

RESOLUTION



Introduced by: Albert Eby, Executive Director

Date: April 23, 2015

RESOLUTION ENDORSING FTA § 5310 ELDERLY AND DISABLED TRANSPORTATION PROGRAM MANAGEMENT PLAN

WHEREAS, On June 27, 2014, North Carolina Secretary of Transportation Anthony Tata designated the Cape Fear Public Transportation Authority as "the designated recipient of the Persons with Disabilities Funding Program (Section 5310)"; and

WHEREAS, allocation of § 5310 requires an FTA approved Program Management Plan; and

WHEREAS, the Authority has developed a Draft Program Management Plan compliant with the provisions of FTA Circular 9070.1G; and

WHEREAS, public comment regarding the Draft Program Management Plan has been solicited and considered in both writing during a thirty day review period and at a public hearing held before the Authority on April 03, 2015;

NOW, THEREFORE, be it resolved by the Cape Fear Public Transportation Authority that the Draft Program Management Plan for Elderly and Disabled Transportation is hereby ratified as the Final Program Management Plan for Elderly and Disabled Transportation and is authorized to be submitted to the Federal Transit Administration for review and approval.

Adopted at a regular meeting
on April 23, 2015



Jeffrey B. Petroff, Chairman



Attest:



Don Betz, Secretary



**Program Management Plan
49 U.S.C. Section 5310**

March 2015

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INTRODUCTION

To meet the public transportation needs of a rapidly growing region and to address years of suburban sprawl and rising traffic congestion throughout the area, the City of Wilmington and New Hanover County entered into an historic agreement in June 2003. The City and County merged the Wilmington Transit Authority and New Hanover Transportation Services to form Cape Fear Public Transportation Authority (Wave Transit), an independent local government created to manage transit in the urban region. The Authority is governed by an eleven member board appointed by the Wilmington City Council and New Hanover County Board of Commissioners.

Wave Transit is has been authorized as the designated recipient for Federal Transit Administration funding to the region which is defined by the Wilmington Metropolitan Planning Organization (WMPO) planning boundary. This includes funding under Chapter 49 U.S.C. Section 5310 which is the Enhanced Mobility of Seniors and Individuals with Disabilities program.

Wave Transit currently provides fixed-route transit service, Paratransit services, vanpools and other public transportation programs throughout the region. In 2012, following publication of the 2010 census, the Wilmington Urban Area was designated a Transportation Management Area (TMA) having exceeded the required 200,000 population threshold required for the designation. The TMA designation included an annual formula funding allocation for an Elderly and Disabled Transportation program under Moving Ahead for Progress Moving Ahead for Progress in the 21st Century (MAP-21).

On July 6, 2012, President Obama signed into law *Moving Ahead for Progress in the 21st Century* (MAP-21) which went into effect on October 1, 2012. The legislation involved major changes to how the FTA and the states administer funding for elderly and disabled public transportation programs.

Modifications included a repeal of the Section 5316 (JARC - Job Access and Reverse Commute) and Section 5317 (New Freedom) programs along with the establishment of an enhanced Section 5310 program that serves as a single formula program to support mobility of seniors and persons with disabilities. The New Freedom program elements were merged into the new enhanced Section 5310 program. On June 06, 2014 FTA issued C 9070.1G to offer guidance on the administration of the transit program for seniors and persons with disabilities under 49 U.S.C. §5310.

On June 27, 2014, North Carolina Secretary of Transportation Anthony Tata designated the Cape Fear Public Transportation Authority as “the designated recipient of the Persons with Disabilities Funding Program (Section 5310)” ([Appendix A](#)), consistent with the provisions of *Moving Ahead for Progress in the 21st Century* (MAP-21). The § 5310 designation requires development of this document, a Program Management Plan (PMP). The program (49 U.S.C. § 5310) provides formula funding to TMA’s for the purpose of assisting private nonprofit groups in meeting the transportation needs of the elderly and persons with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned to TMA’s based on statutorily defined formulas. Section 5310 funding is distributed and managed by the Federal Transit Administration.

The goal of the FTA Section 5310 program is to improve mobility for older adults and people with disabilities throughout the region and to enhance coordination of federally assisted programs and services in order to encourage the most efficient use of federal resources and achieve the national goal of improved mobility of elderly persons and persons with disabilities. Under the 5310 program, the Authority is encouraged to coordinate transportation services with agencies that provide transportation services to the general public within the service area/network.

Special efforts shall be made in the planning and design of transportation facilities and services to assure elderly persons and persons with disabilities are afforded the availability of transportation which they can effectively utilize. Section 5310 funds shall provide for the special needs of elderly persons and

persons with disabilities for which transportation services are unavailable, insufficient or inappropriate.

Federal financial assistance under the Section 5310 program is limited to participation in the cost of capital equipment (rolling stock), cost for purchase of transportation service contract(s), mobility management, and administrative costs to administer the program as further identified in this Program Management Plan (PMP). Funds can be used for the purchase of vehicles and related capital equipment.

The Cape Fear Public Transportation Authority will be responsible for filing grant applications under the §5310 program and to ensure that local applicants and project activities are eligible and compliant with Federal requirements. Private nonprofit transportation providers will be required to have an opportunity to participate as feasible, and the program will provide for coordination of federally assisted transportation services assisted by other Federal sources. Section 5310 funding will be allocated by the Authority in compliance with this Program Management Plan and the Local Coordinated Plan (LCP) which is more project specific than the PMP.

The PMP is intended to facilitate FTA oversight by documenting the Authority's policies and procedures for administering the Section 5310 program. This document includes the Authority's objectives, policies, procedures, and administrative requirements, in a form that is readily accessible to potential subrecipients, FTA, and the public. The PMP's primary purposes are to serve as the basis for FTA management review of the program and to provide public information on the approved and compliant administrative processes to program administration. The Authority will utilize the PMP as a guide for local project applicants.

The proper and consistent use of this Program Management Plan will serve to:

- Provide administrative and programmatic guidance to subrecipients
- Facilitate the accomplishment of local, state and federal goals regarding public transportation for the elderly and disabled
- Provide an overview for the community to the §5310 program and outline eligible programs, projects and instructions for accessing §5310 funding
- Outline eligibility standards and verbalize the Authority's policies and procedures for distribution of funding under the §5310 program
- Ensure compliance with federal and state regulations, specifically FTA C 9070.1G

SECTION 1 - PROGRAM GOALS & OBJECTIVES

The goal of the Section 5310 program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the transportation mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas - urbanized, small urban, and rural. The program requires coordination with other federally assisted programs and services in order to make the most efficient use of Federal resources.

This program provides grant funds for capital expenses to recipients for:

- Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable
- Public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.)
- Public transportation projects that improve access to fixed-route service and decrease reliance on complementary Paratransit service
- Alternatives to public transportation projects that assist seniors and individuals with disabilities with transportation

Elderly and disabled transportation in the Wilmington Urban Area is currently provided by a host of public, private and private nonprofit agencies. The majority of elderly and disabled transportation is provided by the Cape Fear Public Transportation Authority (Wave Transit). Wave Transit provides fixed-route public transportation, complementary Paratransit, Medicaid transportation, elderly and disabled transportation through the NCDOT Community Transportation Program (CTP), vanpooling, and limited rural transportation.

The Authority Board of Directors is committed to administering/the administration of a strong elderly and disabled transportation program. Utilization of scarce elderly and disabled transportation resources should ensure that these resources are fiscally responsible and meeting the needs of the local elderly and disabled community. Currently, the greatest impediments to a strong elderly and disabled transportation program in the region are:

- Adequate resources to fully analyze and manage the elderly and disabled transportation needs
- A rapidly growing population, with Southeastern North Carolina being one of the fastest growing MSA's in the nation
- A large and diverse elderly population with greatly varying transportation needs
- A large and growing veteran population due to our proximity to two large military bases
- Lukewarm support of public transportation funding

While the Authority maintains a strong level of commitment to all public transportation programs, including elderly and disabled programs, long term goals are dependent upon support from local government, which is inconsistent. The Authority's management of the §5310 program includes the hiring of a Mobility Manager which is key to the success of the program. The community currently has a strong private nonprofit community which has verbalized the need for affordable public transportation to meet the goals of their charters. This need led to the creation of the Making Waves Foundation in 2011. The foundation is a private nonprofit 501c(3) which solicits and distributes funding from benefactors exclusively for public transportation services that are outside the purview of Wave Transit. The foundation is managed by the Authority and the Foundation Board of Directors is appointed by the Authority Board of Directors. Additional information regarding the Making Waves Foundation is available at the following URL: <http://www.wavetransit.com/makingwaves>.

The Authority believes that the elderly and disabled transportation needs of the community are

currently being met, but not efficiently. Coordination of elderly and disabled transportation is very fragmented and is undertaken by public and private organizations as a means to meet the end goals of their missions. Coordination of elderly and disabled transportation by Wave Transit, through a Mobility Manager, will ensure the resources, regardless of their origin, are being allocated in the most efficient, economical and effective manner possible. Utilization of local funding from nonprofit agencies and private transportation providers can be used as local matching funds for the §5310 program. As the Authority works through the process of identifying and understanding the transportation needs of the local elderly and disabled population and assesses the local funding resources available in the community, short and long range planning efforts will be developed to build community and elected official support for the program and the projects it supports.

SECTION 2 - ROLES & RESPONSIBILITIES

The Cape Fear Public Transportation Authority, provider of public transportation services within the WMPO planning boundary, will administer the FTA Section 5310 program in southeastern North Carolina.

As the designated recipient for 5310 funding to the UZA, the Authority is responsible for selection of projects, and may, but is not required to, include a competitive selection process. If the Authority decides to hold a competitive selection, it may conduct the competitive selection itself or establish alternative arrangements to administer and conduct the competitive selection. Alternatively, the Authority may, through interagency agreement or third party contracts, provide for the administrative management and oversight of the competitive selection process. Wave Transit will apply to FTA for funding using the designated FTA electronic grant management system on behalf of itself and/or eligible subrecipients for Section 5310 projects within the TMA. The Authority will be responsible for the following actions:

- The Authority will have a PMP approved by FTA on file with FTA Region IV in Atlanta, GA. The PMP will be approved by the Authority Board of Directors and will remain valid until FTA approves a later plan submitted by the recipient or an FTA management review results in a specific request to the Authority by FTA for a revised PMP, or FTA announces significant new program documentation requirements. Revisions and updates to the PMP will occur at least every five (5) years. The Authority will distribute the draft PMP and subsequent revisions to the public and offer an opportunity to comment to potential subrecipients of assistance, potential service providers, other public agencies and representatives of other funding sources, and any relevant associations and professional organizations. If revisions are substantive, but not pervasive, the Authority may submit changes and additions in the form of page changes that can be approved by FTA and incorporated into the PMP on file. If the Authority changes the PMP significantly it will submit the entire revised plan to FTA for approval. The Authority will periodically examine the PMP to ensure that it reflects current requirements of C 9070.1G.
- The Authority will coordinate and prepare the Local Coordinated Plan (LCP) for the region. The Authority currently has a compliant LCP on file and has been the lead agency for LCP development since 2010. The current adopted LCP is attached to this document as [Appendix C](#).
- The Authority will develop the Program of Projects (POP) for §5310 funding ([Appendix F](#)) in the region pursuant to FTA guidelines and input from the community during the LCP planning and development process. Details of the POP are outlined in the Section 4 of the PMP.

As outlined in the joint resolution and Interlocal Agreement between New Hanover County and the City of Wilmington which created the Authority, Wave Transit will work collaboratively with the community to develop a 5310 program which meets the elderly and disabled transportation needs of the region. Input will be sought from the Wilmington Urban Area Metropolitan Planning Organization (WMPO) which includes members from all local governments in the UZA. NCDOT, local nonprofits, health and human service agencies, veterans groups, and other entities in the region which have an interest in elderly and disabled transportation will be contacted to provide input to the PMP, LCP and POP.

The Authority's responsibilities include the following:

- Document procedures in a program management plan (PMP)
- Plan for future transportation needs, and ensure integration and coordination among diverse transportation modes and providers
- Develop project selection criteria consistent with the coordinated planning process;
- Notify eligible local entities of funding availability
- Solicit applications from potential subrecipients

- Determine applicant and project eligibility
- Certify that allocations of funds to subrecipients are made on a fair and equitable basis
- Submit an annual program of projects (POP) ([Appendix F](#)) and grant application to FTA
- Ensure subrecipients comply with federal requirements
- Certify that all projects are included in a local developed, coordinated public transit human service transportation plan developed and approved through a process that includes participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public
- Certify that to the maximum extent feasible, services funded under Section 5310 are coordinated with transportation services assisted by other federal departments and agencies
- Ensure that at least 55 percent of the area's apportionment is used for traditional Section 5310 projects carried out by the eligible subrecipients as described in section 5 of Chapter III C 9070.1G
- Oversee project audit and closeout

SECTION 3 - COORDINATION

As designated recipient for all FTA funding to the region, the Authority has a history and commitment to coordination of distribution of federal public transportation dollars to the region. The Authority currently serves as a voting member of the WMPO Technical Coordinating Committee (TCC) and Transportation Advisory Committee (TAC) which is made up of elected officials throughout the region. The Authority has established itself as a leader of public transportation initiatives in Southeastern North Carolina. This leadership and commitment to broad community input will be a key aspect in the Section 5310 program.

To ensure that coordination is fully inclusive and to demonstrate a high level of commitment, the first phase of the 5310 program will be to engage a full time Mobility Manager. Currently, the Authority's mobility management efforts are divided among several members of its administrative staff and while the efforts are believed to have met the needs of the community in the past, current and future elderly and disabled transportation efforts require more focused attention to the needs of the community. Greater engagement by the Authority with private nonprofits and other agencies that more closely experience the elderly and disabled transportation needs of the community are critical if the Authority is going to implement and manage a strong and effective elderly and disabled transportation program. A detailed Mobility Manager Job Description has been drafted and is included in this plan as [Appendix B](#). Following approval of the inaugural PMP, the Mobility Manager will assume responsibility for compliance with the PMP, future PMP updates, LCP updates and community outreach. Compliance with FTA regulations for subgrantees will also fall under the Mobility Manager's responsibilities.

SECTION 4 - PLANNING

The Cape Fear Public Transportation Authority currently employs a planning process which was drafted to ensure full participation by the community in developing programs and plans that are both compliant with federal regulations and meet the diverse transportation needs of the community. The Section 5310 planning process will utilize the same processes employed for other public transportation programs.

Metropolitan Transportation Plan (MTP)

The MTP currently serves as the region's most comprehensive transportation plan. The plan includes highway, transit, rail, aviation, ferry, bicycle and pedestrian recommendations. The MTP is developed by the Wilmington Urban Metropolitan Planning Organization (WMPO) which is the responsible transportation planning agency for the region. The WMPO is made up of local governments throughout the region. The WMPO Technical Coordinating Committee (TCC) is made up of staff from member governments who have insight regarding requirements related to compliance with federal and state transportation programs. The WMPO Transportation Advisory Committee (TAC) is an oversight body made up of elected officials from the region. The TAC is the policy arm of transportation planning in the region. The Cape Fear Public Transportation Authority has representation on both the TCC and TAC.

The MTP is a product of continuing transportation planning efforts and is updated every five years. Currently, updates are to the MTP are initially vetted by the WMPO Citizens Advisory Committee (CAC) which is tasked with ensuring strong public input in the transportation planning process. The CAC is divided into subcommittees, one of which represents public transportation. The MTP serves as the broadest planning outline for transportation planning and is the basis for more focused transit planning efforts including the PMP and LCP. Elderly and disabled transportation planning is included in the MTP but at a very broad level. Section 5310 projects are more detailed in the Authority's Short Range Transit Plan (SRTP) and specifically in the LCP and annual Section 5310 POP.

Metropolitan Transportation Improvement Program (MTIP) and State Transportation Improvement Program (STIP)

Eligibility for federal transportation funding requires projects be included in an adopted MTIP and STIP. These programs are a culmination of local developed transportation initiatives that are adopted by the WMPO TAC. Public input for inclusion in the MTIP and STIP is a vital component. Projects programmed in the MTIP are developed from the MTP. The WMPO is responsible for ensuring that all transportation projects in the MTP are thoroughly vetted by the community before their inclusion. Section 5310 projects are part of the MTIP and STIP but may not be included until the projects are identified during the LCP process.

Wave Transit Short Range Transit Plan - SRTP

At least every five years, the Authority undertakes a comprehensive short range planning process. The SRTP is broadly guided by the provisions outlined in the MTP. The Authority's planning staff, with oversight by the Authority's Planning Committee, works closely with consultants and the public to ensure that the public transportation programs provided by the Authority meet the needs of the community. Public involvement is a key element of the SRTP and the Authority works closely with the board to ensure that the recommendations of the SRTP are implemented as much as possible.

Elderly and disabled transportation is broadly included in the Authority's current SRTP. The SRTP contains a financial plan which is fiscally constrained. Future SRTP's will include §5310 planning with specific funding amounts highlighted. The exact nature of future elderly and disabled transportation programs will be determined as the program evolves.

Program Management Plan (PMP)

Title 49 U.S.C. 5310, as amended by MAP-21, requires a recipient of Section 5310 funds to certify that

projects selected for funding under this program are included in a locally developed, coordinated public transit-human service transportation plan; and that the plan was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, nonprofit transportation and human service providers, and other members of the public. The coordinated transportation plan was prepared through a process that is consistent with the metropolitan planning process, as described above. Transit service and demographic information developed and used in the broader metropolitan processes may provide a useful starting point for the more detailed review that will take place in preparing the coordinated plan. Similarly, the extensive public participation and stakeholder consultation provisions of metropolitan and statewide planning can provide a useful context and basis for the more focused local public involvement involved in preparing the coordinated plan.

The proper and consistent use of the Program Management Plan will serve to:

- Provide administrative and programmatic guidance to subrecipients
- Facilitate the accomplishment of local, state and federal goals regarding public transportation for the elderly and disabled
- Provide an overview for the community to the §5310 program and outline eligible programs, projects and instructions for accessing §5310 funding
- Outline eligibility standards and verbalize the Authority's policies and procedures for distribution of funding under the §5310 program
- Ensure compliance with federal and state regulations, specifically FTA C 9070.1G

Rewrites and updates to the PMP will occur at least every five (5) years.

Coordinated Public Transit-Human Services Transportation Plan (Local Coordinated Plan) - LCP

Federal transit law, as amended by MAP-21, requires that projects selected for funding under the Section 5310 program be "included in a locally developed, coordinated public transit-human services transportation plan" and that the plan be "developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers and other members of the public." Section 5310 funds are available for capital and operating assistance to support the provision of transportation services to meet the specific needs of seniors and individuals with disabilities.

In 2008, the Federal Transit Administration required a coordinated plan of local transit services in order to apply for funds from the Elderly and Disabled Individuals Transportation Program (FTA Section 5310), Job Access and Reverse Commute Program (FTA Section 5316) and New Freedom Program (FTA Section 5317). The Cape Fear Public Transportation Authority first developed a Local Coordinated Human Service Transportation Plan in 2008. The current LCP was adopted in December 2011 and is included in this document for reference as [Appendix C](#). The LCP is due to be updated in 2016 but planning efforts to update prior to 2016 will be undertaken with the engagement of a Mobility Manager. This will give the Authority and the community the best opportunity to utilize formula §5310 funding in the most efficient, effective and economical manner.

As the regional public transportation provider to the Wilmington urban area, Wave Transit has and will continue to serve as the lead agency in the development of the Local Coordinated Plan. As the lead agency, Wave Transit organized a Coordinated Plan meeting for all local agencies and organizations to identify transportation needs in the area. Although Wave Transit developed the LCP, agencies understand it is their responsibility to apply directly to the Authority for applicable Section 5310 funding through the Local Coordinated Plan.

The written record of the activities and decisions made at planning workshops with stakeholders shall serve as the basis of the coordinated plan. The principal goal of the Wave Transit Local Coordinated Plan is to establish a permanent Coordinated Working Group charged with organizing the efforts of providers and users of elderly and disabled transportation. The scope of the group's activities has and will continue to include working with human service providers (i.e. medical services, social services, assisted living centers, etc.) to coordinate demands for transportation.

Wave Transit formed the Coordinated Working Group consisting of representatives from the following:

- Specialized transportation providers
- Human services agencies with special needs clients
- Advocates for people with special transportation disadvantages
- Schools with special programs
- Veterans organizations
- Nonprofit organizations

The following needs addressed in the coordinated planning effort include:

- Needs of the elderly
- Needs of minors
- Needs of developmentally disabled individuals
- Individuals with cognitive health disabilities
- Non-emergency medical transportation (NEMT)
- Provide assets to be available for physically disabled individuals
- Elderly and disabled veterans transportation

LCP Development

Public Involvement Plan

Public involvement should solicit general information, comments and ideas about existing and future elderly and disabled transportation and needs of the general public that are currently not being met.

Vision Statement Goals and Objectives

Develop study vision statement, based on the study area characteristics, existing service and prior planning work. Include specific goals and objectives for the study, including both policy and funding goals.

Data collection

Prepare analysis of data collected from existing sources related to the study area and current characteristics of the transit system.

Project Development

Comprehensive assessment of all available reports/studies/policies for the purpose of compiling a list of needs identified to date and identifying needs and issues that may need to be reexamined.

Plan Development Process and Tracking

Prepare and submit reports on the status of each tasks included in the final scope of work using the attached Tracking Format.

Transit Demand Analysis

Analyze the mobility needs of elderly and disabled populations and estimate the potential short, mid, and long range ridership of transit service.

Transit System, Capital, Institutional/Management, Financial and Development

Develop potentially feasible alternatives for five year planning period.

Implementation plan

Prepare an implementation plan outlining each step and providing a timeline of the actions necessary to successfully implement the improvements identified in the LCP.

Wave Transit provides services for physically disabled passengers with fixed-route buses and Paratransit services. All Wave Transit vehicles used for transportation are ADA compliant to serve physically disabled passengers. It is the goal of Wave Transit to provide safe, reliable, and affordable transportation to citizens of New Hanover and Brunswick Counties. The Authority will do everything possible to implement this plan and cooperate with all organizations and agencies involved in the Local Coordinated Plan.

Transportation Partners

- Area transportation planning agencies, including rural planning organizations, metropolitan planning organizations, councils of government, regional councils, associations of governments, local governments and NCDOT
- Public transportation providers (including Americans with Disabilities Act (ADA) Paratransit providers and agencies administering the projects funded under FTA urbanized and nonurbanized programs)
- Private transportation providers, including private transportation brokers, taxi operators, vanpool providers, school transportation operators and intercity bus operators;
- Nonprofit transportation providers
- Past or current organizations funded under the JARC, Section 5310, and/or New Freedom programs
Human service agencies funding, operating and/or providing access to transportation services
- Passengers and Advocates
- Existing and potential riders, including both general and targeted population passengers (individuals with disabilities, older adults and people with low incomes)
- Protection and advocacy organizations
- Independent living centers
- Advocacy organizations working on behalf of targeted populations

Human Service Partners

- Agencies that administer health, employment or other support programs for targeted populations. Examples of such agencies include, but are not limited to, departments of social/human services, employment one-stop services; vocational rehabilitation, Workforce Investment board, Medicaid, community action programs , agency on aging, developmental disability council, community services board
- Nonprofit human service provider organizations that serve the targeted populations
- Job training and placement agencies
- Housing agencies
- Health care facilities
- Mental health agencies
- Veterans agencies providing assistance to elderly and disabled clients

Others

- Security and emergency management agencies
- Tribes and tribal representatives

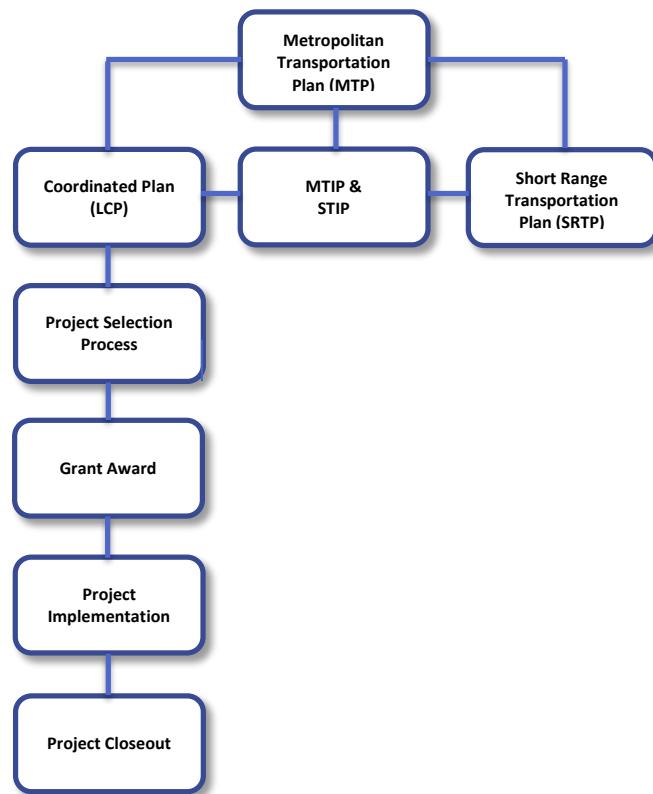
- Economic development organizations
- Faith-based and community-based organizations
- Representatives of the business community (e.g., employers)
- Appropriate local or state officials and elected officials
- Veterans Administration and other recognized veterans support agencies
- School districts
- Policy analysts or experts

Guide to Local Coordinated Plan (LCP) Development

The *Guide to the Local Coordinated Planning Process* by NCDOT has been established by the Authority as its reference to development of the LCP. The guide is attached to the PMP as [Appendix D](#). The seven steps of LCP development are:

1. Step 1 - Identify the Lead Agency
2. Step 2 - Convene the Steering Committee
3. Step 3 - Prepare for the Coordinated Planning Workshop
4. Step 4 - Conduct Local Coordinated Planning Workshop(s)
5. Step 5 - Plan Update Methodology
6. Step 6 - Adopt the Plan
7. Step 7 - Update the Plan

Cape Fear Public Transportation Authority Section 5310 Planning and Project Selection Process



SECTION 5 - ELIGIBLE SUBRECIPIENTS

The Cape Fear Public Transportation Authority is currently the only designated recipient for Section 5310 funding in the region. The Authority does not currently suballocate any FTA funding and an appropriate process must be implemented in order to properly oversee potential subrecipients to ensure full compliance with the statutes.

Section 5310(b) provides that of the amounts apportioned to designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects - those public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Administrative, planning, and technical assistance costs not exceeding ten percent of the Authority's annual Section 5310 apportionment will be allocated to the Authority for oversight and management of the Section 5310 program. Eligible administrative costs are outlined in the Office of Management and Budget (OMB) Circular A - 87 (codified at 2 CFR Part 225). Funding for the regional Mobility Manager will be included toward the 55 percent for traditional 5310 projects. Further, the law provides that the Authority may allocate the funds apportioned to it to:

- a. A private nonprofit organization; or
- b. A state or local governmental authority that:
 - (1) is approved by a state to coordinate services for seniors and individuals with disabilities
 - (2) certifies that there are no nonprofit organizations readily available in the area to provide the service

These provisions, found at 49 U.S.C. 5310(b)(1) and (b)(2), essentially maintain the status quo for traditional Section 5310 projects. Wave Transit is eligible to apply for Section 5310 funds as "coordinators of services for seniors and individuals with disabilities" as designated by the State to coordinate human service activities in Southeastern North Carolina.

There are three types of applicant organizations eligible to receive funds under Section 5310:

- Private/nonprofit organizations. A nonprofit organization is a corporation or association determined by the United States Secretary of the Treasury to be an organization described by 26 U.S.C. §501(c) that is exempt from taxation under 26 U.S.C. §501(a) or one which has been determined under state law to be nonprofit and for which the designated state agency has received documentation certifying the status of the nonprofit organization. Nonprofit applicants must be recognized under Section 501(c)(3) of the Internal Revenue Code and submit a copy of the certificate from the IRS.
- Public bodies/governmental authorities that certify to the Governor or its designee that no nonprofit corporations or associations are readily available in an area to provide the service; and
- Public bodies/governmental authorities approved by the state to coordinate services for the older adults and people with disabilities.

The Authority recognizes the importance of coordinated transportation planning and delivery through the use of existing Section 5310 subrecipients. The Authority has been identified by the local governing bodies through the WMPO as the lead provider of public transportation services within the urbanized area.

Private/nonprofit applicants desiring to be subrecipients of Section 5310 funds must submit an attorney's certification declaring the agency's legal status and attach a copy of the charter and bylaws as listed with the North Carolina Secretary of State. Private for profit operators are not eligible to apply for funding but may be eligible to serve as third party contractors.

Local eligible public bodies may apply as subrecipients of Section 5310 funds as coordinators of services

for elderly persons and persons with disabilities or designated by the state and the Authority to coordinate human service activities in a particular area. Examples of such eligible public bodies are:

- A county agency on aging
- The Veterans Administration (VA) or Veterans of Foreign Wars (VFW)
- Governmental authorities that certify to the governor that there are no nonprofit corporations readily available in the area to provide the service
- Governmental authorities approved by the state to coordinate services for elderly individuals and individuals with disabilities

Eligibility Requirements:

- The applicant must show an established need for the project
- The applicant must demonstrate the ability to work with the elderly and/or persons with disabilities
- The applicant must demonstrate collaboration with other transit systems
- The applicant must certify that matching funds are available for the approved items
- The applicant must have generally accepted operational and accounting capabilities
- The applicant must describe the demographics of the service area, including the number of elderly and persons with disabilities to be served by the program

Eligible subrecipients for other eligible Section 5310 activities, which encompass the 45 percent for service above and beyond the provisions of the ADA, include a state or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a Section 5310 grant indirectly through a recipient. Private operators of public transportation are eligible subrecipients. The definition of "public transportation" includes "... shared-ride surface transportation services ..." Private taxi companies that provide shared-ride taxi service to the general public on a regular basis are operators of public transportation, and therefore eligible subrecipients. "Shared-ride" means two or more passengers in the same vehicle who are otherwise not traveling together. Similar to general public and ADA demand response service, every trip does not have to be shared-ride in order for a taxi company to be considered a shared-ride operator, but the general nature of the service must include shared rides.

Local statutes or regulations, or company policy, will generally determine whether a taxi company provides shared-ride or exclusive-ride service. For example, if the local regulation permits the driver to determine whether or not a trip may be shared, the service is not shared-ride. Similarly, if the regulation requires consent of the first passenger to hire a taxi be obtained before the taxi may take on additional riders, the service is not shared-ride. In essence, services that can be reserved for the exclusive use of individuals or private groups, either by the operator or the first passenger's refusal to permit additional passengers, is exclusive-ride taxi service. The Authority will request documentation from any taxi company interested in participating in the 5310 program as a subrecipient to ensure the company is providing shared-ride service prior to award in order to determine whether the company qualifies as a subrecipient.

Taxi companies that provide only exclusive-ride service are not eligible subrecipients; however, they may participate in the Section 5310 program as contractors. Shared-ride taxi companies may apply for as a subrecipient Section 5310 funds to purchase accessible taxis. The taxi company may hold title to the accessible vehicle(s) as long as the agreement between the Authority and the taxi company is sufficient to establish satisfactory continuing control. All agreements for the purchase of vehicles will list the Cape Fear Public Transportation Authority as a lienholder to ensure satisfactory continuing

control. Additional means of establishing satisfactory continuing control will include contract provisions that require the accessible taxi to be used to provide transportation for seniors and people with disabilities, and that the vehicle may not be removed from service or disposed of prior to the end of its useful life without the express written consent of the Authority. Specific language in contract documents to ensure satisfactory continuing control over any subrecipient will be determined after development of a Local Coordinated Plan which will identify the level to which subrecipients are available and willing to participate in the 5310 program.

There are three reporting thresholds established for non-governmental grantees and subgrantees receiving Section 5310 funding. The reporting thresholds are:

- (1) Less than \$25,000 - a subrecipient that receives, uses, or expends Section 5310 funds in an amount less than twenty-five thousand dollars (\$25,000) within its fiscal year must comply with the reporting requirements established by this section including:
 - (a) A certification completed by the subrecipient Board and management stating that the federal funds were received, used, or expended for the purposes for which they were granted
 - (b) An accounting of the federal funds received, used, or expended. All reporting requirements shall be filed with the Authority within six (6) months after the end of the subrecipient's fiscal year in which the funds were received
- (2) \$25,000 to \$500,000 - a subrecipient that receives, uses, or expends Section 5310 funds in an amount of at least twenty-five thousand (\$25,000) and up to five-hundred thousand dollars (\$500,000) within its fiscal year must comply with the reporting requirements established by this section including:
 - (a) A certification completed by the subrecipient Board and management stating that the federal funds were received, used, or expended for the purposes for which they were granted
 - (b) An accounting that the funds were received, used and expended. All reporting requirements shall be filed with the Authority within six months after the end of the subrecipient's fiscal year in which the funds were received
- (3) Greater than \$500,000 - A subrecipient that receives, uses, or expends Section 5310 funds in an amount of at least five hundred thousand (\$500,000) within its fiscal year must comply with the reporting requirements established by this Subchapter including:
 - (a) A certification completed by the subrecipient Board and management stating that the Section 5310 funds were received, used, or expended for the purposes for which they were granted
 - (b) An audit prepared and completed by a licensed Certified Public Accountant for the subrecipient consistent with the reporting requirement of this section
 - (c) A description of activities and accomplishments undertaken by the subrecipient with the Section 5310 funds. All reporting requirements shall be filed with both the Authority and the Office of the State Auditor within nine months after the end of the grantee's fiscal year in which the Section 5310 funds were received

Governmental Entities

Each unit of local government and public authority/body shall have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the North Carolina Local Government Commission (LGC) as qualified to audit local government accounts.

All local governments and public authorities subject to G.S. 159, "The Local Government Budget and Fiscal Control Act," must have an audit performed in accordance with generally accepted auditing standards. Local governments and public authorities that expend \$100,000 or more in combined Federal or State financial assistance must have an audit performed in accordance with Government Auditing Standards. Effective FY2004, local governments and public authorities that expend \$500,000 (formerly \$300,000) or more in Federal financial assistance must have a single audit performed in accordance with OMB Circular A-133. Federal funds include those moneys that are received directly from the Federal government and those Federal funds that pass through other units of government. Subrecipients of Section 5310 funds are subject to these provisions.

The subrecipient shall furnish the Authority with a copy, in addition to any copies submitted to LGC, of the independent audit report within four months (by October 31) after fiscal year end. The Authority will not disburse funds to subrecipients that fail to comply with the reporting requirements.

The costs of audits made in accordance with OMB Circular A-133 are allowable charges to the Section 5310 grant. The charges may be considered a direct cost or an allocated indirect cost.

Each subrecipient is responsible for prompt follow-up and corrective action on all audit findings. As part of this responsibility, the subrecipient should prepare a summary schedule of prior audit findings and also a corrective action plan for current year audit findings. The Authority reviews and monitors each subrecipient's audit report. Audit findings that impact the administration of Section 5310 funds are transmitted to the Authority's Executive Director for follow up.

If a subrecipient fails to submit the required financial reports or fails to initiate timely corrective actions to resolve audit findings, the Authority may take one or more of the following actions, as appropriate in the circumstances:

- Temporarily withhold payments pending correction of the deficiency
- Disallow all or part of the cost of the activity or action not in compliance
- Whole or partial suspension or termination of the current award
- Withhold further awards for the program
- Take other remedies that may be legally available

SECTION 6 - ELIGIBLE PROJECTS

Section 5310(b) provides that of the amounts apportioned to states and designated recipients, not less than 55 percent shall be available for traditional Section 5310 projects - those public transportation capital projects planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Notably, this 55 percent is a floor, not a ceiling - recipients may use more than 55 percent of their apportionment for this type of project.

This means that at least 55 percent of the Authority's annual apportionment must be utilized for public transportation capital projects that are planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities. It is not sufficient that seniors and individuals with disabilities are merely included (or assumed to be included) among the people who will benefit from the project. Eligible projects for the required 55 percent of capital projects include the capital cost of contracting for the provision of transit services for seniors and individuals with disabilities and other specialized shared-ride transportation services. The purchase of rolling stock for or the acquisition of ADA-complementary paratransit service are eligible capital expenses that may also qualify as public transportation capital projects planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate, provided the projects are carried out by eligible subrecipients and these projects are included in the area's coordinated plan.

As outlined in Section 3, the Authority is cognizant of the need to ensure that coordination is fully inclusive and demonstrates a high level of commitment. To accomplish this coordination the first phase of the 5310 program will be to engage a full time Mobility Manager. The Mobility Manager will be funded from the Section 5310 program as a capital expense at the allowable 80%/20% level as described in Section (f) below. The Mobility Manager will be allocated under the 55% traditional Section 5310 project category. As indicated, a job description for the Mobility Manager is included in this document as [Appendix B](#).

In addition to the above required capital projects, up to 45 percent the Authority's apportionment may be utilized for additional public transportation projects that:

- a. Exceed the ADA minimum requirements
- b. Improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary Paratransit service
- c. Provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation

Such projects must be targeted toward meeting the transportation needs of seniors and individuals with disabilities, although they may be used by the general public. It is not sufficient that seniors and individuals with disabilities are included (or assumed to be included) among the people who will benefit from the project. FTA encourages projects that are open to the public as a means of avoiding unnecessary segregation of services.

The Authority will clearly identify the projects that are part of the required 55 percent capital projects as part of the grant activity line item narrative descriptions. Many projects may be eligible under both the required and optional criteria, but a discrete set of projects that meet the required criteria constituting at least 55 percent of the grant amount, exclusive of administrative expenses, must be identified.

Alternatively, the grant application may assign less than the required 55 percent to such projects if other grants in the same fiscal year utilize more than the required 55 percent, so long as at least 55 percent of the total annual apportionment will be used for required projects. In such cases, a list of the other

grants and the funding amounts will be included within the new grant application.

Eligible Capital Expenses That Meet the 55 Percent Requirement

Funds for the Section 5310 program are available for capital expenses as defined in Section 5302(3) to support public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, unavailable, or inappropriate. Examples of capital expenses that meet the 55 percent requirement, which will be carried out by the Authority or eligible subrecipient as described in Section 5 of this document, include, but are not limited to:

- a. Rolling stock and related activities for Section 5310 funded vehicles
 - (1) Acquisition of expansion or replacement buses or vans, and related procurement, testing, inspection, and acceptance costs
 - (2) Vehicle rehabilitation or overhaul
 - (3) Preventive maintenance
 - (4) Radios and communication equipment
 - (5) Vehicle wheelchair lifts, ramps, and securement devices
- b. Passenger facilities related to Section 5310 funded vehicles
 - (1) Purchase and installation of benches, shelters, and other passenger amenities
- c. Support facilities and equipment for Section 5310-funded vehicles
 - (1) Extended warranties that do not exceed the industry standard
 - (2) Computer hardware and software
 - (3) Transit-related intelligent transportation systems (ITS)
 - (4) Dispatch systems
 - (5) Fare collection systems
- d. When lease of equipment or facilities is treated as a capital expense, the Authority or subrecipient will establish criteria for determining cost effectiveness in accordance with FTA regulations, "Capital Leases," 49 CFR part 639 and OMB Circular A-94, which provides the necessary discount factors and formulas for applying the same
- e. Acquisition of transportation services under a contract, lease, or other arrangement is eligible and may include acquisition of ADA-complementary paratransit services when provided by the Authority or an eligible subrecipient as defined in Section 5 of this document. Both capital and operating costs associated with contracted service are eligible capital expenses. User-side subsidies are considered one form of eligible arrangement. Funds may be requested for contracted services covering a time period of more than one year.
The capital eligibility of acquisition of services as authorized in 49 U.S.C. 5310(b)(4) is limited to the Section 5310 program
- f. Support for mobility management and coordination programs among public transportation providers and other human service agencies providing transportation is eligible and will be the responsibility of the Section 5310 funded Mobility Manager. Mobility management is an eligible capital cost. Mobility management techniques will enhance transportation access for populations beyond those served by Wave Transit. The Authority and/or eligible subrecipients may utilize Section 5310 funding to coordinate usage of vehicles with other nonprofits, but not the operating costs of service. Mobility management is intended to build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service. Mobility management activities may include:
 - (1) The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, seniors, and

- low-income individuals
- (2) Support for short-term management activities to plan and implement coordinated services
 - (3) The support of state and local coordination policy bodies and councils
 - (4) The operation of transportation brokerages to coordinate providers, funding agencies, and passengers
 - (5) The provision of coordination services, including employer-oriented transportation management organizations' and human service organizations' customer-oriented travel navigator systems and neighborhood travel coordination activities such as coordinating individualized travel training and trip planning activities for customers
 - (6) The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs
 - (7) Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of geographic information systems (GIS) mapping, global positioning system technology, coordinated vehicle scheduling, dispatching and monitoring technologies, as well as technologies to track costs and billing in a coordinated system, and single smart customer payment systems. (Acquisition of technology is also eligible as a standalone capital expense)
- g. Capital activities (e.g., acquisition of rolling stock and related activities, acquisition of services, etc.) to support ADA-complementary paratransit service may qualify toward the 55 percent requirement, so long as the service is provided by the Authority or an eligible subrecipient as defined in Section 5, and is included in the coordinated plan.

Other Eligible Capital and Operating Expenses

- a. Up to 45 percent of the Authority's annual apportionment may be utilized for:
 - (1) Public transportation projects (capital only) planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable
 - (2) Public transportation projects (capital and operating) that exceed the requirements of ADA
 - (3) Public transportation projects (capital and operating) that improve access to fixed route service and decrease reliance by individuals with disabilities on ADA complementary paratransit service
 - (4) Alternatives to public transportation (capital and operating) that assist seniors and individuals with disabilities with transportation

Since the 55 percent requirement is a floor, and not a ceiling, the activities listed above, are eligible expenses for all funds available to the Authority under Section 5310. Mobility management and ITS projects are eligible under both categories. In order for the project to qualify toward the 55 percent requirement; the project must meet the definition of a capital project; be specifically geared toward the target population; and carried out by an the Authority or an eligible subrecipient, which is limited for this category of projects. The list of eligible activities is intended to be illustrative, not exhaustive. The Authority, through its Mobility Manager, will work with the community during the Local Coordinated Plan Development process to develop innovative solutions to meet the needs of seniors and individuals with disabilities in Southeastern North Carolina, and to discuss proposed projects with FTA regional staff to confirm eligibility.

- b. Public Transportation Projects that Exceed the Requirements of the ADA. The following activities are examples of eligible projects meeting the definition of public transportation service that is

beyond the ADA.

- (1) Enhancing paratransit beyond minimum requirements of the ADA. ADA complementary paratransit services can be eligible under the Section 5310 program in several ways:
 - (a) Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA
 - (b) Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services
 - (c) The incremental cost of providing same day service
 - (d) Enhancement of the level of service by providing escorts or assisting riders through the door of their destination
 - (e) Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for wheelchairs under the ADA regulations, 49 CFR part 38 (i.e., larger than 30" x 48" and/or weighing more than 600 pounds), and labor costs of aides to help drivers assist passengers with oversized wheelchairs. This would permit the acquisition of lifts with a larger capacity, as well as modifications to lifts with a 600-pound design load, and the acquisition of heavier duty vehicles for paratransit and/or demand-response service in order to accommodate lifts with a heavier design load
 - (f) Installation of additional securement locations in public buses beyond what is required by the ADA
 - (2) Accessible "feeder" service (transit service that provides access) to commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA is an eligible use of Section 5310 funding.
- c. The following activities are examples of eligible projects that improve accessibility to the fixed-route system.
- (1) Making accessibility improvements to transit and intermodal stations not designated as key stations. Improvements for accessibility at existing transportation facilities that are not designated as key stations established under 49 CFR 37.47, 37.51, or 37.53, and that are not required under 49 CFR 37.43 as part of an alteration or renovation to an existing station, so long as the projects are clearly intended to remove barriers that would otherwise have remained. Section 5310 funds are eligible to be used for accessibility enhancements that remove barriers to individuals with disabilities so they may access greater portions of public transportation systems, such as fixed-route bus service, commuter rail, light rail, and rapid rail. This may include:
 - (a) Building an accessible path to a bus stop that is currently inaccessible, including curbcuts, sidewalks, accessible pedestrian signals, or other accessible features
 - (b) Adding an elevator or ramps, detectable warnings, or other accessibility improvements to a non-key station that are not otherwise required under the ADA
 - (c) Improving signage or wayfinding technology
 - (d) Implementation of other technology improvements that enhance accessibility for people with disabilities including ITS
 - (2) Travel Training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available is a key component of the Mobility Management aspect of the plan. This includes travel instruction and travel training services
- d. Public Transportation Alternatives that Assist Seniors and Individuals with Disabilities with Transportation. The following activities are examples of projects that are eligible public transportation alternatives.

- (1) Section 5310 funds can be used to purchase and operate accessible vehicles for use in taxi, ride-sharing, and/or vanpool programs provided that the vehicle meets the same requirements for lifts, ramps, and securement systems specified in 49 CFR part 38, subpart B, at a minimum, and permits a passenger whose wheelchair can be accommodated pursuant to part 38 to remain in his/her personal mobility device inside the vehicle.
 - (2) Supporting the administration and expenses related to voucher programs for transportation services offered by human service providers. This activity is intended to support and supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services.
Vouchers can be used as an administrative mechanism for payment of alternative transportation services to supplement available public transportation. The Section 5310 program can provide vouchers to seniors and individuals with disabilities to purchase rides, including:
 - (a) mileage reimbursement as part of a volunteer driver program
 - (b) taxi trips
 - (c) trips provided by a human service agencyProviders of transportation can submit vouchers for reimbursement to the Authority for payment based on predetermined rates or contractual arrangements. Transit passes or vouchers for use on existing fixed-route or ADA complementary paratransit service are not eligible. Vouchers are an operational expense which requires a 50/50 (federal/local) match.
 - (3) Supporting volunteer driver and aide programs. Volunteer driver programs are eligible and include support for costs associated with the administration, management of driver recruitment, safety, background checks, scheduling, coordination with passengers, other related support functions, mileage reimbursement, and insurance associated with volunteer driver programs. The costs of enhancements to increase capacity of volunteer driver programs are also eligible. The Authority will offer consideration for utilizing all available funding resources as an integrated part of the design and delivery of any volunteer driver/aide program.
- e. Given the 55 percent requirement for traditional Section 5310 capital projects, the Authority may allocate up to 45 percent of its apportionment for operating assistance. However, this funding is limited to eligible projects as described in 49 U.S.C. 5310(b)(1)(B-D) and described in this section (b, c, and d), above. Operating assistance for required ADA complementary Paratransit service is covered under complementary Authority managed programs and not an eligible expense. The Authority may coordinate and assist in providing meal delivery service for homebound individuals, as long as the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

Project Duration

All Section 5310 project(s) cover a contract period of twelve months from July 1 to June 30, unless a contract extension is requested by the subrecipient and approved by NCDOT. Projects are funded on an annual basis with few exceptions. New programs may be considered for mid- year start-up and funding on a case-by-case basis and depending on the availability of funds.

SECTION 7 - FUNDING REQUIREMENTS

The Cape Fear Public Transportation Authority has pre-award authority to incur administrative costs for Section 5310. Because the program is continuously managed, oldest funds available are drawn first regardless of the year of award for program activity. Administration of the Section 5310 program is the exclusive responsibility of the Cape Fear Public Transportation Authority. The authorized 10% project administration allocation will be utilized by the Authority for planning, implementation, project administration, satisfactory continuing control and operation of the Section 5310 program in Wilmington Urban Area.

The Federal share of eligible capital costs may not exceed 80 percent of the net cost of the program. The local share of eligible capital costs shall not be less than 20 percent of the net cost of the program. The local share must be provided from sources other than Federal funds except where specific legislative language of a Federal program permits its funds to be used to match other federal funds. Refer to the FTA program circular for information on eligible federal programs that can be used to match these funds.

Expenditure Category	Funding Participation (%)	
	Federal	Local
Project Administration (max 10% of allocation)	100%	0%
Operating (net deficit)	50%	50%
Capital	80%	20%

Local Funding Requirement

Generally, applicants must provide evidence of possessing the necessary fiscal, technical and managerial capability to implement and manage the proposed project. Subrecipients must comply with all of the requirements contained in the NCDOT program application package under which the service proposal and funding request is submitted.

Eligible Local Match

A subrecipient cannot use Federal DOT funding as local match for Section 5310 program funds. Local match includes local appropriations, service contracts, dedicated tax revenues, private donations, and net income generated from advertising, concessions, and incidental charter service income.

Wave Transit does not allow in-kind contributions (donations of equipment, supplies, property, and/or services that are beneficial and used by the applicant) as a source of local match.

Funds documented as local match must originate from one or a combination of the following sources:

- Appropriation for cash
- Cash contributions from public or private sources (excluding funds derived from purchase of service contracts)
- Funds through a service agreement
- Advertising

The following definitions apply in determining sources of local match:

- "Cash" - may include local appropriations, dedicated tax revenues, or profit generated from other sources
- "Unrestricted Federal Funds" (including Title XIX) - those funds authorized by a federal agency (e.g., Health and Human Services) can be used as local match for Section 5310. The project applicant is responsible for identifying unrestricted funds because of their accountability by the other federal agencies involved

- Subrecipients may use funds from other Federal agencies (non-DOT) for the entire local match if the other agency makes the funds available to the subrecipient for the purposes of the project

Examples of non-Federal sources that may be used for any or the entire local share include:

- state or local appropriations
- dedicated tax revenues
- private donations

Section 5310 funds may be used to finance capital and operating expenses. The federal share of eligible capital costs shall be in an amount equal to 80 percent of the net cost of the activity. The federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity. Recipients may use up to 10 percent of their apportionment to support program administrative costs including administration, planning, and technical assistance, which may be funded at 100 percent federal share.

The local share of eligible capital costs shall be not less than 20 percent of the net cost of the activity, and the local share for eligible operating costs shall be not less than 50 percent of the net operating costs. The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service organization, or new capital. Some examples of these sources of local match include: state or local appropriations; dedicated tax revenues; private donations; revenue from service contracts; transportation development credits; and net income generated from advertising and concessions. Noncash share such as volunteered services, or in-kind contributions are not eligible to be counted toward the local match.

Income from contracts to provide human service transportation may be used either to reduce the net project cost (treated as revenue) or to provide local match for Section 5310 operating assistance. In either case, the cost of providing the contract service is included in the total project cost. No FTA program funds can be used as a source of local match for other FTA programs, even when used to contract for service. All sources of local match must be identified and described in the grant application at the time of grant award. In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than DOT programs, or from DOT's Federal Lands Highway program. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services. Specific program information for other types of federal funding is available at: <http://www.unitedweride.gov>.

SECTION 8 - PRIVATE SECTOR & MINORITY BUSINESS PARTICIPATION

FTA requires that applicants afford private, for-profit, transit and Paratransit operators a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of proposed transportation services. Accordingly, each applicant for Section 5310 funds must comply with this policy and document such efforts in its application.

The Cape Fear Public Transportation Authority will publish a public notice in local newspapers serving the proposed service area and on its website: <http://www.wavetransit.com> soliciting interest from private parties to provide eligible Section 5310 services. The notice must provide 15 days for response, and the applicant must provide a publisher's affidavit with its application. Public hearings before the Authority Board of Directors will be heard prior to awarding eligible 5310 subrecipient awards.

All eligible applicants are invited to apply for Section 5310 funds, and awards are made based on fair evaluation of project merits pursuant to the criteria outlined in Section 9 of this document. Potential applicants are informed of program solicitations through both email notifications to past and current awardees, and website postings.

The Authority will notify private transportation providers, local governments and non-profit organizations about the coordinated planning process leading to the development of the LCP. Notice of the development of transportation plans is sent to distribution lists on file and is advertised in local newspapers. Requests for financial assistance shall include DBE/MBE/WBE/HUB Award information on the grant application. Subrecipients are encouraged but not required to use the NCDOT *Directory of Firms* located at the following URL: <https://partner.ncdot.gov/vendordirectory/default.html>. These vendors have been prequalified to ensure compliance with federal and state requirements for minority businesses. Third party billing from qualified minority businesses is required to be submitted with invoicing.

Federal law requires the public to be involved in the transportation planning process and specifically requires that private providers be given an opportunity to be consulted in developing transportation plans and programs in both urban and rural areas. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

Under the requirements of 49 U.S.C. 5323(a)(1) States or local governmental authorities may use FTA funds to operate public transportation service in competition with or in addition to transportation service provided by an existing public transportation company, only if the grantee "provides for the participation of private companies engaged in public transportation to the maximum extent feasible."

The most comprehensive FTA document regarding private enterprise requirements is a report titled Private Enterprise Participation in Transportation Planning and Service Delivery.

Through a "Call for Projects," pursuant to this PMP and the LCP, the Authority will provide reasonable notice to transportation providers regarding proposed services and opportunities for their participation in such services.

To ensure that all interested persons, businesses, and agencies have been notified of a subrecipient's intention to provide transportation services and that they have adequate opportunity to comment, the subrecipient must issue a public notice describing its proposed services. The notice should invite any interested private operator within the service area to comment or request a public hearing on the proposed services by written notice to the subrecipient. A minimum of 15 days response time must be provided.

SECTION 9 - PROJECT APPLICATION & SELECTION

Projects for the initial Section 5310 allocation (FFY 2013) will be selected by the Authority in compliance with FTA C 9070.1G. The Authority's current Local Coordinated Plan ([Appendix C](#)) will serve to guide the inaugural allocation in an effort to engage and train personnel to develop a more comprehensive plan for future allocations.

Project Application - Call for Projects

Eligible projects will be selected for funding through a selection process. A "Call for Projects" will be published by the Authority announcing eligible Section 5310 funding availability on an annual basis. Notification will be in the local newspapers, on the Authority's website (<http://www.wavetransit.com>), direct distribution through electronic or hard copy delivery to each participating entity in the LCP process, distribution to all local governments in the UZA which may have elderly and disabled transportation needs and other entities which may have an interest in submitting an application.

Project selection will be determined by several guidelines including but not limited to:

- Certification that all projects are included in the LCP and developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, and nonprofit transportation and human service providers; and other members of the public
- Local matching funds are identifiable and allocated to the project
- The proposed project meets the requirements of the Section 5310 program
- Not less than 55 percent shall be available for traditional Section 5310 projects
- Subrecipients meet the eligibility requirements of Section 5 of this document
- The project is within the jurisdictional boundaries of the Cape Fear Public Transportation Authority

Applicants will be required to submit an application which will be developed during the LCP process to ensure that interested applicants have input on the application requirements. Each application will be reviewed by the Mobility Manager to ensure all of the requirements of the application are met. Should an applicant have incomplete or missing information, they will be allowed to submit additional information until the application deadline submission.

Project applications will meet the following criteria:

1. Is the proposed project a non-duplicative service or program?
2. Are eligible matching funds identified and available?
3. Is the primary focus of the proposed service or program serving target populations?
 - Elderly persons and persons with disabilities
 - Activities and programs that go beyond current ADA requirements
4. Does the project provide improved services for the target area?
5. Is the project within the jurisdictional boundaries of Wave Transit?
6. Does the project address a need identified in the approved local coordinated public transit-human service plan?

Project Evaluation

Upon verification that the project meets the minimum guidelines above, a project selection committee made up of Authority personnel, representatives from the WMPO, and other interested members of the community will evaluate the proposals, rank the projects and recommend funding for projects that serve the greatest need for elderly and disabled transportation in the most effective, economical and efficient manner.

A. Statement of Need (10 points)

Project applications should clearly state the need for the project and demonstrate how the project is consistent with the objectives of the grant program. The project application should indicate the number of persons expected to be served, and the number of trips (or other units of service) expected to be provided. The connection between the project and the LCP should be clearly described.

B. Project Planning and Implementation (35 points)

For all projects, applicants must provide a well-defined service operations plan and/or capital procurement plan, and describe the implementation steps and timelines for carrying out the plan. The applicant's plan should include coordination, eligibility determination, marketing and service delivery details.

C. Project Budget and Grants Management (20 points)

Applicants must submit a complete project budget, indicating anticipated project expenditures and revenues, including documentation of matching funds. The application should address long-term efforts and identify potential funding sources for sustaining the service beyond the grant period.

D. Program Effectiveness and Evaluation (10 points)

The project will be scored based on the applicant's identification of clear, measurable outcome-based performance measures to track the effectiveness of the service. The applicant should monitor and evaluate the service throughout the period of performance.

E. Organizational Preparedness and Technical Capacity (25 points)

Projects should be a good fit in the applicant's organization. The applicant must demonstrate that it has staff with the technical experience to manage or operate a transportation service. In addition, the applicant must show that they are prepared to monitor and provide safe services.

Award Requirements

Applicants selected for funding will enter into a contract agreement with the Cape Fear Public Transportation Authority. First time applicants will be subject to pre-award audits. Recipients will be required to provide progress reports with their claims for reimbursements containing information about budget spending and program activities.

Awards will be posted on the annual Program of Projects (POP) ([Appendix F](#)) and distributed to all applicants and interested parties. The POP will also be posted on the Authority website documents page (<http://www.wavetransit.com/about/documentsplans.aspx>) under *Program of Projects*.

Appeals

Should an applicant be denied Section 5310 funding, the Authority's Mobility Manager will work with the applicant to identify the specific reasons the application was not funded. Should an applicant disagree with the decision of the selection committee, the Authority will entertain an appeal. The appeals board will not include members of the Section 5310 selection committee. The Mobility Manager will represent the Authority in the appeals process and the applicant will be required to represent their basis for appeal. Any appeals will follow the established process. The procedure shall be as follows:

1. A written statement is delivered to the Authority's Mobility Manager outlining the reason for the appeal prior to allocation of 5310 funding with FTA.
2. The Mobility Manager, upon request of the appellant may review the appeal with the appellant. Follow-up phone conversations and/or meeting may be requested.
3. The Mobility Manager informs the Authority Executive Director that a formal appeal has been received in the form of a written memo along with a copy of the appeal.

4. The Authority Executive Director, Director of Planning & Development, and Authority Attorney (Appeals Committee) shall review the appeal and justification for not awarding Section 5310 funding.
5. The Appeals Committee will make a determination concerning the appeal after a complete review of the data and interviews with the appellant. The appellant is notified, in writing, of the decision of the committee.
6. Following a denial of the Protest Committee, the protester may file for an appeal by the Authority Board of Directors. The appeal must be in writing and filed with the Authority within ten (10) working days of the denial. Reviews of protests by the Authority will be limited to the Authority's failure to have or follow its appeals procedures, or its failure to review an appeal.
8. The protester may appear before the Authority Board and state the reason for the appeal.
9. The decision of the Authority is final. However, the appellant may have other remedies such as an appeal to the Federal Government, or other legal remedies such as the court system, or the state government if state funds are used.

Section 5310 funds are obligated based on the annual program of projects ([Appendix F](#)) included in a grant application. FTA does not conduct project-by-project review and approval of each project. The Authority will ensure that local applicants and project activities are eligible and in compliance with federal requirements and that the program provides for maximum feasible coordination of transportation services assisted under Section 5310 with transportation services assisted by other federal sources. The Authority is responsible for monitoring local projects; ensuring that all program activities are included in a transportation improvement program (TIP) for activities in urbanized areas; ensuring that all program activities are included in a statewide transportation improvement program (STIP); and overseeing project audits and closeouts. The Authority must certify to FTA annually that the recipient and subrecipients have met or will meet all federal requirements, including all metropolitan and statewide planning requirements. Once FTA has approved the application, funds are available for administration and for allocation to individual subrecipients.

SECTION 10 - COMPLIANCE & SATISFACTORY CONTINUING CONTROL

Overall compliance for §5310 funding apportioned to the Cape Fear Public Transportation Authority is the exclusive responsibility of the Authority. General reporting is required for all subrecipients. Subrecipients will report general elements annually in the grant application and elements are reviewed by the Authority during compliance reviews.

An applicant seeking federal assistance pursuant to the federal transit laws as codified at 49 U.S.C. 5301 et seq. to acquire property or services in support of a proposed project is subject to numerous provisions of law pertaining to third party procurement requirements. FTA's procurement requirements are codified at 49 U.S.C. 5325. In addition, regulations promulgated at 49 CFR part 18 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) establish uniform administrative rules for federal grants, cooperative agreements and subawards to state, local, and Indian tribal governments (private, nonprofit organizations must comply with similar regulations in 49 CFR part 19). Provisions of the common rule pertaining to procurement requirements for FTA recipients are set forth at 49 CFR 18.36. Those requirements, as well as other FTA specific provisions, are also set forth in FTA's master agreement (FTA MA (20) October 1, 2013, as amended) at Section 17, "Procurement," updated annually with the issuance of each new master agreement. Finally, FTA has published additional guidance relative to recipients' compliance with third party procurement requirements within the current FTA Circular 4220.1 and its "Best Practices Procurement Manual." The regulations and guidance are intended to ensure full and open competition and equitable treatment of all potential sources in the procurement process including planning, solicitation, award, administration, and documentation of all federally funded contracts.

Each recipient of FTA assistance to acquire property or services in support of its proposed project shall certify to FTA, in accordance with 49 CFR 18.36, that its procurements and procurement system will comply with all applicable third party procurement provisions of federal laws, regulations, and directives, except to the extent FTA has expressly approved otherwise in writing. Any applicant that fails to provide this certification may be determined ineligible for award of federal assistance, if FTA determines that its procurement practices and procurement system are incapable of compliance with federal laws, regulations, and directives governing procurements financed with FTA assistance.

ENVIRONMENTAL REVIEWS

All projects seeking FTA financial assistance require compliance with the National Environmental Policy Act (NEPA) implementing regulations (40 C.F.R. § 1500-1508), FHWA and FTA's Environmental Impact and Related Procedures (23 C.F.R. § 771), Efficient Environmental Reviews for Project Decision-making (23 U.S.C. § 139), and numerous other environmental laws, regulations, and orders such as Section 106 of the National Historic Preservation Act (36 CFR 800), the Clean Water Act, and the Endangered Species Act. Project sponsors should consult with the FTA regional office early in project development to identify the appropriate class of action (categorical exclusion, environmental assessment, or environmental impact statement) for the NEPA review and any other environmental requirements. Project sponsors should not move forward with any steps to develop the project that would preclude the fair consideration of alternatives (e.g., engineering and construction) until FTA concludes the NEPA process by issuing a record of decision (ROD), finding of no significant impact (FONSI), or a categorical exclusion (CE). Property acquisition, other than for the linear right-of-way needed for the project (as determined in close consultation with FTA staff), should not take place until a ROD, FONSI, or CE is issued.

ENVIRONMENTAL JUSTICE

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires the U.S. DOT and the FTA to make environmental justice (EJ) part of our mission by identifying and addressing, as appropriate, disproportionately high and adverse human

health or environmental effects of our programs, policies, and activities on minority populations and/or low-income populations. Environmental justice at FTA includes incorporating environmental justice and nondiscrimination principles into transportation planning and decision-making processes as well as project-specific environmental reviews. FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients” provides FTA recipients and subrecipients with guidance and instructions necessary to carry out the executive order.

CLEAN AIR ACT (CAA)

The principal CAA requirement with which FTA-funded projects must comply is the transportation conformity rule. The conformity requirements are contained in an Environmental Protection Agency (EPA) regulation (40 CFR part 93), and they apply in nonattainment and maintenance areas only—areas that, either: (1) currently violate one or more of the National Ambient Air Quality Standards (NAAQs) (nonattainment areas); or (2) once violated the standards but have since been redesignated to attainment status by EPA (maintenance areas). The transportation conformity process applies not only to federally funded projects but also to long-range transportation plans and TIPs. Determining conformity for transportation plans and TIPs is the responsibility of the MPO, and FHWA and FTA must review the conformity determination and issue a statement saying that the plan and/or TIP conforms. Determining conformity for individual projects is the project sponsor’s responsibility, and FTA and/or FHWA must review this determination and issue a statement, usually in the context of the environmental decision document, saying that the project conforms.

The transportation conformity regulation reserves detailed air quality analysis for large projects that have the potential to create new violations or make existing violations worse. There is also a list of exempt highway and transit projects in the regulation that does not require any analysis, which can be found at 40 CFR 93.126. Many transit projects are exempt from the conformity requirements and can be processed expeditiously. Regardless of the type of project being considered, early consultation with FTA is essential for proposed projects in nonattainment and maintenance areas to establish what the requirements are and how best to satisfy them. The planning and environmental staff in FTA regional offices are the best points of contact for air quality and transportation conformity issues.

PRIVATE SECTOR PARTICIPATION

Federal law requires the public to be involved in the transportation planning process, and specifically requires that private providers be provided an opportunity to be consulted in developing transportation plans and programs in both urbanized and rural areas. Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process.

REAL PROPERTY ACQUISITION AND RELOCATION ASSISTANCE

If a grant applicant intends to use federal financial assistance in a project which will require real property, the applicant must provide assurances—required by Sections 305 and 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act)—that it will comply with the Uniform Act and with U.S. DOT implementing regulations (49 CFR part 24).

DOT regulations at 49 CFR Part 24 implement a government-wide regulation that applies to all federal or federally assisted activities that involve the acquisition of real property or the displacement of people. As such, the regulation is specific in naming certain actions that must be taken to achieve uniformity in the treatment of property owners and displaced people. Grantees in the process of planning a federally assisted project that will require the displacement of people should be aware of the regulatory need for

relocation planning during the early stages of project development. The 49 CFR part 24 regulation is available from the Government Printing Office website at: http://www.access.gpo.gov/nara/cfr/waisidx_99/49cfr24_99.html. Upon request, FTA regional offices can provide a copy of the uniform act or regulation in its amended form. In addition, the grantee should inform itself of state laws regarding compensation for real property and requirements for relocation of people and personal property.

Real property may be contributed as part of the local matching share. Credit can be allowed only for that portion of the property needed to carry out the scope of the project. Federal funds must not have been used to purchase any property proposed as local matching share. The contribution-in-kind property will be valued at its current market value and when incorporated into the project will be subject to the same reporting and disposition requirements required of all project property. Please consult with your FTA regional office about any property issues.

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

All subrecipients are required to submit to the Authority assurances indicating their compliance with FTA's Equal Employment Opportunity objectives. FTA Civil Rights guidelines are available at the following URL: <http://www.fta.dot.gov/civilrights/12894.html>.

DISADVANTAGED BUSINESS ENTERPRISES (DBE)

It is the policy of the Cape Fear Public Transportation Authority to ensure nondiscrimination in the award and administration of federally assisted contracts and to use Disadvantaged Business Enterprises (DBE's) in federally assisted contracting and procurement activities.

The Authority has established a DBE program in accordance with regulations and objectives of the United States Department of Transportation (USDOT) found in 49 CFR Part 26. The Authority will require each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurement, to certify that the TVM has complied with the requirements of the TVM's DBE program goal. Alternatively, the Authority may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

FTA funded projects/contracts must comply with the U.S. Department of Transportation's regulations on the participation of business concerns owned and controlled by socially and economically disadvantaged individuals. The regulations are outlined in "Participation of DBEs in DOT Programs", (49 CFR, Part 26) which became effective on March 4, 1999 (64 F.R. 5096).

Project recipients shall be considered as subrecipients of funds from the Authority. As such, subrecipients will be required to make and document every reasonable effort to utilize DBE's in order to contribute to the Authority's attainment of its current FTA approved goal.

LABOR PROTECTION

In 1974 the Secretary of Transportation determined that it was not "necessary or appropriate" to apply the conditions of Section 5333(b) to organization subrecipients under the Section 5310 program.

SCHOOL BUS SERVICE

Federal and state requirements prohibit the use of vehicles, facilities and equipment funded by federal or state grant programs for the provision of exclusive school transportation service. Exclusive school transportation service is defined as any trip provided by a transportation system for which passengers are restricted only to students being transported to or from school or to or from school activities. The transportation system must not provide any exclusive public school transportation service operated with



federally or state funded vehicles, equipment or facilities. The leasing of vehicles for the purpose of public school transportation will not be allowed.

SECTION 504 AND ADA PROGRAM REQUIREMENTS

Section 504 of the Rehabilitation Act of 1973, (Section 504), as amended (29 U.S.C. 794), prohibits discrimination on the basis of handicap by recipients of federal financial assistance. The Americans with Disabilities Act of 1990 (ADA), as amended (42 U.S.C. 12101 et seq.), affords equal opportunity for employment, transportation, telecommunications, and places of public accommodation for people with disabilities.

Subrecipients must comply with 49 CFR Parts 27, 37, and 38 implementing the ADA and Section 504. These provisions:

- Prohibit discrimination against individuals with disabilities;
- Specify accessibility requirements for the design and construction of new transportation facilities;
- 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;
- Require governmental authorities, including a private nonprofit entity “standing in the shoes” of the State as a subrecipient operating fixed route transit, must have complementary paratransit plans on file (effective January 26, 1992); and
- Subrecipients of federal funds should ensure compliance in the areas of employment, public services, public accommodations, telecommunications, and other provisions;

The Authority will ensure that all vehicles acquired with federal funds are equipped, maintained, and operated in accordance with 49 CFR Parts 27, 37 and 38 and that service provided does not discriminate against individuals with disabilities. Newly constructed facilities, including joint use stops and depots for intercity bus transportation, must comply with ADA accessibility standards.

CERTIFICATIONS AND ASSURANCES

The annual certifications and assurances are binding legal commitments for the subrecipient to comply with Federal law and regulations and are issued during the Authority programs application process. The certifications and assurances apply to all FTA programs.

Current certifications and assurances from the Federal Transit Administration are located on the FTA website. Each subrecipient must comply with the applicable certifications and assurances to the extent they may apply for federal funding. Updates are required on an as needed basis.

LOBBYING

Federal financial assistance may not be used to influence any member of Congress or an officer or employee of any agency in connection with the making of any federal contract, grant, or cooperative agreement. The state, subrecipients, and third party contractors at any tier awarded FTA assistance exceeding \$100,000 must sign a certification so stating and must disclose the expenditure of nonfederal funds for such purposes (49 CFR Part 20).

Other federal laws also govern lobbying activities. For example, federal funds may not be used for lobbying congressional representatives or senators indirectly, such as by contributing to a lobbying organization or funding a grass-roots campaign to influence legislation (31 U.S.C. 1352). These laws do not prohibit general advocacy for transit. Providing information to legislators about the services a

recipient provides in the community is not prohibited, nor is using nonfederal funds for lobbying, so long as the required disclosures are made.

BUY AMERICA PROVISION

Pre-award and Post-Delivery Reviews

Subrecipients are required, prior to awarding bid for any rolling stock, to certify that a pre-procurement audit has been conducted to verify that the bid proposed for acceptance appears to comply with the Buy America Requirements and with appropriate Federal Motor Vehicle Safety Standards (FMVSS). The Authority will monitor this process and ensure compliance through the procurement process.

For any procurement involving ten (10) or more vehicles to be awarded as a unit, the subrecipient must perform on-site inspection of the manufacturing process while the units are being assembled. The cost of such an inspection exercise is considered an eligible project cost.

The Authority will perform a post-delivery review of all vehicle procurements, after delivery and prior to acceptance, the subrecipient must certify that the vehicles have been inspected and comply with the procurement specifications, as well as with the Buy America and with FMVSS provisions.

Section 165 of the Surface Transportation Assistance Act of 1982 provides that, with exceptions, federal funds may not be obligated for mass transportation projects unless steel and manufactured products used in such projects are produced in the United States. The Intermodal Surface Transportation Efficiency Act of 1991 added iron to the commodities covered.

Subrecipients must comply with 49 CFR Part 661, and any amendments thereto. Buy America requirements apply to all purchases above \$100,000, including materials or supplies funded as operating costs. Buy America waivers must be submitted to FTA for approval. There are four exceptions to the basic requirement:

- It will not apply if its application is not in the public interest
- It will not apply if materials and products being procured are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality
- It will not apply in a case involving the procurement of buses and other rolling stock, (including train control, communication, and traction power equipment) if the cost of components and subcomponents which are produced in the United States is more than 60 percent of the cost of all components and subcomponents of the vehicles or equipment, and if final assembly takes place in the United States
- It will not apply if the inclusion of domestic material will increase the overall project contract by more than 25 percent

CLEAN AIR ACT

The Clean Air Act Amendments of 1990 establish many new substantive requirements in order to bring air quality regions, which currently violate the National Ambient Air Quality Standards into attainment by prescribed dates.

The principal requirement for which both subrecipients must be aware of is the transportation/air quality conformity review process. In general, transportation plans, programs, and projects must "conform" to the approved State (air quality) Implementation Plans before FHWA or FTA can fund them.

Most of the projects typically funded have been exempted by regulation from the conformity review process, e.g., operating assistance, purchase, and rehabilitation of transit vehicles, operating equipment and construction of most storage and maintenance facilities. However, this could become an issue for certain large facilities, e.g., transit terminals and park-and-ride facilities. A complete list of exempted

highway and transit projects is found in 40 CFR 93.126.

The project should therefore consult with FTA when in question, as early as possible in the development of their programs to establish the need for further analysis to support FTA's conformity determination.

Other Clean Air Act requirements may apply to subrecipients, for example phase-in of more stringent bus emissions standards. The FTA Regional Office can supply up-to-date information on various provisions of the Clean Air Act related to mobile sources.

SAFETY AND SECURITY

MAP-21 amended 49 U.S.C. 5329 to provide FTA with the authority to establish a new comprehensive framework to oversee the safety of public transportation throughout the United States. The law requires, among other things, that FTA issue a National Public Transportation Safety Plan, establish safety performance criteria for all modes of public transportation, define a "state of good repair," establish minimum safety performance standards for public transportation vehicles, and a safety certification training program for transit agency and state safety oversight (SSO) staff responsible for safety oversight. States are required to strengthen their SSO programs and submit the programs to FTA for certification. In addition, public transportation agencies must establish comprehensive agency safety plans for their rail and bus operations. FTA will issue interim guidance and regulations to implement these new requirements in consultation with public transportation industry stakeholders.

Note: FTA has entered into a Memorandum of Understanding (MOU) 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 also focuses on addressing the needs of rural and small urban providers. The MOU is available on FTA's bus safety website: http://bussafety.fta.dot.gov/show_resource.php?id=3949.

DRUG AND ALCOHOL PROGRAM

Subrecipients that receive only Section 5310 program assistance are not subject to FTA's drug and alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver's licenses (49 CFR part 382). Section 5310 recipients and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program.

An FTA compliant testing program, as required by the receipt of FTA operating or capital funding (5307, 5309, 5311), may be used for Section 5310 employees; there is no need to have separate testing programs. Employees of a subrecipient of Section 5310 funds from a state or designated recipient of another FTA program (e.g., 5307 or 5311) should also be included in the designated recipient's testing program.

States and designated recipients that receive funds for Sections 5307, 5309, or 5311, in addition to Section 5310, should consult FTA's regulation at 49 CFR part 655, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations." The regulation applies to recipients of funds identified above. The regulation requires that FTA recipients follow the drug and alcohol testing procedures found in applicable FTA (49 CFR part 655) and DOT (49 CFR part 40) regulations.

Technical assistance materials and training information to help recipients implement the rules are available at FTA's website <http://www.fta.dot.gov> or through contacting the FTA Office of Safety and Oversight, FTA Headquarters.

DRUG-FREE WORKPLACE ACT

The Drug-Free Workplace Act of 1988, as well as Section 44-107-30, S.C. Code of Laws (1976), as amended, requires all grantees receiving grants to certify they will maintain a drug-free workplace. Subrecipients of Section 5310 funding will be subject to the same certification.

COMMERCIAL DRIVER LICENSE

Effective April 1, 1992, all drivers of vehicles designed to transport more than 15 persons (including the driver) must have a Commercial Driver License (CDL). Mechanics that drive the vehicles must also have a CDL.

INTERSTATE TRAVEL

The Federal Motor Carrier Safety Administration (FMCSA) has issued revised rules for passenger transportation providers in the community transportation industry in both the public and private sectors that provide interstate service (crossing State lines). These revised rules now include operators of vehicles used to transport between 9 and 15 passengers, including the driver, in addition to larger vehicles already covered by the rules. Transportation performed by the Federal government, a State, or any political subdivision of a State (i.e., city, county, regional transit authority) is exempt from the Federal Motor Carrier Safety Regulations but must adhere to the other FMCSA rules and file registration with FMCSA as an interstate transportation provider. The Authority is not currently registered with FMCSA as an interstate transportation provider and has no intention to do so since the Authority's planning boundary is significantly removed from any state line.

FMCSA regulations apply to subrecipients that transport passengers to another State, or pass through another State, while traveling between an origin and destination both of which are within the State of North Carolina and receive compensation for such transportation service.

The FMCSA rules contain exemptions for specific types of operators or services to some or all of the safety requirements require different types of operating authority based upon the specific legal definition of the type of operator or the type of transportation service provided, and a number of other criterions. Further information regarding the specifics of the FMCSA requirements and rules can be obtained from the FMCSA website.

CIVIL RIGHTS

The recipient agrees to comply with all applicable civil rights statutes and implementing regulations including, but not limited to, the following:

- a. Nondiscrimination in Federal Transit Programs. The recipient agrees to comply, and assures the compliance of each third party contractor at any tier and each subrecipient at any tier under the project, with the provisions of 49 U.S.C. 5332. These provisions prohibit discrimination on the basis of race, color, religion, national origin, sex, age, and disability, and prohibit discrimination in employment or business opportunity.
- b. Nondiscrimination on the Basis of Disability. The recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the project, with the applicable laws and regulations, discussed below, for nondiscrimination on the basis of disability.
- c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits discrimination on the basis of disability by recipients of federal financial assistance.
- d. ADA, as amended (42 U.S.C. 12101 et seq.), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of public transportation.
- e. DOT regulations implementing Section 504 and the ADA include 49 CFR parts 27, 37, 38, and 39.

Among other provisions, the regulations specify accessibility requirements for the design and construction of new transportation facilities and vehicles; require that vehicles acquired (with limited exceptions) be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; require public entities (including private entities “standing in the shoes” of a public entity as a subrecipient or under a contract or other arrangement) providing fixed-route service to provide complementary paratransit service to individuals with disabilities who cannot use the fixed-route service; and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems.

- f. Providers of demand responsive service must utilize accessible vehicles, as defined at 49 CFR 37.7 or meet the applicable equivalent service standard. For private and public entities, the service must be equivalent in regard to schedules, response times, geographic areas of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions based on trip purpose.
- g. Providers of fixed-route service must generally utilize accessible vehicles. Private entities may utilize non-accessible vehicles if they can provide equivalent service in terms of schedules and headways, in addition to the equivalent service requirements described above for demand responsive service. Public entities must also provide complementary paratransit service to fixed-route service as defined in 49 CFR 37.121.
- h. In addition, recipients of any FTA funds should be aware that they also have responsibilities under Titles I, II, III, IV, and V of the ADA in the areas of employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other federal agencies.

Nondiscrimination - Title VI

The recipient and subrecipients agree to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the project, with all of the following requirements under Title VI of the Civil Rights Act of 1964

- (1) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- (2) U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act,” 49 CFR part 21.
- (3) FTA Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients.” This document provides FTA recipients and subrecipients with guidance and instructions necessary to carry out DOT Title VI regulations (49 CFR part 21), and DOT Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient (LEP) Persons.
- (4) U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005). This guidance clarifies the responsibilities of recipients of federal financial assistance from DOT and assists them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166.
- (5) FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients.” This document provides FTA recipients and subrecipients with guidance and instructions necessary to carry out U.S. DOT Order 5610.2 to Address Environmental Justice in Minority Populations and Low-Income Populations, and Executive Order 12898 on Environmental Justice that describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles into existing

programs, policies, and activities.

(6) U.S. DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations. DOT Order 5610.2 describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles (as embodied in Executive Order 12898 on Environmental Justice) into existing programs, policies, and activities.

d. Equal Employment Opportunity. The recipient agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the project, with all equal employment opportunity (EEO) requirements of Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000e), and with 49 U.S.C. 5332 and any implementing regulations DOT may issue.

Nondiscrimination on the Basis of Sex

The recipient agrees to comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq.), with DOT implementing regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25.

Nondiscrimination on the Basis of Age

The recipient agrees to comply with all applicable requirements of the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.), and Department of Health and Human Services' implementing regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance" (45 CFR part 90), which prohibit discrimination against individuals on the basis of age. In addition, the recipient agrees to comply with all applicable requirements of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 through 634, and Equal Employment Opportunity Commission (EEOC) implementing regulations, "Age Discrimination in Employment Act" (29 CFR part 1625), which prohibit employment discrimination against individuals on the basis of age.

The Authority's Title VI Program monitoring and oversight was developed in response to federal nondiscrimination regulations issued by the United States Department of Transportation (DOT). The Title VI Program oversight is the responsibility of the Authority's Civil Rights Officer which is designated to the Director of Planning & Development. Desk audits and site visits, as necessary, are conducted every three years of all subrecipients. Each subrecipient shall ensure that Title VI requirements and compliance are in place prior to award of any Section 5310 funding.

Discrimination by the Authority or any subrecipient with regard to the routing, scheduling, or quality of transit service is prohibited. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes must not be determined on the basis of race, color, national origin.

All subrecipients must provide the public notification of their Civil Rights under Title VI. The issue statement must include a nondiscrimination policy, procedures to request more information, and complaint procedures. Additionally, the issue statement may not be limited to the agency's website (other areas for posting include posters, flyers, brochures/pamphlets, and on vehicles).

General reporting requirements include:

- Notice of beneficiaries of protection under Title VI
- Summary of efforts taken to ensure services are provided in an equitable manner
- Minority representation on Advisory boards
- Site of location of facilities

- Summary of public outreach and involvement activities undertaken to ensure that minority and low-income people have meaningful access to services including a copy of the agency's notice to the public that it complies with Title VI
- Language Assistance Plan
- Procedures for tracking and investigating complaints including a copy of the agency's notice to the public on how to file a complaint
- List of any Title VI investigations/complaints/lawsuits

DATA COLLECTION

The National Transit Database (NTD) is the Federal Transit Administration's (FTA's) national database for statistics on the transit industry. Recipients of FTA programs are required by statute to submit data to NTD. The legislative requirement for the NTD is found in Title 49 U.S.C. 5335(a).

Wave Transit will be responsible for collecting and providing data regarding each applicable program subrecipient in North Carolina serving the general public. Reporting by the Authority is not required for subrecipients that are reporting directly to the NTD. Reporting requirements will include:

1. total annual revenue
2. sources of revenue
3. total annual operating costs
4. fleet size and type, and related facilities
5. revenue vehicle miles
6. ridership

The Authority will submit required reports pursuant to NTD guidelines. For each applicable subrecipient, the Authority will complete a one page form of required data.

Financial Oversight

As the Designated Recipient, the Cape Fear Public Transportation Authority's administration and oversight of Section 5310 grants is reviewed by the Federal Transit Administration every three years.

Examination of a subrecipient's fiscal management practices will enhance the Authority's ability to identify and assist high-risk grantees with their fiscal management policies and procedures. The review process formally conveys the Authority's expectations to subrecipients, allows subrecipients to conduct self-assessments and implement improvements, provides a means for Wave Transit to document deficiencies as well as best practices, and ensures follow-up on findings and offers technical assistance to correct deficiencies.

The review procedures followed by the Authority consist of the following major steps:

- The Authority forwards the FMR checklists to grantees for their review and use.
- The Authority develops an annual (tentative) schedule of reviews for the fiscal year and distributes to subrecipients along with a checklist, Resource List, and Review Process Timeline.
- Subrecipient conducts self-assessment and initiates actions to correct deficiencies and improve processes.
- Wave Transit formally notifies the grantee that the review will be conducted within 60 days.
- Subrecipient completes self-assessment and forwards completed checklist along with policies, procedures, and other documents to the Authority (within 30 days of receiving above notice).
- Wave Transit conducts desk review of checklist and documents provided by grantee and pertinent data such as audit reports and project files and schedules a site visit (normally

- within 30 days of receiving grantee's completed checklist).
- Wave Transit sends the subrecipient a formal notice of the site visit, which includes an agenda and a Schedule of Records for Review.
 - Wave Transit staff conducts the site visit. The primary purpose of the site visit is to verify data from the desk review, to obtain information not available or provided in advance, and to sample/test subrecipient records and practices.
 - Following the entrance conference, the Authority will examine the documentation requested and obtain answers to questions; review files; sample documentation; test controls; trace documents through system; and interview various employees associated with financial management of the transit system.
 - After all site visit agenda activities are completed, the reviewer conducts an exit conference with the subrecipient's management officials to review findings and proposed improvements, remedies, or corrective actions.
 - A draft report is prepared and submitted to the Authority staff for review (normally within 14 days of site visit completion). Staff members have 14 days to review the draft and provide inputs.
 - Final report is prepared and distributed to the subrecipient (normally within 30 days of site visit completion). The report identifies basic requirements, deficiencies, required corrective actions, and dates for corrective actions to be completed. The Authority requires that subrecipients correct program deficiencies as soon as possible. Deadlines will be established for deficiencies to be corrected (normally) within 30, 60, or 90 days, depending on the severity of the finding and required resolution time. The subrecipient has 30 days from the date of transmittal to identify in writing to the Authority any discrepancies or disagreements with the report.
 - The subrecipient institutes corrective measures outlined in the report and submits appropriate documentation and notifies Wave Transit in writing as each deficiency is corrected, requests follow-up, as required, and all actions that are completed.
 - The Authority monitors the subrecipient's progress, provides assistance as required, and follows up as necessary to verify compliance.
 - If assured that deficiencies have been corrected, the Authority sends notification of concurrence.
 - If deficiencies have not been corrected, the Authority may send formal notification of noncompliance and advises subrecipient that payments and future funding requests will be suspended until the subrecipient demonstrates compliance.

If a finding identifies deficiencies with Section 5310 grant program, including the assurances, certifications, and other documents submitted by a subrecipient, the Authority may:

- Reduce or withdraw funding assistance
- Reduce or deny future obligations
- Require specific action by the grantee as a condition for further reimbursements or awards;
- Terminate a project for cause
- Take other action as appropriate depending on the severity of the deficiency and the grantee's ability and willingness to implement corrective actions

Fixed time limits must be established for taking action with regard to any continuing violation of grant agreements. Prior to imposing sanctions, the Authority will give the subrecipient adequate opportunity to contest the findings, to take corrective action, and/or to show cause why Wave Transit should not

take adverse action against the subrecipient. However, if the severity of noncompliance constitutes grounds for Debarment or Suspension under 49 CFR Part 29, regulatory due process procedures will apply.

SECTION 11 - PROCUREMENT

Procurement and third party contracting activities are primarily the responsibility of the Authority and any subrecipients. The procurement and contract standards set forth in this section shall apply to the procurement of all goods and services the subrecipient will purchase under any project contract. Subrecipients should follow established local procedures and applicable state or federal standards in accordance with the North Carolina Consolidated Procurement Code (as amended). As designated recipient, the Authority will follow its established procurement policies and procedures which are compliant with the Section 5310 program and this section.

Subrecipients shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. This does not preempt State licensing laws. However, geographic location may be a selection criterion in procurements for architectural and engineering (A&E) services provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Procurements shall include all applicable federal requirements identified in the certifications and assurances from the Federal Transit Administration. These assurances should be reviewed and incorporated into subrecipient proposals and awards, and purchases.

Statutory and Regulatory Requirements

1. Subrecipients are responsible for using applicable Federal mandated clauses and certifications for each procurement funded with Federal funds that is over the amount of \$3,000.
2. These requirements are contained in the FTA Master Agreement, issued and can be found at: <http://www.fta.dot.gov/documents/20-Master.pdf>
3. FTA 4220.1F
 - a. Sets forth requirements that all grantees and subgrantees of States (including nonprofits and regional transit authorities) must adhere to in the solicitation, award, and administration of third party contracts
 - b. Makes requirements more consistent with applicable laws and regulations, particularly the Common Grant Rules
4. 49 CFR Parts 18 and 19
 - a. The “Grant Common Rule” establishes uniform administrative requirements for Federal grants and agreements
 - b. Sets forth procedures for procurement of supplies and other expendable property, equipment, real property, and other services with Federal funds
 - c. Additional guidance can be found in FTA Best Practices Procurement Manual
5. North Carolina General Statutes 143 Article 8
 - a. The General Statutes contain the main competitive bidding requirements for the purchase of apparatus, supplies, materials, or equipment and construction and repair work
 - b. Statutes apply to the “expenditure of public money” for these types of purchases
 - c. Statutes apply to all local government entities
 - d. Statutes apply to nonprofit grantees for projects funded with State funds or State matching funds
 - e. Changes in the threshold amounts were effective January 1, 2002 and the construction formal bid threshold was increased effective July 1, 2007.
6. North Carolina General Statutes 64 Article 2
 - a. This Statute, E-Verify required for Public Contracting

- b. HB 786 imposed E-Verify requirements on contractors that enter into certain contracts with local governments. All City and County contracts regardless of type and value. This includes all contracts not competitively bid, including service contracts. All formal purchases and construction/repair contracts.
- c. E-Verify requirement applies to subcontractors as well as contractors

Procurement Policy

- 1. All subrecipients must incorporate the required procurement standards set forth in FTA Circular 4220.1F for all third party contracts
- 2. Master Agreement issued annually by FTA lists many but not all FTA and other Federal requirements applicable to FTA grantees (additional guidance can be found in the FTA Best Practices Procurement Manual)
- 3. FTA defers to the States, to maximum extent possible, to establish standards - rather than setting national standards

Procurement Standards

- 1. Conformance with State and Local Law
 - a. Subrecipients may use their own procurement procedures that reflect applicable State and Local laws and regulations, provided that the procurements conform to applicable Federal law, including the requirements and standards in FTA C 4220.1F
 - b. Subrecipients will follow the Federal requirements, unless the State/Local requirements are more restrictive

Economical Purchases

- 1. Unnecessary/Duplicative Purchases - Subrecipient procedures must include provisions for review of proposed procurements to avoid purchase of unnecessary or duplicative items
- 2. Deaggregate Pricing - Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase
- 3. Alternative Cost - Where appropriate, an analysis will be made of lease vs. purchase alternatives or other analyses to determine the most economical approach
- 4. Governmental Agreements - Use available State purchasing agreements for procurement of common goods and services
- 5. Joint Purchases - Enter into joint procurements with other grantees
- 6. Assign contractual rights to purchase goods and services to other grantees
- 7. Surplus Property - Grantees are encouraged to use Federal/State excess and surplus property in lieu of purchasing new equipment and property, whenever such use is feasible and reduces project costs
- 8. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the lowest overall cost. Grantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.

Contract Administration

- 1. Subrecipients must maintain a contract administration system that ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders
- 2. Subrecipients should have established methods to ensure conformance with the terms, conditions, and specifications of the contract and to ensure adequate and timely follow up of all purchases.
- 3. Subrecipients must establish methods to ensure:
 - a. Contractor conformance with the contract price

- b. Contractor conformance with the delivery and/or completion dates
- c. Compliance with the specifications of product or construction requirements
- d. Payment of any required security or performance deposits by contractor
- e. Compliance with rules and regulations for contracts of the funding source
- f. Document whether contractors have met the terms, conditions, and specifications of the contract

Standards of Conduct

1. Grantees must maintain a written code of standards of conduct governing the performance of their employees and officers engaged in the award and administration of contracts
2. No employee, officer, agent, immediate family member, or Board member of the grantee shall participate in the selection, award, or administration of a contract supported by Federal/State funds if a conflict of interest, real or apparent, would be involved

Written Procurement Selection Procedures

Subrecipients must have written selection procedures to ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the product or service to be procured
2. Technical requirements will not contain features that unduly restrict competition
3. Detailed product specifications should be avoided if at all possible
4. A “brand name or equal” description may be used as a means to define the performance
5. Specific features of the brand name which must be met by offerors must be clearly stated
6. Identify all requirements that offerors must fulfill and all factors to be used in evaluating bids or proposals

Important Note: Procurement of approved purchases of multiple same products/services awarded as part of a request on a single application cannot be separated out. This process will be viewed as a circumvention of the process and a violation of the procurement regulations and N.C. G. S. 143-133. This states that a contract may not be divided for the purposes of evading the provisions of this article (referencing Article 8). For example if an applicant is approved to purchase three mobile radios and a base station, they must all be bid together.

Full and Open Competition

Subrecipients must ensure that their procurement procedures and practices do not restrict competition.

Situations that restrict competition include:

1. Unreasonable requirements placed on firms in order for them to qualify
2. Unnecessary experience and excessive bonding requirements
3. Noncompetitive pricing practices between firms or between affiliated companies
4. Noncompetitive awards to any person or firm on retainer contracts
5. Organizational conflicts of interest
6. Specifying only a “brand name” product

Prequalification Criteria

1. Subrecipients must ensure that all lists of pre-qualified persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum full and open competition
2. Subrecipients will not preclude potential bidders from qualifying during the solicitation period

Prohibition Against Geographic Preferences

1. Subrecipients must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographic preferences
2. Exception – geographic location may be a selection criteria in procurements for architectural and engineering (A&E) services – provided its application leaves an appropriate number of

qualified firms

Responsible Procurement Awards

Subrecipients must make awards to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Take into consideration the following:

1. Contractor integrity
2. Compliance with public policy
3. Record of past performance
4. Financial and technical resources

Contract Cost and Price Analysis

1. Cost analysis - Performed when the offeror submits estimated costs
 - a. Professional consulting
 - b. A&E service contracts
 - c. Sole source procurements
 - d. Fair and reasonable profit margin needs to be established
2. Price Analysis - Used for all other instances to determine reasonableness of contract price

Notification of Federal Participation

1. To the extent required by Federal law, the Cape Fear Public Transportation Authority agrees that in administering any Federal assistance Program or Project supported by the underlying Grant Agreement or Cooperative Agreement, any request for proposals, solicitation, grant application, form, notification, press release, or other publication involving the distribution of FTA assistance for the Program or the Project that it will identify the FTA grant source by listing the Catalog of Federal Domestic Assistance Number of the program. The following FTA grant programs will be eligible to participate in this bid, 20.505, 20.507, 20.500, 20.513, 20.509, 20.516, and 20.521. Federal funding assistance up to eighty (80%) percent may be provided.

Written Protest Procedures

1. Subrecipients must have written protest procedures to handle and resolve disputes relating to their procurements
2. Subrecipients should notify the Authority if a protest involves an FTA compliance issue, since the Authority must inform FTA within 5 working days

Records Documentation and Retention

Grantees must maintain records detailing the history of each procurement for five (5) years following final payment by the Authority for the project. Include the following at a minimum:

1. The fully executed agreement shall be referenced for record retention requirements if a formal bid was solicited
2. Copies of the bid quotes shall be referenced if the bid was informal.
3. Rational for the method of procurement
4. Selection of contract type
5. Reasons for contractor selection or rejection
6. Basis for the contract price

NOTE: The section on "Methods of Procurement" identifies what must be documented at each threshold level.

Contract Term Limitation

1. Contracts for rolling stock or replacement parts may not exceed 5 years inclusive of options
2. All other contracts (supply, service, leases of real property, revenue, construction, etc.) may be for longer periods. Subrecipients should consider competition, pricing, fairness, and public perception

3. Once a contract has been awarded, an extension of contract term length that amounts to an out of scope change will require a sole source justification

SECTION 12 - PROJECT MANAGEMENT

Program Measures

Wave Transit will be capturing overall program measures to report to FTA to be used with the Government Performance Results Act (GPRA) and the Performance Assessment Rating Tool process for the Office of Management and Budget (OMB). The following indicators are targeted to capture overarching program information as part of the annual report that the Authority submits to FTA. Until new measures are established, FTA intends to continue to use the following indicators. The Authority is required to submit both quantitative and qualitative information available on each of the following measures with its milestone progress reports.

Traditional Section 5310 Projects

- Gaps in Service Filled: Provision of transportation options that would not otherwise be available for seniors and individuals with disabilities, measured in numbers of seniors and individuals with disabilities afforded mobility they would not have without program support as a result of traditional Section 5310 projects implemented in the current reporting year.
- Ridership: Actual or estimated number of rides (as measured by one-way trips) provided annually for seniors or individuals with disabilities on Section 5310 supported vehicles and services as a result of traditional Section 5310 projects implemented in the current reporting year.

Financial Management

The financial management system for designated recipients that are not states must meet the standards set forth in 49 CFR 18.20(b) of the common grant rule. These standards include: SUBRECIPIENT DUNS REQUIREMENT. The Authority will notify potential subrecipients that no entity may receive a sub award from the recipient unless the entity has provided its DUNS number to the Authority. The Authority will not make any sub award to an entity unless the entity has provided its DUNS number.

Satisfactory continuing control of subrecipients will be the responsibility of the Authority's Executive Director and/or his or her assigns. Grant management requirements for subrecipients are contained in 49 CFR Part 19, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations." The Authority will implement uniform requirements for all subrecipients, both private nonprofit agencies and governmental authorities, as long as such requirements are not inconsistent with part 19. Designated recipients must follow the provisions of 49 CFR Part 18; subrecipients follow part 18 if they are public entities and part 19 if they are private nonprofit entities.

Upon initial approval of an applicant for inclusion in the Program of Projects, the Authority Finance Department will review each project for the following:

- Determine that the subrecipient's accounting system is adequate and capable of segregating, accumulating, and maintaining allocable and allowable costs as they apply to the project and/or contract and to document necessary facts that might be needed in past audits
- Establish that proper record retention will be maintained after project completion (record retention shall be required for a five (5) year period after payment of final billing or completion of the project, whichever occurs last)
- Establish procedures or issue any necessary specific instructions to the project that would help prevent any future misunderstanding
- Establish that proposed costs are reasonable and in line with those that the subrecipient is currently incurring
- Establish that the subrecipient has the financial capability to perform the services required (to fulfill this requirement, new applicants are required to provide prior audits and to go through a

pre-award audit)

- Determine that any local matching funds are verifiable and properly allocated to the project
- Determine that the applicant has an inventory procedure to assure that equipment purchased with federal and/or state funds can be accounted for at any time (documentation of the inventories should be on file at all times)
- Assure that the applicant can comply with the provisions of OMB Circular A-133

All subrecipients are required to establish and maintain an adequate cost accounting system to which all transportation related costs, revenues and operating costs are recorded so that they may be clearly identified, easily traced and substantially documented. The fully allocated cost of the public transit program must be clearly identified regardless of the operational nature of the agency serving as the designated transit system.

The ongoing burden of proof of adequacy for such system shall be upon the subrecipient. The Cape Fear Public Transportation Authority will determine whether or not the subrecipient has an adequate cost accounting system. Such determination shall be documented initially prior to payment of any invoices pursuant to the agreement between the subrecipient and the Authority and from time to time as deemed necessary by the Authority. In the event of a finding during such determining proceedings, the Authority may suspend, revoke, or place conditions upon its determination, and/or may recommend or require remedial actions as appropriate. The accounting system shall be able to document costs by fiscal year and by project number in accordance to generally accepted accounting principles.

The Cape Fear Public Transportation Authority maintains a fiscal management system of financial reporting, accounting records, internal controls, and budget controls subject to standards specified in the state laws enforced by the State Auditor and the State Budget Office. All systems and procedures for financial management are in compliance with 49 CFR Part 18, the "Common Rule."

All costs charged to the project, including any approved services performed by the subrecipient or others (subcontractors), as referenced in 49 C.F.R. 19, the Office of Management and Budget Circulars A-122, "Costs Principles for Nonprofit Organizations" and A-110 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations", or in 49 C.F.R. 18, the Office of Management and Budget Circulars A-87, "Costs Principles for State, Local and Indian Tribal Governments" and A-102 "Grants and Cooperative Agreements with State and Local Governments." Examples of adequate documentation include, but are not limited to:

Allowable Costs

Expenditures made by the Authority and subrecipients shall be reimbursable as allowable costs to the extent that they meet all of the requirements set forth below:

1. Be made in conformance with the project description and the project budget and all other provisions of the agreement
2. Be necessary in order to accomplish the project
3. Be reasonable in amount for the goods or services purchased
4. Be actual net costs to the Authority and subrecipient, (the price paid minus any refunds, rebates or other items that effectively reduced the actual cost)
5. Be incurred for work performed after the date of the grant agreement, unless specific authorization from FTA to the contrary is received
6. Be satisfactorily documented
7. Be treated uniformly and consistently under accounting principles and procedures approved and prescribed by FTA for the Authority and subrecipient

Documentation of Project Costs

All costs charged to the project, including any approved services contributed by the State or sub-recipient shall be supported by the following:

- Properly executed payrolls
- Time records
- Invoices
- Contracts
- Vouchers

All supporting documentation shall detail the nature and propriety of the charges.

Requests for Payment

Before a subrecipient submits invoices for payment, a fully executed agreement and contract must exist between the subrecipient organization and the Cape Fear Public Transportation Authority.

A subrecipient must also have on file with the Authority a delegation of authority form that designates the individual who has authority to execute agreements, submit invoices and budget revisions and amendments on behalf of the subrecipient organization.

The Cape Fear Public Transportation Authority requires subrecipients to request reimbursement at least quarterly and no more frequently than monthly, unless otherwise directed. This is communicated in the agreement, and in the request for reimbursement instructions. Subrecipients are notified of breach of contract and are required to show reasonable progress to invoice within thirty (30) days. All information provided in reimbursement requests must be cross referenced to the information provided in the approved budget. The agreement also states that failure to request reimbursement for eligible projects costs as outlined may result in termination of the project.

Funds that are deobligated from an approved program of projects remain available to the Authority and subrecipients for reobligation during the period that the funds were originally available. If deobligated funds from a program are available at the close of the project year, Wave Transit may consider previously identified "alternate" projects as approved by the Authority during initial allocation as well as special requests from subrecipients. Requests must be in writing and consistent with the provisions of Section 9 of the PMP. Allocation of deobligated project funds is limited to the availability of funds.

Any Section 5310 funding remaining at the end of a contract cycle without an approved contract extension may be rolled over as part of the regional total for Section 5310 in the following year and made available for allocation, provided they meet the grant requirements.

Progress Reports

Subrecipients shall submit no less than quarterly, a summary of project implementation status and adherence to established project performance goals by utilizing the format provided by the Authority.

Contract Amendments

During the course of the contract, it may become necessary to make modifications to the project in the form of administrative amendments, budget revisions, contract amendments or period of performance extensions. All requests shall be made in writing prior to implementation.

Administrative Amendment

An administrative amendment is used to modify a contract for such purposes as to comply with changes required by FTA or the Authority, to change the year or type of funds obligated for a contract or to reflect a change in the subrecipient's name. An administrative amendment cannot be used to change the scope, amount, or purpose of a contract.

Contract Amendment

A contract amendment is defined as a change in the scope or purpose of the contract or change scope or purpose of the approved project; or requires an increase or decrease in the project amount or a change in the federal/state/local matching ratio.

Budget Amendment

All budget amendments must be preapproved by the Authority in writing. No costs associated with the amendment are allowed until written notification of the approval of the amendment is provided to the project by Authority.

All requests for budget amendments must provide a justification for the proposed changes and amount requested as submitted in the original application. All requests for budget amendments must be submitted in accordance with the policies and procedures established by FTA and Wave Transit.

Change of Scope or Purpose

The scope or purpose of a contract is changed by any of the following circumstances:

- Changes in the scope that will involve an increase or decrease in the federal and/or local financing of the project; or
- Adding or deleting a project budget category from the contract; or
- Changes to the size, or physical characteristics of items being purchased that are originally under contract that impact the project budget; or
- Changes that will increase or reduce the number of units to be purchased or constructed where the change exceeds the greater of one unit or 10 percent of the number approved in the line item; or
- Changes that will increase the total amount allocated to any single cost category in the project budget; or
- A change that the Authority concludes is significant which modifies a category, project description, or the size of items specified in any contract

Budget Revision: Change Request

Changes may be made in the form of a budget revision in the purpose, scope and amount of the contract will remain consistent with the applicable Approved Project Budget. This may include a transfer of funds between or among budget categories within an approved contract. A budget revision is defined as the transfer of funds between line items within the approved project budget and/or the transfer of funds to a new line item within the approved budget for eligible expenses. A budget revision cannot be used to change the purpose, scope, total dollar amount or terms and conditions of the contract. The subrecipient may make budget revisions of funds to be redirected. Requests for a budget revision must be made in writing prior to incurring expenses regarding any change. The change request must be submitted with justification for the proposed changes.

- Budget revision requests for administration and operating budgets must be reconciled before final payment can be made; this includes line items in overdraft
- Funds may be transferred from one line item to another to increase or decrease the amount of any line item within the budget. Funds cannot be transferred from one budget category to another, i.e. from administrative budget to capital budget
- Budget revisions must account for expenses to date when decreasing a line item
- All change requests/budget revisions require justification for the proposed changes. All requests for budget amendments must be submitted in accordance with the policies and procedures established by FTA and the Authority

For Section 5310 funding, budget revisions must be approved in writing in advance of incurring the costs. Therefore, it is the responsibility of the project sponsor to initiate the revision in time to provide the Authority with adequate time to review and provide written approval.

Period of Performance Extension

A Period of Performance Extension is required if additional time is required to assure adequate completion of the project. Requests for extensions submitted after the ending date of the contract period will not be approved.

The request must be submitted before the period ends. Applicants must request an extension of their contract at least 60 days before the end of the current performance period. Extensions will only be granted if reasonable progress has been made with sufficient documentation.

The Authority shall notify the subrecipient in writing regarding approval, modification, or rejection within 30 days of receipt. Approval of contract amendments shall be in the form of a Supplemental Agreement. To be effective, a Supplemental Agreement must be fully executed by both the project organization and the Cape Fear Public Transportation Authority.

Asset Management

Title to all property purchased with federal and state funds shall be vested in the name of the subrecipient with the Cape Fear Public Transportation Authority as the first and only lien holder. The Authority will retain the title to all rolling stock until the vehicles reach the end of their useful life requirement.

The subrecipient shall have the requisite fiscal capability to carry out the project and be responsible for maintaining required insurance coverage (The Cape Fear Public Transportation Authority will be placed as loss payee on respective policies), property records, conducting physical inventories, implementing adequate property control systems and maintaining the equipment in proper working condition. Documentation must be available upon request.

Subrecipients are required to maintain assets purchased with Section 5310 funds at a high level of cleanliness, safety, and mechanical soundness. Each subrecipient must establish a maintenance program that, at a minimum, meets the equipment manufacturer's recommendations. Wave Transit has the right, and obligation, to review subrecipient's maintenance and safety programs and to conduct periodic audit of equipment and facilities funded with Section 5310 funds administered by the Authority.

Subrecipients of funds administered by the Authority are required to certify that any property purchased with those funds is used for public transportation services within the subrecipient's service area or other area described in the grant application standards for the useful life.

Failure to carry out these requirements shall constitute a breach of contract and, after notification by the Authority, may result in termination of the project agreement. In the event of the subrecipient's noncompliance with any provision(s) of the project agreement, the Authority may terminate the agreement by giving the subrecipient thirty (30) days written notice. Before issuing notice, the Authority shall allow the subrecipient thirty (30) days to correct for noncompliance. The thirty-day period granted for the purpose of enabling the subrecipient(s) to attain compliance shall commence on the date the subrecipient notifies the Authority of any noncompliance. The thirty-day period shall be thirty (30) consecutive calendar days. In the event that a federally observed holiday falls during such thirty (30) day period, the day on which the holiday is celebrated shall not be counted as one of the thirty (30) days. In the event of termination or breach of contract provisions, the grantee shall surrender the

equipment and/or transfer title(s) for equipment to the Authority or their designee.

The subrecipient shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired in accordance with the grant application and contract agreement.

Vehicle Incident or Casualty Loss

Subrecipients must report a vehicle incident, accident or casualty to the Authority within 48 hours of occurrence.

- The required form with elements identified in the FTA Alert Bulletin should be completed in accordance with FTA Order 1920.1A and emailed to the Safety Division Director at PTD.
- Vehicles that are damaged, but repairable, must be repaired to the same or better condition prior to the incident.
- If the vehicle is deemed a total loss, the following documentation must be submitted to PTD, within 10 working days of the incident:
 - Vehicle Identification Number (VIN)
 - Model year
 - Make
 - Mileage at the time of the incident
 - N.C. Accident Report (DMV-349) or N.C. Incident Report (fire casualty)
 - Correspondence from the Insurance Company indicating the amount of the settlement of proceeds.

Asset Disposition

All property acquired using federal funds shall be utilized and disposed of in accordance with the applicable FTA program circular, FTA Circular 5010.1D (as amended) and 49 CFR 18 or 49 CFR 19. Disposition of vehicle(s) takes place when the vehicle meets the required mileage ("useful service life") criteria and/or the Authority's implementation schedule for replacement.

The Authority will release titles for replaced vehicles to the owner (subrecipient). Once the title is received, the project may proceed with local disposition of vehicle. Vehicle(s) may be sold by advertising for sealed bids or through public auction method, or transferred, with Authority approval, to another agency.

The Authority will retain a lien on such vehicles as long as useful life remains and Wave Transit will oversee the disposition of these vehicles as identified in the approved guidelines.

Inventory

Any capital equipment purchased with Section 5310 funds administered by the Authority must be inventoried, and information updated annually. The inventory should be updated as soon as new or transferred equipment (including vehicles or property) is received or acquired.

All vehicles and equipment shall be assigned an identification number to allow the items to be easily traced. Include the identification number on the Inventory Form. Once an item is assigned a number, it retains that unique number throughout its life. An inventory number should not be reused. Equipment purchased as an integral part of the vehicle does not need to be separately inventoried. For example, a lift or destination sign that is purchased as part of a vehicle does not need to be inventoried.

An annual inventory update for equipment and real property is required from all subrecipients for vehicles, facilities, and equipment purchased with Section 5310 funds. Shall submit an inventory that

includes, at a minimum, the following information:

- Description
- Identification number
- Procurement source
- Acquisition date
- Cost
- Percentage of Federal participation in the cost
- Project Contract Number under which it was procured
- Location, use and condition
- Disposition data (including the date of disposal and sale price, or, where applicable, the method used to determine its fair market value)

Vehicle Use

The Authority encourages subrecipients to retain direct control of Section 5310 funded vehicles. The Authority discourages placing vehicle(s), equipment or real property under the control of other agencies and reserves the right to approve or disapprove all vehicle/equipment/property use agreements that involve items purchased with Section 5310 grants. When a subrecipient has justified that the best use of the vehicle(s) or equipment would be under a vehicle use agreement, several issues should be addressed before the vehicle use agreement is signed. Some issues that must be discussed with the subcontractor include:

- Drivers of the transit system or drivers from another agency may drive the vehicles as long as insurance coverage is adequate for these uses
- The vehicle use agreement must state who is responsible for such items as insurance, maintenance, drivers, emergencies, backups, etc...
- The vehicles must be operated open to the general public without discrimination
- Incidental service ridership and revenue miles must be reported as such, separate from the service open to the general public
- Driver licensing requirements
- Drug and alcohol testing requirements

Subrecipients remain responsible to the Authority for compliance with all state and federal rules and regulations. The Authority must be notified of the location of the vehicle or equipment. The physical location must be included with the vehicle inventory.



APPENDIX A - DESIGNATED RECIPIENT AUTHORIZATION



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

PAT McCRORY
GOVERNOR

1501 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1501

ANTHONY J. TATA
SECRETARY

June 27, 2014

Dr. Yvette G. Taylor, Regional Administrator
Federal Transit Administration, Region IV
230 Peachtree Street, NW, Suite 800
Atlanta, Georgia 30303

RE: Designated Recipient for Elderly Persons and Persons with Disabilities Program Funding
(Section 5310)

Dear Dr. Taylor:

Consistent with the provisions of *Moving Ahead for Progress in the 21st Century* (MAP-21), and as the designated agency responsible for fulfilling the functions required by the Federal Transit Administration (FTA), I hereby concur with the designation of the Cape Fear Public Transportation Authority (CFPTA) as the designated recipient for the Persons with Disabilities Funding Program (Section 5310). The Wilmington MPO Advisory Committee, acting as the designated policy board of the Metropolitan Planning Organization (MPO), supported this designation on May 28, 2014 through formal resolution.

As the designated recipient, the Cape Fear Public Transportation and the MPO will be responsible for developing a Program Management Plan (PMP), administering the program by ensuring that all sub recipients comply with Federal requirements, notifying eligible local entities of funding availability, developing program selection processes, determining project eligibility, developing the yearly program of projects and receiving and dispensing funds in the Wilmington Urbanized Area.

Should you require additional information, please contact Bobby Lewis, Interim Deputy Secretary for Transit at (919) 707-2800.

Sincerely,

Anthony J. Tata

cc: Nick Tennyson, NCDOT Chief Deputy Secretary
Bobby Lewis, NCDOT Interim Deputy Secretary for Transit
Debra Collins, Director, NCDOT Public Transportation Division
Cheryl Leonard, Assistant Director, NCDOT, Public Transit Division
Phillip Vereen, Assistant Director, NCDOT Public Transportation Division
Laura Padgett, TAC Chair, Wilmington MPO
Mike Kozlosky, Executive Director, Wilmington MPO
Albert Eby, Executive Director, Cape Fear Public Transportation Authority

PHONE 919-707-2800 FAX 919-733-9150



APPENDIX B - MOBILITY MANAGER JOB DESCRIPTION



Cape Fear Public Transportation Authority

Mobility Manager

JOB DESCRIPTION

POSITION TITLE: Mobility Manager

POSITION: Position is funded under the Section 5310 Program: *Enhanced Mobility for Seniors and Individuals with Disabilities* and is contingent upon continued future grant funding

JOB SUMMARY: To improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the transportation mobility options available

WORK SCHEDULE:

- Forty (40) hour work week, typically 8:00 am until 5:00 pm Monday through Friday including one (1) hour lunch period.
- Must be available evenings and weekends on an as need basis.

REPORTS TO: Director of Planning and Development

DESCRIPTION OF DUTIES/RESPONSIBILITIES:

- Promote the enhancement and facilitation of access to transportation services, including integration and coordination of transportation services for individuals with disabilities and older adults
- Responsible for short-range planning, management activities and projects for improving coordination among public and private transportation service providers in the service area
- Coordinate human service and general public transportation services in the service area
- Responsible for developing and updating the Authority's Local Coordinated Public Transit-Human Service Agency Plan (LCP) which identifies the transportation needs of individuals with disabilities, older adults and individuals with lower incomes and provides strategies for meeting those needs
- Facilitate regular meetings with public transportation providers and community stakeholders to identify unmet transportation needs for elderly individuals and individuals with disabilities throughout the local coordinated planning process and beyond
- Responsible for the implementation and administration of new transportation programs for elderly individuals and individuals with disabilities as identified in the LCP
- Ensure oversight and program compliance for all subrecipients of 5310 funding as identified through the local coordinated planning process
- Gather and analyze data to evaluate transportation service programs and options for elderly individuals, individuals with disabilities and low-income individuals. Research and pursue eligible grant opportunities, particularly those tailored to elderly and disabled transportation
- Further develop and manage the Authority's Travel Training Program which consists of providing travel training and navigation services to individuals and various community organizations
- Develop and foster working relationships with community partners
- Participate in community outreach and education efforts
- Promote awareness of transportation options for all residents, including the special needs population and the elderly to enhance their ability to live more independently within the community

- Other duties as assigned

QUALIFICATIONS:

- Undergraduate degree in transportation or urban planning, business or public administration, or related field
- Three (3) years verifiable experience in planning, public administration, accessible services, social work, public transit or human services coordination
- A combination of education, training and experience that results in demonstrated competency to perform the work may be substituted
- Knowledge of FTA requirements and the ADA (Americans with Disabilities Act) and its application to public transportation
- Must possess valid North Carolina driver license
- Pre-employment background check and drug screen required

SKILLS REQUIRED:

- Must be computer literate with a high degree of competency in spreadsheet and word processing software
- Excellent interpersonal, written and verbal communication skills
- Ability to work independently and with others in an effective manner
- Ability to provide leadership and speak before public groups
- Ability to analyze data, define problems, identify potential solutions, develop implementation strategies and evaluate outcome
- Ability to work flexible schedule that may include evenings and weekends

PHYSICAL REQUIREMENTS:

- Typically requires sitting for extended periods of time, talking, hearing, speaking, seeing, and repetitive motions
- Periodic fieldwork in varying environments
- May require walking short distances and lifting up to twenty pounds
- Travel as needed within or outside of service area
- May be subject to overnight travel

I have carefully read and understand the contents of this job description and fully understand the responsibilities, requirements and duties expected of me.

EMPLOYEE SIGNATURE

DATE

SPECIAL REQUIREMENTS: The incumbent may be required to assist in performing other administrative and operational duties as well as assist in operational tasks within the Authority.

STATUS: FSLA Exempt

SALARY RANGE: \$35,250 - \$48,500 annually

HIRING RANGE: \$35,250 - \$44,500 annually

REVISION DATE: 03/26/2015

Coordinated Public Transportation Human Service Transportation Plan for Southeastern North Carolina

NEW HANOVER COUNTY



Lead Agency:

**CAPE FEAR PUBLIC TRANSPORTATION AUTHORITY
(dba. WAVE TRANSIT)**

December 2011

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HISTORY OF WAVE TRANSIT

Created in 1974, the Wilmington Transit Authority (WTA) was initially implemented to provide public transportation to the citizens of the Wilmington area. In December 2002, the WTA adopted the name Wave, as well as a new logo and color scheme for the Authority. This change reflected a new vision for public transportation in Wilmington. Capitalizing on our coastal environment, the name "Wave" allowed greater name recognition throughout the area and positively represented public transportation throughout the region.

Rapid sprawl and rising traffic congestion throughout the region led the City of Wilmington and New Hanover County to enter into an historic agreement in June 2003. The city and county merged the WTA and New Hanover Transportation Services to form the Wilmington/New Hanover Transportation Agency (WNHTA). This agreement merged the respective organizations for one year, in order to provide oversight of both agencies under one public transportation authority. In July of 2004 the WNHTA, the WTA and NHTS were dissolved and a new transportation authority was created. The merged entity officially became the Cape Fear Public Transportation Authority, but kept the name Wave Transit.

In an effort to better serve the community, Wave Transit has restructured all fixed routes in the region. The new routes are operated from a modern transfer facility, Forden Station, which is centrally located within the service area. Forden Station opened in May 2011 and is anticipating Leadership in Energy and Environmental Design (LEED) Gold Certification. A new maintenance and administration facility is also nearing construction.

MISSION STATEMENT AND GOALS

The mission of Cape Fear Public Transportation Authority (Wave Transit) is to develop and maintain an effective, efficient, and safe system of public transportation services within Southeastern North Carolina which is responsive to the mobility needs of the community. Transportation services provided shall be designed to maintain and encourage the use of public transportation and shall contribute to the economic vitality of the community, the conservation of natural resources and protection of the environment.

The goals of Wave Transit are as follows:

1. Provide cost effective transportation services which optimize the utilization of personnel, vehicles, and other resources and which are operated with a minimum of public subsidy.
2. Provide transportation services which meet the mobility needs of the community, within available financial resources.
3. Develop funding options which assure the continued stable operation of transportation services at a public subsidy level acceptable to the community.
4. Develop policies which assure, as much as possible, that transit services are designed and operated to encourage maximum utilization by the community. Service should be provided first in areas where the greatest potential for use exists.
5. Promote the use of public transportation services within the community. This includes both providing adequate and up-to-date information on services available and aggressively marketing the transit system.
6. Expand public transportation to new areas of the community as demand estimates and population densities indicate that service will be sufficiently utilized within established service standards.

The Goals of Cape Fear Public Transportation Authority will be reviewed and revised (as needed) during the budget development process. These goals and objectives will guide the development of capital and operating budgets, service planning, and operation of transit services.

LOCAL COORDINATED PLAN

Presidential Executive Order 13330 on the Coordination of Human Service Programs issued by the President on February 24, 2004, creates an interdepartmental Federal Council on Access and Mobility to undertake collective and individual departmental actions to reduce duplication among federally funded human service transportation services, increase the efficient delivery of such services and expand transportation access for older individuals, persons with disabilities, persons with low income, children and other disadvantaged populations within their own communities.

As a first principle to achieve these goals, federally assisted grantees involved in providing and funding human service transportation need to plan collaboratively to more comprehensively address the needs of the populations served by various federal programs. In their report to the President on the Human Service Transportation Coordination, members of the council recommended that "in order to effectively promote the development and delivery of coordinated transportation services, the Administration seek mechanisms (statutory, regulatory, or administrative) to require participation in a community transportation planning process for human service transportation programs."

In August 2005, the President signed legislation consistent with this recommendation to reauthorize federal public transportation and federal highway programs that contained provisions to establish a coordinated human services transportation planning process. This legislation, the Safe, Affordable, Flexible, Efficient Transportation Equity Act, A Legacy for Users (SAFETEA-LU), created a requirement that a locally developed, coordinated public transit/human service planning process and an initial plan be developed by 2007 as a condition of receiving funding for certain programs directed at meeting the needs of older individuals, persons with disabilities and low-income persons. The plan must be developed through a process that includes representatives of public, private and non-profit transportation providers and public, private and non-profit human service providers and participation by the public.

Coordination of public/private transit and human service transportation is vital in stretching transportation dollars and maximizing services for persons with disabilities, older adults and individuals with low incomes.

Effective in 2008, the Federal Transit Administration required a coordinated plan of local transit services in order to apply for funds from the Elderly and Disabled Individuals Transportation Program (FTA Section 5310), Job Access and Reverse Commute Program (FTA Section 5316) and New Freedom Program (FTA Section 5317). New Hanover County developed a Local Coordinated Human Service Transportation Plan in December 2008, and is renewing this plan in December 2011.

As the regional public transportation provider to the Wilmington urban area, Cape Fear Public Transportation Authority (Wave Transit) is the lead agency in this Local Coordinated Plan. As the lead agency, Wave Transit organized a Coordinated Plan meeting for all local agencies and organizations to provide ideas of transportation needs in the area. Although Wave Transit organized this meeting, delivered surveys to local agencies, and received their respective feedback, all agencies understand it is their responsibility to apply directly to NCDOT for applicable funding through the Local Coordinated Plan.

Projects competitively selected for New Freedom (49 CFR §5317) or Job Access Reverse Commute (49 CFR §5316) funding shall be derived from this plan. The written record of the activities and decisions made at the planning workshop with the stakeholders is the basis of this coordinated plan.

The principal goal of the Wave Transit Local Coordinated Plan is to establish a permanent Coordinated Working Group charged with coordinating the efforts of providers and users of specialized transportation. The scope of the group's activities has included working with human service providers (i.e. medical services, social services, assisted living centers, etc.) to coordinate demands for transportation.

Wave Transit formed the Coordination Working Group consisting of representatives from the following:

- Specialized transportation providers (Wave Transit)
- Human services agencies with special needs clients
- Advocates for people with special transportation disadvantages
- Colleges with special programs

The following groups have demonstrated needs addressed in this coordinated plan effort:

- Needs of the elderly
- Needs of minors
- Needs of developmentally disabled individuals
- Individuals with behavioral health disabilities
- Needs of low-income population
- Emergency transportation
- Provide assets to be available for the physically disabled individuals

Wave Transit provides services for physically disabled passengers with fixed route buses and paratransit services. All Wave Transit vehicles used for transportation are ADA compliant to serve physically disabled passengers.

It is the goal of Wave Transit to provide safe, reliable, and affordable transportation to citizens of New Hanover and Brunswick Counties. Wave Transit will do everything possible to implement this plan and cooperate with all organizations and agencies involved in this Local Coordinated Plan.

PLANNING PROCESS

The coordination of specialized transportation services is a process in which two or more organizations interact to jointly accomplish their transportation objectives. For the purpose of this plan, coordination is defined as "a process through which representatives of different agencies or client groups work together to achieve any one or all of the following goals: more cost-effective service delivery; increased capacity to serve the unmet needs; improved quality of service; and, services which are more easily understood and assessed by riders."

Coordinating transportation means obtaining more results with existing resources through working with other individuals from different agencies, each with unique perspectives and goals. Wave Transit is the lead agency with this plan, in which we have organized local agencies to develop common and differing transportation needs to have a more complete community wide mission of improving transportation in New Hanover County, the City of

Wilmington, and Southeastern North Carolina. In addition, by delivering surveys to agencies and receiving their responses as to the local transportation needs, we have been able to assess a wide range of existing transportation needs in our area for a thorough report.

A planning workshop was held on November 10, 2011. Wave Transit invited 75 public, non-profit and government agencies to the workshop. There were 26 participants in the planning meeting and an additional 18 agencies who submitted surveys to demonstrate their transportation needs.

While Wave Transit has organized agencies and organizations to develop common goals and ideas for the Local Coordinated Plan, each individual agency has been instructed to submit applications to the North Carolina Department of Transportation (NCDOT) for Elderly and Dis- abled Individuals Transportation funds (§5310), New Freedom (§ 317) or Job Access Reverse Commute (JARC §5316) funds for the respective project or program to be chosen by that agency. As further evidence of cooperation by Wave Transit, we have notified agencies that our staff would be willing to assist with questions or their projects should there be issues that arise during the planning process in obtaining funding.

Wave Transit and NCDOT staff reviewed the process of submitting grants to NCDOT concerning the release of the above mentioned FTA grants in November 2011.

CURRENT AVAILABLE SERVICES

1. Fixed route public transit service in New Hanover and Northern Brunswick County
2. Complementary ADA paratransit services within $\frac{1}{4}$ mile of fixed routes (Dial-A-Ride Transportation: DART)
3. Brokered paratransit services offered by Wave Transit throughout the county and to specialized medical facilities in Chapel Hill and Durham.
4. One ADA compliant taxicab
5. A small number of human service vans or light transit vehicles to provide private and non-profit transportation services

PRIMARY TRANSPORTATION NEEDS OF LOCAL ORGANIZATIONS

1. Fixed route bus service needed in Hampstead and Burgaw in Pender County, Porter's Neck and Scotts Hill on the New Hanover/Pender County line and fixed route service in other rural areas of the above counties (i.e. out of county transportation program).
2. Expanded service hours for fixed route buses during the weekdays.
3. Fixed route bus service needed in northern New Hanover County in the Ogden area (Park and Ride).
4. Pedestrian safety improvements, such as crosswalks, wheelchair ramps, and sidewalks, needed near bus stops.
5. Fixed route bus service needed for more low income areas in New Hanover County.
6. Special transportation services and emergency pick up services are needed for victims of domestic violence.
7. More amenities (benches, shelters, and lighted bus stops) are needed along fixed bus routes in New Hanover County.
8. Special transportation services needed for initial employment periods for individuals who may not qualify for the New Hanover County Work First Program.
9. Cooperation between organizations in the area needs to be established rather than each organizations working independently of one another.
10. Low income individuals need low cost or free transportation service.
11. Promotion of WAVE transit services to choice riders to include information about taking advantage of tax incentives for alternative commuting.
12. Express bus service for key routes to tie in with key destinations (including park & ride locations)
13. Bicycle accommodations along roadways within 3 miles leading up to transit stops
14. Pedestrian facilities within 1/2 mile leading up to fixed transit stops
15. Pedestrian crosswalks & crossing facilities for arterials and busy collector streets within 3 miles of fixed transit stops to serve cyclists and pedestrians.

SECONDARY TRANSPORTATION NEEDS OF LOCAL ORGANIZATIONS

1. Bus service needs more frequent routes in New Hanover County and the City of Wilmington.
2. Taxi cabs need to offer more accessibility and services to individuals.
3. There is a need for more bi-lingual transit information to be offered (i.e. bus maps and marketing materials printed in Spanish).
4. All local organizations need translators for individuals who may not speak English.
5. Education to notify individuals about local transit services is needed.
6. Programs need to be implemented for individuals who have a serious mental illness.
7. Food delivery services need to be implemented for those individuals who do not have the ability to get food on their own.

NOTE: All of the above priorities will be more specified in detail as agencies and organizations develop their specific transportation needs.

STRATEGIES TO MEET GAPS IN LEVELS OF PUBLIC TRANSPORTATION SERVICES

The committee and those surveyed who did not attend the planning meeting were confident that the structure and service offerings of Wave Transit were meeting many of the needs of the community. By operating as a single entity, Wave Transit offers the ability to more efficiently, economically and effectively manage a complex public transportation program with a variety of offerings.

As with any program, there were gaps identified. Most of the deficiencies could be met by providing expanded fixed route public transportation services. This includes: more frequent service (reduced headways); later evening service; expanded weekend service; and a larger service area. To address this deficiency, the authority is working on legislation that would allow a local option sales tax to improve public transportation. Should these efforts be successful, the committee would be asked to prioritize the needs based on specific revenue levels.

To meet the pedestrian safety needs identified, the authority will rely on the MPO to lead the effort to make the area more pedestrian friendly. To meet the shortfall in amenities, the authority is embarking on a plan to partner with private interests in an effort to increase available benches and shelters at fixed route bus stops. The authority has also identified the need to work with surrounding counties to prevent duplication of services and streamline access to available public transportation programs. Finally, cooperation between all interested agencies could be accomplished by keeping the coordinated planning group involved and engaged as additional funding becomes available.

PRIORITIES FOR IMPLEMENTATION OF THE PLAN

In developing the order of needs for our area, Wave Transit used surveys sent to agencies prior to the Coordinated Plan workshop and formed steering committees to discuss important needs for services. The steering committee members and those organizations and agencies involved in the plan have had continuous input to Wave Transit staff in developing this comprehensive plan. In summary, Wave Transit has met the criteria for developing this Local Coordinated Plan 2011 by adhering to the following guidelines:

- 1) Identified Lead Agency
- 2) Formed Steering Committees
- 3) Prepared for Local Coordinated Plan Workshop (invitations, surveys, committees)
- 4) Conducted Local Coordinated Plan Workshop
- 5) Developed draft of Local Coordinated Plan and planned implementation procedures

Following the workshop, Wave Transit will continue to work with local agencies and organizations in the development of "calls for projects" to ensure efficient outcomes and no duplication of services for our area. In addition, Wave Transit will take a lead role in notifying agencies when NCDOT has released the application to apply for the respective funds, and will continue to work with these agencies throughout the application should that need arise.

RESOLUTION



Introduced by: Matthew Kunic, Director of Planning and Development

Date: December 15, 2011

RESOLUTION ADOPTING NEW HANOVER COUNTY/WAVE TRANSIT COORDINATED HUMAN SERVICE TRANSPORTATION PLAN

WHEREAS, the federal SAFETEA-LU transportation authorization passed by Congress in 2005 requires a “locally developed, coordinated public transportation-human services transportation plan” intended to improve the transportation services for persons with disabilities, individuals who are elderly, and individuals with lower incomes; and

WHEREAS, the Authority assumed the role of lead agency in coordinating and preparing the plan to ensure eligibility of funds that required adoption of said plan; and

WHEREAS, Wave Transit held a retreat on November 10, 2011 that included representatives from human service providers and advocates, special transportation providers, and others concerned with transportation in New Hanover County, the City of Wilmington, and Southeastern North Carolina; and

WHEREAS, Wave Transit has created summaries of special transportation needs, and the various existing transportation programs, services, and other assets for transportation disadvantaged groups necessary for development of the Coordinated Human Service Transportation Plan by Wave Transit;

NOW, THEREFORE IT BE RESOLVED that the Wave Transit Board of Directors hereby adopts the New Hanover County/Wave Transit Human Service Transportation Plan.

Adopted at a regular meeting
on December 15, 2011

A blue ink signature of "Don Betz" over a horizontal line.

Don Betz, Chairman

Attest:

A blue ink signature of "Andy Koepel" over a horizontal line.

for Andy Koepel, Secretary

APPENDIX A

QUESTIONNAIRE:

Human Service Providers **Special Transportation Needs and Resources**

Cape Fear Public Transportation Authority (Wave Transit) has begun the effort to better understand the need for special transportation services in New Hanover County, and to understand how those needs are currently met or unmet. Many organizations in the region operate small-scale transportation services for members or clients, or offer other kinds of transportation support; however, we would appreciate feedback pertaining to the services provided by Wave Transit.

Please take the time to assist Wave Transit in understanding these issues as they relate to your organization by answering the following questions and returning the questionnaire to:

Cape Fear Public Transportation Authority
Attn: Matthew Kunic, Director of Planning and Development
P.O. Box 12630
Wilmington, NC 28405
E-mail: mkunic@wavetransit.com

Name of human service agency or advocacy group: _____

1. What client groups does your agency serve?
2. Would you characterize some or all of your clients as “transportation disadvantaged?”
 - A. If so, how many persons would you consider to be “transportation disadvantaged?”
 - B. In what ways may these persons be “transportation disadvantaged?”
3. Does your organization provide or subsidize transportation for some or all of your members or clients?
 - A. If so, to what degree? (Estimate the number of clients and/or the degree of help your agency provides—i.e. number of rides/year, % of subsidy).
4. What program(s) does your agency use to help provide or pay for transportation for your clients?
 - A. If your agency is primarily a transportation provider, what are its’ principal sources or revenue?
5. What restrictions apply to these programs? (i.e. definitions of need, limitations of destination or trip purpose, geographic boundaries).
6. In what ways (if any) are the transportation needs of your clients not currently met?
7. Do transportation issues interfere with the effectiveness of your agency? If so, please explain.
8. What are you hoping the Coordinated Human Service Transportation Plan will produce?

APPENDIX B

QUESTIONNAIRE:

Special Transportation Needs and Resources

Cape Fear Public Transportation Authority (Wave Transit) has begun the effort to better understand the need for special transportation services in New Hanover County, and to understand how those needs are currently met or unmet. Many organizations in the region operate small-scale transportation services for members or clients, or offer other kinds of transportation support; however, we would appreciate feedback pertaining to the services provided by Wave Transit.

Please take the time to assist Wave Transit in understanding these issues as they relate to your organization by answering the following questions and returning the questionnaire to:

Cape Fear Public Transportation Authority
Attn: Matthew Kunic, Director of Planning and Development
P.O. Box 12630
Wilmington, NC 28405
E-mail: mkunic@wavetransit.com

Name of Organization: _____

1. Does your organization include members who might be characterized as “transportation disadvantaged?”
 - A. If so, how many persons would you consider to be “transportation disadvantaged?”
 - B. In what ways may these persons be “transportation disadvantaged?”
2. Does your organization provide or subsidize transportation for some or all of your members or clients?
 - A. If so, to what degree? (Estimate the number of clients and /or the degree of help your agency provides—i.e. number of rides/year, % of subsidy).
3. If you answered “yes” to question 2, how does your organization pay for transportation or subsidy that you provide? (i.e. donations, volunteers, grants)
4. What restrictions apply to these problems? (i.e. definitions of need, limitations on destination or trip purpose, geographic boundaries)
5. In what ways (if any) are the transportation needs of your members or clients not currently met?
6. Do transportation issues interfere with the effectiveness of your organizations? If so, please explain.
7. What are you hoping the Coordinated Human Service Transportation Plan will produce?

APPENDIX C

October 7, 2011

Department of Social Services
1650 Greenfield Street
Wilmington, NC 28402

Dear Department of Social Services:

Cape Fear Public Transportation Authority (Wave Transit) is ready to begin the process of developing our Local Coordinated Plan (LCP-2011).

The primary goal of the Wave Transit Local Coordinated Plan (LCP) is to establish a permanent coordinated working group of organizations charged with documenting the efforts of providers and users of specialized transportation. The scope of the group's activities will also include working with human service providers (i.e. medical services, social services, assisted living centers, etc.) to coordinate demands for transportation.

Wave Transit recommends that the Coordinated Working Group consist of representatives from the following:

- Specialized transportation providers (Wave Transit)
- Human services agencies with special needs clients
- Advocates for people with certain transportation disadvantages
- Colleges with special programs

The following groups will have their needs addressed in this coordinated plan effort:

- Needs of the elderly
- Needs of minors
- Needs of developmentally disabled individuals
- Needs of emotionally disabled individuals
- Needs of low-income population
- Emergency transportation
- Provide assets to be available for physically disabled individuals

Wave Transit will feasibly attempt to implement portions of this plan and cooperate with all organizations and agencies involved with the LCP-2011. In order to coordinate our efforts in receiving feedback from the necessary participants, your organization has been chosen to have **one** representative to be present at our Local Coordinated Plan meeting to be held at the following date, time, and location:

DATE: Thursday, November 10, 2011

TIME: 9:00am-2:00pm

LOCATION: University of North Carolina Wilmington- Madeline Suite
(601 S. College Rd., Wilmington, NC 28403)

In addition to attendance at this meeting, please complete and return the included survey that will allow us to have information about your organization that we can use in the formation of the completed LCP-2011. Please return the survey to me at the contact information found on the survey form no later than **Friday, November 4, 2011 at 4:00pm.**

Wave Transit greatly appreciates your time and effort in participating in this Local Coordinated Plan that will improve the quality of life for residents of Southeastern North Carolina. **Please RSVP if one representative from your organization will be able to attend this meeting by Friday, October 28, 2011 at 4:00pm and include the following information about the attendee: organization, name of attending individual,**

e-mail, and phone number. If your organization does not respond to this invitation by Friday, October 28, 2011, we assume your organization will **not** be participating in our Local Coordinated Plan meeting. You may RSVP or contact me with any questions via e-mail, mkunic@wavetransit.com, or by phone, (910)343-0106, ext. 2057.

Sincerely,

Matthew Kunic
Director of Planning and Development



APPENDIX D

As stated in the final Local Coordinated Plan report, Wave Transit has cooperatively worked with local organizations and agencies that are human service providers or those stakeholders with an interest in transit projects to develop a comprehensive local plan to address the primary transportation needs in our area.

We have provided these agencies with the opportunity to make comments, suggestions, and feedback before submitting this report to NCDOT. All comments were taken into account when providing NCDOT with this Local Coordinated Plan document.

Wave Transit will continue to provide our local organizations and agencies with all updates regarding this Local Coordinated Plan as it relates to specified FTA grants (5310, 5316, 5317).

Guide to the Local Coordinated Planning Process

Getting Started

Coordination of public/private transit and human service transportation is vital in stretching transportation dollars and maximizing services for persons with disabilities, older adults and individuals with low incomes.

Effective in 2008, the Federal Transit Administration is requiring a coordinated plan of local transit services in order to apply for funds from the Elderly and Disabled Individuals Transportation Program (FTA Section 5310), Job Access and Reverse Commute Program (FTA Section 5316) and New Freedom Program (FTA Section 5317).

The first step in coordination of services is the development of a locally coordinated public transit-human service transportation plan that identifies transportation needs, provides strategies for meeting local needs and prioritizes transportation services for funding and implementation.

A coordinated plan must be developed through a process that includes representatives of public, private and nonprofit transportation and human service transportation providers as well as members of the public. This document provides a **five-step approach** that will provide guidance in the development of a locally developed coordinated plan.

Important: The planning process should be thoroughly documented from start to finish.

Documenting the planning process will help to eliminate questions and confusion, be evidence of your coordination efforts and help in the creation of a written locally developed coordinated plan. Document all the activities, results and important decisions made throughout the planning process.

Step 1 – Identify the Lead Agency

Reference: Transportation Services Coordination Plan

The agency that will take the lead in the planning process could be any one of the following:

 Regional planning organization (rural planning organization, metropolitan planning organization, council of government)

 Local transit system(s)

 Community or municipality in the region

 Professional consulting firm

The Public Transportation Division supports efforts that result in regional coordination of planning activities and service delivery and, to that end, it is recommended that a rural planning organization or metropolitan planning organization, where willing and able, take the lead in the coordinated planning effort or, at a minimum, work with a consulting firm or other qualified persons in carrying out these activities.

Note: Financial assistance is available through the Public Transportation Division to facilitate the effective and efficient development of an approved locally developed public transportation human services coordinated plan.

Roles and Responsibilities of the Lead Agency

 Provide overall **guidance** and **structure** to the process

 Provide a **process** for local coordinated plan adoption in consultation with participants

 Provide **written documentation** of the results of local coordinated planning process -The Plan

Provide and **execute a strategy** for approval of The Plan.

Step 2 - Convene the Steering Committee

Assemble a **small** number of people to help organize a coordinated planning workshop. This group will meet two or three times before the event. This committee, at a minimum, should consist of a representative from the following categories:

- Transportation partners (local and regional)
- Passengers
- Advocacy groups
- Human service providers
- Private providers
- Other interested groups

Roles and Responsibilities of the Steering Committee

- Determine the date, time and location of the local planning workshop(s)
- Determine who the stakeholders are and send invitations
- Determine who will facilitate the meeting(s)
- Design the agenda and make logistical decisions
- Provide guidance in how to navigate tricky or contentious issues
- Assist on the day of the workshop
- Draft a Coordinated Public Transit-Human Service Transportation Plan and determine a process for adoption

Steering Committee Task #1

Select a date and time to hold the workshop. Determine a suitable location and facility for the workshop.

Location considerations:

- Adequate parking
- On or near bus lines
- Whiteboard or overhead projector
- Can accommodate service animals
- Meets all ADA facility requirements

Important: You may need to hold more than one workshop depending on the size of the planning area and attendance at the first workshop, or use other strategies to gather input. Strong consideration should be given to holding at least one workshop in each county of a multiple-county area.

Steering Committee Task #2

Determine local groups and individuals who should be invited to participate in the local coordinated planning workshop. See the suggested list in Appendix B.

- Decide the right person in each group to contact
- Determine who will make the contact
- Gather contact information and send invitations

Ask organizations to extend the invitation to participate in the local coordinated planning process to local interested or affected groups and persons. Many organizations will have a membership list or a list-serve that they use to get the information out.

Important: The invitation should be extended to a comprehensive, diverse population from all geographical areas of the planning area and should include retirees, workers, minorities, the aged, the disabled, those with limited English proficiency, and private transportation providers.

Ask invitees to RSVP to make planning for the workshop easier. After the RSVP deadline, assess responses or level of interest. If interest or participation in the **community planning** approach to public involvement seems “light” or “one-sided,” consider a change of venue or date, or add other public involvement techniques to improve participation such as:

- Focus groups
- Survey(s) (i.e., *Framework for Action*)
- Detailed study analysis

Steering Committee Task #3

Determine who will facilitate the workshop(s). Managing the meeting process and the flow of paper requires a facilitator and one or two assistants, none of whom is participating in the planning process. The facilitator will keep the group on track, guide the conversation, and not participate in the assessment. The facilitator can be a professional or a person from the community with experience guiding group work. Ask the community college, United Way, chamber of commerce, agricultural extension office or local mediation center to refer you to professionals or persons in your area with this skill. Before the workshop, the facilitator should learn about transportation and coordination.

Steering Committee Task #4

Determine whether the planning workshop will be one long meeting or two shorter meetings. In addition, the committee needs to decide how to collect data about existing services and resources. A sample agenda for a one-meeting process is included in Step 5. It will be helpful to distribute the sample agenda as a starting point. Once the agenda is set, the committee can decide how to set up the meeting space, make lists of supplies and assign responsibilities to committee members and staff.

Step 3 – Prepare for the Coordinated Planning Workshop

Reference: *The Framework for Action Facilitator’s Guide*

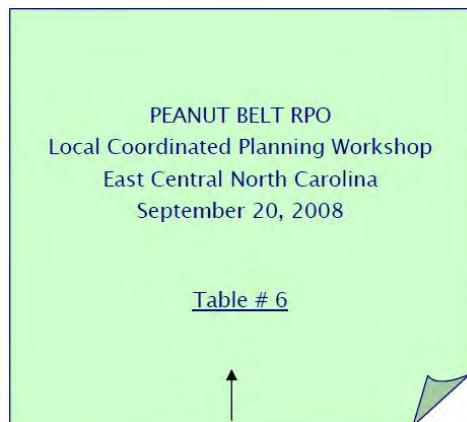
<http://www.unitedwe ride.gov/FFA-Communities.pdf>

Suggested Resource Checklist:

- Flip charts (at least one for each table)
- Magic markers (at least two different colors)
- Peel-and-stick dots - two colors (five of each color for each participant)
- Masking tape
- Maps – showing the planning area
- Transit service area maps
- Fixed route schedules and maps
- RPO or MPO planning area maps
- GIS, statistical or census data
- Survey available transportation services (send to attendees in advance)
- Briefs of the New Freedom and JARC Federal Circulars (send to attendees in advance and have copies in packets)
- Table tents with a number for each table
- Sufficient copies of the *Framework for Action* survey, if desired
- Extra pencils and some paper for notes (a couple of legal pads)
- Snacks at the workshop
- A strategy to incorporate late arrivers into the process
- Directions to workshop location posted on Web site
- Blank name tags

Note: If you are having more than one workshop, make sure you have adequate supplies for each.

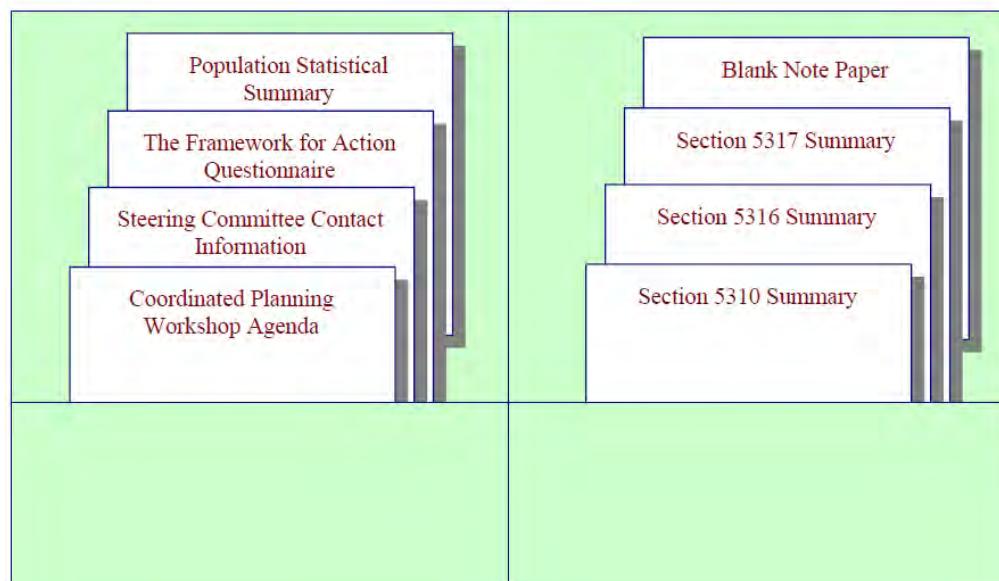
Prepare a packet of information for each participant. Make table assignments prior to the beginning of the workshop to ensure that each table has representatives from a variety of areas to facilitate an exchange of ideas during the planning process.



Place each participant's assigned table number on packet cover

Left Side of Folder

Right Side of Folder



The packet might include such statistical information for the service area as:

- Number and percentage of elderly
- Number and percentage of persons with disabilities
- Map location of elderly and/or low-income households
- Map location of large employers and/or business parks
- Map location of registered vehicles or households with zero vehicles
- Number and percentage of registered vehicles
- Number of households with zero or no vehicles

- Out-of-county travel patterns of workers to jobs
- Number and percentage of lost employment due to lack of transportation

Create a sign-in sheet for each meeting of the steering committee, the planning workshop(s) and any follow-up meetings. Attendance records should be included in the final coordinated plan.

Sample SIGN-IN SHEET					
Complete Shaded Area Below					
Table Assignment	Example Name	Signature	Organization	E-mail Address	Phone (include area code)
2	Otis Olderman				
4	Ann Ableson				
1	Barbie Busman				
3	William Worker				
1	Rita P. Rider				
6	Steve Student				

Important: Arrive at the workshop location at least 45 minutes prior to the published start time.

Locate bathrooms

Put up directions/signs, if needed

Set up sign-in table and participant tables

Set up snacks

Step 4 - Conduct Local Coordinated Planning Workshop(s)

Sample Agenda for one-day workshop

Agenda Items		Approximate Time Allocation
Sign-In Registration	30	8:30 – 9:00
Pass out information packets and table assignments		
Welcome & Overview		9:00-9:45
Overview	2	
Purpose of Workshop	3	
Introduction of Participants	15	
Brief Overview of Federal Circulars	10	
Intended Outcome of the Coordinated Planning Workshop	5	
Establish Ground Rules for Workshop	5	
Describe the Coordinated Planning Process	5	
Coordination Planning		
Review/Create inventory of services	30	9:45-10:15
Break	15	10:15-10:30
Table discussion of transportation needs of the target population(s)	45	10:30-11:15
Report results of table discussion	30	11:15-11:45
Lunch Break ²	75	11:45-1:00
Determine priority needs – Dot Exercise	30	1:00-1:30
Review Eligible Activities from Circulars	20	1:30-1:50
Create service strategies by priority	50	1:50-2:50
Wrap up and next steps	10	2:50-3:00

1 Have each table to choose a scribe (note taker) and someone to report out for the group.

2 Steering Committee should work over lunch break to consolidate duplicated reports and prepare a clean list of transportation needs that resulted from the table discussions.

3 Participants should be given a total of 10 “peel and stick” dots (e.g., five red and five blue) to place beside their 10 top priorities, but should be asked to not place more than ___ stickers on any one item.

Ground Rules

TIME IS LIMITED – (*MUST LISTEN AND RESPECT OTHERS*)

EVERYONE IS EXPECTED TO PARTICIPATE

AVOID SIDE CONVERSATIONS

ESTABLISHED OUTCOMES

NO NEGATIVE COMMENTS

EVERYONE IS EQUAL

FOCUSED COMMENTS

OPEN TO SUGGESTION

SHARE INFORMATION GAINED FROM TABLE SESSION

REACH CONCEPTUAL CONSENSUS *

MEMBERS WILL SUPPORT THE DECISION OF THE GROUP

Consensus – when everyone is “comfortable” with the decision

Participants should ask themselves:

Can I live with this position?

Am I comfortable with this course of action?

Can I support the choice?

Step 5 – Draft a Coordinated Public Transit-Human Service Transportation Plan

Projects competitively selected for New Freedom or JARC funding shall be derived from a locally developed, coordinated public transit-human services transportation plan (“coordinated plan”). The written record of the activities and decisions made at the planning workshop with the stakeholders is the basis of the coordinated plan. The length of the plan depends on the length of the planning process and the complexity of the results.

The coordinated plan will minimally include the following elements:

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

An assessment of **transportation needs** for individuals with disabilities, older adults and people with low incomes. This assessment can be based on the experiences and perceptions of the planning partners or on more sophisticated data collection efforts and gaps in service.

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

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

Applicants for New Freedom and JARC grants will have to document the plan from which each project is derived, including the lead agency, the date of adoption of the plan, or other identifying information. Dividing the plan into sections with numbered pages will make it much easier for applicants to fulfill this requirement.

An individual or a team of individuals selected by the lead agency in consultation with the Steering Committee should draft the coordinated plan after the planning process is completed. The Steering Committee under the guidance of the lead agency should review and approve the draft before it is made public.

Step 6 – Adopt the Plan

As a part of the local coordinated planning process, the lead agency in consultation with the steering committee and participants should determine the process of officially adopting the coordinated plan. The process of adopting the plan should include public involvement elements. The date the coordinated plan is adopted should be displayed prominently on the final draft of the plan.

APPENDIX A

Proposed Timeline of Major Activities for Sections 5310, 5316 and Section 5317

Prior to Application Deadline

Transit System:

- Hold local coordinated plan activities
- Develop locally adopted coordinated plan

Call-For-Projects – (By December 31, 2008)

Transit System:

- Complete and submit application per instruction posted on the NCDOT Public Transportation Division Website

After Call- For-Projects – (January 1, 2009- June 30, 2009)

Competitive Selection Committee:

- Review applications and make funding recommendation
- Prepare

APPENDIX B

PARTICIPANTS IN THE PLANNING PROCESS

Consideration should be given to including groups and organizations such as the following in the coordinated planning process, if present in the community:

Transportation Partners

- Area transportation planning agencies, including rural planning organizations, metropolitan planning organizations, councils of government, regional councils, associations of governments, local governments and NCDOT;
- Public transportation providers (including Americans with Disabilities Act (ADA) paratransit providers and agencies administering the projects funded under FTA urbanized and nonurbanized programs);
- Private transportation providers, including private transportation brokers, taxi operators, vanpool providers, school transportation operators and intercity bus operators;
- Nonprofit transportation providers;
- Past or current organizations funded under the JARC, Section 5310, and/or New Freedom programs; and
- Human service agencies funding, operating and/or providing access to transportation services.

Passengers and Advocates

- Existing and potential riders, including both general and targeted population passengers (individuals with disabilities, older adults and people with low incomes);
- Protection and advocacy organizations;
- Independent living centers; and
- Advocacy organizations working on behalf of targeted populations.

Human Service Partners

- Agencies that administer health, employment or other support programs for targeted populations. Examples of such agencies include, but are not limited to, departments of social/human services, employment one-stop services; vocational rehabilitation, Workforce Investment board, Medicaid, community action programs , agency on aging, developmental disability council, community services board;
- Nonprofit human service provider organizations that serve the targeted populations;
- Job training and placement agencies;
- Housing agencies;
- Health care facilities; and
- Mental health agencies.

Others

- Security and emergency management agencies;
- Tribes and tribal representatives;
- Economic development organizations;
- Faith-based and community-based organizations;
- Representatives of the business community (e.g., employers);
- Appropriate local or state officials and elected officials;
- School districts; and
- Policy analysts or experts.

APPENDIX C

Links to Sample Coordinated Plans and Other Resources

COORDINATED PLANS

- Statewide Executive Summary of the South Carolina Regional Human Services Transportation Coordination Plans
- Lower Savannah Regional Human Services Transportation Coordination Plan
- Waccamaw Regional Human Services Transportation Coordination Plan
- Coordinated Human Services Transportation Plan for the Southeastern Massachusetts Metropolitan Planning Organization

RESOURCES

- Rural Transit Assistance Program
- Transportation Services Coordination Plan
- Framework for Action
- Building the Fully Coordinated Transportation System
 - A Self Assessment Tool for Communities
 - Facilitator's Guide
 - Contact: Jo Ann Hutchinson, Coordination Ambassador for FTA Region 4

hutchinson@ctaa.org

Telephone: (202) 415 9699 Toll-free: (800) 891 0590, ext. 730

APPENDIX E - PROGRAM OF PROJECTS FORM



Section 5310 Program of Projects

Designated Recipient

Federal Allocation Year

ETA Funds Available

Total Subrecipients

Type _____ Large Urban _____

APPENDIX F - GLOSSARY OF ACRONYMS

5333(b) Warranty	Labor Related Non-competition Agreement
ADA	Americans with Disabilities Act
Authority	Cape Fear Public Transportation Authority
BOT	Board of Transportation
CAA	Clean Air Act
CFR	Code of Federal Regulations
CTP	Community Transportation Program
CTSP	Community Transportation Service Plan
DBE	Disadvantaged Business Enterprise
EDTAP	Elderly and Disabled Transportation Assistance Program
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
HHS	Health and Human Services
HUB	Historically Underutilized Business
LCP	Local Coordinated Plan
MAP-21	Moving Ahead for Progress in the Twenty First Century
MBE	Minority Business Enterprise
MTIP	Metropolitan Transportation Improvement Program
NCDOT	North Carolina Department of Transportation
NTI	National Transportation Institute
OMB	Office of Management and Budget
OPSTATS	Operating Statistics
PMP	Program Management Plan
PTD	NCDOT Public Transportation Division
RFP	Request for Proposals
RGP	Rural General Public
ROAP	Rural Operating Assistance Program
RTAP	Rural Transportation Assistance Program
SAFTEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
Section 5307	49 USC Section 5307
Section 5310	49 USC Section 5310
SMP	State Management Plan
STIP	State Transportation Improvement Program
TIP	Transportation Improvement Program
TDP	Transportation Development Plan
TEAM	FTA Transportation Electronic Award and Management
TMA	Transportation Management Area
USC	United States Code
USDOT	United States Department of Transportation
UPTAS	Uniform Public Transportation Accounting System
UZA	Urbanized Area
Wave or Wave Transit	Registered DBA of Cape Fear Public Transportation Authority
WBE	Woman Business Enterprise
WMPO	Wilmington Metropolitan Planning Organization