

LOUISIANA STATE MANAGEMENT PLAN

SECTION 5311

TRANSIT ASSISTANCE PROGRAM FOR NONURBANIZED AREAS



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STATE MANAGEMENT PLAN – 49 U.S.C. – 5311 PROGRAM

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STATE MANAGEMENT PLAN - 49 U.S.C. - 5311 PROGRAM

INTRODUCTION

The purpose of this State Management Plan (SMP) is two-fold:

1. First, the development and approval of an SMP in accordance with requirements of Circular 9040.1F of the Federal Transit Administration provides a means of expanding Louisiana's direct responsibility for administering the Nonurbanized Area Formula Program as authorized by Section 5311 of the United States Code. As a result, the SMP provides a means of reducing the level of direct Federal involvement in the Section 5311 program by demonstrating the State's preparedness to assume primary program responsibility.
2. Second, the SMP provides a useful working tool for organizing, refining and summarizing Louisiana's existing policies, procedures and practices which are designed to effectively achieve the objectives of the program. Moreover, because it provides a means for structuring and presenting the overall management approach to the program, the SMP offers a comprehensive ready reference for program participants and other interested officials or individuals.

Louisiana's SMP has been prepared in accordance with FTA guidance and encompasses only the Section 5311 program. The document forms the basis for Louisiana's program management effort. Louisiana will prepare and submit additional amendments or plan revisions for FTA approval whenever significant changes are adopted. Such revisions will be instituted when new policies or procedures are adopted, legal requirements are altered, or as specifically requested by FTA.

1. PROGRAM GOALS AND OBJECTIVES

Louisiana's goals for the Section 5311 program which have been adopted from the Federal Transit Administration are:

- to enhance the access of people in nonurbanized areas to health care, shopping, education, employment, public services and recreation;
- to assist in the maintenance, development, improvement, and use of public transportation systems in rural and small urban areas;
- to encourage and facilitate the most efficient use of all Federal funds used to provide passenger transportation in nonurbanized areas through the coordination of programs and services;
- to assist the development and support of intercity bus transportation (relative to transportation needs in rural areas);
- to provide for the participation of private transportation providers in nonurbanized transportation to the maximum extent feasible; and
- to utilize FTA Section 5309 and any other sources of capital assistance to augment Section 5311 funds in replacing aged vehicles with new vehicles.

The program supports the national policy stated in ISTEA: "to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, [and which includes] significant improvements in public transportation necessary to achieve national goals for improved...mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in urban and rural areas of the country."

1.1 State Management Philosophy

At the state level, several factors and basic requirements help to shape the broad management philosophy which is reflected in the organization and operations of Louisiana's Section 5311 program. Among these factors are the following:

- Broad responsibility for planning, development and coordination of public transportation programs is assigned to the Public Transportation Section, Louisiana Department of Transportation and Development. The Section 5311 program is one of several programs administered by this Office in its efforts to provide a comprehensive and balanced treatment of Louisiana's total public transportation needs.
- Louisiana's nonurbanized population accounts for 48% of the State's total population. Moreover, a large majority of the parishes (counties) are predominantly nonurbanized. As a consequence, the character and magnitude of nonurbanized public transportation needs play a highly significant role in the State's overall transportation program.

Louisiana acknowledges this role through establishment of a formal, specialized management function with central responsibility for nonurbanized public transportation.

- Centralization of program management and administrative responsibility at the state level produces a program management approach which stresses uniform policy decisions with minimum reliance on numerous levels of administrative review. The state will rely on modern reporting systems to monitor program activities in combination with an emphasis on regular communication and field visits by state-level personnel.

1.2 State Goals

Louisiana's goals for the Section 5311 program are consistent with the goals set forth by the Federal program legislation but also include:

- to promote and provide for the availability and effective use of public transportation services for residents of all nonurbanized areas of demonstrated need.
- to maximize the effective use of available program resources through adopting and encouraging efficient management and operating policies and practices.

2. ROLES AND RESPONSIBILITIES

2.1 Designated Lead Agency

The Louisiana Department of Transportation and Development (DOTD) has been designated by the Governor as the state agency authorized to receive and administer available Federal funds under provisions of the Section 5311 program.

Within the Department various sub-units are actively involved in discharging the administrative responsibilities connected with the program.

The Public Transportation Section performs the Section 5311 program planning and management functions within the Department.

2.2 Other Involved Agencies/Organizations

Local public governments are eligible to apply for Section 5311 funding. It is the responsibility of the local governments to complete the application process.

During the application process, it is the responsibility of the local governments to coordinate with existing social service agencies within the service area and to provide reasonable notice to private transportation providers regarding proposed services and to provide opportunities for private transportation providers to present their views. Before applying for

funding, it is the responsibility of local public governments to consider first whether private carriers could provide such service in a manner which is consistent with local objectives without public subsidy.

The Louisiana Department of Transportation and Development, Public Transportation Section, encourages private for-profit providers and minority groups and/or agencies to become involved at the local level in the planning and provision of the proposed transportation services.

The local public governments are responsible for the coordination and compliance of sub-recipients for the duration of Section 5311 funded projects.

Regional Transit Authorities and organizations specifically incorporated to provide transit services in a parish or parishes are governed by their Board of Directors or a local government entity.

3. ELIGIBLE RECIPIENTS

3.1 Eligibility Criteria

Eligible recipients of Section 5311 funding under the program include:

- State agencies
- local public bodies and agencies thereof
- private-nonprofit organizations
- Indian tribes, and
- operators of public transportation services

To ensure accountability, coordination and local program support, Louisiana further requires, however, that an applicant organization must be a public body or Federally-recognized Indian tribe. The only exceptions to this are Regional Transit Authorities and the organizations specifically incorporated and recognized by the State to provide transit services in a parish or parishes.

Only one applicant/recipient is allowed within a service area.

3.2 Existing Methods of Participation

To participate in the program, any potential recipient which is not a public body or Federally-recognized Indian Tribe must contract with an appropriate applicant organization (i.e., public body) and agree to provide the necessary transportation service. This provision also extends to private, for-profit operators of transit or paratransit services. The only exceptions to this are Regional Transit Authorities and organizations specifically incorporated and recognized by the State to provide transit services in a parish or parishes.

3.3 New Starts and Demonstration Projects Requirements

To ensure that performance measures provide a quantitative-based

evaluation of how economical transit operators are providing service, what level of service is being provided, and how much resources are expended for the service provided, Louisiana requires that all new start or demonstration projects serve a probationary period of no less than 12 months during the first year of operation.

Louisiana will not be obligated to fund demonstration projects beyond two years.

- 3.4 The 5311 Program manager evaluates technical capacity using criteria such as staffing levels, staff training and experience, level of documentation of procedures, ability to submit required reports correctly and on time, ability to maintain project equipment and ability to comply with FTA and state requirements. The 5311 program manager ensures that sub recipients have the required technical capacity through pre-award site visits, grant application, scheduled site visits, annual questionnaires, and it builds technical capacity through training programs provided during the year.

4. ELIGIBLE SERVICES AND SERVICE AREAS

4.1 General Provisions

Funds available from the Section 5311 program are dedicated to public transportation projects which serve people living in nonurbanized areas of the state.

Public transportation services which are provided with funding support from the program must be open to the general public on a regular and continuing basis. Certain select services are permitted within program funding restrictions as long as they are incidental to the general public service normally provided.

Under the general service provisions which govern the program:

- an eligible transportation service may include the transportation of residents of the nonurbanized area to and from the nearest urbanized area or areas;
- the service is designed for the general public but may be part of a coordinated project designed to maximize the usage of services by transportation disadvantaged persons; and
- joint-funded Section 5307 and Section 5311 transportation projects are encouraged provided the level of Section 5311 support to the project fairly reflects the level of program services offered to residents in the nonurbanized area served by the project.

General restrictions which apply to services funded by the program include:

CHARTER SERVICE

The Louisiana DOTD Public Transportation Section has elected to delegate the responsibility of compliance of 49 CFR Part 604, Charter Service Final Rule to all Section 5311 recipients and requires each recipient to certify compliance with 49 CFR Part 604. The certification will be retained as long as the transit provider is a subrecipient.

Charter service is permitted only as defined in 49 CFR Part 604, Charter Service Final Rule. Such service may be provided only if a determination has first been made as to whether or not there are any private charter operations willing and able to provide the charter service. In the event there is one such private operator, the recipient is prohibited from providing charter service with FTA funded equipment or facilities, unless one or more of the exceptions as listed in 49 CFR Part 604 apply. A recipient of Section 5311 funds may petition FTA for an exception to provide charter service under the guidelines contained in 49 CFR Part 604. Any charter service that a recipient provides under any of the above exceptions must be incidental charter service provided outside regular hours of operation. The revenues from each charter trip should equal or exceed the fully allocated costs of providing such a service. Additionally, charter profits must be used to offset regular public transit expenses.

Recipients which qualify to provide incidental charter service must follow the public participation process as presented in Section 604.11 (b) and (c) of 49 CFR Part 604 annually during the month in which it published its first newspaper notice to re-determine the extent to which there is at least one willing and able private charter operator.

SCHOOL BUS SERVICE

Section 5323(f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. The implementing regulation (49 CFR Part 605) does permit regular service to be modified to accommodate school students along with the general public. For the purpose of FTA's school bus regulation, Headstart is a social service, not a school program. FTA recipients may operate vehicles which meet the safety requirements for school transportation, but may not provide exclusive school service.

The Louisiana DOTD Public Transportation Section requires each recipient to sign a certification of compliance with this regulation as part of the application. Requirements to comply with school bus regulations are also made a part of the contract between DOTD and the recipient (Appendix D).

5. ELIGIBLE ASSISTANCE CATEGORIES

5.1 Categories of Available Funding Assistance

State Administration, Planning and Technical Assistance

A maximum of fifteen percent (15%) of the Section 5311 funds apportioned to the State of Louisiana is set aside for state program administration, planning and technical assistance. The balance of the apportionment is available to eligible recipients for capital and operating grants.

The Louisiana Department of Transportation and Development (DOTD) allocates part of the administrative set-aside account for state program administration. These are 100% federal funds and are used to support DOTD personnel directly involved with Section 5311 program management and administration.

Technical assistance projects in support of Section 5311 program activities and operations are also funded through the 15% state administrative set-aside. These state administered projects are designed to provide assistance in the areas of program management, reporting and evaluation.

Planning activities are also supported with funds from the 15% administrative set-aside. Planning projects initiated by DOTD are eligible for up to 100% Federal funding. Local recipients are eligible to submit requests to DOTD for planning projects. DOTD administers and manages all planning projects including those initiated at the request of eligible local recipients.

Capital and Operating Expense

A minimum of eighty percent (80%) of the Section 5311 funds apportioned to the State of Louisiana is set aside for capital grants and operating assistance grants.

Capital grants can be used for acquisition of vehicles and vehicle appointments, preventive maintenance, surveillance equipment, miscellaneous equipment (i.e. computers and generators), equipment needed to comply with ADA which meet DOTD specifications, construction projects, and the capital portion of costs for service provided under contract. The capital cost of contracting includes allowable cost such as preventive maintenance.

Under the capital cost of contracting, only privately owned assets are eligible. The subrecipient may not capitalize under the contract any capital assets (i.e. vehicle, equipment, or facility) that have any remaining Federal interest in them, or items purchased with State, or local government assistance. DOTD may compute capital costs as a fixed percentage of the contract without further justification.

PERCENT OF CONTRACT ALLOWED FOR CAPITAL ASSISTANCE

Type of Contract	Percent
1. Service Contract (contractor provides maintenance and transit service; grantee provides vehicles)	40 percent
2. Service Contract (contractor provides transit service only; grantee provides vehicles and maintenance)	0 percent
3. Vehicle Maintenance Contract (contractor provides maintenance; grantee provides vehicles and transit service)	100 percent
4. Vehicle Lease Contract (contractor provides vehicles; grantee provides maintenance and transit service)	100 percent
5. Maintenance/Lease Contract (contractor provides vehicles and maintenance; grantee provides transit service)	100 percent
6. Turnkey Contract (contractor provides vehicles, maintenance, and transit service)	50 percent
7. Vehicle/Service Contract (contractor provides vehicles and transit service; grantee provides maintenance)	10 percent

DOTD has identified vehicles which can best meet the requirements of a nonurbanized transportation operation. These specifications are listed in the Section 5311 Application Procedures Manual, Equipment Available and Estimated Costs (Appendix A). A maximum of 80% of each approved capital project can be financed with Section 5311 funds and the local recipient must provide the balance in cash.

Operating assistance grants can be used to pay for a maximum of 50% of net operating deficit. A recipient's net operating deficit is the difference between eligible operating expenses and operating revenues. All applicants are required to develop a proposed operating budget as a part of the overall application process. Program administrative costs incurred by local recipients are categorized as operating costs and are eligible for reimbursement at a maximum of 50% of the net operating deficit.

Intercity Bus

Unless the Governor certifies that the intercity bus service needs of the state are being adequately met relative to the other rural needs in the state, not less than fifteen percent (15%) of the Section 5311 funds apportioned to the State of Louisiana are set aside for the intercity bus program.

5.2 Existing Restrictions and Conditions

For new starts and demonstration projects, the state has the option to treat project administrative expenses incurred by a local provider as a separate cost category from either capital or operating expenses. This allows administrative expenses to be considered “non-operating” expenses, which may be funded up to the 80% Federal share for the period specified in the contract.

Personnel training expenses for public transportation workshops, seminars, etc., are eligible for inclusion as operating expense charges provided prior

approval is obtained from DOTD. Personnel training expenses for workshops not pertaining to transportation are not eligible expenses.

6. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

Applicants can apply for Section 5311 financial grant funding under two assistance categories: capital and operating. The maximum Section 5311 contribution for approved grant applications is 80% for capital grants and 50% for operating grants. The project balances must be met from local sources.

6.1 State Application of Federal Guidelines

The eligible local share must be from sources other than FTA funding and may include local, state and unrestricted Federal funds.

The local share for net operating expense grants must be provided in cash or cash equivalent (in-kind). If unrestricted Federal funds are used, they cannot account for more than one-half of the local share. Local and state funds include local and state appropriations, Federal revenue sharing funds, service contracts, dedicated tax revenues, private donations, and net income generated from advertising and concessions and incidental charter service income. In-kind contributions, volunteer services, and non-cash donations are eligible as cash equivalents which can be applied toward local match provided the value of each is formally documented and supported; however, they cannot account for more than one-quarter of the local share. The value of in-kind contributions is included in net project cost to the extent it is used as local match.

Local match for capital grants and DOTD approved planning projects requested by local recipients must be in cash, which must come from sources other than Federal funds.

Pursuant to 49 U.S.C. Section 5311 (g)(1), funds received by subrecipients pursuant to service agreements with a state or local social service agency or a private social service organization may be treated as local rather than Federal funds, even though the original source of such funds may have been another Federal program. A case by case verification will be made by the Louisiana DOTD Public Transportation Section of other funds which recipients consider to be purchase of service funds. Income from contracts to provide human service transportation may be used either to reduce the net project cost or to provide local match for Section 5311 operating assistance. In either case, the cost of providing the contract service is included in the total project cost.

6.2 State Programs Eligible as Local Match

The State of Louisiana does not have a dedicated, nonurbanized public transit financing program. Public transportation projects are eligible expenditures under the state-funded Parish Transportation Fund. Other state funds from legislative appropriations to Community Action Agencies, Councils on Aging, and other public and private, non-profit corporations can be used as local match.

6.3 Unrestricted Federal Funds Eligible as Local Match

Federal funds are deemed to be unrestricted if the Federal agency disbursing the funds designates those funds as unrestricted. Further clarification is presented in the DOTD Section 5311 Application Procedures Manual (Appendix A).

7. ALLOCATION PROCESS, PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS

7.1 Louisiana's Funding Allocation Process

The process by which Section 5311 funds are allocated by the State is designed to meet several objectives:

- to make funds available to applicants within nonurbanized areas in Louisiana;
- to address eligible funding needs of applicants in a fair and equitable manner;
- to maximize the effective use of available federal funds; and
- to use an increased availability of funds to support expansion of transit service to areas not currently served and/or to improve the level of service or coverage in areas which currently have minimal service.

Briefly summarized, Louisiana's funding allocation process may be described as follows:

1. Of the total funds made available to the State for the Section 5311 program, no less than 80 percent is made available for capital and operating projects. The remaining percentage is retained for state administrative, technical assistance, planning requirements (not more than 15%) and the intercity bus program (not less than 15%).
2. State priorities are then used to determine the sequence by which eligible funding requests are considered. Consideration is given as follows:
 - first to existing providers requesting operating assistance,

- second to existing providers requesting capital assistance for replacement vehicles,
 - third to new transit operators requesting assistance.
3. Priority funding requests are individually reviewed to determine the level of eligible funding needed for each project. Federal and State cost policies and standards are used to evaluate the appropriateness of specific project budget requests along with other evaluation criteria such as fleet size and condition, prior year activity, prior year budget, ridership, etc.
 4. Following the determination of the level of actual funding needs which the state agrees are warranted, funding is allocated to each project based upon an allocation process. This process uses the recipient's reported passenger trips for the latest twelve month period weighted by a factor of 0.4 and the recipient's reported miles of operation for the same period weighted by a factor of 0.6 to arrive at an allocation factor. Funding is then allocated to each recipient based upon the recipient's percentage of allocation factor to all recipient requests.
 5. Projects are first given their respective percentages of the total available local project moneys.

Projects are funded up to the approved project budget established in step 3. The funds which have been allocated in excess of the budget are pooled and a second allocation process takes place. This process involves only those projects which were not fully funded.

As each allocation round proceeds, each project continues to receive its respective percentage of the remaining moneys until the eligible request is met completely, or until all funds are exhausted.

Allocation of funds based on an area's passenger trips and miles of operation provide the basis for a consistently fair and equitable formula which reflects the level of direct service provided.

The Louisiana DOTD Public Transportation Section will provide technical assistance to sub-recipients applying for Section 5311 funding as requested.

7.2 Project Selection and Procedures for Assuring Equity in Distributing Funds

Project applications which are submitted for funding are technically evaluated to determine, among other factors, adequacy of the project's proposed organization, management and operations, services to the elderly, disabled, minorities and Indian tribes and the reasonableness and accuracy of related budget requests. The project evaluation is used to determine necessary changes to the project prior to funding as well as the maximum level of funding which the project will be eligible to receive under the funding allocation process.

The criteria used to evaluate the applications are set forth in the Application Procedures Manual for the Section 5311 program and include the following:

1. The commitment of local, state or other Federal programs and funds to participate in the provision of public transportation services.
2. The likelihood of continuation of the project.
3. Provisions for the local transportation needs in a realistic and prudent manner.
4. Quality of proposed monitoring and evaluation along with the ability to modify operations as a result of evaluation.
5. Commitment of other local agencies providing or needing transportation services to purchase, share or use in area-wide service.
6. Reasonableness and justification of estimated demand.
7. Extent to which the application recognizes the transportation needs of all nonurbanized residents.
8. Appropriateness of proposed equipment needs, costs and level of service.
9. Extent to which the project will comply with federal regulations concerning Civil Rights and Section 13(C).
10. Compatibility of system with possible existing supplemental operations e.g., taxicabs, where the vehicles, drivers, radios, and organization are already available and can provide feeder service.
11. Extent to which currently operating nonurbanized transportation service, manpower and equipment are utilized.
12. Degree of management capability to administer the grant and operate the transportation system.
13. Suitability of current and proposed promotional techniques to reach potential riders.

7.3 MPO Coordination

Section 5311 applicants are required to contact the appropriate MPO to determine if the proposed service is within the MPO planning/study boundaries. If not, no further action is required. If the service is within an MPO planning/study boundary, then the applicant notifies the MPO by letter that they are applying for Section 5311 funds and will submit a copy of the application for the MPO's review. Upon MPO approval of the application, the project is incorporated in the TIP. Documentation of MPO approval of

the applicant's project and inclusion in the TIP is submitted to DOTD as part of the applicant's package.

8. INTERCITY BUS TRANSPORTATION

Background

Under Section 5311(f), which was authorized by the ISTEA, states are required to spend a portion of their Section 5311 apportionment "to carry out a program for the development and support of intercity bus transportation "unless the Governor certifies that intercity bus service needs of the state are being met adequately. Program goals for the funding of intercity bus service under Section 5311 are:

- to support the connection between nonurbanized areas and the larger regional or national system of intercity bus service;
- to support services to meet the intercity travel needs of residents in nonurbanized areas; and
- to support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities

The minimum percentage of the state's Section 5311 apportionment required by statute to be programmed for intercity bus service is fifteen percent. The requirement is effective unless the Governor certifies that the intercity bus service needs of the state are being adequately met relative to other rural needs in the state. If the Governor certifies that the intercity bus service needs are being adequately met, the funds are made available for Section 5311 operating and capital assistance.

8.1 Governor's Certification

The state is not required to expend the specified percentage of the apportionment for an intercity bus program "in any fiscal year in which the Governor certifies to the Secretary of Transportation, after consultation with affected intercity bus service providers, that the intercity bus service needs of the state are being adequately met." During such fiscal years as the Louisiana DOTD has determined that intercity bus needs have been adequately met relative to other rural needs in the state, a certification will be prepared for the Governor's consideration. Prior to this certification, a public notice will be published in each parish journal to notify intercity bus providers of the availability of funds and to solicit comment on the State's intent to certify unless needs are identified. Additionally, letters notifying the providers of the coordinated public transit-human services transportation plans and requesting comments on intercity bus needs are mailed to Intercity Bus Carriers as well as existing rural providers. The assessment of need relative to other rural needs will be determined based on comments received, operating and capital assistance requests which are unmet for existing Section 5311 providers, operating and capital assistance requests which are unmet for new Section 5311 providers and proposed population to be served. The assessment of the intercity bus needs will be included in the development of Coordinated Public Transit-Human Services Transportation

Plans.

8.2 State Role

The DOTD will implement Section 5311(f) as part of the management of the Section 5311 program. Intercity bus projects will be included in the annual Section 5311 Program of Projects. Intercity bus transportation needs will be assessed for the entire state relative to other rural needs in the state.

8.3 Eligible Activities

Assistance under Section 5311(f) must support fixed-route intercity bus service in rural and small urban areas. Activities approved for eligibility and given priority by the Louisiana DOTD include:

- planning and marketing for intercity bus transportation;
- operating grants through purchase-of-service agreements;
- user-side subsidies and demonstration projects; and
- coordination of rural connections between small transit operations and intercity bus carriers.

Other operating or capital projects for the support of rural intercity bus service are not precluded. Charter or tour services are not eligible for assistance under this program (49 CFR Part 604).

8.4 Feeder Service

The coordination of rural connections between small transit operations and intercity bus carriers may include the provision of service which acts as a feeder to intercity bus service. Feeder service is not required to have the same operating characteristics as the intercity service with which it connects. For example, feeder service may be demand responsive, while intercity service is by definition fixed route. Examples of eligible costs include marketing and extended hours of service in order to connect with scheduled intercity service. Where feasible, intercity bus feeder service may also provide access to intercity connections with rail or air service.

8.5 ADA Requirements

A public entity operating or contracting for intercity bus service is not required to provide complementary paratransit service for individuals with disabilities who are unable to use the fixed route intercity bus service. Under ADA, commuter bus service is statutorily exempt from the requirement for complementary paratransit service. Fixed route feeder service provided by a public entity will be evaluated on a case-by-case basis to determine if its characteristics are those of commuter service or of transit requiring complementary paratransit. Vehicles acquired for use in intercity service or feeder service may be required to be accessible (49 CFR Part 37).

8.6 Federal Match

Federal match for intercity projects is the same as for other Louisiana Section 5311 program matches: 50% for operating and 80% for capital. State administration, planning and technical assistance in support of intercity bus transportation are eligible at 100 percent Federal share if applied against the cap on state administrative expenses. The amount of Section 5311 funds used for planning for intercity bus transportation is not limited by the 15 percent cap on state administration. However, the Federal share of any planning assistance for intercity bus not included in the 15 percent allowed for state administration is limited to 80 percent of the planning costs. Requests may be made to the DOTD Public Transportation Section for planning projects.

8.7 Capital Projects in Urbanized Areas

Use of Section 5311(f) funds for projects in urbanized areas is limited to those aspects of the project which can be identified as directly benefiting and supporting service to and from nonurbanized areas. These projects must be included in the Metropolitan Planning Organization's Transportation Improvement Program and the State Transportation Improvement Program.

8.8 Competitive Opportunities

When capital equipment or facilities are acquired, built, or improved for use by private entities, provisions will be made to assure that the public body will retain satisfactory continuing control, and that such capital facilities are made available for use on a reasonable, non-discriminatory basis by other actual or potential service providers.

8.9 Regulation of Intercity Service

The operator of intercity bus routes in interstate and/or intrastate service is required to obtain an operating certificate from the Interstate Commerce Commission (ICC) and/or the Louisiana Public Service Commission (PSC). A copy of the certificate must be included in the application package. Providers must have the requisite operating authority and insurance for services assisted under Section 5311(f), as determined by Federal or State regulatory authorities.

8.10 Programming of Funds

In the absence of a certification from the governor that intercity needs are adequately met relative to other rural needs in the state, the required percentage of the state's annual apportionment will be programmed for intercity bus transportation within the three year period of availability. All assurances imposed for the Section 5311 program must be met by the intercity bus applicant for inclusion in Category A of the Program of Projects.

9. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS

9.1 Louisiana's Project Application Process

The process for preparing and submitting an Application (Appendix B) for funding consideration is outlined in the Application Procedures Manual (Appendix A) for the Section 5311 program.

Generally, this process operates as follows:

1. Prior to the end of the calendar year, DOTD program personnel notify existing providers to submit applications and budgets for the ensuing operating year. In areas of the state where there are no existing providers, eligible applicants which have formally indicated an interest in the program are notified of program opportunities and the potential availability of funding. All minority transit organizations that meet the eligibility criteria listed in Section 3.1 in this manual are encouraged to apply and DOTD assistance is available upon request. Such new requests are treated in accordance with the established priority system.
2. Existing and prospective new applicants prepare and submit complete applications in accordance with detailed instructions of the Application Procedures Manual. State program personnel are available to provide assistance and advice to interested program participants.
3. Applications are submitted to DOTD no later than February 1st in order to allow adequate processing time.
4. Pre-award accounting system surveys for any new applicants will be performed to ensure adequate financial and managerial capability. Based upon Federal funding levels and utilizing the most current Federal and State auditing requirements, DOTD obtains an appropriate audit from all existing providers on an annual or biennial basis.
5. New Start Site Visits will be conducted prior to the approval of the application for any new applicants.
6. DOTD Section 5311 program staff begin technical review and evaluation of applications as they are received. Recommendations for any necessary project revisions are completed together with proposed budget allocations for each project.
7. Applicants are required to publish public notices on proposed operating and/or capital project applications. The notices invite any interested public or private transit or paratransit operator within the service area to comment.

8. DOTD submits a listing of projects and of all public and private transportation providers within each project service area to the U.S. Department of Labor.
9. DOTD finalizes its proposed Program of Projects and submits it to FTA by March 31.
10. FTA reviews and approves applications and awards grants by the end of the quarter.
11. During the FTA review and approval process, DOTD initiates and completes necessary contract agreements with applicants identified in the Program of Projects. Agreements become effective upon FTA approval.
12. For capital grant requests, DOTD reviews and updates as needed the vehicle specifications. The Division of Administration initiates the procurement processes and DOTD participates by attending pre-bid conferences.
13. Following issuance of bid awards by the Division of Administration, vehicles are ordered. Delivery of all vehicles is made to DOTD for inspection and to insure conformance with vehicle specifications.
14. Prior to issuance, recipients provide DOTD personnel with proof of insurance and submit payments for applicable title/handling fees. The face of each title is stamped to indicate that vehicles were purchased with Federal funds, and a restriction on the transfer of title without DOTD concurrence is filed with the Louisiana Department of Public Safety and Corrections.

9.2 Available Assistance

The DOTD Section 5311 program staff are available throughout the year to provide information to interested parties on procedures for participating in the program; technical advice and planning assistance on structuring individual project applications or budgets; and assistance in interpreting and complying with applicable regulatory provisions which pertain to any aspect of the program. Application assistance workshops are conducted each year at the Louisiana Transit Conference.

The Application Procedures Manual is available to interested applicants via internet download from the DOTD Public Transportation web page (<http://www.dotd.louisiana.gov/intermodal/transit/>) or hard copy mailed upon request. This document contains in-depth information on the preparation and submission of local applications for operating or capital expenses.

9.3 Section 5307/Section 5311 Apportionment Transfer and Section 5310 and STP Transfer Provisions

The total funds available to the Section 5311 program may be altered according to statutory provisions which permit the Governor to transfer additional moneys to the program from the state's Section 5307 apportionment for urbanized areas under 200,000. Similarly, existing legal provisions permit the Section 5311 program allocation to be reduced if the Governor transfers funds from the program to supplement the Section 5307 program.

Section 5310 funds shall be available to the Governor for transfer to supplement funds apportioned to the state under Section 5311 for nonurbanized areas within 90 days of the end of the Federal fiscal year in which they were apportioned. The period of availability for the transferred funds is that of the receiving program, which is three years in the case of Section 5311. Section 5310 funds transferred to Section 5311 may only be used for non-operating costs, and do not change the amount available for state administration under either Section 5311 or Section 5310.

Surface Transportation Program (STP) funds, and certain other highway funds, may be transferred to Section 5311 for programming by the state. Transferred funds will be treated under the program requirements applicable to Section 5311. The period of availability of the funds is three years for obligation by the state under the Section 5311 program.

DOTD monitors the status of available program funds and informs the Office of the Governor of transfer procedures as program needs become evident. Should excess funds become apparent in either program, the Department will advise the Governor of specific program options and recommend appropriate action. The DOTD will notify the FTA Regional Administrator of each transfer of funds.

10. COORDINATION

10.1 State Agency Coordination

The Department of Transportation and Development coordinates Section 5311 funding for programmatic or public transportation operations and has develop a Statewide Human Services Transportation Plan and is involved in regional coordination plans. DOTD also provides coordination workshops charged with the responsibility to enhance coordination of transportation services at the regional level. Specific efforts to coordination have been undertaken through DOTD, the MPOs and local public and private transportation providers by having quarterly regional human services transportation plan meetings. Included in these meetings are all State Human Services Agencies like DSS, DHH, LWC, GOEA and GODA, etc.

The purpose of coordination is to obtain the maximum use of transportation resources and increase the cost efficiency of providing transportation services by coordinating and consolidating administration, planning and funding of providing public and specialized transportation services.

DOTD is responsible for providing and/or administering transportation services and resources and share a common goal of managing available transportation service funding in an accountable and cost-effective manner. The degree of success achieved by each plan however, is predicated on continuous open communication, and cooperation and coordination of resources between the respective agencies, providers and individuals.

The development of a truly coordinated public transit-human service transportation system in Louisiana is dependent on state administered funds being coordinated to both build and maintain the system. Although federal funds administered by DOTD are allocated by program, the state can coordinate the expenditure in a way to obtain optimal benefit.

The DOTD intends to continue its efforts to coordinate Louisiana's publicly funded transportation systems. DOTD will continue to authorize coordination of services designated to improve rural public transportation systems.

10.2 Local Project Coordination

The state's Application Procedures Manual for Section 5311 projects contains a description of coordination procedures to be followed by local applicants. Applicants are responsible for coordinating with all local governing bodies, public and private transit and paratransit operators which provide service within the project area, and any other interested group or organization. The applicant is required to obtain and provide a description of all transportation services presently operating in the service area.

Beginning in FY 2007, SAFETEA-LU requires public transit systems funded under the Section 5311 program participate in the local planning process for coordinated public transit-human service transportation plan in those areas applying for funds under Section 5310, 5316, or 6317. DOTD has developed a Statewide Coordinated Plan that specifically includes the locally developed plans that were created by eight planning and development districts in the State.

Section 5311 applicants are required to notify the appropriate regional coordination planning committee (Metropolitan Planning Organization (MPO) or Regional Planning Commission (RPC)) by letter to ensure the proposed project is included in the local coordinated plan. The MPO or RPC must certify to DOTD that the proposed project is included in the local Coordinated Public Transit-Human Services Transportation Plan.

11. STATE ADMINISTRATION AND TECHNICAL ASSISTANCE

11.1 Assistance Available to Local Areas

The DOTD Section 5311 program staff provides various types of assistance to local areas, including:

1. Technical review of existing accounting practices and procedures, recommendations of needed revisions, and structuring of local system to meet applicable standards.
2. Development of and assistance in implementing appropriate records systems providing required reporting on activities and operations, as well as necessary management information for local use.
3. Assistance in project planning and development.
4. Development and conducting of special workshops for transit providers, including administrative staff and drivers.
5. Provision of information on the availability of approved training courses for local staff attendance.
6. Technical assistance pertaining to transportation system operations.

11.2 State Level Section 5311 Activities

At the state level, DOTD personnel are charged with a wide array of responsibilities for the Section 5311 program. These include:

1. Planning and coordination of the program's objectives with other public transportation programs available to Louisiana.
2. Development, implementation, and supervision of administrative policies and procedures associated with requirements of the program.
3. Coordination with representatives of the Federal Transit Administration and other federal agencies and with appropriate state and local officials concerning program needs and requirements.
4. Development of required state level activity and budget reports and proposed funding plans for federal review and approval.
5. Definition and identification of individual areas of need within the State for Section 5311 public transportation services.
6. Development and implementation of an annual project application and selection process and funding allocation procedure for local projects.
7. Development of specifications and provision of a centralized procurement procedure for acquisition and distribution of vehicles and

equipment purchased under the program.

8. Monitoring of project operations, budgets, equipment and facilities through reports and site inspections.
9. Completion of pre-award accounting system surveys on all new projects and the oversight and resolution of audits on all recipients.
10. Provision of technical assistance to local providers in developing and preparing projects, structuring accounting systems, the organization and management of transportation systems, and the design and implementation of needed record systems.
11. Sponsoring, provision, and encouragement of suitable training programs for local system managers and operating staff.
12. Conducting and sponsoring related research and development efforts to improve the effectiveness of the state's Section 5311 program.

11.3 Rural Transit Assistance Program

DOTD's Public Transportation Section will utilize Rural Transportation Assistance Program (RTAP) funding to provide training, technical assistance, research and support services related to public transportation in nonurbanized areas. The State RTAP Advisory Committee will provide recommendations to DOTD on how best these funds may be put to use by the State. A periodic needs survey will be conducted, generally during the Annual Public Transportation Conference, of the current providers to ensure that training and technical assistance is provided which address provider needs.

12. CIVIL RIGHTS REQUIREMENTS

DOTD Public Transportation Section is responsible for complying with civil rights requirements and for monitoring compliance by subrecipients of Section 5311 funding. Compliance on the requirements listed below is monitored as part of the Annual Compliance Review questionnaire and through periodic on-site visits to the recipient agency.

12.1 Nondiscrimination in Federal Transit Programs

DOTD Public Transportation Section's policy is that an applicant and all third party contractors shall not, on the basis of race, color, creed, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Section 5311 program, as required by the provisions of 49 U.S.C. § 5332, which also prohibits discrimination in employment and business opportunity.

12.2 Nondiscrimination -- Title VI of the Civil Rights Act

DOTD Public Transportation Section's policy is that no person shall, on the basis of race, color, creed, national origin, sex, age or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, as required by Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq., and U.S. DOT regulations, 49 C.F.R. Part 21 and FTA implementing requirements. Louisiana's funding allocation process assures the equitable distribution of funds among all groups within the State.

Local recipients are required to maintain and make available upon request the following:

1. a concise description of any active lawsuits or complaints alleging discrimination in service delivery filed against the recipient within the past year together with a statement of status or outcome of each such complaint or lawsuit,
2. a summary of all civil rights compliance review activities conducted in the last three years, and
3. an analysis of any environmental and or social economic impacts as the result of proposed construction projects, including the impact on minority communities. This information is required only for those projects which do not qualify as a categorical exclusion in the environmental process.

In order for FTA and DOTD to assess compliance requirements, applicants must provide the following information in their Application (Appendix B):

1. A description of how the transportation needs of minorities will be served if the proposed project is approved for funding.
2. A description of the special efforts taken to serve minority communities and address minority transit needs.
3. The percentage of minorities in service area population and the percentage of minority users of the agency's transportation system.

Each applicant which receives \$100,000 of Section 5311 funds per year and whose minority population expressed as a percentage of total population equals or exceeds the state's average minority population of 33% must provide the total population of the service area, the percentage which are minority, a map of the service area which shows routes and distribution of minority groups (if demand-response service, the estimation of beneficiaries served by minority group category) and special efforts taken to serve minority communities and address minority transit needs.

Each applicant is required to sign the Nondiscrimination Assurance as part

of the Section 5311 Application.

12.3 Equal Employment Opportunity (EEO)

The DOTD Public Transportation Section is responsible for both its own compliance and for assuring FTA that all local recipients are in compliance with FTA's Equal Employment Opportunity (EEO) objectives as detailed in FTA Circular 4702.1. If the state or any subrecipient meets the threshold specified in the circular it will submit an EEO program to the Federal Highway Administration. The recipients agree as part of their contract that they will comply with all listed regulations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, and 49 U.S.C. §5332 and any implementing requirements FTA may issue.

Local recipients with 50 or more employees or which have received capital or operating grants in excess of \$1,000,000 (or \$250,000 in technical study grants) are required to submit an Equal Employment Opportunity (EEO) program to the state.

12.4 Disadvantaged Business Enterprise Requirements (DBE)

The Louisiana Department of Transportation and Development (LADOTD) is vested with the authority and responsibility to coordinate and develop a comprehensive, balanced transportation system for the State of Louisiana. In order to carry out those responsibilities, LADOTD is authorized to make such contracts and execute such instruments containing reasonable and necessary terms, provisions, and conditions for the purpose of obtaining or securing financial assistance, grants or loans from any agency or department of the United States.

In addition to funding from various resources of the State of Louisiana, LADOTD receives funding from the United States Department of Transportation (USDOT). As a condition of receiving such funds, LADOTD must comply with all federal statutes, regulations, guidelines and other requirements of the federal agencies.

The USDOT has the responsibility of insuring that firms competing for its financially assisted contracts are not disadvantaged by unlawful discrimination and issued new regulations in 1999 as part of its policy concerning the program commonly known as the Disadvantaged Business Enterprise (DBE) Program.

A revision became effective January 28, 2011, and requires the primary recipient of funding by the USDOT, as a condition of receiving federal funding to develop a DBE program that meets the requirements of the new regulation by February, 2011. LADOTD is required to establish a three-year overall goal based on the local availability of DBEs that are ready, willing, and able to participate in LADOTD contracts. It is required that, to the maximum extent possible, race-neutral means be used to achieve the DBE participation goals.

It is DOTD Public Transportation Section’s policy that state and local recipients of Section 5311 funds and American Recovery and Reinvestment Act (ARRA) will take necessary and reasonable steps to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts in accordance with Section 1101(b) of TEA-21, 23 U.S.C. § 101 note, and U.S. DOT regulations, 49 C.F.R. Part 26. Recipients of Section 5311/ARRA capital or operating funds are obligated under contract with DOTD to make all necessary and reasonable efforts to use DBE firms. These activities are monitored annually as part of the Annual Compliance Review questionnaire and it is stressed during site visits.

Triennially, the DOTD Public Transportation Section will submit a statewide DBE program including goals for the utilization of DBE's by the state and by it’s subrecipients. On a semi-annual basis, the DOTD Public Transportation Section will submit a report through FTA’s Electronic Awards Management System (TEAM) that documents its efforts to meet the goals in the statewide DBE program for Section 5311. Quarterly, the DOTD Public Transportation Section will submit a report through FTA’s TEAM System that documents its efforts to meet the goals in the statewide DBE program for ARRA.

Each local recipient must take necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBEs have the maximum opportunity to compete for and perform contracts. Such necessary and reasonable steps include:

- Identification of all contracting opportunities, if any, associated with the FTA assistance;
- Analysis of DBE availability;
- Establishment of contract goals;
- Use of good faith efforts to achieve contract goals established;
- Use of DBE firms certified under the eligibility criteria of 49 CFR Part 26; and
- Record keeping and reporting sufficient for verification of the steps taken and participation received.

Recipient must track and report DBE participation levels achieved, including sufficient documentation in the recipient's, sub-recipient's, or contractor's files to substantiate efforts undertaken to meet DBE obligations. Quarterly reports will be submitted to the State to assess the recipient's progress toward projected contract awards and overall goals. This report will be required in accordance with the DBE Activity Timeline below.

DBE Activity - Timeline	
By Dec. 10 th , March 10 th , June 10 th , Sept. 10 th	Send request for DBE activities to Transit

	Agencies
By January 1 st , April 1 st , July 1 st , October 1 st	Review and compile DBE activities for all Transit Agencies
By January 10 th , April 10 th , July 10 th , Oct. 10 th	Submit DBE activities quarterly in TEAM for ARRA Projects
By June 1 st and December 1st	Submit DBE activities semi-annually in TEAM for all FTA Projects

12.5 Nondiscrimination on the Basis of Sex

DOTD Public Transportation Section's policy is that no person shall, on the basis of sex, be discriminated against in Education Programs or Activities Receiving Federal Financial Assistance, in accordance with requirements of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1682 et seq. and U.S. DOT regulations, 49 C.F.R. Part 25 and FTA implementing regulations.

12.6 Nondiscrimination on the Basis of Age

DOTD Public Transportation Section's policy is that all applicants assure compliance with the Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 et seq., and implementing regulations, which prohibit employment and other discrimination against individuals on the basis of age.

12.7 Access Requirements for Persons with Disabilities

DOTD Public Transportation Section's policy is that all Section 5311 recipients provide assurance that it complies with the provisions of 49 U.S.C. § 5301(d), which sets forth Federal policy that elderly persons and persons with disabilities have the same right as other persons to use transit services and facilities, and that special efforts shall be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly persons and persons with disabilities. Recipients also agree to comply with all applicable requirements of the following Federal regulations: Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. Section 794, which prohibits discrimination on the basis of handicap, the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12101 et seq., which requires accessible facilities and services to be made available to persons with disabilities, and the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 et seq., which requires that buildings and public accommodations be accessible to persons with disabilities.

Additionally, Section 5311 recipients must comply with 49 CFR Parts 27, 37, and 38; 28 C.F.R. Parts 35 and 36; 41 C.F.R. Subpart 101-19; 29 C.F.R. Part 1630; 47 C.F.R. Part 64, Subpart F; 36 C.F.R. Parts 1192 and 1194; 49 C.F.R. Part 609 and other FTA regulations, implementing the ADA and

amending the Section 504 rule. Among other requirements, the regulations: prohibit discrimination against individuals with disabilities; require that vehicles acquired be accessible to and usable by individuals with disabilities, including individuals using wheelchairs with limited exceptions for demand responsive systems providing equivalent service to individuals with disabilities, or a demonstration of inability to obtain an accessible vehicle despite good faith efforts to do so; and require that public entities operating fixed route transit plan for and provide complementary paratransit for individuals with disabilities who cannot use accessible fixed route transit.

The DOTD Public Transportation Section requires local recipient action on the Certification of Nondiscrimination on the Basis of Disability. This certification gives assurance that the recipient will conduct any program or operate any facility so assisted in compliance with all applicable requirements imposed by DOT regulations. Local recipient action is also necessary on the Section 504/ADA Compliance requirements. In order for FTA and DOTD to assess compliance requirements, applicants must provide the following information on the form included in the Application (Appendix B):

1. A description of recipient's plans to provide transit services for disabled persons in their service area.
2. The percentage of service area population which requires wheelchair accessible vehicles.
3. The percentage of the recipient's fleet which is currently wheelchair accessible.

The DOTD Public Transportation Section will require that recipients which are public entities operating fixed route transit must plan for and provide complementary paratransit for individuals with disabilities who cannot use accessible fixed route transit. At the present time, all nonurbanized transportation is demand response and, therefore provides equivalent service.

Through the DOTD procurement and reporting process, it monitors all vehicles acquired with Section 5311 funds, ensuring that they are equipped, maintained, and operated in accordance with the regulation and that service provided does not discriminate against individuals with disabilities.

At such time as intercity bus transportation is funded it must comply with ADA accessibility standards.

In addition, recipients of any FTA funds should be aware that they also have responsibilities under other provisions of ADA in the areas of employment, public accommodations, and telecommunications.

A Pre-Trip Inspection Sheet which includes a comprehensive daily maintenance checklist for vehicles with lifts, a lubrication diagram chart for lifts, and maintenance/lubrication schedule is supplied to all Section 5311

agencies.

12.8 Drug or Alcohol Abuse – Confidentiality and Other Civil Rights Protections

DOTD Public Transportation Section's policy is that recipients comply with the confidentiality and any other civil rights protections of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1174 et seq., with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4581 et seq., and with the Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 290dd-3 and 290ee-3, and any subsequent amendments to these acts. For information on drug-free workplace and drug and alcohol testing requirements, refer to Chapter 14, Other Provisions.

12.9 Access to Services for Persons with Limited English Proficiency

DOTD Public Transportation Section's policy is that recipients comply with Executive Order No. 13166, Improving Access to Services for Persons with Limited English Proficiency; 42 U.S.C. § 2000d-1 note, and U.S. DOT Notice, "DOTD Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries"; 66 Fed. Reg. 6733 et seq.

12.10 Environmental Justice

DOTD Public Transportation Section's policy is that recipients comply with the policies of Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"; 42 U.S.C. § 4321 note.

12.11 Other Nondiscrimination Statutes

DOTD Public Transportation Section's policy is that recipients comply with all applicable requirements of any other nondiscrimination statute(s) that may apply to the Project.

3. OTHER PROVISIONS

13.1 Section 5333(b) Labor Protection Provisions

The Louisiana DOTD Public Transportation Section requires that applicants annually submit Certifications and Assurances for the Nonurbanized Area Formula Program which is contained in the Application (Appendix B) which certifies compliance with 49 U.S.C. Section 5333(b). This section requires that fair and equitable arrangements be made to protect the interests of

employees affected by such assistance. The Department of Labor (DOL) is responsible under Federal law for the administration of Section 5333(b).

New applicants may request alternative arrangements or a waiver of the protections. The waiver is only good for the first year of the project and acceptance of the warranty will be required for subsequent years funding. Each waiver request will be forwarded by DOTD to the U.S. Department of Labor (DOL) individually for their review and approval.

In addition to the certification each recipient must submit the following information:

1. A complete 5333(b) Labor Warranty Listing as described in the Application Procedures Manual. This listing includes the project name and description, the service area and contract fiscal year ending date, the transit provider agency and their address, other eligible surface public transportation service providers operating in the service area, type of transit they perform, and any union representing the employees of each transit provider.
2. The agreement dates and signatories to any existing 5333(b) arrangements or side letters (and any specific language which has been utilized for similar projects).
3. A statement of whether the recipient would agree to the use of those arrangements for the current project.

13.2 Private Sector Participation

Although FTA no longer prescribes a particular private sector participation process, applicants are required to assure DOTD that other transportation providers have been afforded a fair and timely opportunity to comment on the proposed service. In order to comply with the intent of 49 U.S.C. 5323(a)(1) each applicant is required to publish a public notice that identifies the services being proposed and invites any interested transportation provider within the service area to comment. Applicants provide assurance that participation of private mass transportation companies has been provided to the maximum extent feasible.

13.3 Environmental Protection

Most Section 5311 projects receive a categorical exclusion under this assurance, and therefore no action is required by the applicant. DOTD is responsible for obtaining the necessary clearance for environmental assessment. Section 5311 projects which are not categorical exclusions, as defined by 23 CFR 711.117(d) may require the applicant to submit additional descriptive information. Additional information regarding environmental requirements can be found in Chapter X of FTA C9040.1E.

There are a number of environmentally related statutes, orders, and compliance procedures which may apply to a given project even if it is properly classified as a categorical exclusion. The environmental requirements which may come into play for Section 5311 projects are: Clean Air Act conformity provisions; protection of public parkland, wetland and waterfowl refuges, and historic sites (49 U.S.C. Section 303); Section 106 of the National Historic Preservation Act (protection of historic and archaeological resources); and Section 404 of the Clean Water Act (Corps of Engineers' permit requirements for dredge and fill activities in waters of the United States). FTA policy is to require compliance with these environmentally related requirements within the overall environmental process. The environmental assessment or environmental documentation to support a categorical exclusion must address these related requirements. No project will be included in Category A of the state's Section 5311 Program of Projects until compliance with these requirements is met.

The Louisiana DOTD, Public Transportation Section will screen potential projects when they are first identified to make an initial determination as to which projects clearly meet the FHWA/FTA criteria for categorical exclusions and which projects may require additional documentation.

13.4 Buy America Provisions

Section 5311 recipients must comply with 49 U.S.C. Section 5323(j), FTA regulations "Buy America Requirements", 49 C.F.R. Part 661, and implementing guidance FTA may issue. Buy America requirements apply to all purchases, including materials or supplies funded as operating costs, if the purchase exceeds the threshold for small purchases - currently less than \$100,000. Applicants certify as part of the Section 5311 Application compliance with all applicable procurement requirements imposed by Federal laws, executive orders, or regulations. These requirements are included in the contract for Section 5311 funds between DOTD and the subrecipient and in the subcontract with service providers. When contracts are mailed to subrecipients for signature, a sample contract to be used between the subrecipient and the provider is included. In order to assure compliance, the subrecipient is required to forward a fully executed copy of the contract to DOTD. DOTD will monitor procurement practices with the Annual Compliance Review questionnaire and site visits. These federally required procurement clauses are also a part of the certification packet for potential bidders that is distributed by DOTD for purchases.

13.5 Pre-award and Post-delivery Audits

The Louisiana DOTD Public Transportation Section requires pre-award

audits for both Buy America and bid specification requirements. As a portion of the pre-award process, a certification of Federal Motor Vehicle Safety Standards (FMVSS) is also required. A Checklist is maintained on file at DOTD for capital purchases which tracks the following: Buy America Certification (Pre-Award), Bid Specification Pre-Award, receipt of Manufacturer's FMVSS Certification, Buy America Certification (Post Delivery), Vehicle Sight Inspection, Vehicle Road Test, number of vehicles purchased, Inspector's Report (if required), Bid Specification Post Delivery, and receipt of Manufacturer's FMVSS Certification. Items which are kept on file at DOTD are: copies of solicitation documents, certification of Buy America compliance, certification of bid specification compliance, and certification from manufacturers of FMVSS information or its inapplicability.

Prior to signing a contract with the vehicle manufacturer for the purchase of vehicles, DOTD conducts the Pre-award Buy America Audit. In completing the Pre-award Buy America Audit, the Public Transportation Section reviews documentation from the manufacturer as to the cost of the vehicle's major components and primary sub-components, their country of origin, the location of final assembly, and the activities that will take place at that location.

The Public Transportation Section also conducts a Pre-award Bid Specification Audit. In this audit the DOTD staff reviews the information provided by the vehicle manufacturer concerning the vehicles proposed for purchase. A certification is made that these vehicle(s) are the same vehicle(s) described in the bid specifications used for this solicitation. It also assures that the manufacturer (by name) is a responsible manufacturer with the capability to produce the specified product. An on-site inspector will monitor the manufacture of the vehicles should 11 or more be purchased.

As a part of the bid package, DOTD requires that the vehicle manufacturer submit a certification that the vehicles are subject to FMVSS standards issued by the National Highway Traffic Safety Administration (NHTSA) in 49 CFR Part 571. This manufacturer's self-certification information is kept on file by DOTD. If the vehicle purchased is not subject to FMVSS standards, DOTD keeps, on file, a certification from the manufacturer that the vehicle is not subject to those standards.

Upon receipt of vehicles ordered, DOTD will conduct a post-delivery audit for Buy America, Bid Specifications, and Federal Motor Vehicle Safety Standards. In the Buy America post-delivery audit, DOTD certifies that the Buy America regulations (after change orders, etc.) are still being met. In this audit DOTD reviews specific cost information supplied by the manufacturer for compliance.

The post-delivery audit of Bid Specifications is conducted by DOTD personnel to determine if the vehicles meet contract specifications and to assure that the vehicles received are free from defects. A road test and visual inspection is completed. For the procurement of 11 or more vehicles for one agency, DOTD will certify that a resident inspector was on site throughout the manufacturing period and monitored the manufacture of the vehicles.

At post-delivery DOTD will file the manufacturer's self-certification regarding compliance with FMVSS standards. If the vehicle is not subject to FMVSS standards DOTD will keep on file the certification from the manufacturer that the vehicle is not subject to those standards.

If DOTD cannot certify Buy America or bid specification compliance, the vehicle(s) may be rejected and final acceptance will not be required. DOTD and the manufacturer may agree to a conditional acceptance of the vehicle(s) pending a correction of the deviations within a reasonable period of time.

13.6 Drug-free Workplace Requirements

Annually the Louisiana Department of Transportation and Development submits a Drug-Free Workplace Act Certification, pursuant to Public Law 100-690. This certification is submitted on behalf of all sections within DOTD who receive federal funds through grants. DOTD certifies that it will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in a DOTD workplace is prohibited and specifying the actions that will be taken against employees for violation of such prohibition.
- (b) Establishing an ongoing drug-free awareness program.
- (c) Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (a).
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant or cooperative agreement, the employee will abide by the terms of the statement and notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- (e) Notifying the Federal sponsoring agency in writing within ten calendar days after receiving notice under paragraph (d), from an employee or otherwise receiving actual notice of such conviction.
- (f) Taking one of the following actions, within 30 calendar days of receipt of the notice, with respect to any employee so convicted:
 1. Taking appropriate personnel action against such employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

13.7 Drug and Alcohol Testing

The DOTD Public Transportation is responsible for assuring FTA that all Section 5311 recipients and subrecipients are in compliance with FTA's Drug and Alcohol Testing regulations, as outlined in 49 CFR Part 655. Among other requirements, these regulations require that all safety sensitive employees be tested for drug and alcohol use pre-employment (drug only), randomly, and post-accident, that certifications be made, and that reports be submitted. The following elements must be in place before a transit system can claim compliance:

- A policy statement must be adopted by the Governing Board or Authorized Official.
- Employees must be given a copy of the system's policy.
- All safety-sensitive employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use.
- All supervisors must have completed Reasonable Suspicion training.
- Drug and alcohol testing services must be in place.
- Substance Abuse Professional must be available for referrals.
- Each system must have the ability to conduct drug and alcohol testing by their compliance deadline.

The transit system must certify compliance with the requirements set forth in 49 CFR Part 655 on an annual basis. The original certification is mailed direct to DOTD no later than December 15 of each year. DOTD then keeps a copy and transmits the originals to FTA. This certification must be signed by the transit system's governing board or authorizing official. Before March 15 of each year, recipients of Section 5311 funds must complete and submit to DOTD the Drug and Alcohol Testing Management Information System (MIS) Data Collection Forms which are then submitted by DOTD to FTA no later than March 15.

DOTD holds workshops periodically to update Section 5311 recipients on changes in drug and alcohol regulations. Copies of FTA Drug and Alcohol Regulation Updates are also mailed to each agency. DOTD has reviewed copies of each recipient's Drug and Alcohol Policy in order to ensure compliance with Federal requirements. Monitoring is accomplished through the Annual Compliance Review questionnaire and site visits.

13.8 Debarment and Suspension Certification

Louisiana DOTD Public Transportation Section requires that recipients submit this certification with their application as described in the Application Procedures Manual for contracts in excess of \$100,000. By signing this certification, the recipient assures DOTD that Section 5311 funds are not given to anyone who has been debarred, suspended, ineligible, or voluntarily excluded from participation in federally assisted transactions. The federally required clause, as defined in the governing regulation, 49 CFR Part 29 and FTA Circular 2015.1 on debarment and suspension is included in the contracts between DOTD and subrecipients and also in

subcontracts with providers who meet the minimum threshold.

13.9 Commercial Drivers License

All drivers of vehicles designed to transport more than 15 persons (including the driver) must have a Commercial Drivers License (CDL). Mechanics who drive the vehicles must also have a CDL.

13.10 Restrictions on Lobbying

FTA recipients are prohibited from using Federal financial assistance to influence or attempting to influence an officer or employee of any agency, a Member of Congress or the Louisiana State Legislature, an officer or employee of Congress or the Louisiana State Legislature, or an employee of a Member of Congress or the Louisiana State Legislature pertaining to the award of any Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement.

If any funds other than Federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress or the Louisiana State Legislature, an officer or employee of Congress or the Louisiana State Legislature, or an employee of a Member of Congress or the Louisiana State Legislature in connection with any application to FTA for Federal assistance, the Applicant assures that it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," including the information required by the form's instructions, which may be amended to omit such information as permitted by 31 U.S.C. 1352.

General advocacy for transit and providing information to legislators about the services a recipient provides in the community are not prohibited, nor is using non-Federal funds for lobbying, so long as the required disclosures are made.

Recipients and subrecipients of grants exceeding \$100,000 must sign a certification as part of the Application for Section 5311 funds so stating and must disclose the expenditure of non-Federal funds for such purposes (49 C.F.R. Part 20). The federally required clause, as defined in the governing regulation is included in the contracts between DOTD and subrecipients and also in subcontracts with providers who meet the minimum threshold. Compliance with this regulation is monitored as part of the Annual Compliance Review questionnaire and periodic on-site visits.

13.11 Safety and Security

Section 5311 applicants are required to have safety and security plans. FTA's authority in the area of transit safety is set forth in 49 U.S.C. 5329. Under this Section, FTA may conduct investigations into safety hazards and security risks associated with a condition in equipment, a facility, or an operation financed under Chapter 53 in order to establish the nature and

extent of the condition and how to eliminate, mitigate, or correct the safety hazard and/or security risk. FTA may also require local jurisdictions to submit a plan for eliminating, mitigating, or correcting the deficiency. Finally, FTA may withhold further financial assistance from any grantee that fails to correct any safety and security deficiency.

FTA has entered into a Memorandum of Understanding with the American Association of State Highway and Transportation Officials (AASHTO), the American Public Transportation Association (APTA) and the Community Transportation Association of America (CTAA) that supports the transit industry and Federal commitment to bus safety, and supports a model bus safety program to which all the signatories of this agreement have agreed to subscribe. The program will also focus on addressing the needs of rural and small urban providers.

13.12 Annual Program of Projects Status Reports

The state submits to FTA program status reports for each active grant by October 31 each year that covers the 12month period ending September 30. The report, which includes an updated Program of Projects, is submitted electronically in TEAM. LADOTD maintains files on all FTA funded projects. All grant vehicles files are maintained in the Public Transportation vehicle inventory database.

14. STATE PROGRAM MANAGEMENT

14.1 Procurement

Vehicles

After notification of approval of the state's consolidated application by FTA, the procurement process begins. DOTD forwards the bid request package which documents quantities and specifications to the Division of Administration for handling. The Division of Administration forwards the final bid package to the DOTD Public Transportation Section for assurance that it complies with all Federal regulations and that it contains the proper vehicle specifications. After approval from the DOTD, the Division of Administration advertises. The DOTD Public Transportation Section is notified of all pre-bid conferences regarding procurement of vehicles under this program. The Division of Administration manages acquisitions through its established bidding and centralized purchasing procedures. This allows optimum use of available program funding since the vehicles and other equipment are purchased in volume at one time.

The DOTD has developed standard specifications for vehicles and other equipment most often requested by applicant organizations. Each applicant selects the equipment and/or vehicle(s) most appropriate to meet the

specific needs of its present and potential ridership and the requirements of the Americans with Disabilities Act of 1990. Requests for vehicles other than the standard selections must be accompanied with specifications including diagrams and seating arrangements.

Construction

DOTD reviews the project for funding and submits application including the categorical exclusion forms for each project to FTA for approval. After notification of approval of the state's consolidated application by FTA, the procurement process begins. DOTD forwards the bid requirements to the subrecipient. DOTD reviews contractor's bid package to ensure compliance with FTA required clauses including Davis Bacon Act. After review, DOTD notify applicant of approval or disapproval of Bid Proposal. (Appendix F)

The following procedures are used to evaluate the bids submitted to the subrecipient and their selection:

- 1) Review all bids submitted and the successful bidder.
- 2) Search Excluded Parties Listing System (www.epls.gov) to ensure excluded parties are not participating in projects exceeding \$25,000.
- 3) Print result of search to include in grant/procurement file.
- 4) If excluded parties are selected, DOTD will notify subrecipient to disqualify the excluded party and make another selection.
- 5) DOTD notify subrecipient of approval of successful bidder.
- 6) Review and approve contract with successful bidder and subrecipient to ensure all FTA required clauses including Davis Bacon Act are included.
- 7) The DOTD, Public Transit Section, District Engineers, and the subrecipient meet to ensure contractor's compliance with Davis Bacon Act.
- 8) In the event the DOTD becomes aware, after the award of a contract that an excluded party is participating in a covered transaction, DOTD will promptly inform FTA in writing of this information.
- 9) Review and approve projects schedule, budget and cost recovery plan, and projects organizational chart
- 10) Send Notice to Proceed letter

Procurement standards, as stated above, apply to all third party contracts involving FTA program funds. DOTD approval is required for all third party contracts. These procedures include affirmative steps which are taken to assure that small and minority businesses are utilized when possible as sources of supplies, equipment, construction, and services. Louisiana selection procedures are conducted in a manner that provides maximum open and free competition. Awards are made only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.

14.2 Financial Management

The Louisiana DOTD expends and accounts for grant funds in accordance with state laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures for DOTD, as well as its subgrantees and cost-type contractors, are sufficient to:

1. Permit preparation of reports described in FTA Circular 9040.1F and reports necessary to comply with other program and statutory requirements, and
2. Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions applicable to the program.

The Louisiana DOTD uses the ECHO (Electronic Clearinghouse Operation) system to transfer payments from FTA. In so doing the state has agreed to comply with the ECHO requirements contained in the Department of the Treasury Circular 1075, part 205, "Withdrawal of Cash from the Treasury for Advances Under Federal Grants and Other Programs," and as established by the "Guidelines for Disbursements" set forth in FTA's ECHO System Operations Manual.

The Louisiana DOTD retains financial records, supporting documentation, and all other records pertinent to a grant for a period of three years. These records are readily available for inspection by the U.S. Department of Transportation or the Comptroller General of the United States. If any litigation, claim or audit is started before the expiration of the three year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved. The eligibility of any ADA or Clean Air Act projects for which the increased Federal Share is claimed will be adequately documented.

14.3 Property Management and Disposition

DOTD maintains a lien on all property acquired through the expenditure of Section 5311 funds. Vehicles are titled by DOTD in the name of the applicant. The face of each vehicle title is clearly marked to indicate that the vehicles were obtained with the use of federal funds and are not to be sold without the consent of the lien holder.

Insurance must be maintained in an adequate amount to protect persons, equipment and facilities throughout the life of the vehicle. At a minimum the federal share of the equipment must be protected by insurance. DOTD requires proof of insurance on all equipment prior to awarding equipment to the recipient and annually thereafter until the equipment is disposed in accordance with DOTD criteria. Failure to maintain required insurance is in violation of the Project Agreement which is executed by DOTD with the recipient. Also under this agreement the recipient must agree to "hold harmless" DOTD from any claims for liens for labor, services or material furnished to the grantee.

A physical inventory of all property shall be taken by DOTD and results reconciled with the property records at least once every two years. This inventory procedure is performed by DOTD District personnel and is usually performed between the months of May and October in every even numbered year. Any differences between quantities determined by the physical inspection and those shown in DOTD accounting records shall be investigated to determine the causes of the differences. The DOTD shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property. The agency will be notified in advance of these inventory procedures. Vehicles must be available for inspection upon notification.

The loss, damage or theft of an FTA funded vehicle must be verbally reported to DOTD immediately following an incident. A follow up letter of explanation must then be forwarded to the DOTD Public Transportation Section as soon as practicable, with support documentation included. After a review of the accident documents and an evaluation of the age and mileage of the vehicle, instructions will be given the agency on use of insurance proceeds.

DOTD has established the following useful life criteria of FTA purchased equipment:

1. STANDARD SIZE HEAVY DUTY TRANSIT BUSES (approximately 35'-40'): Twelve (12) years of age or 500,000 miles.
2. MEDIUM SIZE HEAVY DUTY TRANSIT BUSES (approximately 30'): Ten (10) years of age or 350,000 miles.
3. SMALL MEDIUM DUTY TRANSIT BUSES (under 30'): Seven (7) years of age or 200,000 miles.
4. LIGHT DUTY MINI BUSES (on van chassis), REGULAR AND SPECIALIZED VANS: Five (5) years of age or 100,000 miles.

Vehicles and equipment which have reached the useful life criteria are eligible for disposition. The Program Manager will perform a review of the history of the vehicle which includes usage and maintenance. If it is determined that the Federal interest has been met, the agency will be notified that DOTD is releasing the vehicle to their private fleet. The agency will continue to report on this vehicle so long as it is used in their public transportation service. However if the agency should sell the vehicle, all proceeds from the sale must be used for mass transit purposes.

14.4 Vehicle Use and Maintenance

Section 5311 grantees are required to submit a certification with their application that all equipment purchased through this program and the

Section 5309 funding will be maintained in accordance with the detailed maintenance and inspection schedules provided by the manufacturer. Failure to operate or maintain this equipment as certified may preclude additional FTA assistance to that agency and result in removal of the equipment.

Recipients are expected to use vehicles purchased or operated with Section 5309/5311 program funds for general public transportation services as specified in their applications to DOTD. Vehicle utilization reports for all vehicles whose operation is supported by Section 5311 operating funds are to be submitted to DOTD monthly in STTARS (Statewide Transit Tracking and Ridership System) and reviewed by the Section 5311 Assistant Program Manager and Program Manager for any discrepancies. The Section 5311 Assistant Program Manager is required to contact the recipients to correct discrepancies before the next reporting period.

All equipment is to be properly maintained by the recipient. A Preventive Maintenance Checklist and a Pre-Trip Daily Vehicle Inspection form are provided to each recipient at the time they receive the vehicle. (Appendix G) A Vehicle Maintenance/Expense Record is to be submitted for each vehicle monthly in STTARS (Statewide Transit Tracking and Ridership System) by the 15th of each month for the prior month service and reviewed by the Section 5311 Assistant Program Manager and Program Manager for any discrepancies by the 25th of each month. The Section 5311 Assistant Program Manager is required to contact the recipients to correct discrepancies before the next reporting period and request any documentation needed for the file. The DOTD Program Manager and Assistant Program Manager conducting the site visit are required to sign and date the Preventative Maintenance (PM) Forms to verify PM schedules were followed. Vehicles are to be maintained in accordance with schedules recommended by manufacturers.

Biennial equipment inspections are conducted by qualified DOTD personnel in July of even years. Following each inspection, a written notice of defects observed is given to the recipient by the Program Manager. The recipient has 30 days to repair the defects observed and to forward evidence of repairs to DOTD.

DOTD also requires the recipients to have their vehicles inspected in July of odd years and submit the inspection reports by September 1st to the Program Manager. Any defects are to be repaired within 30 days of submitting the inspection report to DOTD with evidence of repairs.

14.5 Construction or Renovation of Facilities

Capital funds can be used for construction or renovation of facilities.

14.6 Accounting Systems

DOTD audit personnel perform pre-award accounting system surveys on all

newly funded applicants. The purpose of these surveys is to ascertain whether or not each applicant's accounting system conforms with DOTD and Federal requirements. Technical assistance is available from DOTD to assist applicants in establishing a proper accounting system.

14.7 Audit and Project Closeout

Audits are required of all program recipients in compliance with the latest Federal and State requirements. Audits may be performed by either certified public accountants or by the Louisiana Legislative Auditor's office. An audit which covers the final expenditures is required.

A project is closed when the grant recipient has completed all required actions or services, or the grant is canceled or suspended. An accounting is made of all property obtained with grant funds or otherwise received from the government.

14.8 Procedures for Management and Financial Reviews

DOTD's management and financial review procedures are integrated within each project phase. During the application phase, the financial review is directed to the applicant's audit and a pre-award audit which is conducted by DOTD personnel to assess the financial capabilities of the applicant. Management review during the application phase is focused on an assessment of past performance and demonstrated capability to properly allocate resources and achieve specified outcomes from the project.

During a project, DOTD's management and financial review continues. The activity reports and equipment inspections provide a source of both management and financial data and information. The review of monthly activity reports and biennial equipment inspection reports continues throughout the project life.

Fiscal reports are filed monthly by each recipient receiving operating assistance. The fiscal report is the basic document used by DOTD to reimburse recipients for eligible operating costs.

14.9 Project Monitoring and On-site Reviews

DOTD Section 5311 administrative personnel mails a detailed Annual Compliance Review (Appendix C) to all recipients prior to the beginning of the new fiscal year. A thorough review of these completed forms is conducted by program personnel. DOTD program personnel then schedule site visits for the fiscal year giving top priority to those agencies which appear to be experiencing problems or noncompliance. However, all agencies receive on-site reviews at a minimum of once every three years. The Section 5311 recipients are monitored very closely through the Annual Compliance Review questionnaire and the reports which are submitted monthly. Any time a problem is detected an on-site review is scheduled

immediately. During the site visits, the program managers consult with recipients on matters of record-keeping, operations, scheduling, and other aspects of their respective programs.

DOTD also has qualified departmental personnel conduct equipment inspections. The purpose of these inspections is to ascertain the condition of vehicles and whether prescribed maintenance is being performed. These inspections are conducted every two years.

14.10 Evaluation and Assessments

Service activity reports (Appendix E) are to be filed monthly by each recipient receiving operating or capital assistance. Service activity reports provide data employed to measure various aspects of system performance and efficiency.

The reports to be submitted to DOTD by the 15th of each month following the reporting month are:

1. Systemwide Vehicle Trip Summary Log;
2. Vehicle Maintenance/Expense Record (for each vehicle); and
3. Financial Activity Report.

These reports are to be submitted to DOTD within fifteen days of the close of the month being reported.

DOTD has implemented a reporting system designed to provide data necessary to evaluate and assess programs individually and in aggregate. This data is evaluated to determine productivity, cost-effectiveness and service standards. DOTD can invoke a formal probationary period for a provider whose productivity, cost-effectiveness or service standards are below average. Failure to improve during the probationary period may result in termination of the agreement between the recipient and DOTD.

14.11 National Transit Database Reporting

The National Transit Database (NTD) is the Federal Transit Administration's primary national database for statistics on the transit industry. SAFETEA-LU requires recipients of Section 5311 submit data to the NTD on an annual basis. Items to be reported include total annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size and type, and related facilities; revenue vehicle miles; and ridership.

Sub-recipients of Section 5311 funds will report these numbers to the DOTD, who will enter the data into the NTD database. The legislative requirement for the NTD is found in Title 49 U.S.C. 5335(a).

15. RTAP PROGRAM MANAGEMENT

DOTD has established an RTAP advisory committee to determine how available funds may best be utilized. The committee is comprised of the Program Managers for Section 5311, Section 5310 and RTAP and representatives from FTA funded

agencies providing transportation services in nonurbanized areas throughout the state. The Program Managers serve as Co-Chairpersons. The agency representatives are selected to ensure that a representative cross section of the participating agencies is achieved.

The committee acts in an advisory capacity and recommends and prioritizes projects approved for RTAP funds. Section 5311 projects receive priority funding and service under this program. Second consideration for service or funding is given to Section 5310 providers after all needs are met for Section 5311 participants.

All participants at the Annual Public Transportation Conference are provided with and requested to complete a survey on their training needs and preferences. The findings from this survey are used in the process for establishing training priorities for the forthcoming year.

**APPENDIX A
APPLICATION PROCEDURES MANUAL**

**APPENDIX B
SECTION 5311 APPLICATION**

APPENDIX C
ANNUAL COMPLIANCE REVIEW QUESTIONNAIRE

APPENDIX D
SECTION 5311 OPERATING AND CAPITAL CONTRACTS

APPENDIX E
SERVICE ACTIVITY REPORTS

**APPENDIX F
REQUIREMENTS FOR CONSTRUCTION PROJECTS**