

1a

5310 State Management Plan

**WEST VIRGINIA
SECTION 5310 ELDERLY INDIVIDUALS AND
INDIVIDUALS WITH DISABILITIES PROGRAM**

**STATE
MANAGEMENT
PLAN**

**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF PUBLIC TRANSIT**

Building 5, Room 906
1900 Kanawha Boulevard, East
Charleston, WV 25305-0432
Phone: 305-558-0428
FAX: 304-558-0174
TDD: 1-800-742-6991

Revised March, 2010

TABLE OF CONTENTS

	Page Number
A. Program Goals and Objectives	1
B. Roles and Responsibilities	2
C. Coordination	4
D. Eligible Subrecipients	5
E. Local Share and Local Funding Requirements	8
F. Project Selection Criteria and Method of Distributing Funds	9
G. Annual Program of Projects Development and Approval Process	10
H. State Administration, Planning and Technical Assistance	12
I. Transfer of Funds	13
J. Private Sector Participation	14
K. Civil Rights	15
L. Section 504 and ADA Reporting	16
M. Program Measures	17
N. State Program Management	18
O. Other Provisions	21
Appendix A – Application Packet	
Appendix B – Project Guide	
Appendix C – On Site Review Form	

A. PROGRAM GOALS AND OBJECTIVES

The goal of the West Virginia Department of Transportation, Division of Public Transit's Section 5310 Program is to purchase equipment for agencies serving elderly persons and persons with disabilities in the most cost effective manner, given the available resources. This equipment is to meet the special transportation needs and improve mobility for elderly individuals and individuals with disabilities throughout the state including urbanized, small urban and rural areas. This program requires coordination with other federally assisted programs and services in order to make the most efficient use of Federal resources.

As funding allows, the Section 5310 Program will provide funding of mobility manager projects and contracted services projects where during the locally developed public transit-human services coordination plans or updates a need is determined.

The objectives of the State of West Virginia's Section 5310 Program are to:

- ◆ make sure that equipment purchased with Section 5310 funds meets the needs of the passengers and complies with all federal regulations;
- ◆ make driver training and safety an intricate part of the Section 5310 Program; and
- ◆ give priority to the purchase of vehicles and communication equipment.

The Division of Public Transit participates in the West Virginia Department of Transportation's Public Involvement Process. All of the Division's projects are listed in the STIP and put out for public comment and input. Projects in the metropolitan areas are included in the local metropolitan planning organization's TIP. All approved applicants must have participated in the development and updates of locally developed public transit-human services coordination plans.

All Section 5310 applicants are required, as part of the application process, to receive a Positive Intergovernmental Review from their local planning and development council or metropolitan planning organization. During this process, the planning agencies notify all local elected officials of the proposed projects and request their sign-off. No applicant is funded without a positive local intergovernmental review.

The Director of the Division of Public Transit attends all state level legislative budget hearings regarding the Department of Transportation and provides information regarding the Division of Public Transit's accomplishments and budget requests. A budget hearing is held for both the House of Delegates and the Senate.

B. ROLES AND RESPONSIBILITIES

The Division of Public Transit was created under Chapter 17, Article 16C of the West Virginia State Code. This section designates the Division as the state agency responsible for administering all federal and state programs relating to public transit. The Division is under the supervision of the Secretary of Transportation.

Under §17-16C-3, the Division has the power to:

- (a) Assist in the development of improved public transportation facilities, services, equipment, techniques and methods, with the cooperation of transportation carriers, both public and private;
- (b) Enhance the mobility of all residents of the state, particularly those who by age, income or physical limitation experience serious transportation disadvantages;
- (c) Manage publicly funded transportation resources in a cost-effective manner and endeavor to achieve an increased ridership with available resources;
- (d) Establish a system to adequately coordinate and distribute publicly funded transportation services within the state, including, but not limited to, transportation services for senior citizens, for participants in head start programs, for disabled citizens and for private nonprofit organizations and to establish a pilot project or projects as an initial part of implementing a system of coordination and distribution;
- (e) Maintain a cooperative working relationship with public and private transportation providers, private nonprofit organizations, local planning and development councils, other state agencies and the federal government;
- (f) Coordinate and assist various public and private transportation entities in strengthening their development and operation of public transportation facilities and services;
- (g) Coordinate with other states and the federal government the planning, construction, operation and maintenance of public transportation facilities in the state having an interstate impact;
- (h) Acquire, plan, hold, construct, improve, maintain and operate, own or lease, either in the capacity of lessor or lessee, all facilities necessary or incidental thereto for the operation of public transportation systems in the state;
- (i) Apply for and receive from the federal government or from any other person, corporation, association or other entity, any grants in aid or gifts to be used for public transportation related purposes;

- (j) Provide financial assistance to local transportation agencies to the extent authorized by the Legislature and federal grants: *Provided*, That no county or local government may reduce the level of funding for transportation services in place upon the effective date of this section and be eligible to receive financial assistance pursuant to this section;
- (k) Enter into contracts with other agencies of the state, other public bodies, private firms or individuals to provide technical services or public transportation related services;
- (l) Exercise or perform any power, duty, responsibility or function in carrying out public transportation related activities, which are essential to the completion of the projects;
- (m) Insure local matching funds with state or local money, or both, for federal assistance projects; and
- (n) Implement rules necessary to accomplish its assigned duties.

The Division of Public Transit participates in the West Virginia Department of Transportation's Public Involvement Process. All of the Division's projects are listed in the STIP and put out for public comment and input. Projects in the metropolitan areas are included in the local metropolitan planning organization's TIP.

C. COORDINATION

The Division funds only one agency, per county, that provides transportation services for a particular client group. These local agencies meet and come to an agreement on which one will apply for a Section 5310 vehicle. The agreed upon agency becomes the permanent Section 5310 applicant for that client group. The Division will not consider any application from an area that has not met this requirement.

Under §17-16C-3(d) of the State Code, the Division has the power to establish a system to adequately coordinate and distribute publicly funded transportation services within the state, including, but not limited to, transportation services for senior citizens, for participants in head start programs, for disabled citizens and for private nonprofit organizations.

Section 5310 applicants for expansion vehicles are also required to contact all other transit providers in their proposed service area, regardless of funding source, through the sign-off process.

The Division confers with these agencies to ensure that they can not provide the proposed service. Because ADA greatly expands the responsibilities of public transit providers, restrictions have been placed on applicants in areas where public transit agencies operate.

To assist agencies in locating transportation providers, the Division publishes a biennial listing of the states known transit providers. The listing, however, does not relieve the applying agencies from locating other providers on their own.

The Director of the Division of Public Transit serves as Chair of the West Virginia Transportation Coordinating Council. The council has members from the Bureau of Medical Services; DHHR; Workforce WV; two transit authority managers (one rural and one urban); a taxi operator; a general public representative; two senior citizen representatives; Bureau for Public Health; State ADA Coordinator; DHHR/ Division of Family Assistance; WV Mental Health Consumer's Association; public transportation consumers with disabilities advocate; WV Dept of Education; and Bureau of Senior Services. The council's mission is to coordinate transportation services, eliminate waste and overlap caused by duplicated agency efforts, and eliminate service gaps to enhance citizen's access to all available transportation resources.

The Director of the Division of Public Transit attends meetings hosted by various advocacy groups such as Fairshakes (an advocacy group for disabled persons); WV Wheels (welfare to work program); Rural Health Access Group; Gateways (advocacy group looking to provide better transportation services for the disabled); etc.

The Division of Public Transit contracted with regional planning and development councils and metropolitan planning organizations to facilitate the development of locally developed public transit-human services coordination plans across the state. The Division provided these planning agencies with a coordination template that was utilized in developing the plans.

All applying agencies are required to participate in the development and updates of the locally developed public transit-human services coordination plans. Date and locations of an agency's participation is required in the application packet and is verified by the Division of Public Transit.

Funds from the Section 5310 Program, New Freedom and JARC can be coordinated through the locally developed public transit-human services coordination plans.

D. ELIGIBLE SUBRECIPIENTS

Any private nonprofit organization that desires to provide transportation services for elderly persons and persons with disabilities are eligible to apply for funds. Private and nonprofit organizations are defined in the following manner:

PRIVATE - non-public, to wit: bodies, which are not municipalities or other political subdivisions of states; are not public agencies or instrumentalities of one or more states; are not Indian tribes (except private nonprofits that are formed by Indian tribes); are not public corporations, boards or commissions established under the laws of any state; or are not subject to control by public authority, state or municipal.

NONPROFIT ORGANIZATION - a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. Section 501(c), which is exempt from taxation under 26 U.S.C. Section 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.

With the expansion of responsibilities of public transit providers under ADA, the Division of Public Transit is not accepting any applications for the expansion of services in counties across the state that currently have a public transit provider.

One exception is that new applications from the urbanized areas will be considered, provided the Metropolitan Planning Organization has established a transportation coordination process and endorses the application.

Due to limited funds, any previous applicant that has been funded by the last two grants, must set out at least one funding cycle. If additional funding becomes available, this policy may be changed at the discretion of the Director of the Division of Public Transit.

Given the various funding sources available to private nonprofit hospitals and nursing homes, the state has determined that these agencies will not be considered for funding under the Section 5310 Program.

In order for a vehicle to be considered for replacement, the vehicle must have at least 100,000 miles on it at time of application. Agencies that have vehicles with low mileage that are aged (For Example: 48,000 miles on a 10 year old van.) are notified that it is unlikely that they will receive additional funding from the Section 5310 Program due to lack of usage.

Section 5310 funds may also go to **PUBLIC BODIES** that certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service; and public bodies approved by the state to coordinate services for elderly persons and persons with disabilities. Local public bodies eligible to apply for Section 5310 funds as coordinators of services for elderly persons and persons with disabilities are those designated by the state to coordinate human service activities in a particular area.

Examples of such eligible public bodies are a county agency on aging or a public transit provider which the state has identified as the lead agency to coordinate transportation service funded by multiple Federal or state human service programs.

All public body applicants must afford an adequate opportunity for a public hearing regarding their proposed service plan. Such hearings must be held if someone with a significant economic, social, or environmental interest in the matter requests a hearing.

Public bodies certifying that there are no nonprofit organizations readily available in an area to provide Section 5310 service must demonstrate through a survey and a written plan that all avenues have been exhausted in trying to locate a readily available nonprofit organization. Approval to apply for a Section 5310 vehicle would have to be given prior to the grant application cycle.

Public bodies requesting designation from the state as the coordinator of services for elderly persons and persons with disabilities must agree to:

- ◆ Sign the state's non-negotiable standard Section 5310 project grant agreement;
- ◆ Abide by the reporting requirements and be subject to the Section 5310 late or incomplete/incorrect reporting penalty system;
- ◆ Dispose of the vehicle in accordance with the Division's procedures;
- ◆ Obtain the vehicle through the Division;
- ◆ Be responsible for the successful completion of the project; and
- ◆ Submit an operation plan addressing the following:
 - The designation of a facilitator or coordinator of the plan at the local level. An MPO or a local planning and development council could serve in this capacity or the public body can suggest a facilitator that all parties have agreed to;
 - Address the affects the proposed plan will have on ADA requirements of the public body;
 - Indicate the level of coordination - Does the plan include central dispatching, pooled maintenance, etc.?
 - Indicate the agency(ies) responsible for the operation of the vehicle;
 - Will all vehicles carry the same system name or will individual identities be maintained?;
 - List of providers included and not included in the plan with an explanation as to why an agency has chosen not to be part of the plan;

- Is the coordination effort only for FTA funded projects?
How will other transportation funding sources be considered in the plan?;
- The written agreement reached by all parties;
- Ongoing coordination process to assess the level of service and how to meet any unmet needs of elderly persons and persons with disabilities;
- Involvement of private providers;
- Early planning notification to all transit providers; and
- Will the vehicle be limited to a particular client group and/or a geographic area?

Approval to apply for a Section 5310 vehicle will have to be given prior to the grant application cycle. Additionally, an application submitted by a coordinating public body will not be given a higher funding priority.

A public body is subject to all of the State of West Virginia Section 5310 requirements. The Director of the Division of Public Transit reserves the right to waive or change any requirements or policies relating to public bodies that would best serve the interests of the state and/or the program.

E. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS

The State of West Virginia provides no matching funds for the Section 5310 Program. All matching funds are provided by the local recipients from non-federal sources or allowable federal sources.

F. PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS

The Division of Public Transit scores applications on the basis of need, vehicle utilization, coordination efforts, fiscal and managerial capabilities and operating plan. Past recipients reporting performance is taken into consideration in any funding request. Points are deducted from applicants for late or incomplete/incorrect monthly reports. This system is explained in the application and the Project Guide.

Currently, the Division is providing funding for vehicles that are in compliance with ADA and communication systems. As more and more ADA vehicles are placed in service, the Division anticipates that this requirement will be relaxed.

Each spring, all former and present Section 5310 recipients, known paratransit agencies, regional planning and development councils, as well as, metropolitan planning commissions are contacted notifying them of the upcoming Section 5310 grant cycle. The Division also keeps an ongoing file of agencies that request notification of the next funding cycle.

In an effort to make the Section 5310 Program widely known throughout the state, the Division has made presentations on the program to the state's aging directors, community mental health agencies, the Governor's Task Force on the Homeless, Welfare to Work groups, rehabilitation agencies and independent living centers.

The Director of the Division of Public Transit serves as Chair of the West Virginia Transportation Coordinating Council. The council's mission is to coordinate transportation services, eliminate waste and overlap caused by duplicated agency efforts, and eliminate service gaps to enhance citizen's access to all available transportation resources.

Some minority populations are located in areas with little or no transportation services. These areas are strongly encouraged to apply for funding. The Division works with these agencies to ensure that they meet all of the program requirements.

These outreach efforts assist the Division in ensuring that there is equity in the distribution of benefits among groups within the state, as required by Title VI. The annual program of projects includes a variety of agencies from a wide geographic area.

The Division of Public Transit contracted with regional planning and development councils and metropolitan planning organizations to facilitate the development of locally developed public transit-human services coordination plans across the state. The Division provided these planning agencies with a coordination template that was utilized in developing the plans.

All developed plans were reviewed by the Division of Public Transit to insure that stakeholders, including individuals with disabilities and older adults utilizing transportation services, were included in the process.

Applications received from applying agencies are reviewed by the Division of Public Transit to verify that the agency did participate in the development or update of the locally developed public transit-human services coordination plan.

As funding allows, the Section 5310 Program will provide funding of mobility manager projects and contracted services projects where during the locally developed public transit-human services coordination plans or updates a need is determined.

G. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS

All paratransit agencies across the state are notified of the availability of application packets. A workshop is held annually. The application packet is reviewed and the application process is explained to all workshop participants. Agencies unable to attend the workshop are mailed a copy of the application packet on the release date.

The application packet is released in June. Agencies have from June until October to complete the process. The application packet contains all of the information needed to complete the application. A timetable is shown under Section D of the application packet for the agency to follow. A copy of the application packet is located in Appendix A.

The application packet was developed to be a basic fill in the blank application making it easier for agencies to apply for funding. The application packet is available in both hardcopy and electronic format. The uniformity of the applications aids in their scoring. Instructions for agencies to follow regarding all aspects of the application are included in the packet. All agencies are encouraged to call if they have questions.

Agencies are advised to do the following steps:

- ◆ Review the application packet to determine if the Section 5310 Program can assist in meeting their transportation needs.
- ◆ Review their current equipment and determine the appropriate type of equipment to request with their Section 5310 Application.
- ◆ Contact their local planning and development council or metropolitan planning commission, as well as, local and state governmental agencies necessary to fulfill all planning and state application requirements.
- ◆ Participate in the development and updates of locally developed public transit-human services coordination plans.
- ◆ Assure that all transportation providers, regardless of funding source, in their area have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of the proposed expansion of transportation services.
- ◆ Have the completed application reviewed by their local planning and development council or metropolitan planning commission on the basis of the proposed service funding, suitability, and need; and
- ◆ Submit their completed application to the Division of Public Transit by the deadline.

Once an agency has submitted their application to the Division of Public Transit, it is reviewed for completeness and scored. If any documentation is missing, agencies will be given an opportunity to submit the omitted documents. Two points are deducted for each piece of missing information.

Applications received after the deadline, are considered for funding only after all other on-time requests have been met. The Division is not responsible for any late, lost or misdirected mail. Missing documentation does not include sign-offs from other transit providers or a positive Local Intergovernmental Review from the agency's local planning and development council or metropolitan planning commission which must be submitted with the application.

Applications received from applying agencies are reviewed by the Division of Public Transit to verify that the agency did participate in the development or update of the locally developed public transit-human services coordination plan.

Applications are scored on the basis of need, vehicle utilization, coordination efforts, fiscal and managerial capabilities, and operating plan. Past recipients reporting performance is considered. Penalties for late or incomplete/incorrect reporting are shown in the application packet as well as in the Section 5310 Project Guide. A copy of the Project Guide is located in Appendix B.

Application scores are then ranked from highest to lowest. Agencies receiving the highest scores are included in the state's consolidated application submitted to the Federal Transit Administration. Agencies are approved, based on high scores, until the state's Section 5310 allocation runs out.

As funding allows, the Section 5310 Program will provide funding of mobility manager projects and contracted services projects where during the locally developed public transit-human services coordination plans or updates a need is determined.

H. STATE ADMINISTRATION, PLANNING AND TECHNICAL ASSISTANCE

The Division of Public Transit utilizes state administrative funds to provide general administrative and overhead costs, staff salaries, office supplies, development of specifications for vehicles and equipment, on line inspections of vehicles as they are being built, and cost of storage required while vehicle is being finalized for pick up by approved applicant.

The Division also provides funding for the training of all drivers of Section 5310 vehicles in Passenger Service and Safety (PASS). ADA requires that all drivers be trained in the safe and proper ways to transport disabled persons. This nationally recognized program teaches the safe and proper ways of transporting people.

The Division provides all Section 5310 agencies with a copy of the Operation Lifesaver Highway-Rail Grade Crossing Awareness/Training kit. This is a railroad safety training program. From time to time, the Division offers additional training courses such as dispatching, emergency evacuation, wheelchair securement, customer services, and other areas aimed at improving the services provided by the agencies.

Safety Planning Information Directed to Effective Response (SPIDER) was developed by the Division. The manual was developed specifically for West Virginia's transit providers to assist them with ensuring the safety and security of their operations, with an emphasis on emergency preparedness. A copy of the plan, as well as training, is provided to all interested Section 5310 recipients. SPIDER provides the agency with everything needed to develop an on-going, comprehensive safety and security program.

Annually, a maintenance workshop is held in several locations across the state. Section 5310 recipients are invited to attend. Training is provided by vehicle manufacturers and add on equipment suppliers on the correct way to operate and maintain the equipment. This includes training by Ford, Detroit Diesel, Champion, lift manufacturers, A/C manufacturers, tie-down manufacturer's etc.

The Division of Public Transit contracts with regional planning and development councils and metropolitan planning organizations to facilitate the development and updating of locally developed public transit-human services coordination plans across the state. The Division provided these planning agencies with a coordination template that was utilized in developing the plans.

I. TRANSFER OF FUNDS

To date, no surplus Section 5310 funds have been available, that could be transferred to other Federal Transit Administration Programs. Should funds be available for transfer, the Division would apportion an apportionment under Section 5311(c) or 5307, or both.

Transferred funds must be used for eligible Section 5310 projects. The Division can make a transfer to Section 5307 only after coordinating with private non-profit providers of services under Section 5310.

J. PRIVATE SECTOR PARTICIPATION

Each year, on behalf of the Section 5310 applicants, the Division publishes an early planning notification. The Division does this to ensure that each applicant meets the requirement.

Public and private providers of transit and paratransit services; regional, county and local governments; citizen and consumer groups or individuals, including minorities, the economically disadvantaged, persons with disabilities; and labor organizations are given a fair and timely opportunity to participate in the development of all proposed expanded transportation service.

Public, private, and paratransit operators are offered a chance to participate to the maximum extent feasible in the development of the transportation program, in the provision of any expanded special transportation services for elderly persons and persons with disabilities and are afforded an opportunity to provide the same type of service that is proposed in an agency's Section 5310 application. This is accomplished through the sign-off process for expansion vehicles.

When requesting expansion vehicles, all public, private and paratransit operators in an agency's proposed service area must be sent a sign-off form by registered mail. The registered mail receipts must be included in an agency's application packet. Each provider has 30 days to respond to the request. Failure of an agency to reply to the request is considered to be a "no" objection to the proposed transportation service.

Each sign-off form requests that any organization making an objection, requesting any restriction or having an interest in providing or participating in the coordination of the proposed service, send a copy of their sign-off to the Division of Public Transit.

Once the Division receives a sign-off form, the applying agency is contacted. Their responsibilities are explained and they are referred to the "How To Resolve Objections" Section of the application packet. The "How to Resolve Objections" material is made available to private providers at their request.

Section 5310 applications are not accepted unless all objections to the application have been resolved by the application deadline or an agency has requested that the "Special Transit Advisory Committee (STAC)" be convened.

The Division forms the STAC when a dispute or objection to a proposed project can not be resolved at the local level. STAC is composed of members who will be representatives of the following groups: public transit, private transit, paratransit, a governmental agency representative and a consumer.

To assist agencies in locating transportation providers, the Division publishes a biennial listing of the states known transit providers. The listing, however, does not relieve the applying agencies from locating other providers on their own.

K. CIVIL RIGHTS

Agencies are made aware of their responsibilities under Title VI, EEO, DBE, ADA and Section 504 through the certifications required as part of the application process. These requirements are also brought to the attention of potential applicants at the yearly Section 5310 Workshop. Additionally, the Section 5310 project grant agreement, signed when equipment is received by approved applicants, contains clauses concerning these requirements.

Any complaints received by the Division concerning discrimination are promptly investigated. The Division works with the individual parties involved in the dispute to find a solution. The Division maintains on file a record of all complaints alleging discrimination. The file includes a statement as to the outcome/resolution of each complaint.

During on site visits with agencies that have equipment funded by Section 5310 funds, discussions are held with agency personnel to insure their continued compliance with applicable requirements. The major federal funding agency for any recipient has the primary responsibility of oversight for these requirements.

The Division maintains and submits, as needed, the required one-time submission regarding all of the requirements. The Division assists with ADA compliance by purchasing ADA accessible vehicles for all approved agencies and funding a driver training program that meets ADA requirements.

Some minority populations are located in areas with little or no transportation services. These areas are strongly encouraged to apply for funding. The Division works with these agencies to ensure that they meet all of the program requirements.

These outreach efforts assist the Division in ensuring that there is equity in the distribution of benefits among groups within the state, as required by Title VI. The annual program of projects includes a variety of agencies from a wide geographic area.

L. SECTION 504 AND ADA REPORTING

Each applicant is required to describe how persons with disabilities (persons who use wheelchairs, have visual impairments, hearing impairments, communication disabilities, etc.) are able to access transportation services. They are also asked if they have ever received a request from an individual with disabilities and how it was handled.

It is stressed in the application packet, at the Section 5310 Annual Workshop, in the Section 5310 project grant agreement, and in the Project Guide that recipients must fully comply with 504 and ADA. All Section 5310 recipients operate demand-responsive routes.

As stated in ADA, the Division views the agency in its entirety and determines the number of ADA vehicles needed for an agency. Taken into consideration are how an agency's vehicles are deployed and other ADA accessible vehicles in the service area.

Any complaints received by the Division concerning ADA and 504 service are promptly investigated. The Division works with the individual parties involved in the dispute to find a solution. Often, a Section 5310 agency is the only transit provider in the county.

The Division maintains on file a record of all complaints received concerning ADA and 504 service. The file includes a statement as to the outcome/resolution of each complaint.

Recipients are required to cycle their wheelchair lifts daily to ensure that they are kept in good working order. The recipient is required to certify monthly that the lift has been cycled daily.

During on site inspections performed by Division personnel, all lifts and tie downs are inspected to insure that they are in working order. Maintenance records are inspected for documentation that the accessibility equipment is being maintained properly.

The Division also requires that all drivers of Section 5310 vehicles be trained in Passenger Service and Safety (PASS). This is a driver training course designed to teach safety and sensitivity techniques to drivers transporting elderly persons and persons with disabilities. At the present time, the Division fully funds the PASS Program.

Currently, Section 5310 recipients provide no fixed route service so no ADA plans or reports are required.

M. PROGRAM MEASURES

The Division of Public Transit collects the required data for program measurement from the Section 5310 Application Packets, Section 5310 Monthly Reports and on site visits.

N. STATE PROGRAM MANAGEMENT

Procurement: The Division procures all equipment purchased under the Section 5310 Program through the State of West Virginia's Purchasing Division. Specifications are reviewed yearly to ensure that they include the latest technological developments and are in compliance with federal regulations. The Division ensures that all relevant federal clauses are included in the bid proposals.

Financial Management: The Division expends and accounts for grant funds in accordance with West Virginia State Law which requires detailed records sufficient to permit tracing of funds to a level adequate to establishing propriety of expenditures and to permit preparation of reports. All payments from FTA are requested utilizing the Electronic Clearing House Operation (ECHO) System. The Division follows the requirements established in FTA's ECHO System Operations Manual. Also, financial records with supporting documentation and any other records are retained by the Division for a period of at least three (3) years from the date of submission of the final financial status report.

Property Management: The Automated Vehicle Inventory System (AVIS) establishes a permanent property record for each piece of equipment purchased under a FTA grant. This system assists the Division in complying with FTA property management standards.

Property records include information such as a description of the property, an equipment identification number, acquisition date, acquisition cost, FTA grant number and federal share of acquisition costs. Many other data fields are also included in the program to aid in the day-to-day management of property.

The system also provides the Division with a management tool to assist in the identification of equipment by either a specific federal grant or by an individual local agency. A series of reports can be generated based on grant requirements or other program management needs.

At the present time, an agency can replace a vehicle only when it has at least 100,000 miles on it. Agencies with low mileage and aged vehicles (For Example: 48,000 miles on a 10 year old van.) are notified that it is unlikely that they will receive additional funding from the program due to lack of usage.

The Division reserves the right to remove a vehicle from any agency that puts less than 10,000 miles a year on their vehicle.

Vehicle Use: Agencies receiving funding from Section 5310 may coordinate and assist in providing meal delivery service for homebound persons on a regular basis. This service can not conflict with the provision of transit services or result in a reduction of service to passengers.

The Division strongly discourages the use of Section 5310 vehicles for the provision of in home services.

After the needs of elderly persons and persons with disabilities are met, the vehicle may be used for transporting the general public on a space available basis. In many counties, the Section 5310 agency is the only transportation provider and the Division strongly encourages general public use in these areas.

Maintenance and Disposition: Documentation of extraordinary repairs (i.e.: engine or transmission replacement; water, oil or fuel pump replacements, etc.) are used as justification for seeking a replacement vehicle prior to 100,000 miles. Documentation must be submitted with the Section 5310 Application.

The Division requires each approved agency to establish a preventative maintenance program that at least meets the manufacturer's requirements. Guidance on establishing a preventative maintenance program may be found in the Section 5310 Project Guide. Agencies are required to maintain comprehensive maintenance records for review during onsite visits by the Division.

When the useful life of a vehicle is met (100,000 miles or four years), the Division notifies agencies that the vehicle is theirs and that reports are no longer required.

All agencies are required to carry insurance in an amount sufficient to adequately cover the actual value of the equipment. The Division is listed as co-insured on all policies to protect the federal interest. Should an agency wreck a vehicle, the insurance proceeds are used to either fix the vehicle or if the vehicle is totaled the proceeds are used toward the purchase of another vehicle when funds permit.

Accounting Systems: The Division is required to follow the accounting system as prescribed by the State of West Virginia. A computerized accounting system is utilized which categorizes expenditures and revenues by grant, object code and activity. This detail of transactions permits the Division to accurately account for and traces grant revenues and expenditures to the required level and assists in the preparation of reports.

Audit: The Division is audited annually via a department wide audit performed by an independent CPA firm. The audit is performed pursuant to the requirements of OMB Circular A-133. The Division resolves audit findings as they occur and notifies FTA of any problems.

Closeout: All grants are closed out with FTA immediately after all work activities for the program of projects are completed. A final financial status report, final budget, final milestone report and a revised program of projects are submitted to FTA.

Project Guide: To provide continuity in the program and as a ready reference, the Division has developed a Section 5310 Project Guide. Included in the document is general information and policies of the Section 5310 Program, an agency's responsibilities under the Section 5310 Program, maintenance requirements, disposition of vehicles and reporting forms or requirements.

Project Monitoring: Each month agencies are required to enter the Section 5310 Monthly Reporting Form on line. The report details how many passengers are carried, how many miles are traveled, maintenance costs, etc. Agencies must detail any reason why a vehicle is not operated during the month. This report has become the Division's major monitoring tool.

Agencies are required to explain low mileage and or low passenger counts. Miles reported on the forms are used to calculate the official mileage. This is the mileage figure used to determine if the useful life of 100,000 miles has been met. Information from this report is also used to monitor maintenance expenditures.

The Division reserves the right to remove a vehicle from any agency that puts less than 10,000 miles a year on their vehicle.

The Division conducts on site reviews of approximately 20% of the Section 5310 recipients per state fiscal year. During on site reviews, the Division documents the usage and condition of all Section 5310 vehicles, and checks their maintenance records. A copy of the Division's On Site Review Form is in Appendix C.

Project Management: The Division reserves the right to waive or change any requirements or policies that would best serve the interests of the state and/or the program.

O. OTHER PROVISIONS

Section 5310 is exempt from Section 5333(b) of the Federal Transit Act. In 1974, the Secretary of Transportation determined that it was not "necessary or appropriate" to apply the conditions of Section 5333(b) to organization recipients under the Section 5310 Program.

Vehicles, radios and computer equipment and other related equipment items routinely purchased under the Section 5310 Program are considered categorical exclusions from FTA's requirements to prepare environmental documentation.

The Division follows procedures regarding Buy America Provisions, pre-award and post-delivery audits by:

After selection of a vendor, but prior to signing a contract, the vendor furnishes to the Division documentation proving that at least 60% of the equipment components are domestic and that the equipment's final assembly will be in the United States. The Division audits the documentation verifying that the provisions are met.

The Division also ensures that the proposed equipment meets the specifications and that the manufacturer is responsible with the capability to produce equipment that meets the specifications. A self-certification is received from the manufacturer stating that equipment built by them will meet the Federal Motor Vehicle Safety Standards.

The Division may contract and provide a resident inspector at the manufacturing site during production. The inspector monitors production of equipment and ensures compliance with the specifications issuing reports on the production.

During manufacture and after delivery but before acceptance the vendor furnishes to the Division documentation proving that at least 60% of the completed equipment components were domestic, that the equipment's final assembly was in the United States and that the vehicle did meet the Federal Motor Vehicle Safety Standards.

The Division audits this documentation to ensure compliance and receives and reviews the resident inspector's reports. After delivery, the Division performs a visual inspection and a road test verifying that the equipment was constructed and operates in accordance with the specifications.

All documentation, written reports and certifications are signed, dated and filed to be available for review by FTA.

The Division only purchases vehicles with passenger counts of 15 or less including the driver. Therefore, the Commercial Driver's License is not applicable.

As required, when contracts are bid, the Restrictions on Lobbying and the Debarment, Suspension and Other Responsibility Matters Certifications are required in the bids. Also, all responsive bidders are checked on the following website to verify they are not on the debarred list: <http://www.epls.gov/>.

Section 5310 recipients may only provide charter services for "program purposes" which is defined in 49 CFR Part 604 as "transportation that serves the needs of either human service agencies or targeted populations (elderly and/or individuals with disabilities). So their services only qualify for the exemption contained in 49 CFR 604.2(e) if the service is designed to serve the targeted populations.

Charter service provided to a group, however, that includes individuals who are only incidentally members of the targeted populations, is not "for program purposes" and must meet the requirements of the Federal Transit Administration's Charter Rule. As examples, the following are considered charters and fall under the FTA Charter Rule: (1) an individual chartering a vehicle to take his relatives including elderly aunts and a cousin who is a disabled veteran to a family reunion; or (2) a charter for the Boy Scouts or a school group that includes grandparents.

Agencies are made aware of their responsibilities of the Prohibition on Exclusive School Transportation utilizing a certification required as part of the application process. The requirements are also brought to the attention of potential applicants at the yearly Section 5310 Workshop. Additionally, the Section 5310 project grant agreement, signed when equipment is received by approved applicants, contains clauses concerning the requirements.

Drug & Alcohol Testing is not applicable to the drivers of 15 passenger vehicles unless they have Commercial Driver's License (CDL). With CDL's, the drivers are covered under FHWA regulations.

During on site visits with agencies that have equipment funded by Section 5310 funds, discussions are held with agency personnel to insure their continued compliance with applicable requirements. The major federal funding agency for any recipient has the primary responsibility of oversight for these requirements.

Appendix A
Application Packet

Appendix B
Project Guide