (Revenue)	Total Project Cost
Operating Deficit 50/50*	\$	\$	\$
Capital Assistance 80/20*	\$	\$	\$
Total Funding Request	\$	\$	\$

*required local match split

FTA Certifications and Assurances (C&A)

All applicants must have a signed copy of their FY 2013 certifications and assurances on file with MaineDOT as required by FTA. Those applicants who do not have a signed C&A on file with MaineDOT must contact the RFP Coordinator to obtain a copy of the C&A for signature.

Attach copy of current Certificate of Insurance

See ATTACHMENT A, Section 5 for insurance requirements.

Project Description: (30 Points)

Description of Proposed Intercity Service Route (Requires a 50% local match of the monthly net deficit): Describe in writing below how the proposed route will coordinate with existing transportation service, and, if applicable, describe plans to combine applicant's transportation service with other area services.

(Continue on plain paper, if necessary)

- a) What is the need for this service, equipment, or project?
- b) How did you identify the need?
- c) If you receive this grant, how will your community benefit?
- d) How will you know if the project is successful?
- e) Explain your agency's commitment to continue this project beyond the availability of the requested State and Federal grant resources.

Proposed Service Schedule:

<u>Day of Week</u>	<u>Total Miles Per Day</u>	<u>Total Hours Per Day</u>	<u>Total Passengers Per Day</u>
Monday	_____	_____	_____
Tuesday	_____	_____	_____
Wednesday	_____	_____	_____
Thursday	_____	_____	_____
Friday	_____	_____	_____
Saturday	_____	_____	_____
Sunday	_____	_____	_____
Weekly Totals	_____	_____	_____

Project Budget: (25 Points)

Proposed Expenses:

Estimated Annual Operating Expenses:

\$ _____	Driver's Salaries
\$ _____	Administrative Costs
\$ _____	Fuel
\$ _____	Insurance
\$ _____	Accounting, Auditing & Legal Fees
\$ _____	Rent
\$ _____	Maintenance & Repair
\$ _____	Other (Explain)
\$ _____	Total Estimated Operating Expenses

Proposed Revenue Source(s): (**Less Fare Revenues**)

\$ _____	Proposed MaineDOT grant	
\$ _____	Other funds _____	(source)
\$ _____	Other funds _____	(source)
\$ _____	Other funds _____	(source)
\$ _____	Total Revenue Source(s)	

EQUIPMENT: (30 Points)

Please specify the year, make, model and condition of the equipment to be utilized in the proposed project. Please identify any accessibility features on the project equipment.

	VEHICLE 1	VEHICLE 2	VEHICLE 3	VEHICLE 4
YEAR				
MAKE				
MODEL				
CONDITION				
ACCESSIBILITY FEATURE(S)				

- a) Was the equipment purchased with Federal Funding?
- b) Please provide backup documentation for the ratings given for each vehicle.

(Continue on plain paper, if necessary)

Letters of Support: (15 Points)

Attach at least two (2) letters of local support for the proposed project. Local applicants may include other transit providers, MPO's, counties or cities.

I certify that to the best of my knowledge the information in this application is true and accurate and that this organization has the necessary fiscal, legal and managerial capability to implement and manage the project associated with this application.

Applicant/Agency: _____

Authorized Representative: _____

Title: _____

DUNS#: _____

Signature: _____

Date: _____

Must be signed by someone with authority to sign contracts on behalf of your organization.

Application for Section 5339 Transit Funding
Maine Department of Transportation



Section 5339 – BUS AND BUS FACILITIES FORMULA GRANTS

Agency Name	
Contact Person	
DUNS Number	

Program Background

Section 5339 –The Federal Transit Administration (FTA) Section 5339 (Bus and Bus Facilities Program) is a capital-only program established by MAP-21. Funds are limited to capital projects to replace, rehabilitate, and purchase buses and bus-related equipment, and to construct bus-related facilities. The new formula grant program was established under Section 5339, replacing the previous Section 5309 discretionary Capital Investment Program. MaineDOT is seeking applications for eligible capital projects and will select projects on based on criteria noted below.

****Competitive Grant Opportunity****

Projects will be selected on a competitive basis. Eligible subrecipients are public agencies or private non-profit organizations engaged in public transportation. **The Federal share of eligible project costs may not exceed 80% of the cost of the project.** As part of the application process, all subrecipients will be required to provide detail stating the source of their local match.

To review the Section 5339 – Bus and Bus Facilities Formula Grant, please see the Fact Sheet or other Map-21 guidance/information found here: <http://www.fta.dot.gov/map21/>

Project Scoring

MaineDOT has established the following categories to be considered when scoring and prioritizing project proposals. Please keep these factors in mind when answering questions about your proposed project.

- **Need** – demonstrate need of replacement/new vehicles, showing age, condition, overall state of good repair of transit fleet.
- **Preservation & Maintenance** – demonstrate preservation and maintenance of prior investments in existing transportation facilities and equipment, and services they provide.
- **Safety** – ensure that equipment and vehicles operated in the delivery of transportation services has been adequately equipped and maintained to ensure safety to the transportation customer. Additionally, drivers, aides and dispatchers should receive and be made available to receive regularly scheduled safety training to ensure the safety of the traveling public.
- **Sustainability** – ensure that public transportation services are financed in a manner that is sustainable reflecting short-term and long-range planning and budgeting. Additionally, ensure that the local match has been secured prior to the start of the project.
- **Ridership** – ensure the maximum number of customers served with limited funding available.
- **Project Details** – ensure the scope of work and perceived benefits are fully described with your project request.

Service/Fleet Detail

Please list type of service provided: Fixed Route Flex Route Demand Response
 Other _____

Fleet Status:

Active Fleet: Peak requirement Spares Total

Inactive Fleet: Contingency Pending Disposal Total

Submission Details

Applications must be completed and returned by Monday, December 9th to:

Lori Brann
 Bureau of Planning
 Outreach Division
 16 State House Station
 Augusta, ME 04333-0016
lori.brann@maine.gov
 207-624-3299

Projects will be competitively scored and applicants will be notified by Friday, January 10th with the results.

Project Funding Request

In the tables below, fill in the proposed budget for your project as well as your source(s) of local match. These dollar amounts should be in whole dollars only with no punctuation - \$100,000 should be entered as 100000.

Section 5339	Local Match	Project Total

Sources of Local Match

Sources of Local Match		
1.		\$
2.		\$
3.		\$
4.		\$
5.		\$

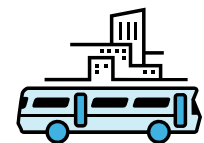
Section 5339 Project Details

The project details portion of this application will be broken into three sections – Vehicle Acquisition, Facility Rehabilitation and/or Construction, and Miscellaneous Capital. You can apply for all three types of projects on this single application, but should prioritize your request in the box provided in each section. Additional details about the project types can be found at the beginning of each section.

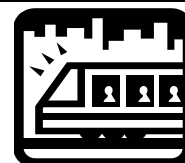
Vehicle Acquisition

There is space provided below to request up to three vehicles. If additional space is needed, please attach an additional sheet to this application and indicate this in the project description box.


Project Priority	
Vehicle Number 1	
What type of vehicle are you requesting funding for (size, no. of passengers, fuel type, etc.)?	
Is this an additional vehicle for your fleet or a replacement vehicle?	<input type="checkbox"/> Addition <input type="checkbox"/> Replacement
If replacement, which vehicle in your fleet are you replacing?	
Describe how this vehicle will enhance or maintain your level of service? (Include project detail and benefits here.)	
Will this vehicle be lift or ramp equipped?	<input type="checkbox"/> Lift <input type="checkbox"/> Ramp
If not lift or ramp equipped, can your agency certify to MaineDOT that you can adequately meet these needs with your existing fleet?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Estimate the total cost of this vehicle.	\$



Project Priority	
Vehicle Number 2	
What type of vehicle are you requesting funding for (size, no. of passengers, fuel type, etc.)?	
Is this an additional vehicle for your fleet or a replacement vehicle?	<input type="checkbox"/> Addition <input type="checkbox"/> Replacement
If replacement, which vehicle in your fleet are you replacing?	
Describe how this vehicle will enhance or maintain your level of service? (Include project detail and benefits here.)	
Will this vehicle be lift or ramp equipped?	<input type="checkbox"/> Lift <input type="checkbox"/> Ramp
If not lift or ramp equipped, can your agency certify to MaineDOT that you can adequately meet these needs with your existing fleet?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Estimate the total cost of this vehicle.	\$



Project Priority	
Vehicle Number 3	
What type of vehicle are you requesting funding for (size, no. of passengers, fuel type, etc.)?	
Is this an additional vehicle for your fleet or a replacement vehicle?	<input type="checkbox"/> Addition <input type="checkbox"/> Replacement
If replacement, which vehicle in your fleet are you replacing?	

Describe how this vehicle will enhance or maintain your level of service? (Include project detail and benefits here.)		
Will this vehicle be lift or ramp equipped?	<input type="checkbox"/> Lift	<input type="checkbox"/> Ramp
If not lift or ramp equipped, can your agency certify to MaineDOT that you can adequately meet these needs with your existing fleet?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Estimate the total cost of this vehicle.	\$	

Facility Rehabilitation and Construction

Fill in the requested information about your facility request. For the purpose of this application, rehabilitation should be considered repairs or upgrades to an existing facility as well as an addition to an existing facility. The construction portion of this section should be used for new construction or possibly the purchase of an existing facility for use in your transit program. If a construction project is selected for funding, MaineDOT reserves the right to request more information from the applicant.



If you are selected for a facility project, you will need to work closely with the MaineDOT to ensure that all Federal Requirements are met on this project. You **must not** enter into a contract or agreement with any consultant or contractor in regard to this project without prior MaineDOT authorization. You may ask a contractor to supply you an estimate of costs associated with the project; however this in no way should be construed as an offer for that contractor to construct your project if selected.

Facility Rehabilitation

Project Priority	
Do you currently have a transit facility? If no, skip the next question.	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, briefly describe the facility and the need for rehabilitation? Include the current number of vehicles your facility holds and changes in your program that justify the additional space if an expansion is requested.	
Give a detailed description of the proposed project. Include all the details that you deem relevant to assist MaineDOT in making a project determination. (Include project benefits here.)	
Are you proposing to use the value of land as match, in whole or part, for your project? If yes, please indicate whether this is an appraised value or estimate. Only the portion of land required for the project can be considered in this valuation.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Appraised <input type="checkbox"/> Estimate
	Value
If land does not cover your entire match, does your agency have adequate cash on hand to be utilized as match for this project?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Has your agency held any public meetings about this project? If yes, when and did the community support this project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there any additional details or factors that you feel MaineDOT should consider when evaluating this project?	

New Construction

Are you proposing to buy or build a new facility?	<input type="checkbox"/> Build <input type="checkbox"/> Buy
---	---

Project Priority	
Buying a Facility	Complete this portion if you propose to purchase an existing facility.
If buying a facility, what is the asking price?	
Describe the facility to be purchased in detail.	
Are there any known environmental issues with the facility you are proposing to purchase? (e.g. underground fuel storage) If yes, please describe.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will this facility require any renovation for use in your transit program? If yes, please describe these renovations in detail and specify whether or not these costs are figured into the above asking price.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Justify why it is more cost effective to purchase this facility versus building a new one.	
Has your agency held any public meetings about this project? If yes, when and did the community support this project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there any additional details or factors that you feel MaineDOT should consider when evaluating this project? (Include project benefits here.)	

Project Priority	
Building a Facility	Complete this portion if you propose to build a new facility.
Describe in detail the need for a facility in your transit program.	
Describe your proposed project in detail. Include a description of all the amenities you feel the project will need to meet your needs – e.g. number of vehicles it will hold, wash bay, etc. Keep in mind, this facility should be designed to meet your current needs with a reasonable projection of your future needs. (Include project benefits here.)	

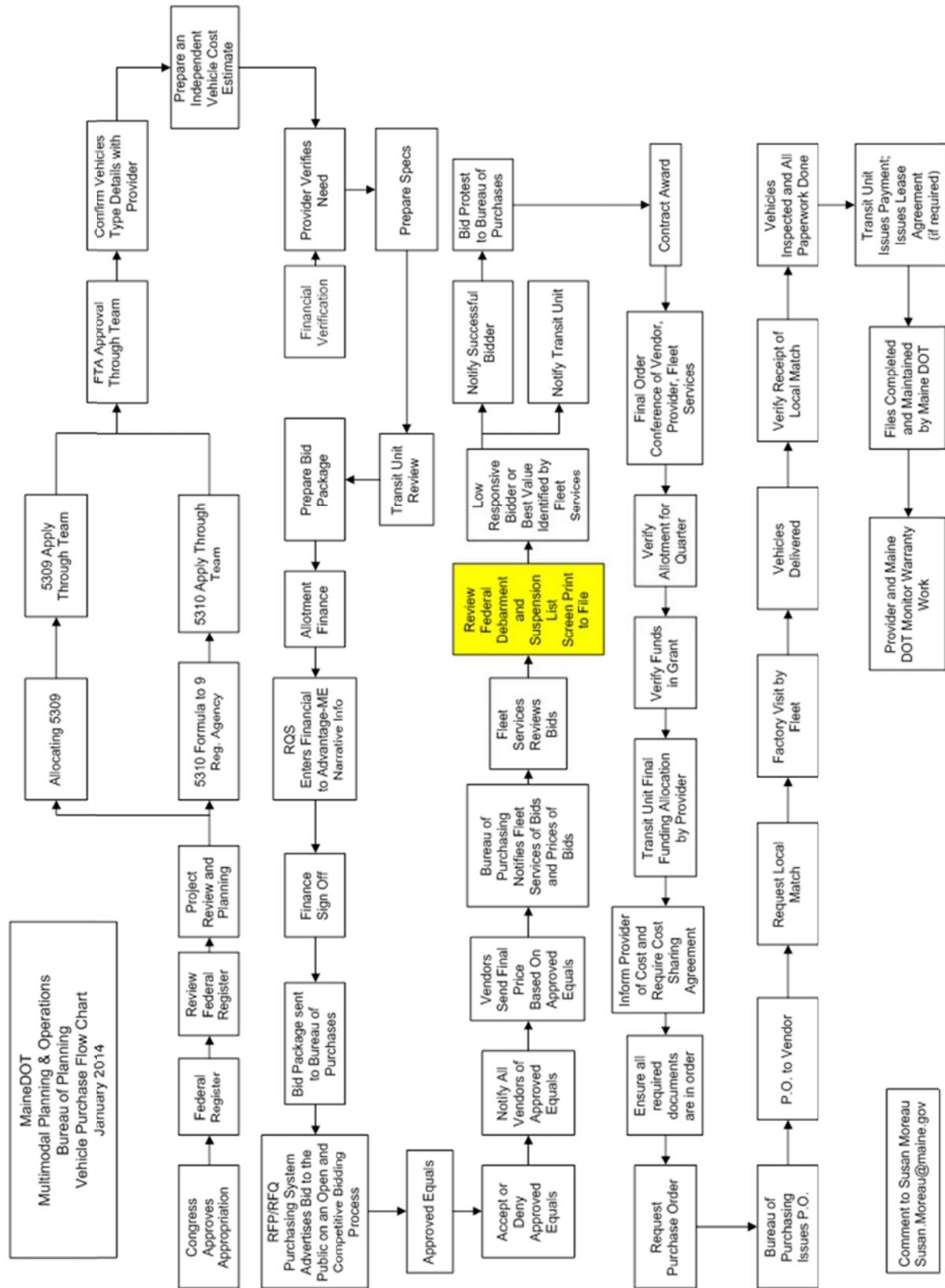
Do you have preliminary plans for this project? If you do, please include a copy with this application.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
What is the estimated cost for this project?		
How did you determine this cost estimate?		
Are you proposing to use the value of land as match, in whole or part, for your project? If yes, please indicate whether this is an appraised value or estimate. Only the portion of land required for the project can be considered in this valuation.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> Appraised Estimate	<input type="checkbox"/>
	Value	
If land does not cover your entire match, does your agency have adequate cash on hand to be utilized as match for this project?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there any known environmental issues with the land on which you propose to build? (e.g. underground fuel storage) If yes, please describe.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has your agency held any public meetings about this project? If yes, when and did the community support this project?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there any additional details or factors that you feel MaineDOT should consider when evaluating this project?		

Miscellaneous Capital

Fill in the requested information below about your Miscellaneous Capital Project. These projects must relate to your transportation program. Any equipment purchased with these funds must be required for and used a majority of the time in your transportation program. Property with a value exceeding \$5,000 at the time of purchase is required to have an assigned asset number and be maintained on an inventory of equipment.

Project Priority	
Describe your proposed project in detail.	
How does this project enhance your transportation program? (Include project benefits here.)	
What is the estimated cost for the proposed project?	
How did you determine this cost estimate?	
Are there any additional details or factors that you feel MaineDOT should consider when evaluating this project?	

Appendix N: Vehicle Purchase Flowchart



Appendix O: Bus Procurement Ordering Procedure and Schedule

**MaineDOT/BTSP and Fleet Services
Procurement Ordering Procedure and Schedule
Effective February 1, 2012 (Revised August 13, 2013)**

		<u>Procurement Order Dates</u>	<u>Second Date</u>	<u>Procurement bid contracts</u>
12 & 2's	Medium-size, Light Duty 5 years or 150,000 miles	June 1st	December 1st	
16 & 2's	Medium-size, Light Duty 5 years or 150,000 miles	April 1st	October 1st	
18 & 2's	Medium-size, Medium Duty 7 years or 200,000 miles	February 1st	August 1st	
School Buses	Medium-size, Medium Duty 7 years or 200,000 miles	January 1st	June 1st	
Accessible Minivans	Light-duty/Vans 4 years or 100,000 miles	April 1st	October 1st	
7 Passenger Minivans	Light-duty/Vans 4 years or 100,000 miles	February 1st	August 1st	
Gillig Bus	Heavy Duty Large Bus 12 years or 500,000 miles	March 1st		
Commuter Coach	Small size, Heavy Duty 10 years or 350,000 miles	March 1st		

Bus Procurement Order Procedure - 30-day Cycle

1. MaineDOT will send notification package & vehicle options

.....Send to Providers at least 30 days prior to order dates.

2. Provider will return Response Packet in 2 weeks to include:

-Number of units requested
-List of vehicle options requested
-FTA Funding Source (Grant # & Amounts) & local match

3. MaineDOT confirms funding source(s)

.....MaineDOT will confirm funding source(s) with Provider

4. Vehicle Cost Sharing Agreement (local share commitment)

... MaineDOT and Provider to sign Agreement

All procurement packet information shall be e-mailed to Kelly Arata, Dan Rolfe & Loren Niemi Fleet Services will schedule a meeting with providers upon finalizing the purchase to review options (only if necessary)

Appendix P: Vehicle Cost Sharing and Vehicle Disposal Agreement

TEDOCS #:	_____
CT#:	_____
CSN#:	_____
Program:	_____

**MAINE DEPARTMENT OF TRANSPORTATION
STAND ALONE PROJECT CONTRACT
(Receivables)**

Vehicle Cost Sharing Agreement

For MaineDOT Use Only

State W.I.N.: _____	Estimated Contract Amount: _____
Federal W.I.N.: _____	Contract Begin Date: _____
Appropriation #: _____	Contract Expiration Date: _____
FTA Grant #: _____	Vendor Customer ID. #: _____
Local P.I.N.: _____	

This Project Contract (hereinafter referred to as “**Contract**”) is entered into by and between the STATE OF MAINE, acting through the **Department of Transportation** (referred to as “**MaineDOT**”), an agency of state government with its principal administrative offices located at Child Street, Augusta, Maine, with a mailing address at 16 State House Station, Augusta, Maine 04333-0016, and _____, a corporation or other legal entity (referred to as “**Provider**”), with its principal place of business located at _____; hereafter referred to as (“**the Parties**”)

WHEREAS, the purpose of this document is to define the cost sharing agreement between MaineDOT and the Provider regarding the purchase of the vehicle(s) specified herein; and

WHEREAS, the Provider participates in the delivery of public transit at the local level, including but not limited to operations, administration, capital and planning activities (“**Public Transit Services**”); and

WHEREAS, these Public Transit Services are regulated by 23 M.R.S.A. § 4206, which outlines the general powers, duties, and responsibilities of the MaineDOT Commissioner; and

WHEREAS, the United States of America, through its Federal Transit Administration (“**FTA**”) provides funding for the vehicle(s) specified herein; and

NOW THEREFORE, MaineDOT and the Provider, in consideration of the mutual promises set forth in this Contract, hereby agree as follows:

- APPENDICIES** The following attachments are hereby incorporated into this Contract:
 - Appendix A – Compliance Requirements
 - Appendix B – General Conditions
 - Appendix C – Insurance Provision
 - Appendix D – Example of the Vehicle Disposition Instructions
 - Appendix E – Clarification of Funding

2. **VEHICLE INFORMATION.** MaineDOT agrees to procure the following described vehicle(s) in accordance with the specifications agreed upon by the Parties. The estimated vehicle cost is subject to change which will be reflected on the final invoice.

Vehicle Type: _____
Quantity: _____
Estimated Vehicle Cost: _____ ea.
Total Estimated Vehicle Cost: _____

3. **PAYMENT.** The vehicle will be purchased using a combination of Federal and Provider funds. The Federal share will be an amount no less than 80% of the total cost, with the balance due from the Provider.

4. **INVOICE.** MaineDOT will invoice the Provider for their share of the vehicle cost at least 60 days prior to its expected delivery to the location designated by MaineDOT.

5. **PAYMENT TERMS.** The Provider must pay their share of the cost of the vehicle 30 days from the date of the invoice. Release of the vehicle to the Provider is contingent on MaineDOT's receipt of full payment of the Provider's share.

6. **CONTACT INFORMATION.**

Provider:
Name: _____
Address: _____

Phone No.: _____
E-mail: _____
Fax: _____

MaineDOT Contract Administrator:
Name: Kelly Arata
Address: 16 State House Station
Augusta, ME 04333-0016
Phone No.: (207) 624-3559
E-mail: kelly.arata@maine.gov
Fax: (207) 624-3099

7. **COMPLIANCE REQUIREMENTS.** The Provider has primary responsibility for compliance with applicable terms and conditions outlined in the annual Certifications and Assurances, and all applicable Federal and State laws, regulations, directives and published policies. These documents are incorporated into this Contract by reference. The most recent versions of any related circular identified in Appendix A will apply to this Contract.

8. **CONTRACT.** Provider also agrees that once MaineDOT has placed the order for the vehicle(s) the Provider is responsible for its share of the vehicle(s) cost, payable in accordance with the sections above. If the Provider wishes to cancel this Contract, it will be responsible for any cost that may result from the cancellation.

9. **REPRESENTATIONS.** By signing below, the Provider hereby represents that to the best of its knowledge and belief:

1. It knows of no legal, contractual, or financial impediment to entering into this Contract.
2. The person signing below is legally authorized by the Provider to sign this Contract on behalf of the Provider and to legally bind the Provider to the terms of this Contract.

IN **WITNESS WHEREOF**, the parties, for themselves, their successors and assigns, hereby bind themselves to all covenants, terms, and obligations contained herein effective on the date last signed by MaineDOT.

INSERT PROVIDER NAME HERE

MAINE DEPARTMENT OF TRANSPORTATION

By: _____
Print Name:

By: _____
Print Name:

(Date Signed)

(Date Signed)

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

APPENDIX A COMPLIANCE REQUIREMENTS

The Provider must undertake primary responsibility for compliance with applicable terms and conditions outlined in the annual Master Agreement between MaineDOT and FTA, the approved project budget, project schedules and annual Certifications & Assurances, and all other applicable Federal and State laws, regulations, directives and published policies. These documents are incorporated into this Contract by reference. All changes to Federal requirements will apply to this Contract as required, unless the Federal Government determines otherwise.

The circulars and links below will apply to this Contract including as they may be subsequently amended.

ADMINISTRATIVE REQUIREMENTS FTA policies and requirements are reflected in FTA circulars:

49 CFR 18, Common Rule (State, Local, Indian Tribal Governments; Private-for-Profit Agencies)

- [2009 CFR Title 49, Volume 1](#)

49 CFR 19, Common Rule (Higher Education, Hospitals and Other Non-Profit)

- [2009 CFR Title 49, Volume 1](#)

49 CFR, Part 661 BUY AMERICA REQUIREMENTS (All Recipients of Federal Funds)

- [2009 CFR Title 49, Volume 7](#)

FTA Circular C-4220.1E. Third Party Contracting Guidelines for Grantees (All Recipients of Federal Funds)

- [Federal Transit Administration - Legislation, Regulations & Circulars/Guidance](#)

FTA Circular C-5010.1D. FTA Grant Management Guidelines/Project Management Guidelines for Grantees. These requirements are intended to assist grantees in administering FTA-funded projects and in meeting grant responsibilities and reporting requirements. (All Providers)

- [Federal Transit Administration - Legislation, Regulations & Circulars/Guidance](#)

FTA Circular C-9030.1D, § 5307. Urbanized Area Formula Program Guidance and Grant Application Instructions. (All Providers)

- [Federal Transit Administration - Legislation, Regulations & Circulars/Guidance](#)

FTA Circular C-9040.1F, § 5311. Non Urbanized Area Formula Program Guidance and Grant Application Instructions. (All Providers)

- [Federal Transit Administration - Program Guidance and Grant Application Instructions](#)

FTA Circular C- 9045.1, § 5317. This circular issues guidance on the administration of the New Freedom Program under 49 U.S.C. § 5317, and the preparation of grant applications. (All Providers)

- [Federal Transit Administration - New Freedom Program](#)

FTA Circular C-9050.1, § 5316. This circular issues guidance on the administration of the JARC program under 49 U.S.C. 5316, and the preparation of grant applications. (All Providers)

- [Federal Transit Administration - Job Access and Reverse Commute Program](#)

FTA Circular C-9070.1F, 49 U.S.C § 5310. Capital Assistance Program Guidance (Grant Recipients). Elderly Individuals and Individuals with Disabilities Program Guidance and Application Instructions. (All Providers)

- [Federal Transit Administration - Legislation, Regulations & Circulars/Guidance](#)

23 MRSA Section 4209 et al

- Title 23 - § 4209, Public Transportation Administration

Department of Labor (DOL), 49 U.S.C. § 5333(b) (formerly identified as 13(c)). Employee Protections under the Federal Transit Law. The Provider agrees, in the absence of a waiver approved by the U.S. DOL, to the terms and conditions in Section 5333b of the Federal Transit Act and regulations of the U.S. Department of Transportation and the U.S. Department of Labor.

- <http://www.dol.gov/olms/regs/compliance/statute-sect5333b.htm>

Maine Uniform Accounting and Auditing Practices for Community Agencies (MAAP) (All Providers)

- <http://www.maine.gov/sos/cec/rules/10/144/144c030.doc>

Title VI of the Civil Rights Act of 1964 (78 Stat. 252), the Regulations of the United States Department of Transportation issued thereunder (CFR Title 29, Sub-title A, Part 21), and the assurance by the Provider pursuant thereto. Applicable provisions of Executive Order 11246 of September 24, 1965, Title VI of the Civil Rights Act of 1964, and to the rules, regulations and relevant orders of the US Secretary of Transportation and the Secretary of Labor.

In connection with the performance of the Contract, the Provider agrees to cooperate with MaineDOT in meeting Federal commitments and goals with regard to the utilization of disadvantaged/minority/women-owned business enterprises shall have equal opportunity to compete for subcontract work under this Contract.

The Provider further agrees, as a condition to the approval or extension of any Federal financial assistance from the United States Department of Transportation, to comply with Section 504 of the Rehabilitation Act of 1973 as amended and all Federal regulations promulgated thereunder.

Standard Program Compliance Requirements applicable to the source of funds received (All recipients)

FTA Master Agreement and the annual Certifications and Assurances, incorporated by reference (All recipients)

MAINTENANCE AND OPERATIONS

State of Maine Commercial Vehicle Laws and Regulations

<https://maine.gov/sos/bmv/commercial/State%20of%20Maine%20Commercial%20Vehicle%20Laws%20&%20Regulations2012.pdf>

Maine Motor Vehicle Statues (Title 29-A M.R.S.A)

<https://maine.gov/sos/bmv/commercial/Commercial%20Vehicle%20Laws%20&%20Regulations%20Nov.%202011.pdf>

Maine Motor Vehicle Inspection Manual

http://www.maine.gov/dps/msp/vehicles_inspections/documents/MaineMotorVehicleInspectionManualRev121506_000.pdf

Maine Commercial Driver's License Manual

<http://www.maine.gov/sos/bmv/licenses/MaineCommercialManual.pdf>

Federal Motor Carrier Safety Regulations

http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.aspx?section_type=D

COST PRINCIPLES All charges to the project account shall be supported by properly executed invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges in accordance with MAAP and the applicable cost principles.

U.S. Office of Management and Budget (“OMB”) Circular A-87 (Cost Principles for State, Local and Indian Tribal Governments)

- [Circular A-87, Revised](#)

OMB Circular A-102 (Grants and Cooperative Agreements with State and Local Governments)

- [Circular A-102](#)

OMB Circular A-110 (Institutions of Higher Education, Hospitals and Other Non-Profit Organizations)

- [Circular No. A-110 -- Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations](#)

OMB Circular A-122 (Non-Profit Organizations)

- [Circular A-122, Cost Principles for Non-Profit Organizations](#)

OMB Circular A-133 (State, Local, Indian Tribal Governments; Other Non-Profit Agencies)

- [Circular A-133 -- Audits of States, Local Governments, and Non-Profit Organizations](#)

48 CFR Part 31, Cost Principles (Non- Profit and Private-for Profit Agencies)

- [2006 CFR Title 48, Volume 1](#)

AUDIT REQUIREMENTS

OMB Circular A-133 (States, Local and Non-Profit Organizations)

- [Circular A-133 -- Audits of States, Local Governments, and Non-Profit Organizations](#)

Maine Uniform Accounting and Auditing Practices for Community Agencies (MAAP) (All Providers)

- <http://www.maine.gov/sos/cec/rules/10/144/144c030.doc>

All Providers are required to submit to MaineDOT’s Office of Audit either a Compiled Financial Statements or Annual Audited A-133 Reports along with MAAP Supplemental forms which include: a Schedule of Expenditures of Department Agreements (SEDA) and Agreement Settlement Forms (“**ASF**”), these schedules are to include, by PIN, all Contracts with MaineDOT. Submissions will be in accordance with the following guidelines:

Tier 1 – Providers who receive \$25,000 to \$500,000 in federal and state funds must submit Compiled Financial Statements within **Four (4) months** after their fiscal year end. *These schedules are not required to be prepared by an independent public accountant.*

Tier 2 - Providers who receive \$500,000 or more in federal and state funds must submit an Annual Audited A-133 report within **Nine (9) months** of their fiscal year end. *The Annual Audited A-133 report must be prepared by an independent public accountant.* The Annual Audit Reports must also be submitted to the Federal Clearinghouse through the following link:

- <http://harvester.census.gov/sac/>

All Providers must submit Cost Allocation Plans to the MaineDOT’s Office of Audit along with their Compiled Financial Statements and Provider Annual Audit Report.

APPENDIX B GENERAL CONDITIONS

1. **TITLE.** Title to said vehicle(s) shall remain with the Provider. If state funds are applied to the purchase cost of the vehicle(s) MaineDOT will be listed as a lien holder on the vehicle title.
2. **TERM.** This Contract will remain in effect until the Vehicle(s) are disposed of and MaineDOT has received written notification of same. Vehicle(s) must be disposed of in accordance with the terms of this Contract.
3. **WARRANTY AND IN-SERVICE DATE.** Vehicle Warranty and In-Service dates will go into effect 30 calendar days after the Provider has taken possession of the vehicle. MaineDOT will not postpone the Warranty and In-Service Date due to delays in the installation of optional equipment.

Once the vehicle has reached the Warranty/In-Service Date, MaineDOT will e-mail the Provider all the registered warranty documents.
4. **WARRANTY WORK.** All Providers are responsible for coordinating any needed warranty work on their vehicles. In the case of a Vendor dispute, MaineDOT's Fleet Warranty Administrator will assist the Providers in the resolution of any warranty disputes that may arise.
5. **CONDITION OF THE VEHICLES.** Provider shall maintain the Vehicles at a high level of cleanliness, safety, and mechanical reliability. Provider hereby covenants and agrees that, at its sole cost and expense; it will repair and maintain the Vehicles in accordance with the current specifications and requirements of the manufacturer. Vehicles will be subject to periodic inspection by MaineDOT or its designee.
6. **RECORDS.** Upon request maintenance records, operating records and ridership information will be made available to MaineDOT or its designated representative upon request.
7. **INSURANCE.** The Provider shall purchase insurance in accordance with Appendix C.
8. **VEHICLE OPERATORS.** Provider will only allow individuals who are properly trained, and licensed in accordance with laws of the State of Maine to operate the Vehicles provided under this Contract.
9. **REIMBURSEMENT.** In the event MaineDOT authorizes the sale of a Vehicle during the Vehicle's Useful Life the Provider may be required to reimburse FTA, and when applicable MaineDOT, in proportion to their original share contribution.

The determination of Useful Life will be based on the criteria set forth by FTA and MaineDOT at the time of vehicle disposal.
10. **SUBLETTING, ASSIGNMENT, OR TRANSFER.** The Provider shall not lease, sell, transfer, assign, or dispose of any Vehicles covered by this Contract or any portion thereof, nor shall MaineDOT assign, transfer, or delegate any of its responsibilities under this Contract, without written consent of the Parties.

A Provider will only be released of its liability for a vehicle under this Contract when there is a transfer of the title.

No member or delegate to the Congress of the United States shall be admitted to any share or part of this Contract or to any benefit arising therefrom.

11. **NON-WAIVER OF IMMUNITY.** Nothing in this Contract is intended, or shall be construed, to constitute a waiver of any defense, immunity or limitation of liability that may be available to the Parties or any of its officers, agents or employees, pursuant to the Eleventh Amendment to the Constitution of the United States of America, the Maine Constitution, the Maine Tort Claims Act (14 M.R.S.A Section § 8101 et seq.), any State or federal statute, the common law or any other privileges or immunities as may be provided by law.
12. **STATE HELD HARMLESS.** To the extent permitted by law, the Provider shall defend, indemnify, and hold harmless MaineDOT, its agents and employees from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the Provider, its consultants or contractors. Nothing herein shall waive any defense immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S Section 8101 et seq.) or any other privileges or immunities provided by law. *This provision shall survive any termination or expiration of this Contract.*
13. **SEVERABILITY.** The invalidity or unenforceability of any particular provision or part thereof of this Contract shall not affect the remainder of said provision or any other provisions, and this Contract shall be construed in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
14. **DEBARMENT.** By signing this Contract, the Provider certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Provider is unable to certify to this statement, it shall attach an explanation to this Contract. The Provider shall promptly notify the MaineDOT if it or its principals becomes debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal Department or Agency.

In addition the Provider will not hire any material or service providers who are debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal Department or Agency.
15. **GOVERNING LAW.** This Contract shall be governed in all respects by the laws, statutes, and regulations of the United States of America and of the State of Maine. Any legal proceeding against the State of Maine regarding this Contract shall be brought in State of Maine administrative or judicial forums. The Provider consents to personal jurisdiction in the State of Maine.
16. **FLOW DOWN.** All Provider contracts, and all lower tier subcontracts, shall contain or incorporate by reference all provisions of this Contract.

17. **INDEPENDENT CAPACITY.** In the performance of this Contract, the Parties hereto agree that the Provider, and any agents and employees of the Provider shall act in an independent capacity and not as officers or employees or agents of the State of Maine.
18. **TERMINATION FOR CAUSE.** MaineDOT may, by written notice to the Provider, repossess any Vehicle(s) covered by this Contract, for any of the following reasons:
- a. The Provider discontinues the use of any of the Vehicle(s) during the period of the Contract.
 - b. The Provider takes any action without the approval of MaineDOT which, under the terms of the Contract, would have required MaineDOT's approval.
 - c. The Provider shall be in default under any provisions of this Contract.
19. **TERMINATION OF CONVENIENCE.** This Contract may be terminated by MaineDOT in whole, or in part, if for any reason it is determined that such termination is in the best interest of MaineDOT. MaineDOT will send Provider a written Notice of Termination specifying the date on which such termination becomes effective. The Provider shall, based on the proportion of its original local share contribution, value, and the condition of the Vehicles, be equitably reimbursed to compensate for such termination.
20. **MISCELLANEOUS PROVISIONS.**
- a. The Provider may identify the Vehicles under this Contract with its logo as deemed appropriate.
 - b. The Provider will be responsible for disposing of the Vehicles in accordance with Appendix D.
 - c. The Provider shall operate the Vehicles for the purposes set forth in the Biennial Operations Plan for the region wherein the MaineDOT is domiciled.
21. **SET-OFF.** MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the state's option to withhold for the purposes of set-off monies due the Provider under a specific Contract up to any amounts due and owed to MaineDOT with regard to this Contract, any other Contract, any other Contract with any State department or agency, including any Contract for a term commencing prior to the term of this Contract, plus any amounts due and owed to the State for any other reason. MaineDOT shall exercise its set-off rights in accordance with normal State practices.
22. **NON-APPROPRIATION.** Notwithstanding any other provision of this Contract, if the State does not receive sufficient funds to fund this Contract and other obligations of the State, if funds are de-appropriated, or if the State does not receive legal authority to expend funds from the Maine State Legislature or Maine courts, then the State is not obligated to proceed with this Contract.
23. **MODIFICATION.** No changes are to be made in this Contract unless they are in writing and agreed upon by both parties.

APPENDIX C INSURANCE PROVISION

INSURANCE All insurance coverage must be provided by (a) an insurance company or companies licensed or approved to do business in the State of Maine by the Maine Bureau of Insurance; or (b) a funded self-insurance program or pool, use of which is approved in advance by MaineDOT in writing. Provider its consultants and contractors shall pay all premiums and take all other actions necessary to keep required insurances in effect during such times as this Contract's obligations exist. A Provider may request a waiver from MaineDOT for insurances that may not be applicable for the work to be performed; these requests shall be submitted to the Contract Administrator using MaineDOT's Request for Insurance Waiver Form. MaineDOT will consider these requests for waivers on a case by case basis.

Additional Insured

MaineDOT shall be listed as an additional insured on Commercial General Liability and Vehicle Liability insurance policies (or their equivalents) carried by both the Provider its consultant(s) and/or contractor(s) that are applicable to this Contract.

Certificates of Insurance to MaineDOT

Provider shall deliver to the Contract Administrator signed, valid, and enforceable certificates of insurance proving the coverage required by this Contract. Such certificates shall be furnished prior to commencement of Provider services and whenever said policies are renewed thereafter during the period of this Contract.

Commercial General Liability Insurance

The Provider, its consultants and contractors shall purchase and maintain a policy of Commercial General Liability coverage or other coverage affording equal or greater protection as determined by MaineDOT, in an amount not less than \$400,000 per occurrence. Such policy shall include contractual liability coverage.

Vehicle Liability Insurance

The Provider its consultants and contractors shall purchase and maintain a Commercial Business Auto Policy consisting of two parts Liability or other coverage affording equal or greater protection as determined by:

Part One

Vehicle liability insurance covering the operation of all motor vehicles including any which are rented, leased, borrowed or otherwise used in connection with this Contract. The limit of liability under this section shall be \$400,000 per occurrence or the minimum insurance requirements required pursuant to the State of Maine Motor Vehicle Statutes or any other law if those requirements exceed \$400,000.

Part Two:

Auto physical damage comprehensive and collision insurance for which MaineDOT shall be listed as a loss payee carried by both the Provider its consultants and contractors that are applicable to this contract.

The certificate of insurance evidencing the commercial business auto insurance must specifically display one or more of the following “Description of Covered Auto Designation Symbols”:

Symbol	Description of Covered Auto Designation Symbols
1	Any Auto
7	Specifically Described Autos: A list of the specifically described autos must be included on or with the certificate.
8	Hired Autos Only – covering all autos you lease, hire, rent or borrow.

Workers’ Compensation Insurance

Provider and consultants and contractors shall carry Workers’ Compensation Insurance or shall qualify as a self-insurer with the State of Maine Workers’ Compensation Board, all in accordance with the requirements of the laws of the State of Maine.

When Required:

Pollution Liability Insurance

In the event that any disruption, handling, abatement, remediation, encapsulation, removal, transport, or disposal of contaminated or hazardous material is required, Providers their consultants and contractors shall secure a pollution liability policy in addition to any other coverages required. The insurance shall be provided on an occurrence based policy and shall remain in effect for the duration of the Project. The minimum acceptable limit is \$400,000 per occurrence.

APPENDIX D VEHICLE DISPOSAL INSTRUCTIONS

The Federal Transit Administration (FTA) and the MaineDOT has a vested interest in all FTA-funded vehicles throughout its intended vehicle service life.

When a FTA-funded vehicle has reached or exceeded its useful service life and/or is deemed unsafe to operate, damaged beyond repair or unsalvageable, inoperable or needs to be taken out of service¹, the sub-recipient shall first notify and consult with the MaineDOT on its request to dispose. The Provider shall notify MaineDOT by completing and submitting (via email) a "Vehicle Disposition Application" (referred to as "Application"). An Application shall be completed for each FTA-funded and State-funded vehicle.

Upon receipt of the Provider's Application, MaineDOT will review and schedule the vehicle for inspection for disposal or transfer. MaineDOT reserves the right to waive the inspection if the vehicle is either deemed unsafe for public transportation or scrap. After MaineDOT receives the disposal inspection report for vehicles that are in good or fair condition with only minor repairs, MaineDOT will give other subrecipients five (5) days to respond if they are interested in receiving said vehicle as a transfer. If no response, then MaineDOT and the Provider will complete the process for disposal.

MaineDOT will issue a written notice to the Provider approving or disapproving its request. Failure to maintain or upkeep the safe and clean operating condition of any FTA-funded vehicle due to negligence or ignorance of program requirements is not acceptable and may be cause for investigation.

After MaineDOT issues written approval allowing the vehicle disposal, the Provider may then proceed to dispose of or take the subject vehicle out of service. If the vehicle is beyond its useful life, the Provider will notify MaineDOT in writing if they choose to take the vehicle out of service but plan to keep the vehicle for parts only. Prior to disposal, MaineDOT requires that the Provider prepare the vehicle for disposal. The Provider will complete the following: (1) Remove all Provider logo, Federal stickers and advertising; (2) Remove all Provider safety equipment, fareboxes and radios; (3) Remove vehicle license plates, registration, insurance contact information and Maine State Inspection Sticker; (4) Clean vehicle interior; and (5) secure any loose equipment. This Provider has 60 days to dispose of this vehicle.

Options for disposal include the sale or transfer. All Post-Vehicle Disposal or transfer documents as noted on the Application must be submitted to the MaineDOT at the completion of the disposal process.

Record Retention

Pursuant to Federal Motor Carrier Safety Administration, Part 396.1 and Part 396.3, the records required by this section shall be retained where the vehicle is either housed or maintained for a period of 1 year and for 6 months after the motor vehicle leaves the motor carrier's control.

Vehicle Service Life Guidelines

¹ If the vehicle is deemed unsafe to operate due to damage, poses safety risks to the driver and/or passengers or is inoperable, the vehicle shall not be used until Provider receives written approval from MaineDOT to dispose of the vehicle. Only written approval from the MaineDOT will release the Provider from its agreement and/or contractual obligations related to the project.

A. Service Life. Service Life for FTA-funded vehicles (rolling stock) are listed below (FTA C 5010.1D 11-01-2008). Service Life begins on the date the vehicle is placed in revenue service and continues until it is removed from service.

- 1) Large, heavy-duty transit buses (approximately 35' – 40', articulated buses):
33,000-40,000 GVW (approx.)
12 years or 500,000 miles.
- 2) Small-size, heavy-duty transit buses (approximately 30'): 26,000-33,000 GVW (approx.)
10 years or 350,000 miles.
- 3) Medium-size, medium-duty transit buses (approximately 30'): 16,000-26,000 GVW (approx.)
7 years or 200,000 miles.
- 4) Medium-size, light-duty transit buses (approximately 25' – 30'): 10,000-16,000 GVW (approx.)
5 years or 150,000 miles.
- 5) Light-duty vehicles including automobile, small buses and small bus or van, and specialized vans:
6,000-14,000 GVW (approx.)
4 years or 100,000 miles.

B. Vehicle Disposal Guidelines.

- 1) If Vehicle Service Life has not been met:
 - a) The Provider shall return the remaining FTA share or roll the money into a Like-Kind Exchange unless the FTA grants a waiver or if there are mitigating circumstances; or
 - b) The Provider shall transfer the vehicle to another Provider with concurrence from MaineDOT. MaineDOT would then consult with the Parties to return the prorated local share to the original grantee; or
 - c) The Provider shall keep the vehicle in service.
- 2) If Vehicle Service Life has been met:
 - a) The Provider shall seek approval from MaineDOT to dispose of the vehicle if the vehicle is not in serviceable condition.
 - b) The Provider shall seek approval from MaineDOT to transfer the vehicle to another Provider if the vehicle is still in serviceable condition or in need of minor repairs. The transfer may be made at no cost or a negotiated price.
 - c) Proceeds from a vehicle sold for less than \$5,000 must be used for the Provider's transit program. If proceeds from the sale are equal to or greater than \$5,000 they must be used for efforts identified in the approved Grant Application unless grant guidelines for funding sources (such as 5310, 5311 and 5317) require no reimbursement and allows the funds to be retained for public transportation purposes.

VEHICLE DISPOSITION APPLICATION
FOR FTA-FUNDED AND STATE-FUNDED VEHICLES

Provider Organization (Name and Address):

Certification by Recipient Organization:

I hereby certify that I am authorized to act on behalf of the above-mentioned organization for the disposition of subject vehicle, that the information on this form is true and correct, and that any proceeds received from the disposition will be reinvested in the transportation services of the mentioned organization.

Name, Title and Date:

Project Information:

Year, Make, Model, Body:

Vehicle Type/Description (including useful life):

VIN#:

Mileage:

Purchasing Funding sources/grant numbers:

Disposition Information:

Reason for Disposition:

Condition of the Vehicle (Inoperable, Unsafe, Poor Fair, Good):

Method of Disposition:

- Sale
- Transfer to another Agency (at no cost or negotiated price)
- Out of Service/Used for Parts Only
- Scrap - Prior Request Granted to Take out of Service/Used for Parts
(Date of MaineDOT letter: _____)

Acceptable Methods to ensure Highest Possible Return that includes a bid that contains a credit equivalent:

- sealed bid method by placing an advertisement in two area newspapers; one newspaper must have statewide circulation OR
- one newspaper with statewide circulation and on Agency's website; OR
- Public auction and Agency's Website; OR
- Internet Website (E-Bay [or similar website with reserve] and/or Craig's List) and Agency's Website; OR
- Three Bids from Scrap Yards and from Prequalification List (107.70) - <http://maine.gov/mdot/cpo/prequal/prequal-downloads.shtml#lists>
 - Scrap and unsafe vehicles only
 - No bids received from other forms of advertising cited above.

Documents Required after Permission to Sell or Transfer is granted

Advertising:

- ___ Advertisements in newspapers; or
- ___ Public Auction Advertising; or
- ___ Screen shot of Internet website with the pertinent information; and
- ___ Screen shot of Agency's website
- ___ Screen shot of Prequalification List

Highest Bid/Sale:

- ___ List of bidders and their price that may include a credit equivalent
- ___ Reason for accepting highest bidder including the price or credit equivalent
- ___ Copy of Check from the highest bidder or documentation showing payment.
- ___ Buyer's Name and Address
- ___ Bill of Sale/Receipt of sale or transfer
- ___ Front and Back of Title

Transfer to Another Provider

- ___ Name of Provider
- ___ Prorated local share or negotiated price or no cost
- ___ Date of transfer completed

VEHICLE DISPOSITION CHECKLIST

If the Provider (also known as Transit Provider) decides to dispose of a vehicle, it must contact MaineDOT for assistance in determining whether or not the vehicle has reached its Useful Life.

PROVIDER (holds title) – Disposal Request

- Transit Provider** submits a written request to **MaineDOT** to dispose of the vehicle. The request will include the Vehicle Identification Number (“VIN”), year, make, model and mileage.
- MaineDOT** notifies **MaineDOT Vehicle Inspector** in writing that a disposal inspection has been requested
- MaineDOT Vehicle Inspector** or its representative inspects vehicle and submits paperwork to **MaineDOT**
- MaineDOT** determines if the vehicle is beyond its useful life.
 - If so, then continue to follow the disposition process.*
 - If not, then the transit provider has the option to keep the vehicle in service or transfer to another transit provider to be used for public transportation purposes.*
 - If at least 80% of the useful life has been used, then the transit provider may request early disposal if there are mitigating factors such as corrosion or systemic mechanical problems that can be evidenced.*
- MaineDOT** works with the original transit provider to determine if another transit provider is interested in receiving said vehicle as a transfer to be used for public transportation purposes.
 - If another transit provider is interested, then the transfer process cited below should be followed.
 - If none is found, then MaineDOT will continue to follow the disposal process below if the vehicle is beyond its useful life.
- Transit Provider** receives written permission from **MaineDOT** to take the vehicle out of service or advertise vehicle for sale if the vehicle is beyond its useful life.
- Transit Provider** submits bids received to **MaineDOT**
- Transit Provider** receives written approval to sell the vehicle to the highest bidder
- Transit Provider** submits paperwork and copy of the check to **MaineDOT** and retains funds for public transportation purposes.
- MaineDOT** removes the vehicle from their database and retains disposal paperwork for future FTA audits.

PROVIDER (holds title) - Transfer Request

- Transit Provider** submits a written request to **MaineDOT** to dispose and subsequent transfer of the vehicle. The request will include the Vehicle Identification Number (“VIN”), year, make, model, and mileage.
- MaineDOT** notifies the **MaineDOT Vehicle Inspector** or its representative in writing that a disposal/transfer inspection has been requested
- MaineDOT Vehicle Inspector** or its representative, inspects vehicle and submits paperwork to **MaineDOT**
- The **Transit Provider** contacts another **Transit Provider** to determine whether there is interest in transferring the vehicle for public transportation purposes. The two interested parties have the option to negotiate a price. Any funds received by the **Transit Provider** for the transfer of the vehicle shall be retained and used for public transportation purposes.
- MaineDOT** receives request from other **Transit Provider** to accept receipt of vehicle
- MaineDOT** gives written permission to the **Transit Provider** to transfer vehicle
- Transit Provider** will change title holder to other **Transit Provider**
- Transit Provider(s)** will notify **MaineDOT** when the transfer has been completed.
- MaineDOT** modifies database to change the **Provider**, makes a note on the date of transfer and retains paperwork for future FTA audits.

APPENDIX E
CLARIFICATION OF FUNDING FOR TRANSIT VEHICLE PURCHASES

Agency: _____ CT #: _____ CSN: _____

VEHICLE INFORMATION

Purchase Date: _____

Amount paid for this vehicle(s):

Federal \$ _____ State \$ _____ Local \$ _____

Vehicle Description (year, make, model, VIN #, and service life):

Federal Grant #/Fund Source	Amount	Coding
State Fund Source	Amount	Coding
Local Fund Source	Amount	Coding

Appendix Q: Pre-Award Buy America Compliance Certification

Pre-Award Buy America Compliance Certification

As required by Title 49 of the CFR, Part 663-Subpart B, Maine Department of Transportation/ Bureau of Planning is satisfied that the buses to be purchased, VIN# _____ (description) _____ from (manufacturer) _____ meets the requirements of Section 165(b) (3) of the Surface Transportation Assistance Act of 1982, as amended. (the recipient) MDOT has reviewed the documentation provided by the manufacturer which lists, (1) the actual component, and subcomponent parts of the bus identified by the manufacturer, country of origin, and cost. (2) The actual location of the final assembly of the bus, and (3) the final cost of assembly of the bus.

Bus # 1

Receiving Agency: _____

Date: _____

Signature: _____ Title: *Maine DOT Fleet Services Quality Control Department.*

Appendix R: Procurement Delivery Checklist

PROCUREMENT DOCUMENTATION FOR FILE & FTA

1. **INVITATION TO BID** (INCLUDE BPO DOCUMENT: CONDITIONS & INSTRUCTIONS TO BIDDER)
2. **TECHNICAL SPECIFICATION**
3. **APPROVED EQUALS & EXCEPTIONS**
4. **FUNDING BREAKDOWN**
(BY PROVIDER AND TYPE OF FUNDING)
5. **BIDDERS LIST W/ BID AMOUNTS**
6. **BID AWARD SUMMARY RECOMMENDATION**
7. **PURCHASE ORDER(S)**
8. **FACTORY INSPECTION**
9. **VEHICLE DELIVERY/ACCEPTANCE DOCUMENTATION**
(SEPARATE FILE FOR EACH VEHICLE)
10. **A. BUY AMERICA, PURCHASER'S REQUIREMENTS, FMVSS COMPLIANCE - PRE & POST;**
B. ALL OTHER REQUIRED SIGNED CERTIFICATIONS
C. ALTOONA TEST
11. **CORRESPONDENCES**
12. **PAYMENT HISTORY** (INCLUDE VENDOR INVOICES, FREE 2000 INVOICES, & COPY OF CHECKS)
13. **WARRANTIES**
14. **ALL BIDS** (INCLUDE SELECTED BIDDER AND NON-SELECTED BIDDERS)
15. **EPLS**

Appendix S: MaineDOT FTA Site Visit Review Form

**MaineDOT FTA Grant Program
Site Visit Review Form**

Instructions:

This form is designed to be completed electronically.

Complete each section assigned to you and then share your work with the lead reviewer who will compile all notes into a single report on the Review Form.

For each question **highlight** yes or no or DNA as appropriate.

Type as many notes as you feel are necessary for each question in each section. Each section is numbered and color coded.

In the "Follow-up" column type "yes" or "no" to indicate whether a follow-up is needed.

Name of Sub-Grantee:

Location of Site Visit:

Date of Site Visit:

Grantee Representatives Present:

MaineDOT Staff Present:

Lead Reviewer:

Table of Contents

Part I: Site Visit Review Form Instructions and Cover Page

Part II: Documents and Policies to Review before Site Visit

Part III: Review Sections

Section 1: Civil Rights

Section 2: Title VI

Section 3: Americans with Disabilities Act (ADA)

Section 4: ADA (Fixed route services only)

Section 5: Code of Ethics (FTA funds only)

Section 6: Marketing/Communication Efforts

Section 7: Coordination of Transportation Planning

Section 8: Lobbying

Section 9: Single Audit Requirements

Section 10: Purchasing Procedures

Section 11: Disadvantaged Business Enterprise

Section 12: Records Retention

Section 13: Subcontracting

Section 14: Complaints

Section 15: Charter Services

Section 16: School Bus Services

Section 17: Signage

Section 18: Signage: Labor Postings

Section 19: Vehicle Inspection & Maintenance

Section 20: Facilities and Equipment Inventory Issues

Section 21: Accounting Records and Practices (all funds)

Section 22: Matching Funds

Section 23: Volunteer Drivers for FTA or General Public Vehicles

Section 24: Employee Travel Expenses

Section 25: Substance Abuse Programs

Section 26: Vehicle Incidental Use

Section 27: Staffing and Organization

Part IV: Follow-up Procedures

Documents and Policies to Review Before Site Visit

Name of document / policy (Please supply and review electronic copies)	there a copy in MAINEDOT's file?			Date of copy on file	Has the document/policy been updated?	
	Yes	No	N/A		Yes	No
ADA Policies						
Asset Management Plan (Vehicle Maintenance Plan, Building Maintenance Plan, Other Fixed Asset Maintenance Plan, Replacement Plan)						
Bus Schedules						
Code of Ethics/Conflict of Interest Policy						
Contracts or Subcontracts for Services						
Customer Complaint/Comment Process						
Disadvantaged Business Enterprise Plan						
Drug and Alcohol Policy						
Equal Opportunity Employment Policy						
Indirect Cost Allocation Plan or Rate						
In-Kind Valuation Plan						
Job Descriptions for grant funded positions and organization chart						
Schedules and Promotional Materials						
Purchasing Policy						
Single Audit Report *						
Title VI						
Unfair Competition Complaint Process						
Volunteer Driver Policy						

Section	Topic	Follow-up
1	Civil Rights	Yes No
1	1. What effort does your organization make to reach out to minorities for employment and to serve as members of your policy and / or advisory committees?	
1	2. Does your organization have a written policy in place to prevent harassment, intimidation, and coercion in any form? Yes No	
1	a. Has the policy been updated since the date shown on the front of this checklist? Yes No (if no, skip b)	
1	b. Does the policy cover all forms of harassment? Yes No	
1	3. Has your organization received any written complaints alleging discrimination in its employment practices or services provided within the last twelve months? Yes No (if no, skip a and b)	
1	a. Describe the complaint and date of submittal to MaineDOT.	
1	b. What is the status of the complaint?	
1	Follow-up Action: Required:: Recommended: Other Comments:	
2	Title VI	
2	1. Does your organization have a written Title VI policy? Yes No	
2	2. Has the policy been updated since the date shown on the front of this checklist? Yes No (if no, skip a)	
2	a. Does the plan cover the following elements:	
2	i. Maintaining a list of any active investigations, lawsuits, or complaints naming the grantee or MAINEDOT? Yes No	
2	ii. Reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP)? Yes No	
2	3. Is there a specific non-English speaking population in your service area that exceeds either 1,000 people or 5% of the population (whichever is less)? Yes No (if no, skip a)	
2	a. Are your vital documents translated into that language? Yes No	
2	4. Describe how your organization notifies the public of their rights under Title VI. (must be done in a minimum of two ways)	
2	5. How do you ensure that the services provided by your organization accessible to all people regardless of race, color, religion, sex, national origin or disability?	
2	Follow-up Action: Required:	

Section	Topic	Follow-up
	Recommended: Other Comments:	
3	Americans with Disabilities Act (ADA)	
3	1. What types of services are provided with the operating funds or the equipment purchased under the grant? Fixed Route Demand Response (Route Deviated, Dial-A-Ride)	
3	2. Are ADA accessible vehicles used for all grant funded services? Yes (if yes, skip a) No	
3	a. How do you ensure that equivalent services are provided to persons with disabilities?	
3	3. Do you have the following ADA related policies?	
3	a. Has the policy been updated since the date shown on the first page of this checklist? Yes No (if no, skip b)	
3	b. Does the policy include:	
3	i. A process to address ADA related complaints? Yes No	
3	ii. The use of service animals? Yes No	
3	◆ Are service animals allowed in vehicles and facilities? Yes No	
3	◆ Are there any restrictions placed on service animals (i.e. type of disability, advanced notice, type of animals allowed, etc.)? Yes No	
3	iii. The procedure to determine eligibility for complementary paratransit service (fixed route services only)? Yes No N/A – Reason:	
3	iv. The process used to handle ADA complaints? Yes No	
3	4. How do you ensure that your employees and / or contractors comply with ADA service requirements?	
3	5. Do you train/retrain employees and contractors regarding safety, respect, courtesy, and sensitivity in transporting persons with disabilities? Yes No Date of last training: Date of last re-training:	
3	6. Are lifts and securement systems used for persons with disabilities? Yes No	
3	7. Can lifts be used by ambulatory persons (people not using mobility devices)? Yes No	
3	8. Are all facilities ADA accessible? Yes No	
3	9. Are your transportation services provided to persons who use portable oxygen or respirators? Yes No	
3	10. Is information about your services made available to the public in accessible formats? Yes No Describe:	
4	ADA (Fixed route services only)	
4	1. Do you provide complementary paratransit service extending ¾ mile outside the fixed route? Yes No	
4	2. What system do you use to track, monitor, and analyze service denials?	

Section	Topic	Follow-up
4	3. Do drivers announce major stops, transfer stations, requested stops, and destination points? Yes No	
4	4. Are routes clearly identified at multi-route stops? Yes No	
4	5. Can lifts be deployed at all bus stops? Yes No If no, explain:	
4	6. Are persons with disabilities allowed adequate time to board and disembark the vehicle(s) Yes No	
4	7. Are other accessibility features used (i.e. stop request buttons, etc.)? Yes No	
4	Follow-up Action: Required: Recommended: Other Comments:	
5	Code of Ethics (FTA funds only)	
5	1. Does your organization have a written Code of Ethics? Yes No	
5	a. Has the Code of Ethics been modified since the date shown on the front of this checklist? Yes No (if no, skip b - c.)	
5	b. Does the Code of Ethics include:	
5	i. Personal Conflict of Interest Yes No	
5	ii. Identification and Prevention Yes No	
5	c. Does the Code of Ethics cover all employees, officers, board members, and agents? Yes No	
5	Follow-up Action: Required: Recommended: Other Comments:	
6	Marketing/Communication Efforts	
6	1. What effort does your organization make to promote the service or to increase ridership? (advertising, graphics on bus, speakers' bureau, print materials, etc.)	
6	2. Are your marketing materials published in any languages other than English? Yes No	
6	3. Do your marketing efforts state that the services are available to the general public? Yes No N/A	
6	4. Please provide copies of your current schedules and promotional materials.	

Section	Topic	Follow-up
6	Follow-up Action: Required: Recommended: Other Comments:	
7	Coordination of Transportation Planning	
7	1. Please describe how your organization participates in the coordinated public transit and human service transportation planning efforts in your region.	
7	Follow-up Action: Required: Recommended: Other Comments:	
8	Lobbying	
8	1. Did your organization receive \$100,000 or more in FTA funds during the last year? Yes No (if no, skip a)	
8	a. Did your organization engage in lobbying activities? Yes No (if no, skip i – ii)	
8	i. How did you ensure that no FTA funds were used to pay for lobbying expenses?	
8	ii. Did your organization submit the required Standard Form-LLL “Disclosure Form to Report Lobbying” to MAINEDOT? Yes No	
8	Follow-up Action: Required: Recommended: Other Comments:	
9	Single Audit Requirements	
9	1. Did your organization spend over \$500,000 in Federal funds in the previous fiscal year? Yes No (if no, skip a - c)	
9	a. Did your organization complete the required single audit for FTA funds? Yes No	
9	b. Were there any findings in the most recent single audit report? Yes No (if no, skip i)	
9	i. Has your organization addressed the findings? Yes No Please explain:	
9	c. Was a copy of the audit report submitted to MAINEDOT? Yes No	

Section	Topic	Follow-up
9	<p>Follow-up Action:</p> <p>Required:</p> <p>Recommended:</p> <p>Other Comments:</p>	
10	Purchasing Procedures	
10	1. Does your organization have a written purchasing policy? Yes No	
10	a. Has the policy been updated since the date shown on the front page of this checklist? Yes No (if no, skip i - iii)	
10	i. Does the policy include a graduated purchasing authority (outlining what type of employees can authorize what level / type of purchase)?	
10	ii. Does the policy include the dollar threshold at which your organization conducts a competitive process? Yes No	
10	iii. Does the policy include an appeal process for competitive formal bid awards?	
10	2. Does your organization use FTA funds to purchase goods and services in the amount of \$100,000 or more? Yes No	
10	a. Does your organization comply with the procurement requirements outlined in FTA Transit Administration Circular 4220.1f? Yes No	
10	3. Does your organization have procedures in place to handle complaints received that allege unfair competition either in service provision or purchasing? Yes No	
10	a. Has the procedure been updated since the date shown on the front of the checklist? Yes No	
10	4. Has your organization received any complaints related to your services or to the use of public funds for purchasing? Yes No	
10	<p>Follow-up Action:</p> <p>Required:</p> <p>Recommended:</p> <p>Other Comments:</p>	
11	Disadvantaged Business Enterprise	
11	1. Does your organization expect to award contracts with a combined total of or exceeding \$250,000 in FTA funds during the current fiscal year (excluding rolling stock)? Yes No (if no, skip a - c)	
11	a. Does your organization have a Disadvantaged Business Enterprise (DBE) plan approved by FTA? Yes No (if no, skip i. – ii.)	
11	i. Do you submit DBE reports directly to FTA? Yes No (if no, skip next question)	
11	♦ Do the reports include FTA funding received through a grant with MAINEDOT? Yes No	

Section	Topic	Follow-up
11	ii. Is your organization currently meeting its goal for purchasing from DBE sources? Yes No	
11	b. Did you adopt MAINEDOT's plan? Yes No	
11	i. Do you update your agency's acceptance of MAINEDOT's goal annually? Yes No Please provide a copy of the board adoption.	
11	c. Is your agency currently meeting MAINEDOT's goal? Yes No	
11	2. Please describe your good faith effort to purchase from DBE vendors.	
11	3. Does your organization use the Minority and Women Owned Business Enterprise information available from MaineDOT? Yes No	
11	Follow-up Action: Required: Recommended: Other Comments:	
12	Records Retention	
12	1. Are records related to grant funded projects retained for at least 3 years past the completion of the project or the life of the asset, whichever is longer? Yes No	
12	Follow-up Action: Required: Recommended: Other Comments:	
13	Subcontracting	
13	1. Does your organization contract out any of the grant funded services? Yes No (if no, skip a - c)	
13	a. Was a copy of the subcontract approved by MAINEDOT prior to execution? Yes No	
13	b. Has the agreement been modified since MAINEDOT's approval? Yes No	
13	c. Does the contract include all the required clauses from your grant agreement? Yes No	
13	Follow-up Action: Required: Recommended: Other Comments:	

Section	Topic	Follow-up
14	Complaints	
14	1. Does your organization have a customer comment / complaint process? Yes No	
14	a. Has the process been updated since the date shown on the front of the checklist? Yes No	
14	b. Is the process fully implemented? Yes No	
14	c. How does your organization make your customer comment / complaint process known to the public?	
14	2. Has your organization received any written complaints regarding any of the above areas or other areas of operation? Yes No (If no, skip a-b)	
14	a. Please describe the complaint.	
14	b. Is the process fully implemented? Yes No	
14	Follow-up Action: Required: Recommended: Other Comments:	
15	Charter Services	
15	1. Have you provided any charter services? Yes No (If no skip a-b.)	
15	a. Did you register the trip on the FTA Charter Registry? Yes No	
15	b. Did your organization report the charter(s) to MAINEDOT on your quarterly report(s)? Yes No	
15	Follow-up Action: Required: Recommended: Other Comments:	
16	School Bus Services	
16	1. Does your organization provide school bus transportation? Yes No	
16	Follow-up Action: Required: Recommended: Other Comments:	
17	Signage	
17	1. Are the following signs located where applications for employment are accepted and / or hiring takes place? Yes No ** check for 25.13; 25.14 and 25.15	

Section	Topic	Yes	No	Follow-up
17	a. Employee Polygraph Protection Act	Yes	No	
17	b. Equal Opportunity Employment is the Law	Yes	No	
17	2. Are the following signs located in employee gathering areas, e.g. employee break room, lounge, or lunch room?			
17	a. Employee Polygraph Protection A	Yes	No	
17	b. Equal Opportunity Employment is the Law	Yes	No	
17	c. Fair Labor Standards Act – Minimum Wage Poster	Yes	No	
17	d. Job Safety & Health Protection	Yes	No	
17	e. Family Medical Leave Act of 1993	Yes	No	
17	f. Notice to Employees – if a Job Injury Occurs	Yes	No	
17	g. Notice to Employees – Unemployment Benefits	Yes	No	
18	Signage: Labor Postings			
18	1. Is the 5333(b) Special Warranty prepared on your organizations letterhead and specifying the terms and conditions for the protection of employees posted in an area where transportation employees gather? Yes No			
18	a. Are Appendices A and C attached behind the Special Warranty?	Yes	No	
18	b. Are the 5333(b) procedures on “How to File a Claim” also attached to the above packet? Yes No			
18	2. Does your organization have an existing union collective bargaining agreement? Yes No (if no, skip a)			
18	a. Are the arbitration procedures required of 5333(b) (Appendix C) attached to the union contract as an addendum? Yes No			
18	Follow-up Action: Required: Recommended: Other Comments:			
19	Vehicle Inspection & Maintenance			
19	1. Were any vehicles inspected during the site visit?	Yes	No	
19	a. If no, explain why.			
19	b. If yes, which vehicles were inspected (enter grantee vehicle numbers and attach Vehicle Inspection Sheet(s))? Vehicles inspected:			
19	2. Do you have a transit Asset Management Plan (AMP) or Vehicle Maintenance Plan (VMP)? Yes No			
19	a. Have you made any changes to your AMP or VMP since the date shown on the front page of this checklist? Yes No (if no, skip i)			

Section	Topic	Follow-up
19	i. Have you submitted the updated plan to MAINEDOT for review? Yes No (if no, skip i)	
19	3. What are the maintenance intervals for grant funded vehicles? Vehicle size/type: Intervals Used:	
19	a. Do those levels fall within the manufacturer's recommendations? Yes No (if yes, skip b)	
19	b. If the intervals are greater than the manufacturer's recommendations, have you gotten approval from the manufacturer to ensure continuity of the warranty? Yes No	
19	4. How do you keep track of when preventative maintenance servicing is due?	
19	5. Do you maintain a vehicle maintenance file for each vehicle? Yes No	
19	a. What information is retained in the files?	
19	b. Were checklists used for all PM inspections? Yes No	
19	c. Do the checklists include maintenance on subsystems? Yes No ADA Equipment HVAC Other:	
19	6. Were maintenance records reviewed during this visit? Yes No (if no, skip a - b)	
19	a. Do the records show that the vehicles are maintained in accordance with the AMP or VMP, whichever is applicable and on file with MAINEDOT? Yes No	
19	b. Do the maintenance records show that accessibility features are properly inspected and maintained? Yes No (if yes, skip c)	
19	c. Why were the records not inspected?	
19	7. Are drivers required to cycle lifts during pre-trip inspections? Yes No	
19	8. Have any grant funded vehicles been in an accident during past year as defined below? If no, skip a –c) One or more of the vehicles had to be towed from the scene A fatality occurred, or A person was transported from the scene for immediate medical care.	
19	a. Was the accident reported to MAINEDOT? Yes No	
19	b. Has the vehicle been repaired? Yes No	
19	c. If the vehicle was totaled, was a check for the federal and/or state share forwarded to MAINEDOT? Yes No	
19	9. Since the last review have any vehicles been replaced? Is the replaced vehicle: Currently shown in spare status? Yes No Removed from inventory (vehicle disposed of, sold, or no longer owned by grantee)? Yes No Still used in active service? Yes No	

Section	Topic	Follow-up
19	Follow-up Action: Required: Recommended: Other Comments:	
20	Facilities and Equipment Inventory Issues	
20	1. Were any facilities or equipment purchased / constructed with grant funds administered through MAINEDOT? Yes No (if no, skip a)	
20	a. Does MAINEDOT still maintain an interest in any of the facilities or equipment? Yes No If yes, please list:	
20	2. Has the facilities / equipment sustained any damage that impaired its usage? Yes No, (if no, skip a) If yes, please explain.	
20	a. Was the facility and/or equipment repaired to pre-damage condition? Yes No	
20	3. Was any equipment inspected? Yes No If yes, attach equipment inspection sheet.	
20	4. What kind of maintenance is performed to extend the life of the facility / equipment?	
20	a. Were any facilities inspected? Yes No If yes, attach facilities inspection sheet.	
20	b. Are the facilities being maintained in accordance with your Asset Management Plan? Yes No	
20	Follow-up Action: Required: Recommended: Other Comments:	
21	Accounting Records and Practices (all funds)	
21	1. What type of accounting system does your organization use to record project expenses? Full Accrual? Yes No	
21	2. Does your organization have specified accounts within your accounting system for each transportation project? Yes No	
21	a. If yes, what are the account codes used for your grant funded project?	
21	b. If no, what method do you use to allocate expenses between projects?	
21	3. Can the costs charged to a specific project be traced back from the general ledger to the actual invoices? Yes No	

Section	Topic	Follow-up
21	4. Does your organization prepare vouchers or purchase orders for all payments to vendors? Yes No	
21	a. Do the vouchers or purchase orders specify what was purchased? Yes No	
21	b. Do the vouchers or purchase orders identify the programs being charged (i.e. accounts)? Yes No	
21	6. Do the expenses charged against the agreement include all rebates, early payment discounts, and/or refunds? Yes No	
21	a. Were sample documents easily accessible? Yes No	
21	7.1. Single Purpose Agencies Only: Does your organization charge administrative and / or overhead costs to the grant? Yes No (if no, skip a – c)	
21	7.2. Multi-Purpose Agencies Only: Does your organization charge administrative and / or overhead costs to the grant? Yes (if yes, please describe) No (if no, skip a – c) If Yes, please describe:	
21	a. Are those expenses charged as indirect or direct expenses? Direct (skip c) Indirect (skip b)	
21	b. If direct, what method do you use to split costs between projects and / or programs?	
21	c. If indirect, has your rate / plan been approved by MAINEDOT or your cognizant federal agency? Yes No	
21	i. Has the plan / rate been updated since the date shown on the front of this checklist? Yes No	
21	8. Does your organization charge depreciation expenses and / or use fees to the grants? Yes No (if no, skip a - b)	
21	a. Do the charges include depreciation of state or federal grant funded assets? Yes No	
21	b. What method does your organization use to ensure that only allowable depreciation and/or use fees are charged to the grant?	
21	Follow-up Action: Required: Recommended: Other Comments:	
22	Matching Funds	
22	1. Is your organization currently meeting the local matching requirements identified in the grant agreement? Yes No	
22	2. Does your organization have documentation for the source(s) and amounts of the matching funds shown on the previous invoices and reports? Yes No	

Section	Topic	Follow-up
22	3. Were all matching funds eligible? Yes No	
22	4. Does your organization use any in-kind contributions for match? Yes No (if no, skip a)	
22	a. Did your organization submit an in-kind valuation plan to MAINEDOT for approval? Yes No	
22	i. Has the in-kind valuation plan been updated since the date shown on the front page of this checklist? Yes No	
22	ii. Are the in-kind contributions also included as a project expense? Yes No	
22	iii. Does the in-kind contribution make up less than 50% of the matching funds (Federal Funds Only (except 5316))? Yes No	
22	5. Does your organization use any federal funds for match that are not passed through a state social service agency (federal projects only)? Yes No (if no, skip a)	
22	a. Did those funds consist of any USDOT funds? Yes No (if no, skip i)	
22	i. Were the funds derived from the Federal Lands Highway Program (allowable for 5311 only)? Yes No	
22	6. Are the records on matching funds readily available? Yes No	
22	Follow-up Action: Required: Recommended: Other Comments:	
23	Volunteer Drivers For FTA or General Public Vehicles	
23	1. Does your organization use volunteer drivers? Yes No (if no, skip a – c)	
23	a. Does your organization have a policy in place for volunteer drivers? Yes No (if no, skip i)	
23	i. Does your organization require volunteer drivers to be trained in ADA service and all vehicle accessibility features? Yes No	
23	b. Does your organization pay volunteers mileage on private vehicles for providing general public service under an FTA grant? Yes No	
23	c. Does the mileage rate paid fall within the current state mileage? Yes No	
23	Follow-up Action: Required: Recommended: Other Comments:	
24	Employee Travel Expenses	
24	1. Were employee travel expenses charged to the grant? Yes No (if no, skip a - b)	

Section	Topic	Follow-up
24	a. Were the trips eligible for reimbursement? Yes No	
24	b. Were the costs incurred within state per diem rates? Yes No	
24	Follow-up Action: Required: Recommended: Other Comments:	
25	Substance Abuse Programs	
25	1. D&A contact person:	
25	2. Additional contacts:	
25	3. Annual certification of compliance with 49CFR, Part 655 signed? Yes No	
25	4. Safety Sensitive employees subject to testing (Attach list). FTA (Positions) Agency (Positions-must be differentiated in Policy)	
25	5. Current, approved Drug & Alcohol Policy? Yes No	
25	6. Date and name of Governing Board Approval:	
25	7. Documentation on each employee showing received copy of Policy? Yes No	
25	8. Documented Employee Education Training Program of at least 60 minutes on drug abuse. Yes No Documented with list of trainees and date:	
25	9. Orientation sessions on policy/regulations for new non-safety sensitive employees-training curriculum (Drug Free Workplace)? Yes No	
25	10. Orientation/education training held for new safety sensitive employees before they first perform a safety-sensitive function? Yes No	
25	11. Documented at least 2 hour training for supervisors? Yes No	
25	12. Date of last training and list of supervisors trained:	
25	13. Educational material/posters/information on effects and consequences of substance abuse provided and displayed? Yes No	
25	14. Drug and Alcohol Help Hotline/Assistance numbers displayed and distributed? Yes No	
25	15. Drug and Alcohol contact Person's name/location/telephone number posted in a visible place(s)? Yes No	
25	16. Date of most recent oversight review of Collection/Testing sites to insure compliance with 49 CFR Part 40:	
25	17. How many sites are used for drug testing? Name/Location:	

Section	<i>Topic</i>	<i>Follow-up</i>
26	Follow-up Action: Required: Recommended: Other Comments:	
27	Staffing and Organization	
27	1. By observation and as a result of this review is there sufficient numbers of staff to complete the terms of the FTA grant description? Yes No	
27	Follow-up Action: Required: Recommended: Other Comments:	

MAINEDOT Site Visit Review Form

Follow-up Procedures

Findings

If MaineDOT monitoring review identifies findings of non-compliance, the sub-recipient will be allowed forty-five business days from the issue date of the report to submit a Corrective Action Plan to MaineDOT advising how the sub-recipient plans to correct the findings.

The Corrective Action Plan must include:

- a. A statement of whether the sub-recipient agency agrees or disagrees with the finding(s).
- b. A detailed plan of how the agency will correct each individual finding(s).
- c. Attachment of any documents, forms, policy changes, reports, accounting tools, time sheets, data collection forms, etc. that ensures the sub-recipient has corrected the finding(s).

Findings Requiring Repayment

When a repayment of funds is required, payment must be made to MaineDOT. A copy of the Corrective Action Plan along with evidence must be submitted with the payment.

Termination

MaineDOT may terminate any sub-recipient's grant if the sub-recipient fails to fulfill its obligation under the grant in a timely or proper manner, or if the sub-recipient violates any terms of the grant, the state shall have the right to immediately terminate the grant and withhold payments in excess of fair compensation for completed services. Notwithstanding the above, the sub-recipient shall not be relieved of liability to the state for damages sustained by virtue of any breach of the grant by the sub-recipient. While termination of funding will not be exercised without prior written notice to the sub-recipient, any consideration of future grant requests may be influenced by the gravity and extent of irregularities causing termination.

Appendix T: ADA Paratransit Requirements (http://www.fta.dot.gov/civil_rights.html)

Subpart F_Paratransit as a Complement to Fixed Route Service

Sec. 37.121 Requirement for comparable complementary paratransit service.

(a) Except as provided in paragraph (c) of this section, each public entity operating a fixed route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.

(b) To be deemed comparable to fixed route service, a complementary paratransit system shall meet the requirements of Sec. Sec. 37.123-37.133 of this subpart. The requirement to comply with Sec. 37.131 may be modified in accordance with the provisions of this subpart relating to undue financial burden.

(c) Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.

Sec. 37.123 ADA paratransit eligibility: Standards.

(a) Public entities required by Sec. 37.121 of this subpart to provide complementary paratransit service shall provide the service to the ADA paratransit eligible individuals described in paragraph (e) of this section.

(b) If an individual meets the eligibility criteria of this section with respect to some trips but not others, the individual shall be ADA paratransit eligible only for those trips for which he or she meets the criteria.

(c) Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability.

(d) Public entities may provide complementary paratransit service to persons other than ADA paratransit eligible individuals. However, only the cost of service to ADA paratransit eligible individuals may be considered in a public entity's request for an undue financial burden waiver under Sec. Sec. 37.151-37.155 of this **part**.

(e) The following individuals are ADA paratransit eligible:

(1) Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities.

(2) Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route.

(i) An individual is eligible under this paragraph with respect to travel on an otherwise accessible route on which the boarding or disembarking location which the individual would use is one at which boarding or disembarking from the vehicle is precluded as provided in Sec. 37.167(g) of this **part**.

(ii) An individual using a common wheelchair is eligible under this paragraph if the individual's wheelchair cannot be accommodated on an existing vehicle (e.g., because the vehicle's lift does not meet the standards of **part** 38 of this title), even if that vehicle is accessible to other individuals with disabilities and their mobility wheelchairs.

(iii) With respect to rail systems, an individual is eligible under this paragraph if the individual could use an accessible rail system, but—

(A) There is not yet one accessible car per train on the system; or

(B) Key stations have not yet been made accessible.

(3) Any individual with a disability who has a specific impairment-related [[Page 400]] condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system.

(i) Only a specific impairment-related condition which prevents the individual from traveling to a boarding location or from a disembarking location is a basis for eligibility under this paragraph. A condition which makes traveling to boarding location or from a disembarking location more difficult for a person with a specific impairment-related condition than for an individual who does not have the condition, but does not prevent the travel, is not a basis for eligibility under this paragraph.

(ii) Architectural barriers not under the control of the public entity providing fixed route service and environmental barriers (e.g., distance, terrain, weather) do not, standing alone, form a basis for eligibility under this paragraph. The interaction of such barriers with an individual's specific impairment-related condition may form a basis for eligibility under this paragraph, if the effect is to prevent the individual from traveling to a boarding location or from a disembarking location.

(f) Individuals accompanying an ADA paratransit eligible individual shall be provided service as follows:

(1) One other individual accompanying the ADA paratransit eligible individual shall be provided service-

(i) If the ADA paratransit eligible individual is traveling with a personal care attendant, the entity shall provide service to one other individual in addition to the attendant who is accompanying the eligible individual;

(ii) A family member or friend is regarded as a person accompanying the eligible individual, and not as a personal care attendant, unless the family member or friend registered is acting in the capacity of a personal care attendant;

(2) Additional individuals accompanying the ADA paratransit eligible individual shall be provided service, provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional individuals will not result in a denial of service to ADA paratransit eligible individuals;

(3) In order to be considered as "accompanying" the eligible individual for purposes of this paragraph (f), the other individual(s) shall have the same origin and destination as the eligible individual.

Sec. 37.125 ADA paratransit eligibility: Process.

Each public entity required to provide complementary paratransit service by Sec. 37.121 of this **part** shall establish a process for determining ADA paratransit eligibility.

(a) The process shall strictly limit ADA paratransit eligibility to individuals specified in Sec. 37.123 of this **part**.

(b) All information about the process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility shall be made available in accessible formats, upon request.

(c) If, by a date 21 days following the submission of a complete application, the entity has not made a determination of eligibility, the applicant shall be treated as eligible and provided service until and unless the entity denies the application.

(d) The entity's determination concerning eligibility shall be in writing. If the determination is that the individual is ineligible, the determination shall state the reasons for the finding.

(e) The public entity shall provide documentation to each eligible individual stating that he or she is "ADA Paratransit Eligible." The documentation shall include the name of the eligible individual, the name of the transit provider, the telephone number of the entity's paratransit coordinator, an expiration date for eligibility, and any conditions or limitations on the individual's eligibility including the use of a personal care attendant.

(f) The entity may require recertification of the eligibility of ADA paratransit eligible individuals at reasonable intervals.

(g) The entity shall establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial. [[Page 401]]

(1) The entity may require that an appeal be filed within 60 days of the denial of an individual's application.

(2) The process shall include an opportunity to be heard and to present information and arguments, separation of functions (i.e., a decision by a person not involved with the initial decision to deny eligibility), and written notification of the decision, and the reasons for it.

(3) The entity is not required to provide paratransit service to the individual pending the determination on appeal. However, if the entity has not made a decision within 30 days of the completion of the appeal process, the entity shall provide paratransit service from that time until and unless a decision to deny the appeal is issued.

(h) The entity may establish an administrative process to suspend, for a reasonable period of time, the provision of complementary paratransit service to ADA eligible individuals who establish a pattern or practice of missing scheduled trips.

(1) Trips missed by the individual for reasons beyond his or her control (including, but not limited to, trips which are missed due to operator error) shall not be a basis for determining that such a pattern or practice exists.

(2) Before suspending service, the entity shall take the following steps:

(i) Notify the individual in writing that the entity proposes to suspend service, citing with specificity the basis of the proposed suspension and setting forth the proposed sanction.

(ii) Provide the individual an opportunity to be heard and to present information and arguments;

(iii) Provide the individual with written notification of the decision and the reasons for it.

(3) The appeals process of paragraph (g) of this section is available to an individual on whom sanctions have been imposed under this paragraph. The sanction is stayed pending the outcome of the appeal.

(i) In applications for ADA paratransit eligibility, the entity may require the applicant to indicate whether or not he or she travels with a personal care attendant.

Sec. **37.127** Complementary paratransit service for visitors.

(a) Each public entity required to provide complementary paratransit service under Sec. **37.121** of this **part** shall make the service available to visitors as provided in this section.

(b) For purposes of this section, a visitor is an individual with disabilities who does not reside in the jurisdiction(s) served by the public entity or other entities with which the public entity provides coordinated complementary paratransit service within a region.

(c) Each public entity shall treat as eligible for its complementary paratransit service all visitors who present documentation that they are ADA paratransit eligible, under the criteria of Sec. **37.125** of this **part**, in the jurisdiction in which they reside.

(d) With respect to visitors with disabilities who do not present such documentation, the public entity may require the documentation of the individual's place of residence and, if the individual's disability is not apparent, of his or her disability. The entity shall provide paratransit service to individuals with disabilities who qualify as visitors under paragraph (b) of this section. The entity shall accept a certification by such individuals that they are unable to use fixed route transit.

(e) A public entity shall make the service to a visitor required by this section available for any combination of 21 days during any 365-day period beginning with the visitor's first use of the service during such 365-day period. In no case shall the public entity require a visitor to apply for or receive eligibility certification from the public entity before receiving the service required by this section.

[56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996]

Sec. **37.129** Types of service.

(a) Except as provided in this section, complementary paratransit service for ADA paratransit eligible persons shall be origin-to-destination service.

(b) Complementary paratransit service for ADA paratransit eligible persons described in Sec. **37.123(e)(2)** of this **part** may also be provided by on-call [[Page 402]] bus service or paratransit feeder service to an accessible fixed route, where such service enables the individual to use the fixed route bus system for his or her trip.

(c) Complementary paratransit service for ADA eligible persons described in Sec. **37.123(e)(3)** of this **part** also may be provided by paratransit feeder service to and/or from an accessible fixed route.

Sec. **37.131** Service criteria for complementary paratransit.

The following service criteria apply to complementary paratransit required by Sec. **37.121** of this **part**.

(a) Service Area--(1) Bus. (i) The entity shall provide complementary paratransit service to origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route. The corridor shall include an area with a three-fourths of a mile radius at the ends of each fixed route.

(ii) Within the core service area, the entity also shall provide service to small areas not inside any of the corridors but which are surrounded by corridors.

(iii) Outside the core service area, the entity may designate corridors with widths from three-fourths of a mile up to one and one half miles on each side of a fixed route, based on local circumstances.

(iv) For purposes of this paragraph, the core service area is that area in which corridors with a width of three-fourths of a mile on each side of each fixed route merge together such that, with few and small exceptions, all origins and destinations within the area would be served.

(2) Rail. (i) For rail systems, the service area shall consist of a circle with a radius of $\frac{3}{4}$ of a mile around each station.

(ii) At end stations and other stations in outlying areas, the entity may designate circles with radii of up to $\frac{1}{2}$ miles as **part** of its service area, based on local circumstances.

(3) Jurisdictional boundaries. Notwithstanding any other provision of this paragraph, an entity is not required to provide paratransit service in an area outside the boundaries of the jurisdiction(s) in which it operates, if the entity does not have legal authority to operate in that area. The entity shall take all practicable steps to provide paratransit service to any **part** of its service area.

(b) Response time. The entity shall schedule and provide paratransit service to any ADA paratransit eligible person at any requested time on a particular day in response to a request for service made the previous day. Reservations may be taken by reservation agents or by mechanical means.

(1) The entity shall make reservation service available during at least all normal business hours of the entity's administrative offices, as well as during times, comparable to normal business hours, on a day when the entity's offices are not open before a service day.

(2) The entity may negotiate pickup times with the individual, but the entity shall not require an ADA paratransit eligible individual to schedule a trip to begin more than one hour before or after the individual's desired departure time.

(3) The entity may use real-time scheduling in providing complementary paratransit service.

(4) The entity may permit advance reservations to be made up to 14 days in advance of an ADA paratransit eligible individual's desired trips. When an entity proposes to change its reservations system, it shall comply with the public participation requirements equivalent to those of Sec. 37.131(b) and (c).

(c) Fares. The fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system.

(1) In calculating the full fare that would be paid by an individual using the fixed route system, the entity may include transfer and premium charges applicable to a trip of similar length, at a similar time of day, on the fixed route system.

(2) The fares for individuals accompanying ADA paratransit eligible individuals, who are provided service under [[Page 403]] Sec. 37.123 (f) of this **part**, shall be the same as for the ADA paratransit eligible individuals they are accompanying.

(3) A personal care attendant shall not be charged for complementary paratransit service.

(4) The entity may charge a fare higher than otherwise permitted by this paragraph to a social service agency or other organization for agency trips (i.e., trips guaranteed to the organization).

(d) Trip purpose restrictions. The entity shall not impose restrictions or priorities based on trip purpose.

(e) Hours and days of service. The complementary paratransit service shall be available throughout the same hours and days as the entity's fixed route service.

(f) Capacity constraints. The entity shall not limit the availability of complementary paratransit service to ADA paratransit eligible individuals by any of the following:

(1) Restrictions on the number of trips an individual will be provided;

(2) Waiting lists for access to the service; or

(3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.

(i) Such patterns or practices include, but are not limited to, the following:

(A) Substantial numbers of significantly untimely pickups for initial or return trips;

(B) Substantial numbers of trip denials or missed trips;

(C) Substantial numbers of trips with excessive trip lengths.

(ii) Operational problems attributable to causes beyond the control of the entity (including, but not limited to, weather or traffic conditions affecting all vehicular traffic that were not anticipated at the time a trip was scheduled) shall not be a basis for determining that such a pattern or practice exists.

(g) Additional service. Public entities may provide complementary paratransit service to ADA paratransit eligible individuals exceeding that provided for in this section. However, only the cost of service provided for in this section may be considered in a public entity's request for an undue financial burden waiver under Sec. Sec. 37.151-37.155 of this **part**. [56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996]

Sec. 37.133 Subscription service.

(a) This **part** does not prohibit the use of subscription service by public entities as **part** of a complementary paratransit system, subject to the limitations in this section.

(b) Subscription service may not absorb more than fifty percent of the number of trips available at a given time of day, unless there is non-subscription capacity.

(c) Notwithstanding any other provision of this **part**, the entity may establish waiting lists or other capacity constraints and trip purpose restrictions or priorities for participation in the subscription service only.

Sec. 37.135 Submission of paratransit plan.

(a) General. Each public entity operating fixed route transportation service, which is required by Sec. 37.121 to provide complementary paratransit service, shall develop a paratransit plan.

(b) Initial submission. Except as provided in Sec. 37.141 of this **part**, each entity shall submit its initial plan for compliance with the complementary paratransit service provision by January 26, 1992, to the appropriate location identified in paragraph (f) of this section.

(c) Annual Updates. Except as provided in this paragraph, each entity shall submit an annual update to its plan on January 26 of each succeeding year.

(1) If an entity has met and is continuing to meet all requirements for complementary paratransit in Sec. Sec. 37.121-37.133 of this **part**, the entity may submit to FTA an annual certification of continued compliance in lieu of a plan update. Entities that have submitted a joint plan under Sec. 37.141 may submit a joint certification under this paragraph. The requirements of Sec. Sec. 37.137 (a) and (b), 37.138 and 37.139 do not apply when a certification is submitted under this paragraph.

(2) In the event of any change in circumstances that results in an entity which has submitted a certification of [[Page 404]] continued compliance falling short of compliance with Sec. Sec. 37.121-37.133, the entity shall immediately notify FTA in writing of the problem. In this case, the entity shall also file a plan update meeting the requirements of Sec. Sec. 37.137-37.139 of this **part** on the next following January 26 and in each succeeding year until the entity returns to full compliance.

(3) An entity that has demonstrated undue financial burden to the FTA shall file a plan update meeting the requirements of Sec. Sec. 37.137-37.139 of this **part** on each January 26 until full compliance with Sec. Sec. 37.121-37.133 is attained.

(4) If FTA reasonably believes that an entity may not be fully complying with all service criteria, FTA may require the entity to provide an annual update to its plan.

(d) Phase-in of implementation. Each plan shall provide full compliance by no later than January 26, 1997, unless the entity has received a waiver based on undue financial burden. If the date for full compliance specified in the plan is after January 26, 1993, the plan shall include milestones, providing for measured, proportional progress toward full compliance.

(e) Plan implementation. Each entity shall begin implementation of its plan on January 26, 1992.

(f) Submission locations. An entity shall submit its plan to one of the following offices, as appropriate:

(1) The individual state administering agency, if it is—

(i) A section 18 recipient;

(ii) A small urbanized area recipient of section 9 funds administered by the State;

(iii) A participant in a coordinated plan, in which all of the participating entities are eligible to submit their plans to the State; or

(2) The FTA Regional Office (as listed in appendix B to this **part**) for all other entities required to submit a paratransit plan. This includes an FTA recipient under section 9 of the FT Act; entities submitting a joint plan (unless they meet the requirements of paragraph (f)(1)(iii) of this section), and a public entity not an FT Act recipient. [56 FR 45621, Sept. 6, 1991, as amended at 61 FR 25416, May 21, 1996; 61 FR 26468, May 28, 1996]

Sec. 37.137 Paratransit plan development.

(a) Survey of existing services. Each submitting entity shall survey the area to be covered by the plan to identify any person or entity (public or private) which provides a paratransit or other special transportation service for ADA paratransit eligible individuals in the service area to which the plan applies.

(b) Public participation. Each submitting entity shall ensure public participation in the development of its paratransit plan, including at least the following:

(1) Outreach. Each submitting entity shall solicit participation in the development of its plan by the widest range of persons anticipated to use its paratransit service. Each entity shall develop contacts, mailing lists and other appropriate means for notification of opportunities to participate in the development of the paratransit plan;

(2) Consultation with individuals with disabilities. Each entity shall contact individuals with disabilities and groups representing them in the community. Consultation shall begin at an early stage in the plan development and should involve persons with disabilities in all phases of plan development. All documents and other information concerning the planning procedure and the provision of service shall be available, upon request, to members of the public, except where disclosure would be an unwarranted invasion of personal privacy;

(3) Opportunity for public comment. The submitting entity shall make its plan available for review before the plan is finalized. In making the plan available for public review, the entity shall ensure that the plan is available upon request in accessible formats;

(4) Public hearing. The entity shall sponsor at a minimum one public hearing and shall provide adequate notice of the hearing, including advertisement in appropriate media, such as newspapers of general and special interest circulation and radio announcements; and

(5) Special requirements. If the entity intends to phase-in its paratransit [[Page 405]] service over a multi-year period, or request a waiver based on undue financial burden, the public hearing shall afford the opportunity for interested citizens to express their views concerning the phase-in, the request, and which service criteria may be delayed in implementation.

(c) Ongoing requirement. The entity shall create an ongoing mechanism for the participation of individuals with disabilities in the continued development and assessment of services to persons with disabilities. This includes, but is not limited to, the development of the initial plan, any request for an undue financial burden waiver, and each annual submission.

Sec. 37.139 Plan contents.

Each plan shall contain the following information:

(a) Identification of the entity or entities submitting the plan, specifying for each--

(1) Name and address; and

(2) Contact person for the plan, with telephone number and facsimile telephone number (FAX), if applicable.

(b) A description of the fixed route system as of January 26, 1992 (or subsequent year for annual updates), including--

(1) A description of the service area, route structure, days and hours of service, fare structure, and population served. This includes maps and tables, if appropriate;

(2) The total number of vehicles (bus, van, or rail) operated in fixed route service (including contracted service), and percentage of accessible vehicles and percentage of routes accessible to and usable by persons with disabilities, including persons who use wheelchairs;

(3) Any other information about the fixed route service that is relevant to establishing the basis for comparability of fixed route and paratransit service.

(c) A description of existing paratransit services, including:

(1) An inventory of service provided by the public entity submitting the plan;

(2) An inventory of service provided by other agencies or organizations, which may in whole or in **part** be used to meet the requirement for complementary paratransit service; and

(3) A description of the available paratransit services in paragraphs (c)(2) and (c)(3) of this section as they relate to the service criteria described in Sec. 37.131 of this **part** of service area, response time, fares, restrictions on trip purpose, hours and days of service, and capacity constraints; and to the requirements of ADA paratransit eligibility.

(d) A description of the plan to provide comparable paratransit, including:

(1) An estimate of demand for comparable paratransit service by ADA eligible individuals and a brief description of the demand estimation methodology used;

(2) An analysis of differences between the paratransit service currently provided and what is required under this **part** by the entity(ies) submitting the plan and other entities, as described in paragraph (c) of this section;

(3) A brief description of planned modifications to existing paratransit and fixed route service and the new paratransit service planned to comply with the ADA paratransit service criteria;

(4) A description of the planned comparable paratransit service as it relates to each of the service criteria described in Sec. 37.131 of this **part**--service area, absence of restrictions or priorities based on trip purpose, response time, fares, hours and days of service, and lack of capacity constraints. If the paratransit plan is to be phased in, this paragraph shall be coordinated with the information being provided in paragraphs (d)(5) and (d)(6) of this paragraph;

(5) A timetable for implementing comparable paratransit service, with a specific date indicating when the planned service will be completely operational. In no case may full implementation be completed later than January 26, 1997. The plan shall include milestones for implementing phases of the plan, with progress that can be objectively measured yearly;

(6) A budget for comparable paratransit service, including capital and operating expenditures over five years.

(e) A description of the process used to certify individuals with disabilities [[Page 406]] as ADA paratransit eligible. At a minimum, this must include--

(1) A description of the application and certification process, including--

(i) The availability of information about the process and application materials in accessible formats;

(ii) The process for determining eligibility according to the provisions of Sec. 37.123-37.125 of this **part** and notifying individuals of the determination made;

(iii) The entity's system and timetable for processing applications and allowing presumptive eligibility; and

(iv) The documentation given to eligible individuals.

(2) A description of the administrative appeals process for individuals denied eligibility.

(3) A policy for visitors, consistent with Sec. 37.127 of this **part**.

(f) Description of the public participation process including--

(1) Notice given of opportunity for public comment, the date(s) of completed public hearing(s), availability of the plan in accessible formats, outreach efforts, and consultation with persons with disabilities.

(2) A summary of significant issues raised during the public comment period, along with a response to significant comments and discussion of how the issues were resolved.

(g) Efforts to coordinate service with other entities subject to the complementary paratransit requirements of this **part** which have overlapping or contiguous service areas or jurisdictions.

(h) The following endorsements or certifications:

(1) A resolution adopted by the board of the entity authorizing the plan, as submitted. If more than one entity is submitting the plan there must be an authorizing resolution from each board. If the entity does not function with a board, a statement shall be submitted by the entity's chief executive;

(2) In urbanized areas, certification by the Metropolitan Planning Organization (MPO) that it has reviewed the plan and that the plan is in conformance with the transportation plan developed under the Federal Transit/Federal Highway Administration joint planning regulation (49 CFR **part** 613 and 23 CFR **part** 450). In a service area which is covered by more than one MPO, each applicable MPO shall certify conformity of the entity's plan. The provisions of this paragraph do not apply to non-FTA recipients;

(3) A certification that the survey of existing paratransit service was conducted as required in Sec. 37.137(a) of this **part**;

(4) To the extent service provided by other entities is included in the entity's plan for comparable paratransit service, the entity must certify that:

(i) ADA paratransit eligible individuals have access to the service;

- (ii) The service is provided in the manner represented; and
- (iii) Efforts will be made to coordinate the provision of paratransit service by other providers.

(i) A request for a waiver based on undue financial burden, if applicable. The waiver request should include information sufficient for FTA to consider the factors in Sec. 37.155 of this **part**. If a request for an undue financial burden waiver is made, the plan must include a description of additional paratransit services that would be provided to achieve full compliance with the requirement for comparable paratransit in the event the waiver is not granted, and the timetable for the implementation of these additional services.

(j) Annual plan updates. (1) The annual plan updates submitted January 26, 1993, and annually thereafter, shall include information necessary to update the information requirements of this section. Information submitted annually must include all significant changes and revisions to the timetable for implementation;

(2) If the paratransit service is being phased in over more than one year, the entity must demonstrate that the milestones identified in the current paratransit plans have been achieved. If the milestones have not been achieved, the plan must explain any slippage and what actions are being taken to compensate for the slippage.

(3) The annual plan must describe specifically the means used to comply with the public participation requirements, as described in Sec. 37.137 of this **part**. [[Page 407]]

Sec. 37.141 Requirements for a joint paratransit plan.

(a) Two or more entities with overlapping or contiguous service areas or jurisdictions may develop and submit a joint plan providing for coordinated paratransit service. Joint plans shall identify the participating entities and indicate their commitment to participate in the plan.

(b) To the maximum extent feasible, all elements of the coordinated plan shall be submitted on January 26, 1992. If a coordinated plan is not completed by January 26, 1992, those entities intending to coordinate paratransit service must submit a general statement declaring their intention to provide coordinated service and each element of the plan specified in Sec. 37.139 to the extent practicable. In addition, the plan must include the following certifications from each entity involved in the coordination effort:

(1) A certification that the entity is committed to providing ADA paratransit service as **part** of a coordinated plan.

(2) A certification from each public entity participating in the plan that it will maintain current levels of paratransit service until the coordinated plan goes into effect.

(c) Entities submitting the above certifications and plan elements in lieu of a completed plan on January 26, 1992, must submit a complete plan by July 26, 1992.

(d) Filing of an individual plan does not preclude an entity from cooperating with other entities in the development or implementation of a joint plan. An entity wishing to join with other entities after its initial submission may do so by meeting the filing requirements of this section.

Sec. 37.143 Paratransit plan implementation.

(a) Each entity shall begin implementation of its complementary paratransit plan, pending notice from FTA. The implementation of the plan shall be consistent with the terms of the plan, including any specified phase-in period.

(b) If the plan contains a request for a waiver based on undue financial burden, the entity shall begin implementation of its plan, pending a determination on its waiver request.

Sec. 37.145 State comment on plans.

Each state required to receive plans under Sec. 37.135 of this **part** shall:

(a) Ensure that all applicable section 18 and section 9 recipients have submitted plans.

(b) Certify to FTA that all plans have been received.

(c) Forward the required certification with comments on each plan to FTA. The plans, with comments, shall be submitted to FTA no later than April 1, 1992, for the first year and April 1 annually thereafter.

(d) The State shall develop comments to on each plan, responding to the following points:

(1) Was the plan filed on time?

(2) Does the plan appear reasonable?

- (3) Are there circumstances that bear on the ability of the grantee to carry out the plan as represented? If yes, please elaborate.
- (4) Is the plan consistent with statewide planning activities?
- (5) Are the necessary anticipated financial and capital resources identified in the plan accurately estimated?

Sec. 37.147 Considerations during FTA review.

In reviewing each plan, at a minimum FTA will consider the following:

- (a) Whether the plan was filed on time;
- (b) Comments submitted by the state, if applicable;
- (c) Whether the plan contains responsive elements for each component required under Sec. 37.139 of this **part**;
- (d) Whether the plan, when viewed in its entirety, provides for paratransit service comparable to the entity's fixed route service;
- (e) Whether the entity complied with the public participation efforts required by this **part**; and
- (f) The extent to which efforts were made to coordinate with other public entities with overlapping or contiguous service areas or jurisdictions.

Sec. 37.149 Disapproved plans.

(a) If a plan is disapproved in whole or in **part**, FTA will specify which provisions are disapproved. Each entity [[Page 408]] shall amend its plan consistent with this information and resubmit the plan to the appropriate FTA Regional Office within 90 days of receipt of the disapproval letter.

(b) Each entity revising its plan shall continue to comply with the public participation requirements applicable to the initial development of the plan (set out in Sec. 37.137 of this **part**).

Sec. 37.151 Waiver for undue financial burden.

If compliance with the service criteria of Sec. 37.131 of this **part** creates an undue financial burden, an entity may request a waiver from all or some of the provisions if the entity has complied with the public participation requirements in Sec. 37.137 of this **part** and if the following conditions apply:

(a) At the time of submission of the initial plan on January 26, 1992--

(1) The entity determines that it cannot meet all of the service criteria by January 26, 1997; or

(2) The entity determines that it cannot make measured progress toward compliance in any year before full compliance is required. For purposes of this **part**, measured progress means implementing milestones as scheduled, such as incorporating an additional paratransit service criterion or improving an aspect of a specific service criterion.

(b) At the time of its annual plan update submission, if the entity believes that circumstances have changed since its last submission, and it is no longer able to comply by January 26, 1997, or make measured progress in any year before 1997, as described in paragraph (a)(2) of this section.

Sec. 37.153 FTA waiver determination.

(a) The Administrator will determine whether to grant a waiver for undue financial burden on a case-by-case basis, after considering the factors identified in Sec. 37.155 of this **part** and the information accompanying the request. If necessary, the Administrator will return the application with a request for additional information.

(b) Any waiver granted will be for a limited and specified period of time.

(c) If the Administrator grants the applicant a waiver, the Administrator will do one of the following:

(1) Require the public entity to provide complementary paratransit to the extent it can do so without incurring an undue financial burden. The entity shall make changes in its plan that the Administrator determines are appropriate to maximize the complementary paratransit service that is provided to ADA paratransit eligible individuals. When making changes to its plan, the entity shall use the public participation process specified for plan development and shall consider first a reduction in number of trips provided to each ADA paratransit eligible person per month, while attempting to meet all other service criteria.

(2) Require the public entity to provide basic complementary paratransit services to all ADA paratransit eligible individuals, even if doing so would cause the public entity to incur an undue financial burden. Basic complementary paratransit service in corridors defined as provided in Sec. 37.131(a) along the public entity's key routes during core service hours.

(i) For purposes of this section, key routes are defined as routes along which there is service at least hourly throughout the day.

(ii) For purposes of this section, core service hours encompass at least peak periods, as these periods are defined locally for fixed route service, consistent with industry practice.

(3) If the Administrator determines that the public entity will incur an undue financial burden as the result of providing basic complementary paratransit service, such that it is infeasible for the entity to provide basic complementary paratransit service, the Administrator shall require the public entity to coordinate with other available providers of demand responsive service in the area served by the public entity to maximize the service to ADA paratransit eligible individuals to the maximum extent feasible.

[[Page 409]]

Sec. 37.155 Factors in decision to grant an undue financial burden waiver.

(a) In making an undue financial burden determination, the FTA Administrator will consider the following factors:

(1) Effects on current fixed route service, including reallocation of accessible fixed route vehicles and potential reduction in service, measured by service miles;

(2) Average number of trips made by the entity's general population, on a per capita basis, compared with the average number of trips to be made by registered ADA paratransit eligible persons, on a per capita basis;

(3) Reductions in other services, including other special services;

(4) Increases in fares;

(5) Resources available to implement complementary paratransit service over the period covered by the plan;

(6) Percentage of budget needed to implement the plan, both as a percentage of operating budget and a percentage of entire budget;

(7) The current level of accessible service, both fixed route and paratransit;

(8) Cooperation/coordination among area transportation providers;

(9) Evidence of increased efficiencies, that have been or could be effectuated, that would benefit the level and quality of available resources for complementary paratransit service; and

(10) Unique circumstances in the submitting entity's area that affect the ability of the entity to provide paratransit, that militate against the need to provide paratransit, or in some other respect create a circumstance considered exceptional by the submitting entity.

(b)(1) Costs attributable to complementary paratransit shall be limited to costs of providing service specifically required by this **part** to ADA paratransit eligible individuals, by entities responsible under this **part** for providing such service.

(2) If the entity determines that it is impracticable to distinguish between trips mandated by the ADA and other trips on a trip-by-trip basis, the entity shall attribute to ADA complementary paratransit requirements a percentage of its overall paratransit costs. This percentage shall be determined by a statistically valid methodology that determines the percentage of trips that are required by this **part**. The entity shall submit information concerning its methodology and the data on which its percentage is based with its request for a waiver. Only costs attributable to ADA-mandated trips may be considered with respect to a request for an undue financial burden waiver.

(3) Funds to which the entity would be legally entitled, but which, as a matter of state or local funding arrangements, are provided to another entity and used by that entity to provide paratransit service which is **part** of a coordinated system of paratransit meeting the requirements of this **part**, may be counted in determining the burden associated with the waiver request.

Appendix U: Review of Federally Funded Vehicles

**MaineDOT / BPOD
Agency Maintenance Compliance Review of Federally Funded Vehicles**

Agency:

Date:

Review Conducted by:

Agency Maintenance Supervisors:

1. Agency inventory of Federal/State of Maine funded vehicles with funding sources:
Yes _____ No _____
2. Does Agency inventory coincide with MDOT inventory: Yes _____ No _____
3. Number of Federal/State of Maine funded vehicles in Agency possession:
4. Number of vehicles powered by Gasoline: _____ Diesel Fuel: _____ Bio-Diesel, _____
Propane: _____ CNG: _____ Electric: _____ Other: _____
5. Did Agency benefit from MDOT BTSP 5% State Bond Incentive Agreement for use of Bio-Diesel offered by MDOT/BTSP in 2007: Yes _____ No _____
 - If **Yes** has Agency used Bio-Diesel in Federal / State Funded vehicles:
Yes _____ No _____
 - If **No**, for what reasons:
6. Estimated amount of Bio-Diesel used per year:
7. Number of W/C lift equipped Federal/State of Maine funded vehicles:
8. Agency vehicle maintenance performed by:
Agency:
Contracted:
Other:
9. Does Agency have a Comprehensive Maintenance Plan addressing Federal/State Funded vehicles: Yes _____ No _____

10. Does Agency follow this plan when performing vehicle maintenance: Yes ____ No ____
11. Number of Agency mechanics: ____
12. Does Agency perform Maine Commercial Vehicle Inspections:
Yes ____ No ____
13. Compliance to **FMCSA 49 CFR Part 396.19** (Inspector Qualifications)
Yes ____ No ____
14. What echelon maintenance level does the Agency perform: 1 2 3 4
15. Compliance to **FMCSA 49 CFR Part 396.25** (Brake Inspector)
Yes ____ No ____
16. Process Agency uses to show the daily condition status of each vehicle:
17. Agency number of Federal/State of Maine funded vehicles in service:
18. Agency number of Federal/State of Maine funded vehicles out of service awaiting repair or scheduled service:
19. Agency number of Federal/State of Maine funded spare vehicles:

Review Copies:

- | | | |
|--|-----|----|
| 20. Vehicle files on each vehicle: | Yes | No |
| 21. Are files compliant with FMCSA Part 396 | Yes | No |
| 22. Copies of Lease with MDOT/BTSP: | Yes | No |
23. Manufacturer Recommended Maintenance schedule for each type vehicle:
Yes ____ No ____
24. Agency Maintenance Schedule on each type vehicle: Yes ____ No ____
25. Current list and description of vehicle warrantee items: Yes ____ No ____
26. Process for Recovery and Tracking of warrantee work: Yes ____ No ____
27. Has Agency scheduled and performed Mfg. recall notices sent by MDOT/BTSP:
Yes ____ No ____
28. Copies of Mfg. and Dealer reimbursement for repairs: Yes ____ No ____
29. Completed Pre and Post Trip forms: Yes ____ No ____

30. Are Pre & Post Trip Forms compliant with **FMCSA Part 396.11 (a)**:
Yes ____ No ____
31. Completed Work Orders for repairs generated by Pre and Post Trip Forms:
Yes ____ No ____
32. Completed Work Orders or Invoices for Preventive Maintenance performed:
Yes ____ No ____
33. Are Work Orders or Invoices following the recommended maintenance schedules:
Yes ____ No ____
34. Does Agency perform 80% of all vehicle PMs on schedule? Yes ____ No ____
35. Percentage of On Time Performance, _____%
36. Maintenance Check list used by Agency or Maintenance Contractor when performing vehicle maintenance: Yes ____ No ____
37. Are the Wheelchair Lift and all related safety devices included on the Maintenance checklist: Yes ____ No ____
38. Are inspections compliant to **FMCSA Part 393** Yes ____ No ____
39. Are the Emergency Exits and all related safety devices included on the Maintenance checklist: Yes ____ No ____
40. Are inspections compliant to **FMCSA Part 393** Yes ____ No ____
41. Name and Address of Vehicle Maintenance Contractor:
42. Copy of latest signed contract: Yes ____ No ____
43. Has Agency performed maintenance oversight reviews of Maintenance Contractor: Yes ____ No ____
44. Agency schedule of reviews:
45. Copy of last oversight review: Yes ____ No ____
46. Agency number of Federal/State funded vehicles awaiting disposal: _____
47. Date Agency requested disposal _____

48. Inspection of Agency Garage Facility and Vehicle Storage area: Yes ____ No ____

Vehicle Inspections

Number of Vehicles Inspected _____
Type I ____ Type II ____ Type III ____ Type IV ____ Type V ____
Inspection Forms included: Yes ____ No ____

Comments and Recommendations

Appendix V: Transit Vehicle Inspection Form

TRANSIT VEHICLE INSPECTION FORM Maine Department of Transportation/ Bureau of Planning/Outreach Division

Agency: _____ **Vin #:** _____
Date: _____ **Mileage:** _____
Make & Model Year: _____ **Lic. Plate #:** _____
Type of Vehicle: Year Mileage **Number of Passengers:** _____
 -
Agency Vehicle ID Number: _____ **Lift Equipped:** _____ **Type:** _____
Date of last Inspection: _____ **Follow-Up Inspection:** Yes No
Grant: _____ **Inspected By:** _____

Ratings: G-Good F-Fair P-Poor NR-Needs Repair or Replacement NS-Not Safe

Item Inspected:	Focus of Inspection:	Rating:	Comments:
Vehicle Maintenance Records and Procedures	Inspect Maintenance Records, PM Schedules, and compliance with OEM recommendations. Percentage of PMs performed as scheduled. (+/- 10%)	_____	_____
Drivers Forms and Inspections	Review Pre / Post Trip Forms and crosscheck with maintenance records.	_____	_____
Current Registration		_____	_____
Current State Inspection Sticker		_____	_____
Drivers Seat	Check movement, bolts, seat belts and upholstery.	_____	_____
Instrument Panel	Check gauges, lights, switches and condition.	_____	_____
Accelerator Pedal	Check for return to idle position when released.	_____	_____
Drivers Controls	Check steering wheel, horn, all Column mounted switches, pedals and flooring.	_____	_____

Parking Brake Check operation of brake and release (foot or hand type) _____

Service Brakes (Hyd/Air) Check for proper operation check for grabbing, release and pulling, check for pedal fade. _____

Air System (Brakes) Check the Air Compressor for leaks (*check this with the air up to max. pressure and the engine shut off*) _____

BLOCK WHEELS BEFORE CHECKING BRAKES

1. The air governor shut off pressure is 120 LBS. _____

2. The air governor turn on pressure is 60-65 LBS. _____

3. Air Warning Buzzer sounds on at 60-65 LBS. And off at 90 LBS. _____

4. Check for leaks in system control devices. _____

5. Brake Canisters (Piggyback type Rear) check for leaks with the *Service* and *Spring Brake* applied. _____

6. Single Diaphragm type, check for leaks when applied. _____

7. Check operation of the air dryer and heater. _____

8. Check air lines for any sign of chafing or damage, check all hangers for securement. _____

9. Check air tanks for securement, rust and any leaks, check for condensation by draining all tanks. _____

Emergency Equipment	Check: Fire Extinguisher for current inspection tag, and condition, First-Aid Kit, and Road Hazard Marker Kit.	_____
Heater-Defroster	Adequate Air Flow, Fan operation on all speeds.	_____
Windshield	Proper mounting, scratches, clouding, Cracks, or bruises.	_____
Interior Engine Cover	Check hold down bolts, clamps, and seals.	_____
Stairs (Interior Steps)	Check tread area, grab rails.	_____
Passenger Doors	Check operation of all doors, and Emergency operation, check all door seals.	_____
Passenger Seats	Check bolts, seat belts, child restraints, and upholstery for damage.	_____
Floor	Check for cuts, holes, loose screws, and soft spots.	_____
Grab Rails	Check for loose screws, secure anchorage, and adequate W/C clearance.	_____
Window Glass	Check inside seals, operation hardware, clarity, cracks, and proper signs, check Safety Rating . (AS-2 or greater)	_____
Interior Mirrors	Check for cracks, clarity, and adjustment.	_____
Fairbox	Check for securement.	_____
Exterior Mirrors	Check for adjustment, cracks, clarity, and auto control if so equipped.	_____
Headlights	Check operation and condition.	_____
Tail Lights	Check operation and lens condition.	_____

Back-Up Lights	Check operation and lens condition.	_____
Back-Up Alarm	Check operation and condition.	_____
License Plate Light	Check operation.	_____
Clearance Lights	Check operation and lens condition.	_____
Turn Signals	Check operation of <i>Front</i> and <i>Rear</i> , check lens condition.	_____
Step-Well Light	Check operation and protection.	_____
Dome and Courtesy Lights	Check proper operation.	_____
Hood and Compartment Lighting	Check proper operation.	_____
P-A System	Check proper operation.	_____
Lift-Door Lights	Check operation of Interior and Exterior.	_____
Windshield Wipers	Check operation on all speeds, Check blade condition.	_____
Windshield Washer	Check operation.	_____
Destination Signs	Check condition and operation Front, Rear, and Side.	_____
Interior Lighted Signs	Check operation.	_____
Drivers Seat Barrier	Check condition.	_____
Roof Vents	Check for proper opening and closing, check seals and signs.	_____
Emergency Exits	Check operation, alarms, warning lights, and signs.	_____
Air Condition Units	Check operation, mounting, leaks or any damage.	_____
Rear Heaters	Check operation, any leaks or damage, check for protection.	_____

Passenger Chime Device	Check operation and condition. _____
Headliner and Interior	Check condition for looseness, _____ missing fasteners and damage.
Wheelchair Lift (WCL)	Open all WCL doors and check _____ securement hardware.
	Check posted location and _____ condition of WCL operation instructions.
	Place Bus in a position to run _____ engine and operate the WCL as per Instructions.
	Remove hand held WCL _____ control (cord must be 4 FT. in length)
	Lower the WCL and operate as _____ per instructions.
	Check Inter-Lock operation and _____ WCL deployment, check the Passenger Restraints on the lift.
	Raise the WCL and stow as per _____ Instructions.
	Checks for any leaks or binding _____ of WCL during Lowering and Raising cycle.
	Check for any oil leaks. _____
	Check for all proper signs. _____
	Check for any excessive exhaust _____ Fumes.
Wheelchair Securement	Check <i>Clear Area</i> and securement _____ Devices, are they serviceable?
	Check tracks in floor, serviceable. _____

Visual Under Vehicle Check for any *Fluid* leaks. _____

BLOCK WHEELS BEFORE

GETTING UNDER VEHICLE Check for any loose or missing exhaust attachments, check for leaks. _____

Check for missing or any damaged driveline safety straps. _____

Check the Fuel Tank for any signs of leaking or damage. _____

Check inside and outside of all wheels for any sign of fluid leaks. _____

Check Frame Rails and Cross-members for any damage or any excessive rust. _____

Check Uni-Body members for damage, rust, check for drain hole restrictions. _____

Check all wiring and fluid lines for chafing or damage. _____

Check Steering Box for leaks and securement to the frame. _____

Check the Brake Lines and related parts for any leaks or restrictions. _____

Check all hangers for attachment to frame area for rust or damage. _____

Check Third Assembly for leaks. _____

Check suspension for any broken or misalign spring. (Leaf or Coil type) _____

Check Shock Absorbers for leaks, damage. _____

Check floor area for any damage, rust, or holes. _____

	Check Battery compartment for damage or chafing of cables, check drain holes and vents.	_____
	Check Batteries for corrosion and leaks or damage.	_____
	Check all Grease Zerk Fittings for lubrication.	_____
	Check Front Wheel Oil Hubs for proper level and leaks.	_____
	Check the Transmission for leaking or loose mounting rubber bushings.	_____
	Check Engine mounts.	_____
Engine Compartment	Check fluid levels, check for any leaks.	_____
	Check condition of <i>Hoses</i> and <i>Belts</i> .	_____
Radiator	Check condition of core and core support, check Temp. rating of Anit-Freeze in system.	_____ _____
Tires	Check tires for proper size and load range rating.	_____
	Check for any cuts or damage, check for valve caps.	_____
	Check for even tread wear.	_____
	Check air pressure.	_____
	<i>FRONT</i>	_____
	<i>REAR</i>	_____
	Check tread depth <i>Front 4/32 In.</i> <i>Rear 2/32 In.</i>	_____
Wheels	Check the Lug Nuts for tightness, Cracks, or excessive rust.	_____

Body Panels	Check for any damage, looseness, rust or missing fasteners.	_____
	Check for any separation where panels are joined together.	_____
	Check for dried or cracked caulking where water or fumes may enter.	_____
	Check for any rust or accident damage that has not been repaired.	_____
Bumpers	Check Front and Rear bumpers for damage.	_____
	Check Anti-Ride feature for proper angle.	_____

Comments and Recommendations:

Appendix W: Maintenance and Facility Inspection Form

**Maine Department of Transportation / Bureau of Planning
 Federally Funded Maintenance and Facilities Inspection**

(insert FACILITY NAME)

Date:

Inspection Conducted By:

Equipment Description	Weekly	Monthly	Quarterly	Semiannual	Annual
Heating/HVAC					
Furnace Unit					
Heat Transfer Equip					
Filters					
Fins/Tubes					
Thermostats					
Electronic Components					
Dampers/Air Control					
Ducts/Insulation					
Accessories					
Electrical Lighting					
Fixtures					
Wiring					
Lighting Panels					
Transformers					
Emergency Panels					
Standby Lighting					
Exterior Lighting					
Plumbing					
Pipes					
Water Heater					
Pumps					
Circulators					
Sump					
Oil Separators					
Fixtures (Toilets, Faucets, Water Fountains, Urinals)					
Sanitary/Storm Sewer					
Backflow Prevention					

Fire Protection					
Fire Extinguishers					
Hydrants					
Alarm System & Detectors					
Roof Inspection					
Insulation					
Supports					
Expansion Joints					
Drains, Gutters					
Snow Stops					
Flashing/Trim					
Janitorial					
Cleaning					
Rubbish Removal					
Landscaping					
Parking Area					
Vehicle Maintenance Area					
Lifts & Floor Jacks					
Safety Stands					
Pit Area					
Floor Drains					
Overhead Doors					
Eye Wash Station					
Hazardous Waste Containers					
Chemical Container Cabinets					
Chemical Container Labels					
Parts Cleaning Station					
MSDS Documentation					
Safety Lanes					
Compressor					
Air Lines					
Vehicle Exhaust Systems					
First Aid Stations					
Blow Back Protection					
Welding & Cutting Protection					
Emergency Exits					
Tire Mounting Protection					
Oil Spill Prevention & Recovery					
All Storage Areas					
Fire Doors					
Carbon Monoxide Detectors					
Smoke Detectors					

Fire Extinguishers					
Waste Oil Disposal Container					
ADA Accessible					
Stairwells					
Ramps					
Restrooms					
Parking Area					
Entrances					
Propane Fueling					
Safety Devices					
Fueling Pumps					
Permits					

MDOT/BTSP will review all required inspection documentation from contractors performing semi-annual and annual contracted inspections and services.

Attach copies of all inspections to be filed at MDOT/BTSP.

Deficiencies:

Follow-up Inspection Date:

Appendix X: Equipment Disposition and Spare Vehicle Policy

MaineDOT STATE EQUIPMENT DISPOSITION AND SPARE VEHICLE FACTOR POLICY FOR FEDERAL TRANSIT ADMINISTRATION (FTA) AND STATE-FUNDED EQUIPMENT

The Federal Transit Administration (FTA) and/or the MaineDOT provide funding to eligible Subrecipients to procure vehicles in order to provide public transportation. MaineDOT, in conjunction with eligible Provider/Agencies, work to improve the age of their fleet for public transportation purposes.

The federal grant management guidelines permit a state to use, manage, and dispose of equipment acquired under Federal Transit Administration grants in accordance with State laws and procedures. FTA further requires that any proceeds from the disposition of federally funded equipment must be used for mass transit project purposes. The Bureau of Planning implements its own disposition procedures to ensure that vehicles are used until the end of their useful life, to ensure that vehicles that are no longer needed by a recipient can be transferred to another recipient, and to ensure that proceeds are used for transit purposes.

This MaineDOT policy sets the useful life standards and spare vehicle factor for equipment purchased with the FTA program funds administered by MaineDOT and establishes the procedures to be followed in disposing of this federally funded equipment. This policy applies to both the Federal and State shares of the equipment.

I - ALLOWABLE SPARE FACTOR FOR BUSES

Spare ratio is defined as the number of spare vehicles divided by the vehicles required for annual maximum service. For purposes of the spare ratio calculation, “vehicles operated in maximum service” are defined as the total number of revenue vehicles operated to meet the annual maximum service requirement. This is the revenue count during the peak season of the year; on the week and day that maximum service is provided. It excludes atypical days and one-time special events. Scheduled standby vehicles are permitted to be included as “vehicles operated in maximum service.” Spare ratio is usually expressed as a percentage, e.g., 100 vehicles required and 20 spare vehicles is a 20% spare ratio.

Spare ratios will be taken into account in the review of projected proposed to replace, rebuild or add vehicles. The basis for determining a reasonable spare bus ratio takes local circumstances into account.

The spare ratio for FTA direct recipients and Subrecipients may meet or exceed the FTA guideline of 20%; however, their individual fleets are less than the 50 vehicles and is not subject to the guideline. MaineDOT, its direct recipients and Subrecipients are committed to adhering as closely as possible to the FTA guidelines but acknowledge that the spare ratio may be higher based on the age of their fleet.

II - MINIMUM USEFUL LIFE STANDARDS – ROLLING STOCK

FTA defines Useful Life cited below:

Useful Life: The expected lifetime of project property, or the acceptable period of use in service. Useful life of revenue rolling stock begins on the date the vehicle is placed in revenue service and continues until it is removed from service. See Chapter IV of this circular; and current Circular 9030.1 and Circular 9300.1 Capital Program. Used interchangeably with “service life.” FTA Circular 5010.1D, p. I-10)

MaineDOT has incorporated the useful life policy contained in FTA circular 5010.1D, p. IV-17-18, as well as the approximate typical characteristics contained in FTA’s Final Report of Useful Life of Transit Buses and Vans Report dated April 2007. MaineDOT is no more restrictive than the vehicle life requirements listed by the FTA.

MINIMUM USEFUL LIFE STANDARDS FOR TRANSIT VEHICLES	
Heavy Duty Large Bus (35’ to 40’ and articulated buses) :	12 Years or 500,000 miles
Approximate Typical Characteristics: 33,000 to 40,000 GVW	
Heavy-Duty Small Bus (30’ to 35’):	10 Years or 350,000 miles
Approximate Typical Characteristics: 26,000 to 33,000 GVW	
Medium-Duty and Purpose-Built Bus (25-35’):	7 Years or 200,000 miles
Approximate Typical Characteristics: 16,000 to 26,000 GVW	
Light-Duty Mid-Sized Buses (25-35’):	5 Years or 150,000 miles
Approximate Typical Characteristics: 10,000 to 16,000 GVW	
Light-Duty Small Bus, Cutaways, Regular & Modified Van (16-28’):	4 years or 100,000 miles
Approximate Typical Characteristics: 6,000 to 14,000 GVW	

In the event that a vehicle must be disposed of before the end of its useful life, MaineDOT will send a written request to FTA requesting a disposal before the end of the vehicle’s useful life, with an explanation of why the disposal is justified. In the event of a systemic problem such as corrosion, MaineDOT can give permission to dispose of vehicles prior to the end of their useful lives.

MaineDOT acknowledges that there may be mitigating factors, such as the condition of the roads and corrosion, which could lower the useful life of vehicles. If at least 80% of the useful life has been used, then the transit provider may request early disposal if there is mitigating factors as cited above that can be evidenced. In these rare cases, MaineDOT will take these situations under advisement and consult with the FTA prior to requesting a waiver for early disposal.

Vehicles will be considered eligible to be replaced and retired when they have met or have exceeded the useful life standards cited above. The Subrecipients will confer with MaineDOT to initiate the replacement process when the vehicle is within one to two years of reaching the years and/or miles standards to allow for the length of time it takes to order, manufacture and deliver some buses.

III. – ROLLING STOCK AND EQUIPMENT DISPOSITION

FTA Circular 5010.1D requires that grantees and its Subrecipients to use competitive sales procedures to ensure the highest possible return when FTA and state-funded assets are removed from service. There are several alternatives for disposing of assets. A grantee and its Subrecipients may acquire clear title to real property by compensating the FTA/State for their share, may market and competitively sell the real property (reimbursing FTA and the State for their respective share, if required), or may transfer the property to another FTA Subrecipient. In addition, a Subrecipient may seek FTA/State approval to sell, transfer or lease real property, equipment or supplies acquired with FTA/State assistance and no longer needed for transit purposes. In this case, the net proceeds may then be used to reduce the gross project cost of other federal/state-assisted capital transit projects. For vehicles that are titled to the subrecipient, MaineDOT's disposal policy and procedures are contained within the Cost Sharing Agreement entered into by MaineDOT and the respective transit provider. For vehicles titled to MaineDOT, MaineDOT's disposal policy and procedures are contained within the Standard Equipment Leases Agreement).

A grantee and its Subrecipient may retain or dispose of equipment that is no longer needed for FTA-supported projects or programs. FTA/State must be notified of any equipment removed prematurely from service, and FTA will establish or approve the item's useful life for purpose of calculating the federal/state interest. Removal of equipment that has reached the end of its service life may require reimbursement to the FTA/State of the proportionate proceeds of the sale or like-kind exchange if the value or net proceeds exceed \$5,000.00 depending on original funding source. Equipment sold for \$5,000.00 or less after its service life requires no FTA/State reimbursement. Removal of equipment before the end of its service life, however, requires a proportionate reimbursement to FTA/State of the straight-line depreciated value, regardless of the value or sale amount if not waived.

A. - DISPOSITION OF VEHICLES OR EQUIPMENT THAT HAVE MET THE USEFUL LIFE STANDARDS

MaineDOT's Bureau of Planning follows Federal Transit Administration (FTA) and State of Maine Property Disposition procedures. Direct Recipients must follow FTA disposal procedures. Subrecipients who purchased buses and vans with federal funds and/or state funds through MaineDOT must follow FTA and MaineDOT disposal procedures.

Any vehicles currently titled by the State of Maine must be disposed of through their Office of Surplus Property. For vehicles bought with Federal funds and/or State funds and titled to the subrecipient, MaineDOT and/or its contractor inspects the vehicle and MaineDOT gives approval for disposition and to accept the highest bidder.

For vehicles titled to MaineDOT, the release of Federal interest in vehicles will be achieved by sales managed by the State Surplus Property office. For vehicles titled to the Subrecipient, the release of federal interest in vehicles will be achieved by advertising in a number of available options: (newspaper, public auction, internet websites, or solicitation of open and competitive bids or MaineDOT's prequalification list) or by using the prequalification list for vehicles that are scrap or unsafe. If vehicles are leased at any time during their useful life to a recipient which is not the one noted in the Program of Projects, the change in lease will be noted in a current grant.

If a vehicle or other equipment is determined to be useable for regular or incidental transit use based on information supplied by the Subrecipient (vehicle condition, repair history and cost to repair, etc.), MaineDOT, in consultation with the Subrecipient, will make a determination of its disposition as follows:

- The Subrecipient may keep the vehicle or equipment as a spare or reserve (if kept as a spare, vehicle use must be consistent with the States spare factor policy); or
- The Subrecipient may transfer the vehicle to another Subrecipient with concurrence with MaineDOT; or
- The Subrecipient may sell vehicle or equipment by determining the fair market value (See below)

Following the sale, the vehicle becomes the sole property of the new owner and there is no remaining Federal or State interest in it.

If the vehicle is determined not to be useable for regular or incidental transit use based on information supplied by the Subrecipient (vehicle age and condition, mileage, repair history, cost to repair, etc.), MaineDOT, in consultation with the Subrecipient, will make a determination of its disposition as follows:

- The Subrecipient may keep the vehicle for parts only or transfer it to another Subrecipient selected by MaineDOT to be used for parts only; or
- The Subrecipient may sell the vehicle by determining the fair market value. Following the sale, the vehicle becomes the sole property of the new owner and there is no remaining Federal or State interest in it.

Fair Market Value, Disposition Costs, and Proceeds from Sale of Equipment

The fair market value of any equipment is established by a public auction or solicitation of open, competitive bids or from MaineDOT's prequalification list.

To cover the cost of disposition, the Subrecipient may deduct from the fair market value the documented cost of disposition.

The net income from asset sales (the fair market value minus the cost of disposition) must remain in use for mass transit purposes. This may include using the funds to reduce the gross project cost of other FTA eligible capital transit projects or using the funds as auxiliary revenue towards the operating expenses of the service. The Subrecipient is expected to record the receipt of the proceeds in the Subrecipient's accounting system, showing that the funds are restricted to mass transit uses.

B. - DISPOSITION OF VEHICLES NOT MEETING THE USEFUL LIFE STANDARDS.

If a Subrecipient wishes to request early replacement or withdraw of a vehicle or other equipment from service before it has met the established useful life standards, MaineDOT will make a determination of the equipment's usefulness and its disposition by appraising its current value based on the condition and/or repair history, straight line depreciation, etc., as appropriate. The Subrecipient should be prepared to supply the information required by MaineDOT to make such determination.

If MaineDOT determines that the vehicle or other equipment is not eligible for early replacement, or may be usable by another Subrecipient, MaineDOT, in consultation with the Subrecipient, will make a determination of its disposition as follows:

- The Subrecipient may keep the vehicle or other equipment in service; or
- The Subrecipient may transfer it to another Subrecipient with concurrence with the MaineDOT and with prior approval from the FTA if required. MaineDOT will consult with the parties to return the prorated local share to the original grantee; or
- The Subrecipient may sell the vehicle or other equipment based on an appraisal of its value by MaineDOT or its contractor and with prior approval from the FTA if required. The Subrecipient will retain the proceeds to be used for transportation purposes.

If MaineDOT determines that the vehicle or other equipment is eligible for early replacement or disposal, the Subrecipient may dispose of it in accordance with Section IV.

C. DISPOSITION OF EQUIPMENT DESTROYED OR DAMAGED IN FIRE/ACCIDENTS/ETC.

All equipment purchased with Federal and State funds MUST BE covered by insurance. If equipment damaged by fire, accident, etc. is repairable, the Subrecipient should negotiate a settlement with the insurer, get the equipment repaired and place it back into service. Repaired equipment is not replaceable, in this case, until it reaches its normal useful life standard.

If the equipment is not repairable, it is eligible for replacement:

If the Subrecipient wishes to replace the equipment, the insurance claims payment plus any interest earned on it must be applied to the cost of the replacement equipment.

If the Subrecipient does not wish to replace the equipment, the insurance claims payment is considered the fair market value. MaineDOT will advise the Subrecipient to either return the

percentage of federal and state portion of the insurance claims payment (less any expenses associated with the settlement) or record the receipt of the claims payment in the grantee's accounting system, showing that the funds are restricted to being used for mass transit purposes. This may include using the funds to reduce the gross project cost of other FTA eligible capital transit projects or using the funds as auxiliary revenue towards the operating expenses of the service. The Subrecipient is expected to record the receipt of the proceeds in the grantee's accounting system, showing that the funds are restricted to mass transit uses. The requirements for insurance proceeds that are greater than the remaining federal interest or less than the remaining interest are found under FTA Circular 5010.1D, pp. IV-29-31.